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Just What Sort of Person Would Do That?

It really is of importance, not only what men do, but also what manner of men they are that do it.

—John Stuart Mill, *On Liberty*

Now I see the secret of making the best persons, / it is to grow in the open air and to eat and sleep with the earth.

—Walt Whitman, *Leaves of Grass*

One of life's quiet excitements is to stand somewhat apart from yourself and watch yourself softly becoming the author of something beautiful. . . .

—Norman Maclean, *A River Runs Through It*

Introduction

Few environmentalists in the United States are unfamiliar with Wallace Stegner's famous "Wilderness Letter," written in 1960 to David Pesonen of the Outdoor Recreation Resources Review Commission. The letter is an eloquent and heartfelt paean to the importance of wilderness and wildness—not as a source of raw material for production, or a pool of biodiversity, or even as an arena in which people can pursue certain activities they are unable to pursue elsewhere. Rather, Stegner seeks to draw our attention to wildness as a "spiritual" resource, one that has "formed our character" and "shaped our history"[1]:

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Something will have gone out of us as a people if we ever let the remaining wilderness be destroyed; if we permit the last virgin forests to be turned into comic books and plastic cigarette cases; if we drive the few remaining members of the wild species into zoos or to extinction; if we pollute the last clear air and dirty the last clean streams and push our paved roads through the last of the silence, so that never again will Americans be free in their own country from the noise, the exhausts, the stinks of human and automotive waste. And so that never again can we have the chance to see ourselves single, separate, vertical and individual in the world, part of the environment of trees and rocks and soil, brother to the other animals, part of the natural world and competent to belong in it. Without any remaining wilderness we are committed wholly, without chance for even momentary reflection and rest, to a headlong drive into our technological termite-life, the Brave New World of a completely man-controlled environment. We need wilderness preserved—as much of it as is still left, and as many kinds—because it was the challenge against which our character as a people was formed. The reminder and the reassurance that it is still there is good for our spiritual health even if we never once in ten years set foot in it. It is good for us when we are young, because of the incomparable sanity it can bring briefly, as vacation and rest, into our insane lives. It is important to us when we are old simply because it is there—important, that is, simply as an idea.

We are a wild species, as Darwin pointed out. Nobody ever tamed or domesticated or scientifically bred us. But for at least three millennia we have been engaged in a cumulative and ambitious race to modify and gain control of our environment, and in the process we have come close to domesticating ourselves. Not many people are likely, any more, to look upon what we call "progress" as an unmixed blessing. Just as surely as it has brought us increased comfort and more material goods, it has brought us spiritual losses, and it threatens now to become the Frankenstein that will destroy us. One means of sanity is to retain a hold on the natural world, to remain, insofar as we can, good animals. Americans still have that chance, more than many peoples; for while we were demonstrating ourselves the most efficient and ruthless environment-busters in history, and slashing and burning and cutting our way through a wilderness continent, the wilderness was working on us. It remains in us

as surely as Indian names remain on the land. If the abstract dream of human liberty and human dignity became, in America, something more than an abstract dream, mark it down at least partially to the fact that we were in subdued ways subdued by what we conquered. . . .

. . . As a novelist, I may perhaps be forgiven for taking literature as a reflection, indirect but profoundly true, of our national consciousness. And our literature, as perhaps you are aware, is sick, embittered, losing its mind, losing its faith. Our novelists are the declared enemies of their society. There has hardly been a serious or important novel in this century that did not repudiate in part or in whole American technological culture for its commercialism, its vulgarity, and the way in which it has dirtied a clean continent and a clean dream. I do not expect that the preservation of our remaining wilderness is going to cure this condition. But the mere example that we can as a nation apply some other criteria than commercial and exploitative considerations would be heartening to many Americans, novelists or otherwise. We need to demonstrate our acceptance of the natural world, including ourselves; we need the spiritual refreshment that being natural can produce. And one of the best places for us to get that is in the wilderness where the fun houses, the bulldozers, and the pavement of our civilization are shut out.[2]

The "wilderness debate" is long and complex, and it remains lively to this day.[3] However, for the moment I want to draw our attention not to the wilderness debate itself—whether it is an idea or a thing out there, how much is left and what to do about it, and so on—but rather to Stegner's account of wilderness's effects, and to the language he uses in evoking what he calls the "geography of hope."

First, Stegner's focus here is on the effects wilderness has on us—both as individuals and as a nation. The wilderness has "formed our character" and "shaped our history." Wilderness "worked on us" even as we "worked on it." The changes the wilderness works on us do not build us in the manner of assembling pieces of a machine or puzzle; rather they help us to grow and develop in the manner of an unfolding narrative. This view of wilderness takes it to be a "spiritual resource" intimately linked with our identity, and if we lose it, "something will have gone out of us." Elsewhere in the letter—perhaps recalling John Muir: "I only went out for a walk, and finally concluded to stay out till sundown, for going out, I found, was

really going in"[4]—Stegner tells us that in looking into wilderness, we look into ourselves. The recurring theme is that there is an intimate relationship between the environment, in this case the wilderness, and the kinds of people we become. If we have been shaped by the wilderness, in losing the wilderness we will become different sorts of people.

Second, Stegner's letter connects these effects to language and literature. The various ways in which we express ourselves are intimately and inextricably tied to who we are (identity, character); but our identities (social and individual) are inseparable from our environment and how we live as part of it. Thus our language and literature reflect a constellation or network of relationships where individual identity, social identity, world, and environment intersect and are entangled. Stegner argues that the ailing, embittered, and faithless aspects of our literature are manifestations of a broader illness and malaise stemming from a distorted relationship with the environment. The stories we tell bear witness to our ongoing struggle between health and illness, hope and despair, refinement and barbarism, wildness and domestication, naturalness and counterfeits, genuineness and insincerity—they testify to our nature, to our way of being in the world, and to our limitations and our possibilities. Art imitates life, not as a carbon-copy to be sure; but we narrate from the situation in which we find ourselves, and our imaginative engagement with the past, present, and future all take shape from our own lived experience.

Finally, it's worth noting that Stegner uses poetic language in making his own plea. He does not refer to research or to data, nor does he argue by syllogism; rather he uses personal and anecdotal narrative to make his case. Later in the letter he cites Sherwood Anderson:

> Is it not likely that when the country was new and men were often alone in the fields and the forest they got a sense of bigness outside themselves that has now in some way been lost . . . [?] Mystery whispered in the grass, played in the branches of trees overhead, was caught up and blown across the American line in clouds of dust at evening on the prairies. . . .[5]

Stegner himself speaks of wilderness not only in the abstract, but also in particular manifestations, specific places that mark significant episodes in the narrative of his life: Robber's Roost, Capitol Reef, San Rafael Swell, the Aquarius Plateau, and so on. He recalls his boyhood on the Saskatchewan prairie, full of animals he came to see as brothers, where the sky "came clear down to the ground on every side, and it was full of great weathers, and clouds, and winds, and hawks," and in which he learned something

from "looking a long way, from looking up, from being much alone."[6] Such language is not accidental, nor is it irrational or ineffective. We will come to see that imaginative, metaphorical, narrative expression, far from misrepresenting, distorting, or otherwise removing us from reality, actually more fully and more deeply connects us with it. Stegner's decision to frame his paean to wilderness in such language represents not only an honest and personal plea, but also one of the most effective ways of communicating value. If art imitates life, life, Stegner hopes, can also imitate art.

Bracketing for a moment Stegner's specific concern with wilderness, these three aspects of his approach in the letter suggest a certain conception of ethics, one quite unlike mainstream philosophical discourse. He addresses the plasticity of identity, the building of character, the importance of certain vanishing virtues, and the relationship of these three with literature and art. Within the field of environmental literature, his treatment of these themes is far from unique: Ralph Waldo Emerson, Henry David Thoreau, John Muir, David Brower, Ed Abbey, Doug Peacock, Black Elk, Gary Snyder, Annie Dillard, Jane Goodall, Walt Whitman, Mary Oliver, Jack Turner, and many, many others testify, explicitly or implicitly, to the connections between nature, virtue, and narrative. This approach—embracing a broad ethical view rather than a narrow moral one, attuned to the significance of non-human nature, and sensitive to the power of narrative—challenges the dominant frameworks with which we make our private choices and in which we conduct our public discourse, including that of environmental acts and omissions, rights and wrongs, goods and ills.[7]

Moral Reasoning in Contemporary Ethics

The various frameworks with which we commonly address moral life in general and environmental ethics in particular are the result of the historical circumstances in which environmental concerns came to light. While it has arguably been anticipated in the worldviews of various indigenous peoples, Romanticism, American transcendentalist thought, and numerous other myths and stories, the environmental movement as we currently understand it is a modern phenomenon. Whether one marks the beginning of contemporary environmentalism by preservation of Yosemite in 1864 and the creation of Yellowstone National Park in 1872, by the publication of Rachel Carson's *Silent Spring* in 1962, or by the celebration of the first Earth Day in 1970, environmentalism as we know it is distinctively modern. This is particularly true with respect to the ethical framework used to ground environmental arguments, a framework that was shaped by philosophies

forged during the dawn of the modern period in the Enlightenment.

Until fairly recently, virtually all modern interest in philosophical ethics followed in the wake of one of two major theories born in the late eighteenth and early nineteenth centuries: utilitarianism (from the work of Jeremy Bentham and John Stuart Mill) and deontology (originating with Immanuel Kant).[8] With certain notable exceptions, alternative approaches such as virtue ethics were of mostly historical interest, if they were engaged at all. And while theoretical, academic ethics promulgated this binary view of ethics, a similar orientation was even more glaring in the various fields of applied ethics, including environmental ethics. If academic ethics tended to focus narrowly on utilitarianism and deontology, applied ethics was virtually blind to any alternatives.

Immanuel Kant argued that the foundation of morality rests on a priori concepts of reason, concepts that we can know with certainty abstracted from any particular context or experience. Such a foundation means that morality will make sense for, and apply to, all rational beings regardless of their particular situations. These moral rules have the same authority and apply in the same way to men and women, to people in ancient Greece and contemporary America, and, assuming they are in fact rational beings, to dolphins, extraterrestrials. Moral actions, argued Kant, are those that conform to a universal law of reason. Because morality is grounded in rationality, it is ultimately the motive or maxim for the action, rather than the consequences of the action, that determines its moral worth. Thus, acts are good insofar as the maxims on which they are based are good, that is, rational. Since the motive is the determining factor, morally good actions are those that not only conform to the moral law, but which are also done for the sake of the moral law.[9] A person who is honest because "honesty is the best policy" is not really acting morally; she may be prudent, calculating, or a clever businessperson, but she is not moral. The moral person must be honest *because* honesty conforms to the moral law.

How can we determine which actions conform to the moral law? Kant argues that moral actions are those which have motives that we can turn into universally applicable maxims. This claim is most clear in Kant's famous "categorical imperative," the "supreme principle of morality."[10] The categorical imperative is actually expressed in a number of different formulations in *The Groundwork of the Metaphysics of Morals*; however, the first and most oft-cited formulation is: "I ought never to act except in such a way that I could also will that my maxim should become a universal law."[11] What this boils down to, in ordinary language, is that an action is moral if we can will that everyone else act in the same way. For example, is it morally permissible to lie? Kant argues that it is not.

> Truthfulness in statements that one cannot avoid is a human being's duty to everyone, however great the disadvantage to him or to another that may result from it; and although I indeed do no wrong to him who unjustly compels me to make the statement if I falsify it . . . I bring it about, as far as I can, that statements (declarations) in general are not believed, and so to that all rights which are based on contracts come to nothing and lose their force; and this is a wrong inflicted upon humanity in general.[12]

Because the duty to tell the truth is absolute, Kant maintains that we are required to tell the truth even *in extremis*, as when a murderer asks for the location of his intended victim.[13]

However, the categorical imperative has several other formulations. One very important formulation for the way in which deontology has been received by contemporary environmental ethics is the formula of "humanity as an end in itself": "So act that you use humanity, whether in you own person or in the person of any other, always at the same time as an end, never merely as a means."[14] Kant argues here that any human being, indeed any rational being, exists as an end in itself, not merely as a means to be used for other ends.[15] Things have conditioned worth, they are good *for* something else; rational beings have unconditioned worth. Rational beings, in other words, have "intrinsic" value, not merely extrinsic value. Consequently, if we want to be moral we cannot use people as if they were mere things. Things are valuable because they are useful for something; rational beings have a worth independent of any usefulness they might have.

Utilitarianism gives us a very different answer to the question "what should I do," and the sharp contrast between utilitarianism and deontology is one reason that the two theories are so often juxtaposed when analyzing ethical issues. Although utilitarianism proper began with Jeremy Bentham, its most popular and well-known exponent is John Stuart Mill. In *Utilitarianism* Mill argues, contra Kant, that there is no objective and a priori basis for morality. Nevertheless, because there is a rather broad agreement on many moral questions, there must be some underlying, if unrecognized, principle at work. This principle, Mill claims, is the principle of utility or the "greatest happiness principle," which states that "actions are right in proportion as they tend to promote happiness, wrong as they tend to produce the reverse of happiness."[16] "Happiness" here means pleasure and the absence of pain, and it is the only thing inherently good and desirable as an end in itself.

Put simply, moral actions produce the greatest happiness for the greatest possible number of people, while minimizing any necessary suffering and

confining it to the smallest possible number. In contrast to Kant's abstract rationality, Mill claims that one argument in favor of maximizing utility is that it underlies the way in which most people actually do make moral decisions—we are motivated by pleasure and pain. Given the emphasis on promoting happiness, it should be clear that Mill believes that the morality of an action is determined by the consequences it brings about rather than by the motive or maxim on which the action is based.

Mill is quick to point out, however, that the greatest happiness principle will not lead us to an animal life of base hedonism. There are a number of things that bring us pleasure, and while "sex, drugs, and rock 'n' roll" will indeed bring a person pleasure, so will education, friendship, contemplation, and political engagement. Indeed, Mill goes so far as to argue that these "higher" pleasures are superior to, and therefore more worthy and greater contributors to total happiness than, "lower" pleasures. He famously claims, "it is better to be a human being dissatisfied than a pig satisfied; better to be Socrates dissatisfied than a fool satisfied. And if the fool, or the pig, are of a different opinion, it is because they only know their side of the question."[17]

Nevertheless, all pleasures, the base and the refined, must be taken into account. In doing so we attempt to account for both quantity (the number of people affected) and quality (the relative worth of the given pleasures). Each person, including the person acting, counts as one and only one. That is, the happiness of each affected person is taken into account and weighted equally. While the pleasure of education is superior to the pleasure of alcohol, the pleasure that the agent gets from the last Guinness in the refrigerator is counted alongside the pleasure her roommate would have received from it, and therefore to the pain she suffers in foregoing it.

These two approaches, the utilitarian and the deontological, dominated ethical discourse for more than two hundred years and our contemporary ethical discourse, including most environmental ethics, still draws heavily on these traditions. The utilitarian impulse can be seen in various stripes of consequentialism, and Kant's influence is evident in various contemporary deontologies, and especially in theories of intrinsic value. The influence of these two approaches is evident, for example, in arguments about animal welfare, as the two major arguments in favor of extending ethical consideration to non-human animals draw directly on utilitarianism and deontology.

Peter Singer's ethical reasoning follows Jeremy Bentham, arguing that we should maximize aggregate happiness and that doing so requires that we take into account, equally, all relevant interests: "each to count for one and none for more than one."[18] However, Singer is quick to point out that in

determining which interests are relevant, we cannot look to characteristics like reason, or language, or risibility, or tool-making, or membership in the species *homo sapiens*, without falling into unjustifiable speciesism. Rather, the morally significant characteristic is "having interests," the hallmark of which is the suffering endured when those interests are frustrated: "If a being can suffer, there can be no moral justification for refusing to take that suffering into consideration."[19] Thus, for example, since the trivial enjoyment derived from eating a hamburger cannot compare to the fundamental suffering of the death of the cow in order to do so, people should not eat hamburgers, or *mutatis mutandis*, any other meat. Tom Regan, however, rejects utilitarian arguments for many of the traditional reasons associated with its focus on aggregate happiness to the (potential) detriment of individual well-being. Adapting Kant as Singer adapts Bentham and Mill, Regan insists that every "*experiencing subject of a life*" possesses inherent worth, and that all that possess inherent worth "possess it *equally*, and *all have an equal right to be treated with respect*, to be treated in ways that do not reduce them to the status of things, as if they exist as resources for others."[20] The upshot of this argument is the total abolition of animal experimentation, harvesting animals for food, hunting and trapping for sport, and so on.

    Although there are arguments for animal welfare from other ethical perspectives, they get relatively little attention, in part because of the general focus on utilitarian and deontological arguments. Singer's and Regan's arguments for animal rights appear in almost every anthology of environmental ethics, but a virtue ethics argument for vegetarianism is almost nowhere to be seen.[21] The debate about animal welfare is only one instance of a very common predisposition to limit ethical accounts to consequentialist or deontological arguments. This tendency—dominant in academic discourse and ubiquitous in applied ethics—seems for all intents and purposes universal in popular discourse. Outside the rarified air of academia, utilitarianism and deontology have a virtual duopoly on the ethical imagination of the average person. If you look at everyday conversations, public discourse on topics of moral and ethical significance, or economic and political arguments you will find that people most often assert that something is wrong either (1) because it brings about undesirable consequences, generally by producing more misery than happiness, or (2) because it is "just wrong" or violates a moral law that we are duty bound to obey. Conversely, things are good either because they produce more happiness than misery or because they "just are" things we ought to do or value.

    However, while utilitarianism and deontology enjoy pride of place in contemporary ethical debates, they are not without problems. Certain

criticisms of deontology and utilitarianism are fairly well-rehearsed, as they crop up each time one side weighs in on contemporary ethical issues, at least in academic papers. Probably the most commonly raised objection to deontology is the fact that its dogmatic insistence on absolutes can lead to disastrous consequences, in part because it is tone-deaf to potentially relevant aspects of context. This is true not only in far-fetched philosophical examples, but in other more common circumstances. In addition, various forms of deontology are criticized for their inability to establish a non-controversial source of moral duty; as a consequence, the foundations of deontological duties are, it is suggested, wanting. Moreover, deontology is complicated by the extreme difficulty of forming consistent universalizable maxims. That is to say, different people will form different maxims or principles of action. Almost any maxim can be universalized as long as one formulates it creatively. As Kant says, formulating the correct maxim requires "judgment sharpened by experience," a turn of phrase that both undermines the rigor to which deontology aspires and seems like a nod toward practical wisdom and virtue ethics.[22] Finally, deontology is criticized for insufficient recognition of the various ways in which legitimate duties may conflict with each other. Kant goes so far as to insist that a "conflict of duties is inconceivable," a claim that beggars belief.[23]

Turning to utilitarianism, it is often objected that it is difficult to determine an accurate method for valuing happiness or pleasure, that utilitarianism reduces people to mere containers of satisfactions and ignores or denies any inherent worth in individuals, and that utilitarianism can lead to conclusions that fly in the face of widely accepted moral and ethical intuitions. However, Martha Nussbaum raises some additional objections that will prove highly significant in what follows.[24] Utilitarianism, especially as expressed in various versions of rational-choice theory, attempts to consider all valuable things commensurably in a way that makes them measurable on a common scale. Such measurement only takes into consideration differences in quantity, not quality. In addition, utilitarianism seeks to view such data in aggregate, rather than individual, terms. Focusing on the aggregate total of some commensurable good, utilitarianism seeks only to maximize that good. Finally, the utilitarian approach assumes people's preferences are easily identifiable, as when classical economists suggest that we can discern what contributes to people's happiness by looking at how they spend their money—as if people were infallible in determining what best contributes to their happiness and as if preferences were not malleable, social, and cultural in nature.

However, while Kant construed morality as a function of the *motive* or *intent* of the agent and Mill argued that the morality of an action was a

function of the *consequences* it brought about, these apparently antagonistic approaches have a number of underlying similarities that give rise to additional problems common to both approaches.[25] First, the way in which these two approaches strive to generate clear rules for action is problematic. It's not that rules or guidelines for action are inherently bad. Far from it. We naturally seek to form rules and use them as cognitive shortcuts to avoid having to think every ethical situation anew.[26] However, both utilitarianism and deontology tend to lead us into an overly-legalistic view of ethics by attempting to develop a single universal rule that, if followed, will serve as a litmus test for and accurate guide to moral action. Articulate the right rule, and good conduct follows from that. This is not to say that it always *will*, but that it *can*: if you have the right rule—whether the utilitarian "greatest happiness principle" or the "categorical imperative" of deontology—you just need to apply it.

But while universal rules tend to work well in relatively clear-cut situations, they often fail us in confusing, ambiguous, or novel situations, which are precisely the sorts of situations in which we most need ethical guidance. Take a simple and apparently clear rule like "thou shall not kill." It's pretty easy to follow this rule in everyday life, but for most people it's also not very helpful. Few of us wake up each morning with the uncontrollable desire to kill in cold blood. When we really need ethical guidance is in those situations where we are tempted to kill; but it is often precisely these situations in which "thou shall not kill" is not as useful. Simple rules like "thou shall not kill" seem straightforward until we begin to consider just war, self-defense, killing to prevent greater evils, passive euthanasia, active euthanasia, assisted suicide, and abortion, to say nothing of whether or not this prohibition applies to any forms of non-human life (a thrice-daily decision for most of us). In these situations, precisely those situations in which a person might want a bit of ethical guidance, the Fifth Commandment begins to seem much less helpful, much more complicated, and much more difficult to apply. Similarly, it is fairly easy to conform to apparently clear environmental rules like "don't pollute" in the case of egregious littering and the like. Although exceptions remain, relatively few people today will thoughtlessly dump used motor oil into the street or burn plastic trash to dispose of it. However, "don't pollute" runs into trouble with more difficult cases. Can I drive my car to the local market rather than walk, bike, or use public transportation? If the market is several miles away? What if I'm tired or ill? What if it is raining? The devil, as they say, is in the details, and while universal rules operate quite well in the rarified air of theory, they are considerably less serviceable in the muddy world of particulars in which we live and act.

I should hasten to reiterate that, as we will see below, these criticisms of ethical legalism are not meant to be an indictment of rules per se. Rules for action are both useful and necessary. Rather, it is a question of where one places the emphasis: on the articulation of the rule or on the subtlety of its application, on the act or the agent? Both utilitarianism and deontology are at odds with the deep and nuanced appreciation of the ethical and moral significance of particularity that is evident in the best narratives.[27] The "judgment sharpened by experience" required to correctly apply ethical rules complicates any easy application of such imperatives in difficult or novel circumstances.[28] And, critically, any contemporary ethic that takes seriously environmental issues is forced to concede that complex, difficult, and novel ethical dilemmas are precisely the sorts of situations with which we will be increasingly confronted as phenomena like climate change and peak oil play out.

The second commonality between utilitarianism and deontology is that both approaches have a tendency to narrowly focus moral and ethical debate on intersubjective, and specifically *human*, issues—giving preference to questions of, for example, justice between persons—and, when they do address the environment, they only take up issues congenial to a deontological or consequentialist response (for example, whether animals have intrinsic or extrinsic value). It's tempting to frame this objection in terms of anthropocentrism, the belief that humans hold a unique value that makes them the center, or even the sole resident, of the world of moral and ethical concern. Like most ethical theories, utilitarianism and deontology can be and often are articulated in anthropocentric terms—indeed human interests and perspectives are so unreflectively central to much of our thinking that they completely occlude any alternative—and many ethicists ignore animals and the environment completely.

However, if this is the objection, it must be acknowledged that virtue ethics—the approach that this inquiry will investigate—is itself susceptible to claims of anthropocentrism. Moreover, there is no obvious reason that utilitarianism and deontology must be anthropocentric. Peter Singer's utilitarianism and Tom Regan's theory of intrinsic value, for example, both embrace a broad ethical field—broader, at least, than is common in other modern moralities. Therefore, one might argue that anthropocentrism is more of a general tendency in our thinking rather than a theoretical deficiency of either utilitarianism or deontology.

Perhaps, then, we should frame the distinction not in terms of anthropocentrism but in terms of scope. Utilitarianism and deontology have a rather narrow scope; they seem to constrain ethical discourse through their reluctance, even inability, to address certain issues. Ronald Sandler draws

our attention to a useful distinction between first-, second-, and third-generation environmentalism.[29] The first generation focused on problems that were "over there," including wilderness preservation in remote locations. The second focused on problems "here" such as pollution, urban sprawl, and environmental justice. The third-generation-addressed problems that are "everywhere," including climate change and resource depletion. Finally, Sandler suggests that we may be on the verge of seeing "fourth-generation" problems, wherein the global and distant "everywhere" of third-generation problems takes a disturbing turn toward a very personal and intimate "everywhere" with genetic engineering and nanotechnology. One front of fourth-generation environmentalism is located, I would argue, in the mysterious loci and interstices of human identity and character—not in *what we do* but in *who we are*, though the former is certainly a manifestation of the latter. Utilitarianism and deontology, however, seem to come up short with respect to some of these third- and fourth-generation issues, and this is especially the case with respect to character. It's hard to see, to make use of a non-environmental example, what deontology or utilitarianism might say about pushing past one's perceived limits in a sporting event. Take, for example, a marathon. It's difficult to see what duty might be involved in finishing the race without projecting all sorts of hypothetical fantasies onto the question. Likewise, there is, or need be, no real net happiness at stake: giving up and ending the suffering might well counterbalance the happiness associated with enduring and finishing. Nevertheless, we rightly think that there is something worthwhile, something both laudable and proper, in trying one's best and striving to push past one's limits.

Third, utilitarianism and deontology tend to speak in terms of prohibition, as opposed to, for example, aspiration. They express themselves in the imperative mood, rather than the optative mood. Although there are exceptions, traditional modern approaches to ethics tend to focus on what is morally prohibited, and tend to express themselves in various forms of "thou shall not." Although Kant does address "meritorious duties," the application of the categorical imperative does not naturally lend itself toward ascertaining what is praiseworthy, commendable, or good. Rather, the application of the categorical imperative naturally leads us to apply ethics in terms of what is prohibited. If the maxim in question is universalizable, the action is permitted; if it is not, it is prohibited. This differentiation—the permissible and the prohibited—suggests that categorical imperative is not that useful for determining what is ethically excellent or superior. Another way of thinking about this problem is to point out, as does Phil Cafaro, that judgments based on duty and obligation "often uphold *minimal* standards of conduct and (partly for that reason) assert or imply a moral 'ought.'"[30]

Like all legalism, ethical legalism is effective for establishing a minimal common standard to which everyone will be held accountable. But legalism falters when it attempts to account for superior conduct, conduct that is laudable and admirable. You can't legislate excellence. Of course, determining what is prohibited is not wrong. Indeed, it is very helpful. However, simply determining what is wrong, even when coupled with determining what is compulsory, encompasses only part of what a full-fledged ethics should accomplish.[31]

Utilitarianism fares slightly better here. Because it seeks not just happiness but the greatest happiness, one could argue that utilitarianism is inherently exhortative and aspirational—it demands our best. However, while utilitarianism does sometimes enjoin us to do something positive—as when Peter Singer argues that we should give a substantial percentage of our wealth to those in absolute poverty—in practice, utilitarianism tends to prohibit unkind or unfair actions as often as it advocates for kind or just ones. It rarely explicitly exhorts us to excellence, precisely because it doesn't care if we are excellent; it only cares about the maximization of a single good. Maximizing that single good requires that, as Martha Nussbaum points out, utilitarianism view all goods as commensurable so that it can measure them in terms of a single standard of value, such as happiness or pleasure.[32] Such measurement recognizes only differences in quantity, ignoring or denying qualitative differences. Because of this leveling demand for commensurability, utilitarian calculations tend, in practice, to be fairly simplistic, glossing over the substantial difficulties associated with measuring and comparing happinesses. Such simple calculations push toward a minimal, or at least merely moderate, standard. The broad generality of utilitarian accounts of happiness and the single standard by which they are measured—which Nussbaum points out completely misses the variety and complexity of goods—means that in order to make its calculations utilitarianism either measures only fairly gross and simple kinds of happiness or grossly simplifies more subtle sorts of happiness. Concerned only with quantity, utilitarian models end up focusing on the total aggregate amount of the good measured, without regard to the differences that were ignored by imposing a commensurable standard of measurement. Commensurability and aggregation, in turn, ensure that the goal of utilitarian thinking is always maximization of the good in question. Finally, in measuring goods like happiness, pleasure, interests, and so on, utilitarianism assumes that "people's preferences are *exogenous*." That is to say "they can be taken as given" without regard to the fact that preferences are malleable, strongly shaped by cultural norms and narratives, and that people can be—and, we

will see, frequently are—wrong about what will make them happy or what will contribute to their flourishing.[33]

Virtue Ethics

In 1983, Thomas Hill raised a novel question for environmental ethics.[34] Beginning with the story of a man who, not being fond of flora, razed the trees, plants, and flowers on his beautiful property and paved over the yard with asphalt, Hill developed an example that called into question common ways of discussing ethical praise and blame. He developed the example so that one might plausibly conclude that there is no difference in utility between paving the land and preserving it, and in which the evaluation of all pertinent rights weighs equally for both options. However, despite the apparent equivalence of the options from utilitarian and deontological perspectives, Hill suggests that we might well conclude that there is some cause for concern. That is to say, he attempted to draw our attention to the fact that there are ethically significant choices that have nothing to do with maximizing utility, discharging duties, or respecting rights. What Hill did was to apply an ancient way of thinking (virtue ethics) in a distinctively contemporary context (environmental destruction). In situations such as the one on which Hill focuses, questions like "how shall I maximize util-ity" or "where does my duty lie" or "which rights must be protected" fail to adequately or fully capture what is at stake. In such situations we need to fall back on an alternative question: "What sort of a person would do a thing like that?"[35] Answering this kind of question requires a different language, one that speaks of virtues and vices, human excellences, beauty, nobility, ways of being in the world, and what it means to live well.

These days, talk of virtue and vice sounds "old-fashioned and hardly relevant" outside of fairly narrow academic or religious discourse.[36] We don't commonly speak of virtuous people or of deadly sins in the way that the Greeks, the Romans, or the Church once did. Over time virtue and vice staged a slow retreat, fading from common use and public language, to the more narrow and more or less private sphere of sexual or religious morality, and eventually to near extinction outside of a few specialized disciplines. Nevertheless, something like virtue-talk crops up with surprising regular-ity when we find our familiar, ready-to-hand ethical language unsuited to the task of praising or blaming someone: when we find ourselves at a loss regarding how to condemn someone who has done something bad, even though she has done nothing illegal, immoral, or evil, or when we want to

praise someone for exhibiting certain character traits that we find meritori-
ous but not mandatory. In cases like these, we often find ourselves at a loss
for words, and as we search for the language we need we often reach back
to something like virtue-talk.

Even in the relatively unsophisticated domain of the nightly news,
we can see something like virtue ethics crop up. This usually happens in
the wake of a major crisis in which the failure of ethical legalism becomes
apparent—think of the Enron disaster, the sub-prime mortgage collapse,
innumerable political scandals, the Deepwater Horizon blowout, or the
decades-long misinformation campaigns to obscure the science linking ciga-
rette smoke to mortality, chlorofluorocarbons to the ozone hole, and fossil
fuels to greenhouse gasses and climate change. In many of these situations,
it is quite clear that people knew that what they were doing was wrong but
did it nevertheless. In the wake of such crises, we inevitably ask questions
about the character, rather than the intellect, of the wrongdoers. The issue
is not discovering whether the people in question *knew* that what they were
doing was wrong—in many situations it is obvious they did—but rather
ascertaining *what kind of person* would act in the way that they did.

In the United States, a 2010 Gallup Poll suggests that Americans are
increasingly concerned about the decline in public morality: only 15 per-
cent of respondents felt that the state of morals in the country was excellent
or good while 45 percent rated them poor, with fully 76 percent believing
that the United States is on a downward trajectory in this regard.[37] More
broadly, a poll for the World Economic Forum found that "two thirds of
the people across ten G20 countries believed that the economic recession
had been caused by a crisis of ethics and values."[38] This sense of moral and
ethical decay is no doubt connected with cases of behavior that are neither
illegal nor immoral (in the sense that it violates some abstract moral law),
but which are nevertheless blameworthy.

One of the recent crises in which we found ourselves less-than-artic-
ulate in condemning poor conduct was the "sub-prime" mortgage crisis in
the U.S. economy that came to a head in 2007–2008, as well as similar
and related conduct in other economies. The causes of this crisis are com-
plex and include among them a number of virtue-relevant issues. Impru-
dent homebuyers borrowed well in excess of their means in order to jump
into the housing market, and unwise homeowners refinanced, borrowing
against their homes, in a similarly injudicious manner. By the time the
bubble burst U.S. household debt was in excess of 125 percent of dispos-
able income. Such leveraging was often done with adjustable-rate mort-
gages in the unwarranted belief that skyrocketing housing prices were a
"sure thing" on which one could never lose, leading to widespread housing

speculation. Imprudent borrowing and speculation were exacerbated, and in certain cases caused, by predatory lending practices—some illegal and others "merely" unethical—and by the entrance of banks into the highly speculative mortgage bond market. When President Obama explained why his Attorney General failed to prosecute Wall Street malfeasance such as the Lehman Brothers actions related to the sub-prime crisis, he said, "one of the biggest problems about the collapse of Lehman's and the subsequent financial crisis and the whole subprime lending fiasco is that a lot of that stuff wasn't necessarily illegal, it was just immoral or inappropriate or reckless."[39] So, on all sides—homebuyers, homeowners, lenders, bankers, and politicians—there seems to be grounds for quite serious chastisement; but outside of a few specific cases this behavior was not a matter of illegal activity. Rather the sub-prime crisis came about because people were "immoral," and that immorality itself is not unpacked in terms of evil or duty or utility, but in terms of virtue: individuals acted "inappropriately," they were "imprudent," or "reckless," or "greedy," or "unwise."

Similar post hoc reliance on virtue-laden language has occurred in other cases. In the case of the Enron accounting scandal, while charges were brought against Ken Lay, Andrew Fastow, and Jeff Skilling, there were scores, perhaps hundreds, of other people who knew that something was amiss and did nothing. Kurt Eichenwald's *Conspiracy of Fools* tells the story of an out-of-control corporate environment—one which lacked sound basic principles to guide the judgments and actions of its members—which allowed the greed of powerful individuals to run rampant, undoing the company and devastating thousands of employees whose retirements were heavily invested in company stock.[40] Lay, Fastow, Skilling, and others acted in ways that were both illegal and immoral. But what of the others who, while not actively participating as "pigs at the trough," allowed things to proceed unchecked? Here, as in other business and accounting scandals, there was surely un-virtuous behavior that contributed to the damage caused by immoral and illegal behavior.

Or again, think of the decades-long denial that cigarette smoking caused cancer. While many cigarette company executives lied and perjured themselves in court and before Congress, what of the others who knew of the truth and the program of disinformation and, without telling overt lies, did and said nothing? Here, as elsewhere, individuals lacked the integrity and the courage to do the right thing; they lacked the virtues that would have allowed them to act as they should have. It's worth noting, given my focus on environmental virtue, that the very same strategies used to obfuscate the truth about cigarettes are being used to obfuscate and obstruct the truth about climate change. Not only is the pattern the same, but a

number of the lobbyists and consultants orchestrating climate change denial are, quite literally, the exact same individuals who coordinated the attempt to deny and discredit the effects of cigarettes.[41]

We've lost or abandoned the language to talk clearly and compellingly about ethical shortcomings when they don't fall into the categories of illegal or immoral, the latter either overlapping the former or reducible to a fairly narrow band of behaviors related to serious breaches of traditional religious morality—the seven deadly sins, mortal sin, and so on—although for the most part now divorced from religion. Having rejected or abandoned many of the traditional institutions in which it was natural to talk about good and evil, right and wrong, virtue and vice, we've lost the language to take up these critically important issues and, so, we rarely have significant public discussions about them. We've ceded the sphere of discourse about right conduct to the social sciences or, most troublingly, to economics and the market.[42] We no longer know how to talk comfortably about ethics. In terms of wrongdoing, it is easy to distinguish between the illegal and the legal, and there is a wide cultural agreement on judgments about gross moral violations. But we no longer regularly speak of actions or character traits as disgraceful, shameful, ignominious, low, mean, or unworthy. Without this language, we miss the opportunity to engage a large segment of ethically significant behavior. Though we fair slightly better with respect to virtue than vice, we rarely make subtle distinctions between the upstanding, decent, honorable, estimable, virtuous, noble, and heroic, and consequently find ourselves unable to differentiate between minor ethical achievements and genuine ethical excellence. Think here of the rampant abuse of the word "hero" to apply to anyone who has committed an admirable act, however small. Today someone is a "hero" for simply holding a certain job: nurse, teacher, social worker, police officer, firefighter, or soldier. Many people in those professions are no doubt admirable for devoting themselves to the common good, but if every soldier is a "hero" we lose the ability to speak adequately about the soldier who wins Grass Crown, the Victoria Cross, or the Congressional Medal of Honor.

The result of this linguistic impotence is that we become accustomed to thinking of ethics in terms of minimal standards regarding what is prohibited, and this way of thinking about ethics is transmitted to the environmental movement, which for a long time tended to express itself in terms of a list of "thou shalt nots" and sacrifices we must shoulder to avoid greater catastrophes.

But despite this lapse, virtue talk has not entirely disappeared from public discourse. Organizations like the Boy Scouts and Outward Bound were explicitly founded to cultivate virtues. Robert Baden-Powell founded