

LOUIS P. POJMAN JAMES FIESER

ETHICS

Discovering
Right AND Wrong

EIGHTH EDITION



Ethics

Discovering Right and Wrong

EIGHTH EDITION

LOUIS P. POJMAN

Late of the United States Military Academy, West Point

JAMES FIESER

University of Tennessee, Martin



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Louis P. Pojman and James Fieser

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About the Authors

Louis P. Pojman (1935–2005) was professor of philosophy, emeritus at the United States Military Academy and a life member of Clare Hall, Cambridge University. He received an M.A. and a Ph.D. from Union Theological Seminary/Columbia University and a D.Phil. from Oxford University. He wrote in the areas of philosophy of religion, epistemology, ethics, and political philosophy and is the author or editor of more than 30 books and 100 articles. Among these are *Ethics: Discovering Right and Wrong* (8/e 2017), *Environmental Ethics* (7/e 2017), *Who Are We?* (2005), and *Global Political Philosophy* (2003).

James Fieser is professor of philosophy at the University of Tennessee at Martin. He received his B.A. from Berea College, and his M.A. and Ph.D. in philosophy from Purdue University. He is author, coauthor, or editor of 10 text books, including *Socrates to Sartre and Beyond* (9/e 2011), *Ethical Theory: Classical and Contemporary Readings* (6/e 2010), *A Historical Introduction to Philosophy* (2003), and *Moral Philosophy Through the Ages* (2001). He has edited and annotated the ten-volume *Early Responses to Hume* (2/e 2005) and the five-volume *Scottish Common Sense Philosophy* (2000). He is founder and general editor of the *Internet Encyclopedia of Philosophy* Web site (www.iep.utm.edu).



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Preface

In 1977, Australian philosopher John L. Mackie published his famous book *Ethics: Inventing Right and Wrong*, in which he argues that the moral values we hold are inventions of society: “we have to decide what moral views to adopt, what moral stands to take.” The title of the present book *Ethics: Discovering Right and Wrong*, is both an acknowledgement of the importance of Mackie’s view and a response to it.

Morality is not purely an invention, as Mackie suggests, but it also involves a *discovery*. We may compare morality to the development of the wheel. Both are creations based on discoverable features. The wheel was invented to facilitate the transportation of objects with minimal friction. The construction of a wheel adheres to the laws of physics to bring about efficient motion. Not just anything could function as a good wheel. A rectangular or triangular wheel would be inefficient, as would one made out of sand or bird feathers or heavy stones. Analogously, morality has been constructed to serve human needs and desires, for example, the need to survive and the desires to prosper and be happy. The ideal morality should serve as the blueprint for individual happiness and social harmony. Human beings have used their best minds over millennia to discover those principles that best serve to promote individual and social well-being. Just as the construction of the wheel is dependent on the laws of physics, so the construction of morality has been dependent on human nature, on discoverable features of our being. It is in this spirit of moral discovery that *Ethics: Discovering Right and Wrong* surveys the main theories of moral philosophy today.

The philosophical community experienced a great loss in 2005 with the death of Louis Pojman, the original author of this book, who succumbed to his battle with cancer. His voluminous writings—over 30 books and 100 articles—have been uniformly praised for their high level of scholarship and insight, and countless philosophy students and teachers have benefited from them (see www.louispojman.com for biographical and bibliographical details).

Ethics: Discovering Right and Wrong was first published in 1990 and quickly established itself as an authoritative, yet reader-friendly, introduction to ethics.

In an earlier preface, Louis expresses his enthusiasm for his subject and his commitment to his reader:

I have written this book in the spirit of a quest for truth and understanding, hoping to excite you about the value of ethics. It is a subject that I love, for it is about how we are to live, about the best kind of life. I hope that you will come to share my enthusiasm for the subject and develop your own ideas in the process.

Over the years, new editions of this book have appeared in response to the continually evolving needs of college instructors and students. Throughout these changes, however, the book has focused on the central issues of ethical theory, which in this edition include chapters on the following 14 subjects, beginning with the more theoretical issues of (1) what ethics is most generally, (2) ethical relativism, (3) moral objectivism, (4) moral value, (5) social contract theory and the motive to be moral, and (6) egoism and altruism. The book next focuses on the influential normative theories of (7) utilitarianism, (8) Kantianism and deontology, and (9) virtue theory. Building on these concepts, the last portion of the book explores the more contemporary theoretical debates surrounding (10) biology and ethics, (11) gender and ethics, (12) religion and ethics, (13) the fact–value problem, and (14) moral realism and skepticism.

This newly revised eighth edition attempts to reflect the spirit of change that governed previous editions. As with most textbook revisions, the inclusion of new material in this edition required the deletion of a comparable amount of previously existing material. Many of the changes in this edition were suggested by previous book users, both faculty and students, for which I am very grateful. The most noticeable change is a new chapter on biology and ethics. Many minor changes have been made throughout for clarification and ease of reading.

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James Fieser
August 1, 2015



What Is Ethics?

Some years ago, the nation was stunned by a report from New York City. A young woman, Kitty Genovese, was brutally stabbed in her own neighborhood late at night during three separate attacks while 38 respectable, law-abiding citizens watched or listened. During the 35-minute struggle, her assailant beat her, stabbed her, left her, and then returned to attack her two more times until she died. No one lifted a phone to call the police; no one shouted at the criminal, let alone went to Genovese's aid. Finally, a 70-year-old woman called the police. It took them just two minutes to arrive, but by that time Genovese was already dead.

Only one other woman came out to testify before the ambulance showed up an hour later. Then residents from the whole neighborhood poured out of their apartments. When asked why they hadn't done anything, they gave answers ranging from "I don't know" and "I was tired" to "Frankly, we were afraid."¹

This tragic event raises many questions about our moral responsibility to others. What should these respectable citizens have done? Are such acts of omission morally blameworthy? Is the Genovese murder an atypical situation, or does it represent a disturbing trend? This story also raises important questions about the general notion of morality. What is the nature of morality, and why do we need it? What is the Good, and how will we know it? Is it in our interest to be moral? What is the relationship between morality and religion? What is the relationship between morality and law? What is the relationship between morality and etiquette? These are some of the questions that we explore in this book.

ETHICS AND ITS SUBDIVISIONS

Ethics is that branch of philosophy that deals with how we ought to live, with the idea of the Good, and with concepts such as "right" and "wrong." But what is

philosophy? It is an enterprise that begins with wonder at the marvels and mysteries of the world; that pursues a rational investigation of those marvels and mysteries, seeking wisdom and truth; and that results in a life lived in passionate moral and intellectual integrity. Taking as its motto Socrates' famous statement "The unexamined life is not worth living," philosophy leaves no aspect of life untouched by its inquiry. It aims at a clear, critical, comprehensive conception of reality.

The main characteristic of philosophy is rational argument. Philosophers clarify concepts and analyze and test propositions and beliefs, but their major task is to construct and analyze arguments. Philosophical reasoning is closely allied with scientific reasoning, in that both build hypotheses and look for evidence to test those hypotheses with the hope of coming closer to the truth. However, scientific experiments take place in laboratories and have testing procedures to record objective or empirically verifiable results. The laboratory of the philosopher is the domain of ideas. It takes place in the mind, where imaginative thought experiments occur. It takes place in the study room, where ideas are written down and examined. It also takes place wherever conversation or debate about the perennial questions arises, where thesis and counterexample and counterthesis are considered.

A word must be said about the specific terms *moral* and *ethical* and the associated notions of *morals* and *ethics*. Often these terms are used interchangeably—as will be the case in this book. Both terms derive their meaning from the idea of "custom"—that is, normal behavior. Specifically, "moral" comes from the Latin word *mores* and "ethical" from the Greek *ethos*.

The study of ethics within philosophy contains its own subdivisions, and dividing up the territory of ethics is tricky. The key divisions are (1) descriptive morality, (2) moral philosophy (ethical theory), and (3) applied ethics. First, **descriptive morality** refers to actual beliefs, customs, principles, and practices of people and cultures. Sociologists in particular pay special attention to the concrete moral practices of social groups around the world, and they view them as cultural "facts," much like facts about what people in those countries eat or how they dress. Second, **moral philosophy**—also called **ethical theory**—refers to the systematic effort to understand moral concepts and justify moral principles and theories. It analyzes key ethical concepts such as "right," "wrong," and "permissible." It explores possible sources of moral obligation such as God, human reason, or the desire to be happy. It seeks to establish principles of right behavior that may serve as action guides for individuals and groups. Third, **applied ethics** deals with controversial moral problems such as abortion, premarital sex, capital punishment, euthanasia, and civil disobedience.

The larger study of ethics, then, draws on all three of these subdivisions, connecting them in important ways. For example, moral philosophy is very much interrelated with applied ethics, and here will be a difference in the quality of debates about abortion and other such issues when those discussions are informed by ethical theories. More light and less heat will be the likely outcome. With the onset of multiculturalism and the deep differences in worldviews around the globe today, the need to use reason, rather than violence, to settle our disputes and resolve conflicts of interest has become obvious. Ethical awareness is the necessary condition for human survival and flourishing.

The study of ethics is not only of instrumental value but also valuable in its own right. It is satisfying to have knowledge of important matters for its own sake, and it is important to understand the nature and scope of moral theory for its own sake. We are rational beings who cannot help but want to understand the nature of the good life and all that it implies. The study of ethics is sometimes a bit off-putting because so many differing theories often appear to contradict each other and thus produce confusion rather than guidance. But an appreciation of the complexity of ethics is valuable in counteracting our natural tendency toward inflexibility and tribalism where we stubbornly adhere to the values of our specific peer groups.

MORALITY AS COMPARED WITH OTHER NORMATIVE SUBJECTS

Moral principles concern standards of behavior; roughly speaking, they involve not what is but what ought to be. How should I live my life? What is the right thing to do in this situation? Is premarital sex morally permissible? Ought a woman ever to have an abortion? Morality has a distinct action-guiding, or *normative*, aspect, which it shares with other practices such as religion, law, and etiquette. Let's see how morality differs from each of these.

Religion

Consider first the relation between morality and religion. Moral behavior, as defined by a given religion, is usually believed to be essential to that religion's practice. But neither the practices nor principles of morality should be identified with religion. The practice of morality need not be motivated by religious considerations, and moral principles need not be grounded in revelation or divine authority—as religious teachings invariably are. The most important characteristic of ethics is its grounding in reason and human experience.

To use a spatial metaphor, secular ethics is horizontal, lacking a vertical or higher dimension; as such it does not receive its authority from “on high.” But religious ethics, being grounded in revelation or divine authority, has that vertical dimension although religious ethics generally uses reason to supplement or complement revelation. These two differing orientations often generate different moral principles and standards of evaluation, but they need not do so. Some versions of religious ethics, which posit God's revelation of the moral law in nature or conscience, hold that reason can discover what is right or wrong even apart from divine revelation.

Law

Consider next the close relationship between morality and law. Many laws are instituted in order to promote well-being, resolve conflicts of interest, and promote social harmony, just as morality does. However, ethics may judge that

some laws are immoral without denying that they have legal authority. For example, laws may permit slavery, spousal abuse, racial discrimination, or sexual discrimination, but these are immoral practices.

In a PBS television series, *Ethics in America*, a trial lawyer was asked what he would do if he discovered that his client had committed a murder some years earlier for which another man had been wrongly convicted and would soon be executed.² The lawyer said that he had a legal obligation to keep this information confidential and that, if he divulged it, he would be disbarred. It is arguable that he has a moral obligation that overrides his legal obligation and demands that he act to save the innocent man from execution.

Furthermore, some aspects of morality are not covered by law. For example, although it is generally agreed that lying is usually immoral, there is no general law against it—except under such special conditions as committing perjury or falsifying income tax returns. Sometimes college newspapers publish advertisements by vendors who offer “research assistance,” despite knowing in advance that these vendors will aid and abet plagiarism. Publishing such ads is legal, but its moral correctness is doubtful.

Similarly, the 38 people who watched the attacks on Kitty Genovese and did nothing to intervene broke no New York law, but they were very likely morally responsible for their inaction. In our legal tradition, there is no general duty to rescue a person in need. In 1908, the dean of Harvard Law School proposed that a person should be required to “save another from impending death or great bodily harm, when he might do so with little or no inconvenience to himself.” The proposal was defeated, and one of its opponents posed the question of whether a rich person, to whom \$20 meant very little, be legally obliged to save the life of a hungry child in a foreign land? Currently, only Vermont and Minnesota have “Good Samaritan” laws, requiring that one come to the aid of a person in grave physical harm but only to the extent that the aid “can be rendered without danger or peril to himself or without interference with important duties owed to others.”

There is another major difference between law and morality. In 1351, King Edward of England instituted a law against treason that made it a crime merely to think homicidal thoughts about the king. But, alas, the law could not be enforced, for no tribunal can search the heart and discover the intentions of the mind. It is true that *intention*, such as malice aforethought, plays a role in determining the legal character of an act once the act has been committed. But, preemptive punishment for people who are presumed to have bad intentions is illegal. If malicious intentions by themselves were illegal, wouldn't we all deserve imprisonment? Even if one could detect others' intentions, when should the punishment be administered? As soon as the offender has the intention? How do we know that the offender won't change his or her mind?

Although it is impractical to have laws against bad intentions, these intentions are still morally wrong. Suppose I buy a gun with the intention of killing Uncle Charlie to inherit his wealth, but I never get a chance to fire it (for example, suppose Uncle Charlie moves to Australia). Although I have not committed a crime, I have committed a moral wrong.

Etiquette

Lastly, consider the relation between morality and etiquette. Etiquette concerns form and style rather than the essence of social existence; it determines what is *polite* behavior rather than what is *right* behavior in a deeper sense. It represents society's decision as to how we are to dress, greet one another, eat, celebrate festivals, dispose of the dead, express gratitude and appreciation, and, in general, carry out social transactions. Whether people greet each other with a handshake, a bow, a hug, or a kiss on the cheek depends on their social system. Russians wear their wedding rings on the third finger of their right hands, whereas Americans wear them on their left hands. The English hold their forks in their left hands, whereas people in other countries are more likely to hold them in their right hands. People in India typically eat without a fork at all, using the fingers of their right hands to deliver food from their plate to their mouth. In and of themselves, none of these rituals has any moral superiority. Polite manners grace our social existence, but they are not what social existence is about. They help social transactions to flow smoothly but are not the substance of those transactions.

At the same time, it can be immoral to disregard or defy etiquette. Whether to shake hands when greeting a person for the first time or put one's hands together in front as one bows, as people in India do, is a matter of cultural decision. But, once the custom is adopted, the practice takes on the importance of a moral rule, subsumed under the wider principle of showing respect to people.

Similarly, there is no moral necessity to wear clothes, but we have adopted the custom partly to keep warm in colder climates and partly to be modest. Accordingly, there may be nothing wrong with nudists who decide to live together in nudist colonies. However, for people to go nude outside of nudist colonies—say, in classrooms, stores, and along the road—may well be so offensive that it is morally insensitive. There was a scandal on the beaches of South India where American tourists swam in bikinis, shocking the more modest Indians. There was nothing immoral in itself about wearing bikinis, but given the cultural context, the Americans willfully violated etiquette and were guilty of moral impropriety.

Although Americans pride themselves on tolerance, pluralism, and awareness of other cultures, custom and etiquette can be—even among people from similar backgrounds—a bone of contention. A Unitarian minister tells of an experience early in his marriage. He and his wife were hosting their first Thanksgiving meal. He had been used to small celebrations with his immediate family, whereas his wife had been used to grand celebrations. He writes, "I had been asked to carve, something I had never done before, but I was willing. I put on an apron, entered the kitchen, and attacked the bird with as much artistry as I could muster. And what reward did I get? [My wife] burst into tears. In *her* family the turkey is brought to the table, laid before the [father], grace is said, and *then* he carves! 'So I fail patriarchy,' I hollered later. 'What do you expect?'"³

Law, etiquette, and religion are all important institutions, but each has limitations. A limitation of religious commands is that they rest on authority, and we may lack certainty or agreement about the authority's credentials or how the

authority would rule in ambiguous or new cases. Because religion is founded not on reason but on revelation, you cannot use reason to convince someone from another religion that your view is the right one. A limitation of law is that you can't have a law against every social problem, nor can you enforce every desirable rule. A limitation of etiquette is that it doesn't get to the heart of what is vitally important for personal and social existence. Whether or not one eats with one's fingers pales in significance with the importance of being honest, trustworthy, or just. Etiquette is a cultural invention, but morality is more like a discovery.

In summary, morality differs from law and etiquette by going deeper into the essence of our social existence. It differs from religion by seeking reasons, rather than authority, to justify its principles. The central purpose of moral philosophy is to secure valid principles of conduct and values that can guide human actions and produce good character. As such, it is the most important activity we know, for it concerns how we are to live.

TRAITS OF MORAL PRINCIPLES

A central feature of morality is the moral principle. We have already noted that moral principles are guides for action, but we must say more about the traits of such principles. Although there is no universal agreement on the characteristics a moral principle must have, there is a wide consensus about five features: (1) prescriptivity, (2) universalizability, (3) overridingness, (4) publicity, and (5) practicability. Several of these will be examined in chapters throughout this book, but let's briefly consider them here.

First is **prescriptivity**, which is the commanding aspect of morality. Moral principles are generally put forth as commands or imperatives, such as "Do not kill," "Do no unnecessary harm," and "Love your neighbor." They are intended for use: to advise people and influence action. Prescriptivity shares this trait with all normative discourse and is used to appraise behavior, assign praise and blame, and produce feelings of satisfaction or guilt.

Second is **universalizability**. Moral principles must apply to all people who are in a relevantly similar situation. If I judge that an act is right for a certain person, then that act is right for any other relevantly similar person. This trait is exemplified in the Golden Rule, "Do to others what you would want them to do to you." We also see it in the formal principle of justice: It cannot be right for you to treat me in a manner in which it would be wrong for me to treat you, merely on the ground that we are two different individuals.⁴

Universalizability applies to all evaluative judgments. If I say that X is a good thing, then I am logically committed to judge that anything relevantly similar to X is a good thing. This trait is an extension of the principle of consistency: we ought to be consistent about our value judgments, including one's moral judgments. Take any act that you are contemplating doing and ask, "Could I will that everyone act according to this principle?"

Third is **overridingness**. Moral principles have predominant authority and override other kinds of principles. They are not the only principles, but they take precedence over other considerations, including aesthetic, prudential, and legal ones. The artist Paul Gauguin may have been aesthetically justified in abandoning his family to devote his life to painting beautiful Pacific Island pictures, but morally he probably was not justified, and so he probably should not have done it. It may be prudent to lie to save my reputation, but it probably is morally wrong to do so. When the law becomes egregiously immoral, it may be my moral duty to exercise civil disobedience. There is a general moral duty to obey the law because the law serves an overall moral purpose, and this overall purpose may give us moral reasons to obey laws that may not be moral or ideal. There may come a time, however, when the injustice of a bad law is intolerable and hence calls for illegal but moral defiance. A good example would be laws in the South prior to the Civil War requiring citizens to return runaway slaves to their owners.

Fourth is **publicity**. Moral principles must be made public in order to guide our actions. Publicity is necessary because we use principles to prescribe behavior, give advice, and assign praise and blame. It would be self-defeating to keep them a secret.

Fifth is **practicability**. A moral principle must have practicability, which means that it must be workable and its rules must not lay a heavy burden on us when we follow them. The philosopher John Rawls speaks of the “strains of commitment” that overly idealistic principles may cause in average moral agents.⁵ It might be desirable for morality to require more selfless behavior from us, but the result of such principles could be moral despair, deep or undue moral guilt, and ineffective action. Accordingly, most ethical systems take human limitations into consideration.

Although moral philosophers disagree somewhat about these five traits, the above discussion offers at least an idea of the general features of moral principles.

DOMAINS OF ETHICAL ASSESSMENT

At this point, it might seem that ethics concerns itself entirely with rules of conduct that are based solely on evaluating acts. However, it is more complicated than that. Most ethical analysis falls into one or more of the following domains: (1) action, (2) consequences, (3) character traits, and (4) motive. Again, all these domains will be examined in detail in later chapters, but an overview here will be helpful.

Let’s examine these domains using an altered version of the Kitty Genovese story. Suppose a man attacks a woman in front of her apartment and is about to kill her. A responsible neighbor hears the struggle, calls the police, and shouts from the window, “Hey you, get out of here!” Startled by the neighbor’s reprimand, the attacker lets go of the woman and runs down the street where he is caught by the police.

Action

One way of ethically assessing this situation is to examine the *actions* of both the attacker and the good neighbor: The attacker's actions were wrong whereas the neighbor's actions were right. The term *right* has two meanings. Sometimes, it means "obligatory" (as in "the right act"), but it also can mean "permissible" (as in "a right act" or "It's all right to do that"). Usually, philosophers define *right* as permissible, including in that category what is obligatory:

1. A *right act* is an act that is permissible for you to do. It may be either
 - (a) obligatory or (b) optional.
 - a. An **obligatory act** is one that morality requires you to do; it is not permissible for you to refrain from doing it.
 - b. An **optional act** is one that is neither obligatory nor wrong to do. It is not your duty to do it, nor is it your duty not to do it. Neither doing it nor not doing it would be wrong.
2. A *wrong act* is one you have an obligation, or a duty, to refrain from doing: It is an act you ought not to do; it is not permissible to do it.

In our example, the attacker's assault on the woman was clearly a wrong action (prohibited); by contrast, the neighbor's act of calling the police was clearly a right action—and an obligatory one at that.

But, some acts do not seem either obligatory or wrong. Whether you take a course in art history or English literature or whether you write a letter with a pencil or pen seems morally neutral. Either is permissible. Whether you listen to rock music or classical music is not usually considered morally significant. Listening to both is allowed, and neither is obligatory. Whether you marry or remain single is an important decision about how to live your life. The decision you reach, however, is usually considered morally neutral or optional. Under most circumstances, to marry (or not to marry) is considered neither obligatory nor wrong but permissible.

Within the range of permissible acts is the notion of **supererogatory acts**, or highly altruistic acts. These acts are neither required nor obligatory, but they exceed what morality requires, going "beyond the call of duty." For example, suppose the responsible neighbor ran outside to actually confront the attacker rather than simply shout at him from the window. Thus, the neighbor would assume an extra risk that would not be morally required. Similarly, while you may be obligated to give a donation to help people in dire need, you would not be obligated to sell your car, let alone become impoverished yourself, to help them. The complete scheme of acts, then, is this:

1. Right act (permissible)
 - a. Obligatory act
 - b. Optional act
 - (1) Neutral act
 - (2) Supererogatory act
2. Wrong act (not permissible)

One important kind of ethical theory that emphasizes the nature of the act is called *deontological* (from the Greek word *deon*, meaning “duty”). These theories hold that something is inherently right or good about such acts as truth telling and promise keeping and inherently wrong or bad about such acts as lying and promise breaking. Classical deontological ethical principles include the Ten Commandments and the Golden Rule. The leading proponent of deontological ethics in recent centuries is Immanuel Kant (1724–1804), who defended a principle of moral duty that he calls the categorical imperative: “Act only on that maxim whereby you can at the same time will that it would become a universal law.” Examples for Kant are “Never break your promise” and “Never commit suicide.” What all of these deontological theories and principles have in common is the view that we have an inherent duty to perform right actions and avoid bad actions.

Consequences

Another way of ethically assessing situations is to examine the *consequences* of an action: If the consequences are on balance positive, then the action is right; if negative, then wrong. In our example, take the consequences of the attacker’s actions. At minimum he physically harms the woman and psychologically traumatizes both her and her neighbors; if he succeeds in killing her, then he emotionally devastates her family and friends, perhaps for life. And what does he gain from this? Just a temporary experience of sadistic pleasure. On balance, his action has overwhelmingly negative consequences and thus is wrong. Examine next the consequences of the responsible neighbor who calls the police and shouts down from the window “Hey you, get out of here!” This scares off the attacker, thus limiting the harm of his assault. What does the neighbor lose by doing this? Just a temporary experience of fear, which the neighbor might have experienced anyway. On balance, then, the neighbor’s action has overwhelmingly positive consequences, which makes it the right thing to do.

Ethical theories that focus primarily on consequences in determining moral rightness and wrongness are sometimes called **teleological ethics** (from the Greek *telos*, meaning “goal directed”). The most famous of these theories is *utilitarianism*, set forth by Jeremy Bentham (1748–1832) and John Stuart Mill (1806–1873), which requires us to do what is likeliest to have the best consequences. In Mill’s words, “Actions are right in proportion as they tend to promote happiness; wrong as they tend to produce the reverse of happiness.”

Character Traits

Whereas some ethical theories emphasize the nature of actions in themselves and some emphasize principles involving the consequences of actions, other theories emphasize a person’s *character trait*, or virtue. In our example, the attacker has an especially bad character trait—namely, malevolence—which taints his entire outlook on life and predisposes him to act in harmful ways. The attacker is a bad person principally for having this bad character trait of malevolence. The responsible neighbor, on the other hand, has a good character trait, which directs his