

'Who are we to judge?' – On the Proportionment of Happiness to Virtue

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Abstract

The claim that happiness and virtue ought to be proportionate to one another has often been expressed in the idea of a future world of divine justice, despite many moral difficulties with this idea. This paper argues that human efforts to enact such a proportionment are, ironically, justified by the same reasons that make the idea of divine justice seem so problematic. Moralists have often regarded our frailty and fallibility as reasons for abstaining from the judgment of others; and doubts about our deserving some proportionment of happiness or unhappiness often arise insofar as virtue and vice may be explained on a causal basis. This paper argues that our fallibility and our susceptibility to social influence render judgment and response indispensable, because – given these characteristics – our actions and responses decide the morality that we actually share with one another. In this situation, to 'judge not' is to abandon the field to those with no such scruples.

...an impartial rational spectator can take no delight in seeing the uninterrupted prosperity of a being graced with no feature of a pure and good will, so that a good will seems to constitute the indispensable condition even of worthiness to be happy.

– Kant¹

There is also the figure, rarer perhaps than Callicles supposed, but real, who is horrible enough and not miserable at all but, by any ethological standard of the bright eye and the gleaming coat, dangerously flourishing.

– Bernard Williams²

There is a very old thought: that the wicked deserve to suffer, and the virtuous to be happy. There is an equally ancient difficulty: in the world we know those deserts are only partly meted out, if at all. Nearly as old is the injunction, 'Judge not, that ye not be judged' (Matthew, 7:1). One way out of the resulting perplexities is the myth of a soul that persists after death into a future world, where

¹ *Groundwork*, 4:393, in *Practical Philosophy* (trans. Mary Gregor, Cambridge: Cambridge University Press, 1996), 49.

² Bernard Williams, *Ethics and the Limits of Philosophy* (London: Fontana, 1985), 46.

matters are better ordered – where the virtuous will be rewarded, where the wicked will be punished, perhaps also reformed. Such beliefs are at least as old as ancient Egypt and its famous ‘Book of the Dead’,³ and they have played a complex role in Christian theology down the centuries. They are articulated in some of Plato’s myths of the afterlife,⁴ and given most systematic form in Kant’s moral and religious thought. For Kant, it is axiomatic that virtue – the quality of the will – should be understood as our ‘worthiness to be happy’. His account of religious faith is based on reason’s ‘need’⁵ to believe that virtue and happiness will be proportioned to one another in some future world, since they are not in this world.

In this paper I ask what relevance the idea of a *just world* should have for us. The doctrine of an afterlife governed by a personal God is no longer plausible to most of us, religious believers or no. I will contend, however, that some reasons why doctrines of a ‘just’ afterlife have lost their plausibility are revealing for how we should picture justice in this world. I therefore begin with some of the principal moral difficulties of the idea of divine justice. These centre upon a transactional model of punishment and reward that neglects our continuing relationship to He who judges. In the second section of the paper I then turn to the natural question that arises when we think about *this* world: might practices of human accountability reasonably be thought of as pursuing a just proportion between virtue and happiness, wickedness and suffering? However, our limitations as judges and (so to speak) executioners are severe, and may seem to undercut any such project. The third part of the paper underlines a crucial relation between ‘happiness’ and virtue that concerns our status as relating beings: our flourishing depends on others’ cooperation in our projects. In the last part of the paper, I suggest that we also have good reason to foster the opposite relation – between wickedness and suffering, in one particular sense at least. In pursuing both points, I seek to allay doubts about the fairness of such a project, doubts reflecting our widespread modern sense that none of us made ourselves who we are. ‘There but for the grace of God. . .’ we say – rarely with God in mind, but often with misgivings about the making of moral judgments and the doling out of ‘just deserts’.

³ *The Ancient Egyptian Book of the Dead* (trans. Raymond Oliver Faulkner, ed. Carol Andrews, Austin: University of Texas Press, 1990), 27ff, 56f.

⁴ Plato gives various accounts of the afterlife along these lines, including: *Phaedo*, 107–14; *Republic*, 614–17; *Gorgias*, 523–7.

⁵ *Critique of Practical Reason*, 5:125, 142, in *Practical Philosophy*, in op. cit. note 1, 241, 254.

My overall argument is that those misgivings are misplaced, and that it is our duty to judge and to share those judgments with others. This argument centres on the following irony: we have such a duty precisely because we lack the attributes that made it intelligible for God, traditionally understood, to realise a state of perfect justice – but which made His relationship to it so morally problematic. In contrast to an infallible and independent God, our judgment is fallible and dependent on the correction and the example of others; while God is beyond compare, human beings prove unequal in their judgment and the example they set; while God is omnipotent, we generally have very limited powers over our fellow human beings, unless we act together with others. Our fallibility might tempt us to think that a proportionment of virtue and happiness is a task we had better forsake; similarly, if action and character are causally conditioned. I argue, instead, that it is because of the difficulties we have in judging one another and ourselves, and because we condition one another’s ways of being in the world, that mutual judgment and response are so essential. We depend on others’ moral judgments to arrive at a reasonable moral sense; some people’s failure to attain this requires us to judge and to act with others, to resist their actions and their example. Rather than being the ultimate deliverance of a divine judge, the idea of a proportionment of happiness and virtue represents a simplification of the on-going task finite human beings face in realising morality among themselves.

I. Difficulties in the idea of a future just world

Several moral perplexities attend the idea of divine justice. In each case, I suggest, these turn on our status as relating beings, and hence are revealing for how we should think about *mutual* judgment.

It is a familiar charge that the thought of future justice negates morality, by reducing the motivation for virtuous conduct to the hope of reward, and likewise the avoidance of vice to fear of divine punishment.⁶ There is something simple-minded in this objection, in that it seems to ignore the complexity of human motivation and the role of habits and emotional sensitivity in our relations to one

⁶ Some other criticisms proceed along parallel lines, in supposing that the idea plays to moral and psychological weakness. Thus the future just order as a compensatory fantasy, perhaps for those who are not strong enough to exact justice in this world, or for those not strong enough to face up to the reality of an unjust world.

another.⁷ Anybody who single-mindedly oriented his conduct by the thought of rewards in a future world, rather than concern for those with whom he shares this world, will be far from a paragon of outer virtue, never mind the ‘inner morality’ or purity of heart that has so often concerned the moralists. Kant, for example, was extremely sensitive to the idea that moral conduct would cease to be moral if it were motivated by the thought of reward, and insists that the motivation of duty itself must come first. His arguments that morality demands faith in a future world concern the *meaning* of our moral striving. Reason needs to make sense of the world, to see that morality really does have an apportioned place in the order of things, as would be demonstrated if justice were ultimately done⁸ (or, perhaps, if it were done in this world).

A more sophisticated objection concerns the nature of our relationship to God. There are obvious difficulties in conceptualising a relationship where the superior party does not interact with us in any of the ways that other agents do; hence the metaphors we use become particularly important. If we picture God as an agent of punitive justice, our metaphor being that of law-maker and ruler, we have a being who requites our sins with suffering. Indeed, some theologians have entertained very literal images of hell as eternal punishment. Nietzsche gleefully noted Tertullian and Aquinas’s descriptions of the pleasures of heaven as including the sight, far below, of the wicked being tormented for their sins. (In deliberate echo, he goes on to mention the old punishment of debtors, whose creditors were given the pleasure of cutting away the requisite ‘pound of flesh’.⁹) This transactional or ‘forensic’ model now seems rebarbative: among other things, it does not express our *relationship* to God. Many theologians have, therefore, pictured hell as an absence of God, a situation where we turn have our backs on God, neglected or undermined our relationship to Him.¹⁰

I think this objection and its response is central to our whole topic. A scheme of punishment and reward looks arbitrary and uncaring if it

⁷ This self-defeatingness charge is also discussed, and this criticism offered, by George Sher, *Desert* (Princeton NJ: Princeton University Press, 1987), 138ff.

⁸ See his comment on the morally righteous atheist, such as Spinoza, at *Critique of Judgment*, §87, 5:452.

⁹ *Genealogy of Morality*, I.15, II.5.

¹⁰ I am ignoring, for the moment, all those accounts that suggest our eternal fate will be a matter of election or predestination, since – as has so often been objected – such a future world cannot be described as just in any humanly comprehensible sense.

is not constitutively linked to our relationship to God. As I shall argue below, any this-worldly scheme must likewise be based in our relations to others: *l'enfer, ce n'est pas les autres*, rather it is their absence or their palpable disappointment and withdrawal from us. (No doubt, some punishments make this very palpable indeed; but none, we hold, should go so far as to cut away flesh.)

This relationality is also important when we turn to another essentially moral objection. The forensic image of heaven and hell implies a radical individualism: we deserve alone and we will be punished alone. One old Catholic idea was that our prayers can intercede to assist those in purgatory.¹¹ The idea of intercession surely departs from individual desert. But it is attractive inasmuch as it does not leave us *abandoned* by our fellow human beings, eternally isolated in our own efforts. Again, this point has a clear secular parallel: Our morality, the extent to which we succeed in becoming even half-way decent human beings, is no individual matter, but depends greatly on the care others take of us. Many have thought otherwise, of course; Kant, again, insisted a person's moral worth is precisely that which he himself has contributed by his own efforts. But this leaves the well-known difficulty of how to picture any absolute sense in which we *alone* have contributed anything at all, given that we are not 'first causes'.¹² Although we may argue about the ways in which this is true, modern understandings of the human being insist that the quality of the relationships a person experiences is central to who she becomes, morally as well as psychologically speaking. Troubling as this understanding is for the idea of divine judgment, however, I will be arguing that it does not – as many have taken it to do – support a human duty to 'judge not'.

A final set of difficulties attends the moral sorting process involved. Some accounts of divine justice divide human beings into the damned and the saved, while others – for very obvious moral reasons – allow for gradations of punishment corresponding to degrees of moral worth. Within a transcendent framework, 'the soul' may be ranked in terms of its sinfulness or purity. For much the same reasons that a transcendent framework has become implausible to us, so too has this conception of the soul. How, then, are we to give a reasonable sense to the idea of a single moral scale on which people can be ranked? In everyday life, after all, our judgment of persons tends to

¹¹ I thank John O'Neill for pointing this out to me.

¹² Thus the famous 'third antinomy' in Kant's *Critique of Pure Reason*: the contradiction between universal causation and the very idea of a first cause, whether as a matter of human or divine agency.

be, so to speak, qualitative rather than quantitative – that is, it relates to particular character traits and actions, and often depends on our relationship to the person. No doubt we may make some overall judgments (at any rate, my argument will presuppose this). But to rank people on a single scale, it seems we would need to identify a unitary capacity which all human beings have in common and compare the extent to which they have exercised it – just as Kant pictures each human being as equal in his capacity to will in accordance with the moral law, but as more or less willing to do so.

This issue will turn out to be of some importance for my overall conclusion, and perhaps I may anticipate briefly. Just as the moralists have often tried to unify virtue, so have they unified its proper fate, under the head of happiness. But this must turn out to be either a very complex idea, perhaps along the lines of Aristotle's *eudaimonia*, or a purely imaginary one, as in fact it is for Kant: 'it is just in this idea [of happiness] that all inclinations unite in one sum.'¹³ But if virtue is not merely quantitative – that is, if we can hardly place each person somewhere on a sliding scale from 'virtuous' to 'vicious' – then its deserts are unlikely to be either. I will suggest that their description under the head of 'happiness' obscures the more complex logic that underlies the moralists' dream of a proportionment of happiness to virtue, and the more complex duty we have to pursue this.

To summarise the key difficulties inhering in the idea of a future world of divine justice, we could say that it ignores our status as relating beings. A simple picture of 'pay-back time' cannot genuinely motivate us to do our duty by others. It makes a moral nonsense out of our relationship to God, and has nothing to say to our moral dependence upon others. Just as certain, we do not conduct ourselves to others in terms of some scale of overall 'deservingness', but make complex judgments about actions, virtues, and the claims of different relationships.

II. Virtue and happiness: problems of human judgment

The question I am pursuing is what is left in our hands once we leave aside stories of another world and a divine judge. Should we suppose that the moralists were merely dreaming and the claim of proportionment is ill-founded? Or might it be – to take the most obvious possibility – that human, that is *mutual*, accountability should aim at a proportionment of happiness and virtue in this world? If so, as

¹³ *Groundwork*, 4:399; cf. *Critique of Practical Reason*, 5:124.

before, there will be both metaphysical and moral perplexities attending this question. There are, what's more, directly practical difficulties, as we are asked to make judgments of individual desert and to act on them. Evidently, we lack the traditional characteristics of the Christian God: omnipotent, omniscient and perfectly benevolent.¹⁴ Despite the difficulties discussed above, it was these characteristics that made divine punishment and reward conceivable and, to a point, morally tolerable: Presumably a limited God could not realise all due rewards and punishments, while One who was not all-seeing and all-good could hardly be trusted with the task.

One might argue that these limitations – lack of power, lack of knowledge, problems of moral insight or motivation – are not so serious as to undermine any human duty to promote the proportionment of happiness to virtue. On the contrary, I believe we should take these difficulties very seriously, especially problems of moral insight. If we do so, we will be led to think about accountability quite differently than on the other-worldly model – without thereby abandoning the idea of a proportionment of happiness and virtue. In another context, Onora O'Neill commented, 'It is fantasy to imagine that human reason can be vindicated as a partial version of an infinite reason.'¹⁵ Presumably, it would be equally fantastical to think of human, mutual, accountability on the model of divine judgment.¹⁶ It is self-evident that we do not make a final judgment: we invariably judge lives only partly lived, and therefore intervene in them from a particular position; likewise, we are fallible and have only limited powers to enforce our judgments. Both judge and executioner will be human, all too human. What they inhabit, however, is something that God was never party to: a world of moral uncertainty built out of relationships among equals – or rather, as I shall stress, near-equals.

A quick word on each of the limitations of human judges. With regard to omnipotence: the powerlessness of the virtuous against the vicious forms an old refrain. The lack of scruple pertaining to vice seems oftentimes a key to the effective wielding of power. More, the power of our reproaches is often inversely proportional

¹⁴ Such a God is also incomparable and a 'first cause': in the last two sections I will also consider the fact that human beings are not.

¹⁵ 'Enlightenment as Autonomy: Kant's Vindication of Reason' in *The Enlightenment and its Shadows* (eds. P. Hulme and L. Jordanova, London, Routledge, 1990), 190.

¹⁶ Although Bernard Williams charges that modern conceptions of morality do exactly this – cf. 'Moral Luck: A Postscript' in his *Making Sense of Humanity* (Cambridge: Cambridge University Press, 1995), 243.

to a person's viciousness, for important moral qualities are involved in being sensitive to others' judgments. These complaints have some force, but it is important to note that they gain in power, the more unworldly – and the less judgmental – one's conception of virtue: virtue as a matter of humble self-abnegation, perhaps; goodness as lost once we begin to resist evil. Consider, then, that our power to correct or punish an unrepentant wrongdoer depends very much on others' cooperation. Alone, my judgment is relatively powerless. Only by sharing judgments with others can we bring such a wrong-doer to book or to heel.

As to omniscience and benevolence: Our limited knowledge of those whom we judge is often taken to be an argument that we should abstain from judgment. Even if we observe all there is to see, we do not see into one another's hearts – nor, of course, into our own. We can hardly be sure of our benevolence, and there are many motivations that might lead us to judge others unfairly and hurtfully. And one may surely think that there are moral costs, at least risks, in keeping a watchful or suspicious eye to others' actions and persons. These two limitations often feature in criticisms of gossip – a malicious, prejudicial affair, inimical to the interests of its subjects and to the virtue of its practitioners. We don't know enough about the persons concerned, we don't stop to ask them, we judge them with our own interests or corner of the world too much in mind, we should hate to have similar comments made against ourselves. The continued currency of the biblical injunctions is surely striking: 'Judge not, that ye not be judged'; 'He that is without sin among you, let him first cast a stone at her.'¹⁷

These difficulties point to another, still deeper difficulty about mutual judgment – one that will also be central to my argument. In part concerned to save accountability and desert, many philosophers – Kant being a case in point – have insisted that we all have, or could have, access to the basic tenets of morality. The assumption is that punishment and other ill-deserts are just only in case the wrong-doer knew, or could have known, that he was transgressing. Our most familiar explanations of wrong-doing turn, then, to the tempting force of self-interest. Our inclinations lead us away from our duty; self-interest leads us to favour ourselves at the cost of others. In Kant's words, we secretly make an exception for

¹⁷ Matthew, 7:1; John, 8:7. I should add that I am only concerned with the currency of the phrases, rather than their point in context, which is well-captured at Luke, 6:37: 'Judge not, and ye shall not be judged: condemn not, and ye shall not be condemned: forgive, and ye shall be forgiven.'

ourselves,¹⁸ while wishing that others act in accordance with the moral norms we knowingly – and hence (?) culpably – breach. If this were so, it is easy to see how mutual accountability could function, notwithstanding our predilection to wrong-doing. Distorted and partial as our judgment may be, we know what to do and we know what others should do; we may often want to do the wrong thing, but we want others to do the right thing and have powerful incentives to make them do it. In other words, mutual accountability ensures that each person's natural partiality is checked by others'.

There is clearly some truth in this line of thought; but human judgment faces further difficulties that make matters more complicated than this. Without denying that there are vices of selfishness or weakness of will, any plausible theory of wrong-doing has to take account of the fact that many wrong-doers believe that they are acting defensibly. We may even say that it is the mark of a certain sort of virtue to believe that one has transgressed a moral norm.¹⁹ (Just as it is the mark of a certain sort of virtue to believe one ought to abstain from judgment.) Such faulty self-assessment is not only a matter of bias – unjustly blaming others for disliked outcomes – though of course this can be a serious source of misjudgment and unjust recrimination. Nor is it simply a matter of false excuses and rationalisations, although it is partly that. Nor does it only concern a lack of responsiveness to others as they express their legitimate demands of us. Although these are all serious issues, they still do not touch one of the central problems of mutual accountability: that many vices affect our sense of what we ought to be doing, ought to have done, how our lives together should go. As Aristotle put it, 'every wicked person is ignorant of what he should do and refrain from doing'.²⁰

In line with my emphasis upon our status as relating beings, recall the truism that one of the surest ways to judge a person is by her friends. What do we see in others, what do we want of others, what do we expect of them – and *vice versa*, that we continue to keep one another's company? The answers to these questions reveal our standards, how far we live by those standards in practice, how willing and able we are to judge by them. Furthermore, depending

¹⁸ *Groundwork*, 4:424.

¹⁹ As Hannah Arendt observed: 'a "good conscience" is enjoyed as a rule only by really bad people, criminals and such, while only "good people" are capable of having a bad conscience,' *The Life of the Mind* (London: Secker & Warburg, 1978), Vol. I, 5.

²⁰ *Nicomachean Ethics*, 1110b (trans. Roger Crisp, Cambridge: Cambridge University Press, 2000).

on the company we keep – and often, especially as children, have no choice but to keep – there will be grave differences as regards the quality and standards of mutual accountability. He who responds to the reproaches of the vicious learns his morals at their table, so to speak: he will reproduce some of their vices or fall into yet others (for instance, servility, if one heeds the reproaches of the bully). It is not the case, as Kant optimistically supposed, that vice depends on secrecy, for it is often assisted by company that fails to see it for what it is – thus the truckler who sees the bully as strong-minded, the bully who sees servility as his due.

Many vices unfit us to call others to account, then, because they involve all sorts of moral blindness and insensitivity. In general, the more an individual stands in need of correction, the less likely she is to heed it and the less fit she is to offer it to others. In terms of my topic here, the proportionment of happiness to virtue: the problem is not only our ability to dole out supposed deserts, but also that of judgment – the ability to see actions and qualities of character, and to appreciate their true moral significance. (Recall Plato's frequent mention of virtue that is misrecognised as vice and immorality that is lauded by the world.) Accountability in this world is exacted by, and of, imperfect judges – regrettably partial in their view of others, often faulty in their grasp of valid moral standards. Given these limitations, we may well feel grateful that people are so far from omnipotence, and often lack the power to enforce their judgments.

III. Happiness and flourishing

My argument is that these difficulties of mutual judgment, rather than undermining all practical relevance for a dreamed-of proportionment of happiness to virtue, actually enable us to understand a more complex, worldly foundation for the moralists' ideal.

To make this case, I begin with an obvious conceptual doubt about this proportionment, one that does not turn on difficulties of practical judgment. Hastings Rashdall posed it with especial clarity: 'why [should] superior moral goodness... be assigned a superior quantity of external goods, that is to say, the means of indulging desires which have no connection with this superior moral goodness [?]. . . as though goodness were a loss to the possessor which can only be rationalised if he be paid for it.'²¹ One obvious way of responding is to ask if

²¹ *The Theory of Good and Evil* (Oxford: Oxford University Press, 1907), Vol. I, 257; quoted by George Sher, *Desert*, op. cit. note 7, 137.

there might not be internal connections between our satisfactions and our virtues. Rashdall goes on to claim, in avowedly Aristotelian vein, 'The fitting reward of the good man (if we still talk of reward at all) is the opportunity for the freest and most fruitful exercise of his highest capacities.' While the language is no longer ours, this clearly points us to the concept missing from his initial question, that of *flourishing*, as a form of successful activity and, as I will emphasise, interaction. Let me begin with two straightforward points that reveal such a connection, before raising a more complex question concerning others' cooperation in our projects – one that relates back to the difficulties of mutual judgment discussed in the previous section.

One obvious point is that many of the virtues – however exactly we define and judge them – are connected with our ability to respond aptly and well to others, and hence with how fulfilling and rewarding are our relations to others. No doubt virtue may sometimes involve self-sacrifice – so a lack of proportionment to happiness (in the crude sense, at any rate). Nonetheless, insofar as many virtues are the *sine qua non* of quality in human relationships, and insofar as a person may be judged by her friends, we can see an important internal connection between virtue and happiness.

A similar point might be made with regard to virtues of self-governance. Not just virtues of prudence, but those of moderation, self-control and self-responsibility are conducive to a fulfilled life – assuming, that is, that one cannot rely on the boundless cooperation of circumstances (as the tyrant nannied and indulged from his cradle perhaps can). Part of the force of Plato's account of the well-ordered soul is to suggest that these are not simply self-regarding virtues, that how we govern ourselves must have consequences for how we relate to others. Are the demands we make of the world reasonable, compatible with one another, compatible with the demands and well-being of others?

Clearly, neither of these points are to do with 'quantities of external goods', nor are they a matter of 'indulging desires' that (so it is presumed) have nothing to do with a person's virtues. Instead, they concern the degree of fulfilment and satisfaction in a person's life, brought about by her own wise choices and characteristic projects, and through the relationships she pursues and enjoys. Rather than happiness, understood merely as the satisfaction of whatever inclinations a person happens to have, we might describe these rewards of virtue in terms of a person's flourishing.

These observations are preliminary to my main point, which centres on the fact that flourishing depends upon others' cooperation. Since our question – our duties with regard to a proportionment of

happiness and virtue – concerns not only the dreams of the moralists, but also our own intuitions, it may be question-begging to draw these responses into play. Nonetheless, allow me to offer an example that illustrates at least my own sense of the matter. Imagine a brutal former dictator, Augusto Pinochet say, lolling contentedly in his retirement home – or even happy in some hereafter. The picture is unappealing, but with some – rather informative – provisos I think we may bear it with some equanimity. In the first place, I think we would, as in Rashdall's initial question, have to imagine the simplest sort of hedonistic happiness – his being glutted to the point of stupefaction, for example, or dozing contentedly under a morphine drip. To adapt Rashdall's language, he would be 'indulging desires which have no connection with his superior moral depravity'. Second, it could not be a situation where his satisfaction was served, and ours denied, by the sight of those still active and influential in the world treating him with respect, paying him court, defending or denying his crimes. Over and above this, what is quite intolerable is the thought of his still lording it tyrannically over others without obstacle to his will – just that, of course, which seemed to constitute his own view of his flourishing in earlier life.

In other words, whatever we want to say about the doling out of 'happiness' understood in terms of quanta of pleasure, far more pressing questions arise when we think of how people respond to the vicious and permit or deny their characteristic projects. Whether we think of a person's own, perhaps corrupt, idea of a flourishing life (thus my epigraph from Bernard Williams), or take a more objective view of what it is to flourish²² – in either case, we do not think of a person as merely 'indulging desires' quite independent of whatever his vices or virtues may be. Flourishing is about pursuing valued projects, engaging in relationships we find worthwhile, obtaining sought-after satisfactions. As such, it hinges upon a person's own moral sense, and it relies on others' assent and cooperation.

In the first place, my example highlights the obvious fact that the happiness of the bad person, that is, his flourishing as he sees it, is altogether dangerous. One ingredient of wickedness is a picture of one's well-being that is harmful or inattentive to the lives of others.

²² Many moralists would deny that the successful wrong-doer can flourish, or even be happy. Plato, certainly, takes the point further, and sees correction and punishment as actually contributing to the wrong-doer's well-being. However this may be, it certainly departs from our usual, less moralistic uses of these terms, and still more decisively from the wrong-doer's own sense of the matter.

Whatever pleasures he might enjoy at no especial cost to others, the satisfactions that he derives from pursuing his own moral sense and the esteem that some accord him for this are indeed costly to others. Denying the wicked the opportunity to flourish as they themselves see it is a constraint upon wrong-doing – perhaps, finally, the most important check there can be. By the same token, we have every reason to welcome the pleasures that the virtuous derive from pursuing their characteristic projects, and the assistance and recognition that (as we may hope) they receive in doing so.

Nonetheless, as my example suggests, we would be deluding ourselves if we suppose that vice will not enjoy cooperation and admiration. Pensioned-off tyrants have certainly found their unfair share of admirers, and practising tyrants their supporters. Inasmuch as our flourishing depends on the cooperation of others, the vicious person who flourishes enjoys the allegiance and, let us not deny it, respect of many of those around him. Whatever we want to say about the vicious person's 'happiness', it is certain that he does *not* deserve respect for what he does and has done, inasmuch as we are bound to esteem virtuous action and disesteem its opposite.

My thought is this, then. The damage exacted by the vicious is not only 'factual' – the cruelty, coercion, terror, and so forth that may be appropriate objects of formal punishment. (A question left aside in my example.) Important as this is, when we think about the company people keep and the ways in which they cooperate, we should also be concerned by the possibilities for *moral* damage. Wickedness that flourishes spreads outwards, because it depends on others who permit it to flourish. This complicity may be bought or coerced, but as a rule it operates via lasting relationships and therefore depends on a catalogue of vices and failings: servility, cowardice, callousness, and so forth. The tyrant requires base and snivelling courtiers; as well as the suffering of his victims, the bully needs their insecurities or others who will render them powerless; the self-centred person requires others who will endure his impositions upon their legitimate wants and needs.

This returns us to the *judgment* of vice and virtue. One way in which the wicked prosper is by banding together so that others are unable to resist – thus the example of tyranny. Another, more important in the everyday lives of relatively decent societies, is by people's failure to perceive and appreciate the persons with whom they are dealing – or to challenge those of whom they disapprove.²³ To judge which actions

²³ See especially the closing paragraph to Hannah Arendt's lectures, 'Some Questions of Moral Philosophy' (in her *Responsibility and Judgment*, ed. Jerome Kohn, New York: Schocken, 2003), 145f.

and initiatives ought to be supported or resisted requires us to discriminate as to who proposes them, and to act on those judgments – above all, by persuading others to join in our views.

If we turn to the situation of the virtuous: just like the flourishing of the vicious, so too the *failure* of the virtuous to flourish must offend. Unless we suppose that virtue is wholly to do with a world beyond, something the most otherworldly moralist has never claimed, the projects of the virtuous will generally create moral or factual benefits or both. In the first place, to hinder their flourishing, not to support it as one may, is to frustrate these projects and to fail to recognise their worth. More than this, so far as they are enabled to act and to flourish, the virtuous leave behind many debts – to those whom they benefit, to all of us who are reassured of humanity by such virtues as constancy, straightforwardness and clear-sighted concern for others. To see such debts unpaid is indeed a dismal business. (Thus Kant: ingratitude as one of the most detestable vices.²⁴) This suggests another basis for the moralists' dream of a just world. Mutuality, reciprocity, gratitude – duties at the heart of our status as relating beings – leave us with obligations to the virtuous that we all-too-typically will not have to the vicious.

This may seem to have left behind the problems I discussed before, regarding our judgments of virtue, and the broader doubt as to whether it is virtuous to judge and to share one's judgments with others. Whether out of a sense of fairness or humility, or indeed religious teachings, many people feel that our judgment of one another is an evil – perhaps a necessary evil, but an evil nonetheless. Nice girls don't think ill of others, either because they think they oughtn't, or – another difficulty we should not forget – because they lack insight into the complexities and perversities of human motivation and character. Against this way of viewing matters, I am arguing that mutual accountability is essential if fallible human beings are to achieve a decent and shared sense of what morality demands.

IV. Desert and suffering

I hope enough has been said to indicate that we are not dealing with childish fantasies here. Moderns convinced they are momentarily borne up by the caprice of an uncaring universe may be tempted to think of the proportion of happiness to virtue as fairy-tale

²⁴ *Metaphysics of Morals*, 6:459.

wishfulness, like painting kind princesses beautiful and vicious step-sisters ugly; and that we had better focus on improving welfare or happiness regardless of alleged deserts. In fact, we have very good reasons to suppose that the virtuous should flourish and the wicked be frustrated. But I have emphasised that it is significant that we should speak of flourishing and frustration here, rather than of happiness or quanta of displeasure.

This argument may not seem to speak to the question of desert, inasmuch as it looks broadly consequentialist. It will be better for us all if the wicked do not prosper, that virtue is recognised and flourishes – well, how could we have supposed otherwise? If desert enters the matter, it may seem to be in the merely analogical sense that beauty deserves to be appreciated, ugliness not – so that the 'desert' in question concerns only the fittingness of our judgments. A first response would be to observe that this is by no means *only* a matter of judgments – it concerns, of course, our responses too: the practical implication is that we should seek to share our judgments, so as to frustrate wickedness and promote virtue. Yet we may still feel that desert has eluded us: is there any sense in which the wicked and the virtuous themselves *deserve* our responses? – Although an account of desert is beyond my scope here, in this section I would like to suggest one line of justification for desert claims – and in particular, for the idea that vice deserves to be met with suffering: not in the 'pound of flesh' sense that Nietzsche derided in the theologians, but in a more abstract sense that I shall specify shortly.

As George Sher has stressed, desert is a complex notion, compassing a wide variety of claims which are not all to be justified in the same way.²⁵ Some desert claims arise from moral effort (e.g. gratitude), others from work (e.g. wages), others from having suffered injury or bad luck (e.g. compensation), still others from having done wrong (e.g. blame) or breaking the law (e.g. punishment). While it is obvious that many of these claims are, if valid, congruent with a worldly interpretation of the claim, 'virtue deserves happiness',

²⁵ Sher's *Desert*, op. cit. note 7, remains the single most important study of this concept. He also discusses the proportionment of happiness to virtue, and argues that it is because the virtuous are worth more, that their happiness should also be worth more to us. This seems to me to be open to Rashdall's already cited objection, quoted by Sher himself, against the case for any such proportionment: 'why [should] superior moral goodness . . . be assigned a superior quantity of external goods, that is to say, the means of indulging desires which have no connection with this superior moral goodness'?

none of them actually takes such a general form. This should come as no surprise: we are never in the external position of a divine judge who knows all there is to know about a person's conduct; almost always, our judgment concerns how to continue our relations with a person. For human beings, as relating beings, there is no 'last judgment'.

More than this, however, it is part of modern common sense to suppose that if we really knew everything there was to know about a person, we should no longer think of her as really the source of her actions, but only as an especially complex nexus of causes and effects. Thus we resist the idea that the vicious deserve to suffer (perhaps linking this to a sense that their vices already stemmed from bad examples, bad company, bad experiences); we find it difficult to accept that the virtuous are alone 'worthy of happiness' (Kant); we may feel that it is bad for any person, no matter how vicious, to suffer. Nonetheless – as Peter Strawson well emphasised – amid our continuing relations with one another, we generally find that such an 'objective' perspective is not one that we can adopt; or at any rate, that to 'judge not' requires a real exercise of will.²⁶

One reason for this is simple, but perhaps too little appreciated. Several authors have argued that if we are serious in thinking that a moral norm ought to govern our lives together, we must believe that its breach ought reasonably to be accompanied by sanctions of some form or other, at least in the absence of the various excusing conditions.²⁷ If we have the authority to pronounce on the norms that should govern our interaction, then we must also have the authority to ensure that those pronouncements are not without effect. When some people – wrong-doers – try to render moral norms ineffectual, sanctions express and sustain a framework of moral predictability that permits our stable, cooperative interaction with others. Otherwise, our only certainty would be that those who honoured moral demands would be at the mercy of those prepared to breach them.

²⁶ 'Freedom and Resentment,' *Proceedings of the British Academy* 48 (1962), 1–25, and variously reprinted.

²⁷ The most succinct statement of this view is Herbert Fingarette, 'Retributive Punishment' in his *Mapping Responsibility* (Chicago: Open Court, 2004). It is also at work in H. L. A. Hart's celebrated essay, 'Legal Responsibility and Excuses', in his *Punishment and Responsibility: Essays in the Philosophy of Law* (Oxford: Clarendon Press, 1968).

In previous sections, however, I have also stressed the difficulties of moral judgment, and argued that wrong-doing is rarely as simple as we like to think. Vices generally involve distortions of judgment as to what morality demands of people. This clearly makes it more difficult to maintain such a moral framework, and to be sure of our authority to pronounce on it: None of us has any a priori certainty of our competence to adjudicate it. My central claim is that this fallibility also makes mutual judgment *more urgent* for us, and not – as we might first think – something we lack the authority to engage in.

I spoke, above, of the 'moral damage' involved when vice is allowed to flourish. Part of my thought was this: when people act, their actions do not merely make a physical difference. Actions also set an example – that is, they help to establish, to reproduce and sometimes to alter our moral expectations of one another.²⁸ When we interact with someone over time – someone, let us say, with a tendency to cut certain moral corners – our failure to judge actually constitutes a judgment of sorts, just as their actions effectively constitute a judgment about how we should relate to one another. In practice, a failure to judge represents an endorsement of that mode of acting, or at least a permission so to act. It becomes more likely that we will act similarly, or that others will; at any rate, we furnish part of the space in which wrong-doing flourishes. If we judge a way of acting to be wrong, and if we take the moral standard concerned to be authoritative, then whatever else we do, we cannot *simply* continue to interact approvingly with the actor. Somehow or other, we must deny that her example and initiative embody the standards we should expect of one another.

There are obviously many different ways in which we can refuse the wrong-doer's example and the precedent it might otherwise set: punishment, reproach, the marshalling of peer pressure, the ending of relations, setting the action aside as a 'moment of madness', and so forth. (Of course, in any given case, power relations may leave us unable to respond in some or all of these ways. And as I have stressed, we often have to persuade others of our judgments if a response is to be effective.) Leaving aside the penalties that are involved in some of these responses, I want to point out that all of them have an internal relation to suffering, in its most elementary

²⁸ See Tamar Schapiro, 'Three Conceptions of Action in Moral Theory,' *Noûs* 35 (2001), 93–117 – in particular, the 'Kantian' account of action that she develops there. On our use of the arsenal of mutual accountability not only to reproduce but also to redefine expectations, see Cheshire Calhoun, 'Responsibility and Reproach,' *Ethics* 99 (1989), 389 – 406.

sense of *enduring*.²⁹ Instead of seeing her initiative taken up and endorsed as a valid way of relating to others, the wrong-doer – that is, the wrong-doer whom we recognise as such – sees her initiative rejected. To the extent that others take up my judgment, she *suffers* the fact that *others'* wills determine the standards governing our lives together.

I am suggesting, then, that it is a basic and inevitable feature of human interaction that each of us continually contributes to the morality that we actually live by – whether we realise it or not, whether we consciously judge one another or not. Finite and imperfect as we are, it is part of our finitude that we must relate to one another, and that in doing so we set the terms of those relations. This is as true of wrong-doing that is not condemned as it is of acts that we endorse as virtuous. For this reason, when we judge someone to have advanced distorted or corrupt norms by her actions, we are always – if we are indeed committed to that judgment – also committed to the assumption that she deserves badly. Here, I do not try to justify the familiar, practical manifestations of this assumption: that those who act badly should be punished,³⁰ blamed, or made to compensate. Instead, I am pointing to a more abstract idea that underlies all of these practices: By our judgments of one another's actions, and by drawing others into these judgments, we ensure that those prepared to do wrong do *not* set the terms on which we relate to one another.

So far as some prove incorrigible in their vices, this picture has a difficult relation to ideas of equality and fairness. Calvin once made the stunning claim, 'For not all are created in equal condition.'³¹ He meant that while some were predestined to hell, others were granted grace and predestined to heaven. The sheer unfairness of such a view – to most human eyes, at any rate – often leads us to temper our desert claims. Even secular writers often express this thought with the words, 'There but for the grace of God go I.' (Meaning: there, but for the harsh upbringing, the bad company, the dire circumstances – *et cetera* – go we all.) The words have a clichéd quality, and I am not sure we always appreciate the moral logic involved. God's 'grace' stands in for another contention, one much less suited to the modern sense of egalitarian justice that

²⁹ Herbert Fingarette, 'Suffering,' in his *Mapping Responsibility*, op. cit. note 27.

³⁰ Cf. Jean Hampton, 'The Moral Education Theory of Punishment,' *Philosophy and Public Affairs* 13 (1984), 208–238.

³¹ *Institutes* 3:21:5, as quoted by George Mavrodes, 'Predestination,' *Routledge Encyclopedia of Philosophy* (ed. E. Craig, London: Routledge, 1998).

underlies so much discomfort with moral judgment: We are *not* each equally equipped to enact and embody the virtues, to judge and oppose the vices. No doubt this is unfair. If we take seriously our status as relating beings, however, we should see that there is a countermanding question – albeit one that we more rarely think to ask: Does a person *deserve* a right to set the terms on which we live with her? I think the answer is clear: none of us deserves this right, except insofar as our actions and example do indeed merit others' approval or admiration.

Conclusion

I began with the difficulties involved in imagining our relation to an authority that is so superior to us that it could perfectly match happiness to virtue. What we do experience, instead, are our relations to others. My argument has been that we are morally bound to judge one another – and hence pursue a complex proportion between happiness and virtue, between vice and suffering – in order to lend authority to morality so far as we are able to discern it. We must judge precisely because of our fallibility and our relationality: the fact that we depend on one another, not only materially, but also morally, in achieving a proper sense of the terms on which we should live together. In other words: the ideal of a proportionment between happiness and virtue commands our attention because we are so related to one another. For we are not immune – as an infallible, punitive God might be – to the effects, moral as well as material, of one another's ways of being in the world. By the same token, we generally lack the power – as God does not – to bring our judgments to bear. To limit a person's readiness to act viciously we must judge, and respond, with others.

Despite the emphasis I have placed on the difficulties of moral judgment, I have also taken for granted some fairly general claims about the nature of vice and virtue – that many virtues are essential to quality in human relationships and involve wider benefits both in their effects and in their example (and *vice versa*, so to speak). I have only suggested that a significant part of vice consists in failure to appreciate what these demands mean, as a matter of practical judgment. The vicious not only (in Kant's words) seek to exempt themselves from such demands, but also persistently misjudge them: finding their own happiness in activities that harm others and undermine virtue, promoting the initiatives of those who do similarly, and – not least – seeking to hold others accountable on the wrong terms.

This systematic frailty of human judgment might lead us to fear that we are inadequate to the task of realising any sort of proportionment of happiness to virtue, perhaps even to dream of just deserts that reach out beyond the grave. But desert is hardly so clear or compelling a concept that it can tell us about another world³² – and certainly not about a world where we are authors of our moral selves entire, a world where all aspects of virtue can be summed together and all aspects of vice neatly subtracted, a world where each individual's resulting sum can be matched by a machine-like *deus* doling out just deserts. Instead, I have tried to trace a complex logic that may justify a more modest and more *urgent* interpretation of this idea. Happiness, understood in relation to flourishing and successful activity, requires others' cooperation, support and admiration – the proper rewards of virtue. I have not dwelt on particular sanctions that should attend vicious conduct, but have emphasised a particular, abstract sense of the suffering that should attend vice: the failure to see one's example taken up and endorsed, and hence an inability to set the terms of one's relationships with others. To take morality seriously is to be committed to these proportionments of happiness and virtue, of vice and suffering. If we would be virtuous, we have no business in abstaining from judgment, be it out of a sense of fairness or for some other reason. For that would be to surrender morality's authority, by making way for misjudgments about its content and demands.

A starry-eyed idealist might dream of a world where all are virtuous; the moralists dreamed of a future world where just deserts were dealt out by an ideal judge. When we face this world, we must confront the task of deciding whose initiatives, whose projects, whose example should flourish, and whose should founder. Our fallibility, our inequality, our interdependence – together, these lend our judgment of one another its urgency and importance.³³

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³² And this is *very* close to Kant's view: the idea of virtue as the 'worthiness to be happy' is the supposedly self-evident presupposition from which he constructs the postulates of pure practical reason, including God and immortality: *Critique of Practical Reason*, 5:122ff.

³³ My thanks to colleagues in the Department of Philosophy, Lancaster University for their comments on earlier versions of this paper, and to an anonymous referee of another journal for especially thorough comments.