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Section 1: Paper 5

Painful Virtue, Marginalisation, and Resistance

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Abstract: This paper argues a potentially controversial thesis in virtue ethics, i.e., in situations of oppression and marginalisation, it is better to be a person of atypical virtue, one who has struggled to resist oppressive circumstances, than it is to be a traditionally defined virtuous agent. As such, those who have been through a tragic dilemma (or several) are more important for successful resistance movements than their traditionally defined counterparts. This paper does not romanticise oppressive situations or their influence on some individuals developing virtuous actions and behaviours. Instead, it acknowledges that these are tragic circumstances that permanently affect some individuals for the rest of their lives. However, the argument here is that these individuals can utilise their experiences as reasons to continue resisting until a time comes where future generations will not need to experience such tragic circumstances. To demonstrate the applicability of this argument, this paper will consider the struggles of queer individuals in a Canadian context. This is achieved by demonstrating how those individuals who led the fight for queer rights used their experiences of marginalisation in early resistance movements. It then shifts focus to address current issues in Canadian queer lives.

1. Introduction

Perhaps controversially for research in virtue ethics, I believe that there is no way we can fully escape pain when pursuing the virtues. This makes sense to me since some virtues may conflict with each other.¹ However, an implication of this view is that I do not believe that the ideal life of virtue is a feasible goal; this is not to say that no one has achieved it yet, but rather the stronger claim that it could not exist. As critical as this sounds, I do not believe that we should forego the pursuit of the virtues, as this branch of ethics solves many problems the other schools cannot address. In this paper, I discuss Lisa Tessman's concept of burdened virtues and then map an application onto Canadian queer protest and the fight for queer rights in the past few decades. The aim of this paper is to demonstrate how building atypical virtue is a more realistic pursuit, and one that better serves society, than that of striving for a life of pure virtue.

For those unfamiliar with virtue ethics, Aristotle described virtue as “a state of character concerned with choice, lying in a mean, i.e. the mean relative to us [...]. Now it is a mean between two vices, that which depends on excess and that which depends on defect”.² Aristotle continues by noting that this creates three dispositions, two vices and one virtue, where all three are in opposition with each other.³ These oppositions are not equal in degree, as one extreme will be more vicious than the other.⁴ Additionally, finding the mean is difficult. Aristotle asserts “in everything it is no easy task to find the middle [...] but to do this to the right person, to the right extent, at the right time, with the right motive, and in the right way, *that* is not for everyone”.⁵ In this sense, there is no method through which we can codify virtue, and every situation must be independently assessed from the perspective of an individual with a virtuous disposition.

A final piece of introduction is a clear definition of what I am referring to when using the terms “person of atypical virtue” and a “virtuous agent” throughout this paper. The former I take from Aristotle’s definition of the continent individual, while the latter comes from his definition of the temperate individual. Essentially, while the temperate individual will always act in a virtuous manner without need for deliberation⁶, the continent individual must wrestle with their decisions and can sometimes act inappropriately.⁷ From this, I will be operating with the following two definitions in mind:

Virtuous Agent: An individual who operates under ideal decision-making conditions, not hindered by the negative effects brought about through struggle or poor moral luck.

and,

Person of Atypical Virtue: An individual who operates under non-ideal decision-making conditions, who must wrestle with the negative effects brought about through struggle and/or poor moral luck.

Anyone who falls into the category of ‘virtuous agent’ will have lived a life without what I call “moral scarring”, and thus has easy access to discovering the virtuous mean in any situation. Moral scarring is the long-term effect of tragic or difficult situations which persist in future moral decisions an agent may make. For example, if people must make the decision between stealing bread to feed their family, and not stealing because doing so would harm another family, they will be morally scarred no matter what their decision is.

I find the category ‘virtuous agents’ to be unrealistic, as nearly everyone has experienced something negative (the death of a family member, a missed promotion at work, etc.). This is the reason my definition includes that these virtuous agents *have not* been hindered, as these negative events have not significantly altered how virtuous agents live their lives. In contrast, anyone who possesses atypical virtue will have dealt with negative circumstances in some form of struggle. This can include many kinds of events, including: rape, racial injustice, ableism, anti-queer treatment, etc. These circumstances will influence, either explicitly or implicitly, how they experience the world for the rest of their lives. As the struggle against oppression plays out in non-ideal settings, where in many cases all courses of action negatively impact an individual in some way, these persons of atypical virtue are capable of addressing tough decisions that virtuous agents cannot. This is because persons of atypical virtue can use their tragic experiences to inform their decision-making – an element that traditionally-described virtuous agents lack.

2. Painful, Burdened Virtues

In non-ideal circumstances, there is a need for what Tessman refers to as “burdened virtues”. She defines these virtues as “all those traits that make a contribution to human flourishing-
-if they succeed in doing so at all--*only* because they enable survival of or resistance to oppression

[...] while in other ways they detract from their bearer's well-being, in some cases so deeply that their bearer may be said to lead a wretched life."⁸ Protests and social movements against oppressive regimes, institutions, and customs involve restructuring one's own worldview in light of the pains of the oppressed (pains that one has not experienced); or, if one is the oppressed individual oneself, participation in movements will involve shedding light upon one's own pains. Doing so expresses the urgency of the problem, identifies the oppressors, and viscerally demonstrates the realities of the oppressed. However, in so doing the socially conscious are unable to lead the traditionally conceived life of happiness. This is because there is a lot wrong in contemporary society that requires attention. Making progress in oppressive sexism alone will not make significant social gains if there is still institutional racism, ageism, ableism, etc.⁹ If this seems tough to accept, it is because we like to conceive of these institutionalised -isms as distinct, isolated problems. The reality is that they are intricately intertwined. For example, if we were to claim to be able to imagine a world where ageism is entirely eradicated, we would be fundamentally missing the role that sexism and ableism play in society's conception of age. The non-ideal circumstances we live in are such that we cannot work on social issues in isolation.

To have a system of virtues that benefits persons of atypical virtue in their resistance to systemic injustices, we will inevitably need to argue for a strange set of virtues. This is because under non-ideal circumstances, those virtues traditionally conceived as Aristotelian may not be enough for survival, let alone flourishing. In discussing this subject, Cheshire Calhoun states that "not only is virtue sometimes exceedingly costly under non-ideal conditions but the 'virtues' that one must cultivate in order to resist or survive oppression--or example unyielding anger at oppressors or a capacity to lie – are also ones that one should morally regret having to cultivate."¹⁰ On the Aristotelian conception of virtue, neither anger nor a capacity to lie are virtuous. While

there may be conditions under which the virtuous agent knows to err on the side of anger or dishonesty, these conditions on their own do not make these actions virtuous. Despite this, we recognise that the capacity to lie can be an effective method of subversion when dealing with oppressors who fail to recognise their position (or, the stronger reality, oppressors who do not care that they are on unequal social footing). For example, a person of colour may err towards anger when confronting oppressive policing, yet the traditional Aristotelian conception of the virtues would fault this agent rather than the system they are acting within. This is one example of many that demonstrates how the traditional Aristotelian conception of virtue is strained when applied to real-life situations.

Another way in which this deviates from traditional Aristotelean virtue ethics lies the cultivated virtues themselves. Aristotle clearly noted that virtues are pleasant, never painful.¹¹ Anger at oppressors, the capacity to lie, sensitivity to the suffering in the world, all of these painful virtues are exactly this: *painful* virtues. In this sense, we need to redefine what constitutes a virtue for the person with atypical virtue, as traditional definitions will fail to account for several necessary virtues. However, this needs to be cautiously articulated, as such virtues must be crafted in a manner that does not leave the agent subject to being “characterized as too indifferent – for to choose a moderate level of response to great suffering is to choose to let masses of people suffer as a result of one’s own failure to choose a higher level of response”.¹² We need to be careful of where the extremes are, so we can accurately determine the mean we are searching for in these burdensome virtues.

With these conceptions in mind, I want to argue that an agent who has been through at least one tragic dilemma¹³ or negative circumstance is more important for successful resistance movements than an agent whose moral luck has led that one through a life without such events.

An objector may dispute this claim by asserting it makes the overcoming of oppression into a self-defeating task. However, I want to strongly resist this cynical stance for a simple reason: it again assumes we are operating with *ideal* conditions in mind. There is no person who is completely without some sort of moral scarring in our world, no matter how saintly such a one may be. Often, we experience tragic situations and dilemmas that are entirely out of our control and these have profound effects on our lived experience. And if no one is wholly unscarred by negative events in life, then this objection fails. Those who overcome their oppressive situations will be changed by the experience, but they will retain afterimages of the struggle that will remain for the rest of their lives.

To make my assertion clearer, I will again rely on Tessman's definitions. She asserts that the existence of tragic dilemmas "show[s] that there are virtues whose exercise is, due to bad (including unjust or oppressive) conditions, not conducive to their bearer's flourishing."¹⁴ Morally strong agents know that they need to come to a decision, and that this decision will inevitably scar their moral character. Yet, it is usually understood that deciding between two terrible choices is better than not deciding at all. This 'choosing the lesser of two evils' is sufficient for creating a moral blockage that disavows the traditionally virtuous life; however, this disavowal is important because it is these agents who make change possible. It is true that such scarred agents will incur repercussions on their psyche that makes full virtue impossible, but they simultaneously help progress society toward dismantling the oppressive regime responsible for the tragic circumstance in the first place.

Those who resist, those who have cultivated these painful virtues, deal with the consequences of speaking out against the oppression they encounter. These consequences are unfortunate, and stem from what I will call the 'mean' of action. This follows much the same trend

that the virtues do; there is a mean which we must strive towards, and there are two extremes which arise from a deficit, and an excess, of action. As with the virtues, the extremes are not equidistant from the mean. The following table shows how I perceive this relationship exists:

Deficit – Too Little of Trait	Mean - Virtue	Excess – Too Much of Trait
No anger / Passive	Anger towards oppressors	Anger towards everyone
Inability to lie	Capacity to lie	Indiscriminate lying
Insensitive to suffering	Sensitivity to suffering	Disproportionately sensitive
Deficit - No Action	Mean - Action in spite of oppression	Excess – Too much action / Action ‘just because’¹⁵
Increased psychological harm	Resistance against oppressors	Increased physical harm

This table is not meant to equate action with virtue *per se*, as to do so would be improper. The point of the table is to show that there is a similar relationship between the virtues and their extremes as there is to action and its extremes. Persons of atypical virtue can possess the mean in respect to the virtues, yet not in respect to action (e.g. someone who has a sensitivity to the suffering of others yet refuses to take any action against oppressors because this person is afraid of physical harm). Likewise, those who speak out against injustices can possess the mean with respect to action, yet not in respect to the virtues (e.g. someone who, in a situation between neo-Nazis and people of colour, uncritically “gives both sides a fair chance”). Those who possess the mean in both categories are the focus of my analysis below.

3. Mapping Painful Virtue onto Queer Canadian Protest

For many marginalised individuals, the life of a virtuous agent is not even a theoretical possibility. Even from early school years, many of these individuals are bullied, assaulted, or

otherwise harmed by circumstances deemed ‘normal’ by society. However, these individuals can develop into persons of atypical virtue, and lead resistance movements against such societal norms to change the social landscape for future generations. To demonstrate this assertion, I now turn to a case study on queer rights movements, specifically in a Canadian context.¹⁶ This discussion begins with the partial decriminalisation of homosexuality by the Trudeau government in 1969. While this federal change in the law looked inclusive, the administration of justice is something taken up on a provincial, and more often municipal, level. As Miriam Smith writes:

Despite the Criminal Code change, the policing of gay sex in bathhouses, as well as other forms of sexual regulation, continued unabated [...]. During the 1970s and 1980s, using other levers in the federal Criminal Code (including Victorian-era provisions such as being a ‘found-in’ in a ‘bawdy house’), police in places such as Montreal, Vancouver, and Toronto sought to ‘clean up’ their cities by arresting queers and by turning a blind eye to homophobic and transphobic violence in urban areas.¹⁷

Some of the more well-known clashes between queer individuals and police include the Toronto bathhouse raids in 1981 and the Olympic ‘clean up’ of Montreal in 1976. Individuals affected by these attacks experienced a situation where no matter what option they chose, to fight the repression or to quietly accept it, they would be harmed. Resistance meant physical assault, and repression meant psychological assault.

There is no immediately virtuous decision here, and thus purely virtuous agents would have been incapable of action against these raids. However, I believe the leaders of the resistance to these police attacks were/are persons of atypical virtue: they were in non-ideal decision-making conditions and had to wrestle with the negative effects any course of action would produce. Addressing the Olympic ‘clean up’ in the 70s, Julie Podmore writes that, “[r]aids on gay and lesbian commercial spaces mobilized the various activist groups in [Montreal] to form the first

coalition against police repression, the Comité homosexuelle anti-répression (CHAR), and mount[ed] some of the first major lesbian and gay demonstrations in 1976”.¹⁸ These marginalised individuals weighed the negative outcomes of both resistance and repression, decided that the community would benefit more from resistance, and acted accordingly. Such a response, despite the lifelong consequences for those who resisted, eventually meant that this form of repression was mitigated for future generations. These persons of atypical virtue were able to take upon themselves the burdened virtues of resistance to injustice, sensitivity to suffering, directed anger, etc., and use such painful virtues to make positive change for the future. This is a feat that virtuous agents could not have accomplished due to their unscarred lives of purely virtuous development.

Another virtue ethicist may push against this analysis and argue that a virtuous agent could just as easily have taken up such social change without the risk of “scarring” their moral character. This is because part of being virtuous is to know how to act in the right way, at the right time, to the right extent, and with the right motive. If there are human rights injustices, they could argue that subversive action might be considered morally correct in these cases. Thus, there is no need to create a new category of agents. I want to challenge this reading by appealing back to tragic dilemmas. It is generally accepted that virtuous individuals who find themselves in a tragic dilemma are irreversibly scarred to the extent that they can no longer be considered purely virtuous agents. This is because they are presented with situations in which, no matter what option is chosen, there are significant repercussions for their moral being. This is not significantly different from the situations I have argued above. Indeed, when virtuous agents encounter a tragic dilemma, their being shifts to one of atypical virtue because of the tragic dilemma itself. Thus, even if an objector wanted to assert that such a hypothetical virtuous agent could cause the same effect as

those in my analysis above, effectively this individual has *become a person of atypical virtue in the process of non-ideal decision-making.*

4. Where Does This Leave Us?

What does this analysis mean for the future of resistance/social movements? I believe that it further justifies the ethical imperative to listen to marginalised subsets within larger marginalised groups, such as queer Canadians. Many who benefit from differing levels of privilege have not had to engage in the same kinds of non-ideal decision-making as those who fought for rights before our time. Those involved in resisting the ‘clean ups’ and raids successfully changed society to the point where current generations do not have to resist these acts of repression (at least, not on the same scale). This lack of experience with non-ideal decision-making is especially apparent in recent events, such as the Black Lives Matter protest at Toronto’s 2016 Pride Parade. In subversive defiance of cuts to programming funding for racialized events, such as the Southeast Asian stage, and to reduced hiring of non-white organisers (among other issues), Black Lives Matter organisers halted the flow of the yearly Parade to bring attention to this lack of diversity and inclusion within the queer community itself. These individuals, who are marginalised on multiple fronts, weighed the negative effects of carrying out such a protest and of continuing to be oppressed by mainstream white gay organisers. Through such deliberation, and recognising that they would be negatively impacted by either choice, these individuals chose to act and resist.

Much like the clash between police and queer individuals in the 70s and 80s, the clash between mainstream queer individuals and the Black Lives Matter protesters progressed to cause some immediate harms for the marginalised protesters. Many, predominantly white, queer individuals demanded the protesters apologise, effectively calling for a repression of these

marginalised voices. Despite this, the protesters persisted with their fight for demands which they hoped would drastically change the 2017 incarnation of the parade. This is a battle that traditionally defined virtuous agents would not have been capable of performing, as the decision to resist came from a place of extreme pain and injustice. In this way, the Black Lives Matter protesters are persons of atypical virtue, and thus *must* be recognised as the future of queer mobilisation in Canada. These leaders risk physical harm, and psychological and moral injustices, attempting to ensure future generations do not suffer in the same way they have.

However, we need to be careful not to force these leaders to shoulder the whole burden of resistance. It *cannot* be the responsibility of black Canadians to fix our institutionalised racism. Nor can queer individuals shoulder the responsibility for changing institutionalised homophobia, biphobia, or transphobia. Women, disabled individuals, the poor--it is not the job of these groups to fix their oppressors' worldview. Rather, *anyone who belongs to a privileged group* must shoulder this responsibility *within our own communities*. The Black Lives Matter protesters have shown us what modern queer resistance looks like, but it is not their job to fix white communities. Those of us in the queer community who recognise the injustice that the rampant racism in our community causes need to step up and resist. We need to confront our racist uncles. We need to speak up when our transphobic 'allies' exclude our brothers and sisters from their activism. We need to learn from Black Lives Matter, *not* push our problems onto them.

In my paper, I have tried to show how the mainstream population needs to look towards persons of atypical virtue when seeking the future of resistance/rights movements. This is because such individuals have endured sufferings that purely virtuous agents cannot comprehend due to their unscarred lives. The lived experience of suffering is essential for resistance because these individuals viscerally know the direct effects of such oppression. Persons of atypical virtue have

developed virtues that are essential to effective resistance, such as directed anger, the capacity to lie, sensitivity to suffering, etc. While it is from negative circumstances that these individuals have come to cultivate such burdened virtues, and while it now means they will forever take up the world considering such moral pains, these individuals are the most capable of leading future resistance movements and dismantling the need for such virtues in future generations.¹⁹

Endnotes

¹ Consider the possible tension between friendliness and patience. To avoid the deficiency of cantankerousness and get the mean of friendliness, one needs to be less quick-tempered and more attentive. But, to avoid the deficiency of indifference and get the mean of patience, one needs to be less dispassionate and more quick-tempered (because patience has a limit). When properly held, these two virtuous means feed into one another, but if one is to deviate too far into quick-temper then these two can be thrown out of balance in separate directions.

² Aristotle, 1106b35-1107a5 [All references to Aristotle's *Nicomachean Ethics* are taken from Aristotle, *The Nicomachean Ethics*, trans. David Ross, revised by Lesley Brown (Toronto: OUP, 2009): 31].

³ Aristotle, *Nicomachean Ethics*, 1108b10-1108b20 [Ross, 34].

⁴ There is also no direct method of denoting which is more vicious, the excess or the deficit. For courage the lesser of two evils may be in brashness, an excess, whereas in humility the lesser might take the form of too much modesty, a deficit. For Aristotle's explanation, see 1109a30-1109b30 [Ross 36].

⁵ Aristotle, *Nicomachean Ethics*, 1109a20-1109a30 [Ross, 36].

⁶ Aristotle, *Nicomachean Ethics*, 1145b10-1145b20 [Ross, 119].

⁷ Aristotle, *Nicomachean Ethics*, 1146a10-1146a15 [Ross, 120].

⁸ Lisa Tessman, *Burdened Virtues: Virtue Ethics for Liberatory Struggles* (Toronto: OUP, 2005): 95.

⁹ I want to thank Sandra Tomsons for prompting me to consider whether the fact that women belonging to all these groups might mean that there is a reduction of oppression in each of the -isms when progress is made in systematic sexism. While I see the reason for making such a claim, I want to maintain the stronger position I have articulated. To see why, consider swapping "oppressive sexism" and "institutional ageism". Elderly individuals belong to all the remaining groups. Thus, taking this line of argument means that "making progress in the institutional oppression of the elderly alone" would make a difference in all these other -isms. This substitution can be repeated for race and ability (and many others unlisted). My stronger position holds because we need to focus on all the -isms if we want to make significant change in any single -ism, simply because of how interconnected they all are.

¹⁰ Cheshire Calhoun, "Reflections on the Metavirtue of Sensitivity to Suffering." *Hypatia* 23(3): 182.

¹¹ Aristotle, *Nicomachean Ethics*, 1120a25-30 [Ross, 61]

¹² Tessman, *Burdened Virtues*, 90.

¹³ A tragic dilemma is an event in which an agent is presented with a choice between two terrible options yet *must* decide between them. A classic example is “Sophie’s Choice” where a mother must choose which one of her two children will live and which one will be killed by a random Nazi. If she does not make a choice, they will both die.

¹⁴ Tessman, *Burdened Virtues*, 111.

¹⁵ An explanation of “action just because” might be justified here. By this I mean to reference those individuals who act out at every perceived injustice without first educating themselves on the issue(s) at hand. I say that this excess can result in physical harm because these individuals may not have set up precautions to mitigate the harms that may happen if their actions turn into riots, or if the oppressors they are protesting against suddenly turn violent. This is not to say that those within the mean of action, those who “act in spite of oppression”, will never be physically harmed. Rather it is to say that the risk of physical harm is greater in those who act “just because”.

¹⁶ There are many different overlapping and intertwined issues I could address here. I will be operating on a simplified discussion; in no way is this section meant to be a comprehensive history of such social movements.

¹⁷ Miriam Smith, “LGBTQ Activism: The Pan-Canadian Political Space” in *Queer Mobilizations: Social Movement Activism and Canadian Public Policy*, ed. Manon Tremblay (Toronto: UBC Press, 2015): 46-47.

¹⁸ Julie Podmore, “From Contestation to Incorporation: LGBT Activism and Urban Politics in Montreal” in *Queer Mobilizations: Social Movement Activism and Canadian Public Policy*, ed. Manon Tremblay (Toronto: UBC Press, 2015): 189.

¹⁹ I want to thank Robert Murray, Meredith Schwartz, Jo Kornegay, and Rebecca Kovacs for their comments and suggestions on a previous project from which this paper was adapted. I also want to thank the two referees for their comments on this paper. An earlier version of this paper was presented at the 2017 annual conference of the Canadian Society for the Study of Practical Ethics, and I thank members of the audience for their helpful questions and suggestions.

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