MORALLY ADMIRABLE IMMORALITY

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1

In this paper, the phrase "admirable immorality" will mean just that: behavior that is both immoral and, at the same time, admirable.[1] The question of whether such a phenomenon is even possible is interesting for a number of reasons. Among the most prominent is that admirable immorality, if it really occurs, is sometimes taken to constitute convincing evidence for some form of pluralism about value. Suppose a certain action, *A*, is both admirable and immoral. Then it might be thought that, since *A* is immoral, it cannot be *morally* admirable; which means that it must be admirable in terms of some other form of value.[2] Thus other values than the moral must exist. Moreover if the claim is that *A* is admirable, *all things considered*, then it might seem not only that some other sort of value must exist, but that this value must on at least some occasions be capable of overriding or outweighing morality.[3] The possibility of admirable immorality, then, seems to cast doubt on the idea that, in Susan Wolf's phrase, "it is always better to be morally better."[4]

One need not be in the grip of an excessively moralistic cast of mind, perhaps, to regard the thesis that immoral behavior can be admirable as a rather threatening proposition. But, while

admirable immorality does indeed exist, it is not at all clear that its existence poses this sort of threat to the authority of morality—or so this paper will argue. Nor does it establish, or even provide strong evidence for, any sort of value pluralism. For it turns out that some very familiar forms of normative ethical theory are implicitly committed to the possibility that one and the same action might be both immoral and *morally* admirable. Moreover, as this account of morally admirable immorality will make clear, the existence of this initially paradoxical-seeming phenomenon is not the result of competing moral values. Its existence is not, that is, due to any complexity in the nature of the morally good. It is due, rather, to certain sorts of complexity in the nature of the morally *right*.

2

Morally admirable immorality sounds like an oxymoron. How might such a phenomenon exist? Let us begin with a few remarks on the nature of the two crucial concepts in question: moral admiration, and immorality.

Admiration, as a response to persons, tends to be directed toward those whom we take to display talents, skills, or virtues worthy of esteem. It is directed, that is, toward those whom we perceive as accomplishing something both worthy and difficult, or as pos-

sessing skills that would enable one to do so.[5] There are two significant sorts of difficulty whose overcoming often figures into the appropriateness of particularly *moral* admiration. The first is difficulty in judging what is to be done: we admire those who display discernment and sensitivity in their responses to moral situations, or who deal creatively and insightfully with apparent moral conundrums. The second relevant sort of difficulty is the difficulty of motivating oneself to act morally, particularly where one chooses to do more than is strictly required by duty, or where duty itself is so demanding that fulfilling it constitutes an accomplishment.

Moral admiration, it should be noted, need not involve liking. One might well respond to a figure such as Gandhi, for instance, with deep respect and admiration without feeling any sort of affection for Gandhi, or believing that one would enjoy his company, or desiring, even mildly, to become more like Gandhi oneself. That ambivalence is a common reaction to such figures as Gandhi suggests that there is no inconsistency in combining an attitude of moral admiration with other, negative attitudes—even negative *moral* attitudes—toward one and the same figure. The account that follows will shed some light on this.

These brief comments will suffice for moral admiration. The concept of immorality, on the other hand, will tend to vary depending on the nature of the particular normative ethical theory at issue, and therefore demands a more extended discussion.

Act consequentialism, a normative ethical theory one might have expected to be dramatically inhospitable to the possibility of morally admirable immorality, provides an appropriate initial case. In this paper consequentialism (for the moment the modifier "act" will be left implicit) will be understood as the normative ethical theory that requires every agent to maximize the good on every occasion of action, where the good is composed largely of the well-being of individual human beings, and the well-being of every human being counts exactly the same in its determination.

The most straightforward account of immorality, on such a view, would hold that an action is moral if and only if it maximizes good consequences, and immoral otherwise. But in fact few consequentialists would be so simple-minded as to insist that any action that failed to maximize the good ought to be condemned as *immoral*. After all, an agent might try her best to maximize the good, and indeed might perform an action that any reasonable agent would have expected to maximize the good, only to have it turn out badly through bad luck or circumstances that are in no way her fault. Such an agent, while she has in fact failed on this occasion to meet the requirements of consequentialist morality, surely cannot reasonably be held to have acted immorally.

Even on a consequentialist moral theory, then, there can and typically will be a certain amount of slippage between the judgment that an agent has failed to perform the morally ideal action and the judgment that she has acted immorally. Part of this slippage will exist in order to account for motive and character. Although the consequentialist will insist that the correct action—that is, the action most worthy of choice from a moral point of view—is always the one that would lead to the best available outcome, almost all consequentialists are nonetheless willing to take the agent's motive into account when judging performance or assigning praise and blame. Thus at least two senses of "morally right" can be distinguished here, so that in cases where one's reasonable guess as to how to produce the best available consequences is incorrect, an agent can act rightly (doing what a reasonable person would have expected to lead to the best possible outcome, for instance) while failing to choose the right action to perform (the one that would actually

have brought about the best outcome). The first sense of rightness will here be referred to as *action-oriented* rightness, the second as *outcome-oriented* rightness.

It need not be assumed that an agent must act with the intention of producing the best possible outcome in order to act rightly in either sense. This is obvious, at least, with respect to outcome-oriented rightness: even an agent who intends evil but who, through chance or incompetence, ends up bringing about the best available outcome, has performed the "right" action in this sense. But the claim may also be true with respect to action-oriented rightness. Many consequentialists have expressed reservations about the idea that the aim of producing the greatest good is the motive with which every agent ought always to act.[6] For to demand that every agent act always with that aim may be not only psychologically unrealistic but indeed counterproductive. Any version of consequentialism that is sensitive to the psychological realities of human nature will therefore be required to display a certain amount of flexibility in its treatment of what counts as a morally justifiable and morally admirable motive.

Such considerations lead Peter Railton, in his influential article, "Alienation, Consequentialism, and the Demands of Morality," to draw a distinction between *subjective* and *objective* consequentialism.[7] Subjective and objective consequentialists share a core thesis: it is human well-being that is to be maximized. They differ, however, regarding the question of how agents ought to approach the pursuit of that goal. The subjective consequentialist thinks an agent ought always to aim at the good *directly* and *explicitly*: "whenever one faces a choice of actions, one should attempt to determine which act of those available would most promote the good, and should then try to act accordingly."[8] The objective consequentialist, by contrast, thinks that an agent ought to come as close as possible to always behaving in the way that ac-

tually brings about the most good—whether or not this involves constantly engaging in explicitly consequentialist deliberations, as the subjective consequentialist recommends. Indeed, Railton suggests that the "sophisticated" objective consequentialist will think that the subjective consequentialist's strategy is a very bad way of aiming at the good. Thinking always in consequentialist terms can be inefficient and distracting, and can lead the agent to be alienated from those around her, and even from herself.

A better strategy for maximizing the good, according to the sophisticated consequentialist, involves direct engagement in various relationships and projects, without constantly reminding oneself that the ultimate justification for such behavior is consequentialist in nature. Just as a truly virtuous person need not (and will not) constantly be thinking to herself, "I will choose this course because I am virtuous and it is the virtuous thing to do," a consequentialist agent need not (and should not) constantly be thinking to himself, "I will choose this course because I am a consequentialist and this will maximize the good." The sophisticated consequentialist agent is consequentialist not because she is constantly thinking about consequentialism, but because she has attempted to make herself into a person who tends to act in ways of which a consequentialist would approve.

Sophisticated consequentialist agents, then, will bear much resemblance to "ordinary" moral agents. They will generally be motivated not to harm, steal from or take advantage of others, and will regard themselves as morally bound to keep the promises they make, to fulfill their special obligations to friends and family, and so forth; at the same time, they will *not* be motivated to pause on each and every occasion to ask whether so acting will here maximize the good. Moreover, these moral attitudes will be expressed not only in their own actions, but also in their evaluations of others' actions: they will, that is, regard

those around them as bound to refrain from harming, to keep promises, fulfill special obligations, and so forth. And, as John Stuart Mill points out, they will tend to respond to perceived violations of such requirements with disapproval, overt criticism, and other forms of sanctions. Indeed, Mill takes such sanctions to be linked to the very essence of moral wrongness:

> We do not call anything wrong, unless we mean to imply that a person ought to be punished in some way or other for doing it; if not by law, by the opinion of his fellow creatures; if not by opinion, by the reproaches of his own conscience. This seems the real turning point of the distinction between morality and simple expediency.[9]

That Mill perceived such sanctions often to be appropriately attached to non-maximizing behaviors is clear from another passage:

> In the case of abstinences indeed—of things which people forbear to do, from moral considerations, though the consequences in the particular case might be beneficial—it would be unworthy of an intelligent agent not to be consciously aware that the action is of a class which, if practiced generally, would be generally injurious, and that this is the ground of the obligation to abstain from it.[10]

It should be expected, then, that on a sophisticated consequentialist view the sanctions attaching to immorality (i.e., moral wrongness) will be more commonly and directly linked to failures to perform rightly in the action-oriented sense than to failures to act rightly in the outcome-oriented sense. Immorality, that is, is not always a failure to bring about the best consequences on any given occasion; for according to sophisticated consequentialism agents are often not blameworthy for failing to maximize, or even failing to try to maximize, the overall good. Rather, immorality, on such a view, is a failure to act as an objectively consequentialist agent would act. Such a view of immorality will encompass *some* failures to maximize good consequences; but it will also encompass failures to respect the rights of others, and failures to meet various obligations to others or to avoid certain "generally injurious" types of action, even in some cases where such actions would have brought about the best available consequences.

3

It is now possible to see how admirable immorality can occur on such a moral view. Suppose that Jenna is a sophisticated consequentialist agent, and that she lives in a community of such agents. Suppose, too, that the community in which Jenna lives shares, within the limits of reasonable disagreement, a set of moral rules and guidelines that can be referred to as her society's *moral code*—a code that is widely regarded as justified on objective consequentialist grounds. As noted above, this code will in a great many ways resemble that of common sense morality: it will require agents to refrain from harming or taking advantage of others, to keep promises, to fulfill special obligations, and so forth. And, for the reasons given above, the code will be largely definitive of immorality in Jenna's society, in the sense that violations of this code will typically and reliably be regarded as immoral. For if they were *not* so regarded, the code would be ineffective.

Suppose that Jenna has a good friend, Paul, who is married to another friend, Susie. Paul and Susie seem to have a good, if not perfect, marriage. But one day Paul tells Jenna, in confidence, that he is gay. No one, not even Susie, is aware of Paul's secret, and Paul has no intention of revealing it to anyone else; nor does he intend either to end his marriage, or to begin acting on his homosexual desires. He admits to Jenna that the struggle against his true nature causes some discomfort; still, on the whole he claims to be happy with his current life, and does not want to jeopardize it.

Moreover, he truly loves Susie, and believes the truth would devastate her.

Jenna's initial intention is to keep Paul's secret; after all, their shared moral code requires the respecting of confidences. Upon reflection, however, Jenna realizes that she believes that both Paul and Susie would be better off if they knew the truth; not, perhaps, immediately, but in the fullness of time. She realizes that in addition to being morally prohibited, betraying Paul's confidence is a very risky thing to do. Indeed, she is almost certain that most of her fellow consequentialists would judge it wiser to keep silent. She also knows that even if it works out as she thinks it will, Paul might never forgive her; indeed, she believes that he would be well within his rights not to. Others, too, might judge her harshly for her decision, as she is well aware. Nevertheless, the more she deliberates the more firmly she believes that the exposure of Paul's secret would be best for all involved. Ultimately, she reveals Paul's secret to Susie. Let us conclude the story, which is after all purely illustrative, by supposing that as it turns out, Jenna was completely right: although Paul is never able to forgive her, and his marriage to Susie does not survive, both he and Susie end up in honest and open relationships with others, and both eventually admit that their resulting situations are preferable to what they had been, or would have been had Jenna kept the secret.

From the perspective of the sophisticated consequentialism to which she is committed, Jenna's action is a plausible candidate for admirable immorality. Her action qualifies for moral admiration in both of the major respects identified earlier: given the difficulty of predicting the outcomes, and the costs and risks to Jenna of so acting, it constitutes evidence both for Jenna's remarkably good moral judgment and for her moral fortitude. It is essential, of course, that the outcome was as she predicted: had the exposure of his secret proven disastrous for Paul and Susie, as Paul himself predicted, Jenna's judgment would have been shown to be faulty and her action would not have seemed admirable at all. (Her *intentions* would still have been admirable, but that is all.) It is equally essential that Jenna acted from proper motives: were it to be revealed that she shared Paul's secret partly out of resentment, jealousy of Susie, etc., Jenna's action would no longer appear admirable. But on the assumption that her judgment was correct, and her motives pure, the consequentialist case for *morally* admiring her action is very strong.

Nonetheless, Jenna's action was also immoral. It was explicitly and strictly forbidden by the moral code promulgated in Jenna's society—a moral code which is largely *definitive* of immorality in Jenna's society, and one whose authority, moreover, is accepted by Jenna herself. Recall that it has been stipulated that most of her fellow consequentialists would not, prior to her action, have judged her exposure of Paul to be justified, and that she herself was aware of this. Recall, too, that Jenna herself acknowledged that Paul would be well within his rights never to forgive her for this betrayal of his confidence, regardless of how things ultimately worked out. If there were no serious moral objection to Jenna's action, this would be hard to explain. Finally, in acting as she did Jenna took a significant risk: although she acted with the intention of doing what was best for everyone, she could not guarantee that the effect would not be the opposite of the one intended.

The importance of this element of risk should not be underestimated. Had Jenna decided to play it safe by doing what the moral code recommended—indeed, *required*—it would have been quite impossible to criticize her on moral grounds, despite the fact that by doing so she was, in her own judgment, giving up an opportunity to bring about a significant amount of moral good. Moreover, even an evaluator who is entirely sympathetic to Jenna's intentions, who shares her values and

who is completely happy with the way things turned out will not be able to *wholeheartedly* approve of her actions if he judges the risk to have been too great. One might well imagine such an evaluator saying to her, "You got very lucky this time—good for you; but *don't ever do that again*."

Of course, Jenna *herself* presumably judged that the risk, while serious, was worth running; one's moral evaluation of her action would be quite different otherwise. Suppose that it were to be discovered that Jenna did not expect her action to turn out well; she exposed Paul, not because it was in her judgment a risk worth running (in consequentialist terms), but rather because she felt like taking a gamble and did not really care whether things worked out well or not. In this case, while her consequentialist fellows would continue to be glad as to the outcome of the action, they would not find Jenna to be *admirable* at all. In genuine cases of this sort of morally admirable immorality, on the other hand, one would expect the acting agent's estimate of the risk involved to differ from the estimates of those around her. Most people, following the moral code, judge it to be not worth running; the acting agent judges otherwise, and turns out to be right. But even a risk that pays off can be judged to have been unacceptable.

It might be objected that a consequentialist would not regard such an action as immoral merely on the basis of its contravening the socially accepted rules of morality; rather, this is merely a case of what might be referred to as *apparent* admirable immorality.[11] But this is a mistake. *Apparent* admirable immorality may be judged to occur when an admirable action contradicts a moral code that is socially accepted and enforced but is not shared or endorsed by the evaluator. Here, however, the objective consequentialist evaluator *does* endorse the moral code in question, as does Jenna herself. And while, again, there is a sense of "right" in which an action that contravenes the code can be morally right—the

sense more closely tied to outcomes—this is not the sense that is most closely connected with judgments of immorality. There is no inconsistency, then, in an evaluator's feeling that there is a sense in which it is a good thing that Jenna did not follow the recommendations of the code in this particular case, while at the same time judging her to have performed an unacceptable and immoral action in doing so. Admiring Jenna's action does not mean that one must reject the code, nor even that one must recognize this situation as an exception to it; by hypothesis, neither Jenna nor the evaluator could have known with certainty in advance that this case *was* an exception case, which is precisely why the code recommended what it did.[12] (Presumably, any case that can be reliably recognized as an exception case should be incorporated into the moral code; to the extent that the code insists in prohibiting such cases, it is, in consequentialist terms, defective.) From the perspective of an objective consequentialist, then, Jenna's action will be judged to be both admirable and immoral.

Such cases help to reinforce the point there is a difference, even for consequentialists, between approving of the *outcome* of an action and morally approving of the action itself. For this reason, consequentialist reactions to such cases tend to be complex. In discussing a structurally parallel case (though one involving a killing, rather than a violation of trust), Mill writes the following:

> Judged by a moral instead of a legal standard, the man may be innocent; or guilty of a different offence, that of not using his thinking faculty with sufficient calmness and impartiality, to perceive that in such a case . . . the general presumption of pernicious consequences ought to outweigh a particular person's opinion that preponderant good consequences would be produced in the particular instance.[13]

There is, of course, a significant tension between Mill's claim, here, that such an agent might well be morally innocent, and the claim

from *Utilitarianism*, noted above, that certain actions ought to be regarded as morally wrong even when they in fact maximize the good, because of the class of actions they belong to. Mill's attempt to finesse this tension, by suggesting that the agent may be morally guilty, not of the violation itself, but of the failure to recognize that the violation ought not to have been performed, is interesting but, if anything, only induces further confusion. (If the violation was *not* morally wrong, in what sense should it *not* have been performed?) A better way to understand such cases is to apply the distinction between holding someone to have acted *rightly* and holding her to have acted *admirably*. Insofar as they are responses to an agent's powers of moral judgment, judgments of admirableness are fundamentally tied to the question of how things turned out: whether a risky action is a stroke of genius or a tragic mistake cannot be determined until its results are known.[14] Judgments of immorality, on the other hand, tend to be tied very tightly to the moment of action and the circumstances under which the action is performed. Thus there is no inconsistency in holding an agent such as Jenna to have acted immorally, while at the same time admiring her action for the good judgment and moral courage it exhibited.

Why should judgments as to the moral justification of our actions, and thus as to the morality or immorality of those actions, be tied to the time of their performance in this way? There are at least two reasons for this. The first is that the moral code can only perform its function if people are on the whole motivated to obey its dictates, even in a majority of cases in which they believe they might do better by contravening them; and this means, as Mill saw, that praise, blame, and other such sanctions must be closely connected to the choice to obey or disobey. The second and related reason is that a code that built actual consequences too prominently into its definition of moral permissibility and

impermissibility would thereby diminish the effective agency of those whose conduct it regulated, by making it frequently impossible to discern, at the time of action, whether one was acting morally or immorally. Judgments as to whether the action one is considering is of a type that *generally* produces positive or negative effects are far more reliable than judgments as to what effects *this particular action* will produce. To the extent that such a code made it impossible for well-intentioned agents to ensure that they avoided acting immorally, such a code would be self-defeating; to the extent that it held agents to be liable to punishment for bad consequences they did not intend, and could not reasonably have foreseen, it might well be considered unfair.

Thus, sophisticated consequentialists will tend to regard an agent who chooses to "play it safe" by always following the moral code as having acted morally, even where it is believed that they might have brought about a better outcome by violating the code. Conversely, agents who turn their back on this guarantee of moral rightness will tend to be regarded as having acted wrongly and immorally, even in cases where they do in fact manage to maximize available good consequences. At the same time, however, it would seem unfair to agents such as Jenna to refuse to take considerations regarding how an action turned out into account when determining whether or not that action was admirable. Her fellows will still condemn Jenna, in moral terms, for having taken a serious risk; but given that the very bad consequences she risked bringing about did not in fact materialize—given, that is, that it turned out that her assessment of the situation was correct, and theirs was not—there seems to be little reason to deny that there is an easily understandable and indeed compelling sense in which she acted well. At the fundamental level, after all, the moral code is justified by nothing other than consequentialist considerations. As Mill writes, the "practitioner, who

goes by rules rather than by their reasons . . . is rightly judged to be a mere pedant, and the slave of his formulas."[15]

It is not hard to think of other possible actions that could, from a consequentialist viewpoint, be seen as constituting morally admirable immorality: the mother who turns her back on a troubled child, judging that only such an abandonment will prompt him to clean up his act; the father who devotes himself to the welfare of strangers, and in doing so neglects his own children; or the outspoken social critic whose fiery rhetoric helps bring about reform but offends many and risks inciting public violence. Many classic alleged counter-examples to consequentialism might also fall into this class: the doctor who sacrifices a healthy patient to save five; the judge who preserves peace by framing an innocent victim; the vigilante who dispatches violent offenders who escape justice through technicalities or skilled lawyers, and so forth. The claim is not by any means that every reader will agree that every one of these figures is morally admirable (or, for that matter, immoral). That would depend in large part on how the details of the stories were filled in; but more importantly, one would have to share consequentialist presuppositions in order to reach that judgment. The aim of this paper is not to provide any sort of argument whatsoever for consequentialism, sophisticated or otherwise. The claim, rather, is that *if* one accepts consequentialism, in what is probably its most plausible form, then one will almost certainly believe that at least *some* of these cases, or others of this sort, do constitute morally admirable immorality.

4

Is act consequentialism unique in allowing for admirable immorality? A consideration of other possibilities, beginning with rule consequentialism and then proceeding on to explicitly non-consequentialist theories,

will suggest that the answer is no. The core idea of rule consequentialism is that moral rightness and wrongness are determined by a system of rules that is itself justified in consequentialist terms, where an ideal set of rules would be one whose general or universal acceptance or internalization would lead to better consequences overall than any alternative set of rules. Such a view, it might initially be thought, will be less amenable than act consequentialism to admirable immorality. For if moral rightness and wrongness are determined by such a system of rules, it might seem unlikely that one would ever judge an act that was contrary to these rules to be morally admirable.

Still, rule consequentialists, like act consequentialists, do allow the values of outcomes to play a significant and fundamental role in moral justification; indeed for rule consequentialists it is precisely the value of the outcomes it tends to produce that justifies one particular set of rules over others. It is not as if the values of the consequences, then, are insignificant for rule consequentialists. And where the possibility of a radically bad outcome arises, most if not all rule consequentialists will therefore allow an agent to exercise her judgment and choose not to abide by the ordinary rules. Thus, as Brad Hooker writes in his recent elaboration and defense of rule consequentialism, the moral codes supported by such theories will themselves contain a kind of escape clause allowing for the ordinary rules to be broken when there is enough at stake:

> [I]n the long run things would go better on the whole if people cared more about preventing disasters than about breaking other rules. Thus, rule-consequentialism holds we should break the promise or tell a lie when necessary to prevent disaster.[16]

One might suggest that if such an exception is built into the system of ideal rules, as Hooker suggests, then no room is opened

for admirable immorality: for an agent who contravenes the rule against lying or promise-breaking is, after all, only following the dictates of a rule (always prevent disaster) that is acknowledged to take precedence, and so is not behaving immorally at all. But to think this is to oversimplify the relation between the various competing rules. Like the sophisticated act consequentialist, the rule consequentialist will recognize that pragmatic limitations on sets of rules that are designed to be socially accepted and promulgated can prevent those sets of rules from being as perfect as they might otherwise be, and that this once again raises the possibility of discrepancies between those manners of action dictated by any publicly accepted set of rules, and the choices that an ideal moral agent would make.[17] Thus, while a general rule that agents prevent disaster may well be built into the system, it is unreasonable to expect the system of rules to be so specific and detailed as to determine, without the need for individual judgment on the part of the moral agent, what constitutes a disaster, or what the proper response to any potential disaster would be. As Hooker writes:

> There are infinitely many possible circumstances in which general duties can conflict. So, in effect there are infinitely many possible particular conflicts between general duties. Nevertheless, there could be an infinitely long and complex ranking principle, one formed from the conjunction of all the resolutions of the infinitely many possible specific conflicts. But, as Berys Gaut (1993: 18) implies, no such ranking principle "could be used and taught in coming to moral decisions in ordinary life." Rule-consequentialists and everyday moral conviction agree that, in ordinary life, sometimes we have nothing to appeal to but judgment to determine what to do when rules conflict.[18]

To allow judgment to play this sort of role is to open up precisely the possibility that has already been observed to obtain in the context of sophisticated act consequential-

ism: the possibility that an agent's exercise of judgment might lead her to act in a way that is contrary to the dictates of the moral code (and is thus, by rule consequentialist lights, immoral) but which averts a significantly bad outcome which strict adherence to the code would have brought about (so that her choosing to follow her judgment can be judged to be morally admirable.)

Having come this far, how might the account be extended to allow for the possibility of admirable immorality of the type that has been described here in *non*-consequentialist moralities? In fact, the extension is quite straightforward. Indeed, if the argument succeeds in the case of rule consequentialism, then it is likely to succeed with respect to any moral theory which gives substantial moral weight both to socially recognized rules and to actual consequences, and which does not assume the existence of some sort of mechanistic decision procedure for deciding cases in which these various sources of reasons conflict. ("Theory" is used here in a broad sense, to identify not only a criterion of right and wrong action, but also a picture of how these judgments are instantiated in society and connected to the actions of individual agents.) More precisely, morally admirable immorality should be expected, or at any rate possible, in the context of any normative ethical theory which displays the following features:

(1) There exists a moral code: a socially recognized or promulgated set of instructions for bringing about outcomes that are desirable in terms of those considerations that are granted to have moral weight.

(2) Judgments of immorality are entirely or largely determined by whether or not actions are in accordance with this code.

(3) Owing to the complexity of the moral universe, and to pragmatic limitations on the nature and complexity of moral codes,

the moral code occasionally either (i) dictates actions that will lead to outcomes less good than others that might have been brought about, or (ii) forbids actions that would lead to better outcomes than any that could be brought about by actions that are in conformity with the code.

These are not in any way obscure or esoteric features of normative ethical theories. Given the complexity of the moral realities with which moral agents are faced, and the difficulty of making adequate decisions in the light of these realities, it is to be expected that a socially recognized moral code of just this sort, limited in just these ways, will play a central role in a large proportion of plausible moral theories. To quote Mill one final time:

> There is no ethical creed which does not temper the rigidity of its laws, by giving a certain latitude, under the moral responsibility of the agent, for accommodation to the peculiarities of circumstances. . . . There exists no moral system under which there do not arise unequivocal cases of conflicting obligation. These are the real difficulties, the knotty points both in the theory of ethics, and in the conscientious guidance of personal conduct. They are overcome practically with greater or with less success according to the intellect and virtue of the individual.[19]

Perhaps Mill's claim is a bit too strong: certain rigid forms of Kantianism, for example, may indeed allow for little if any flexibility in agents' responses to circumstances. Still, the complexity of the moral universe suggests that both (1) and (3) will be features of the large majority of plausible ethical theories. Perhaps condition (2), which requires a strong and direct relation between that code and judgments of immorality, will be less often satisfied. Nonetheless, it should be expected that more plausible moral theories will satisfy (2) than will fail to do so. (2) reflects not only the social nature of moral evaluation and criticism, but also the plausible thought that agents who are committed to moral behavior and so wish to avoid acting immorally ought to be able to reliably choose to do so. In other words, given the various limitations that affect and restrict human agency, the close connection of judgments of immorality with violations of a publicly accepted code seems a very effective method of protecting the ability of agents to ensure that they act in a morally justifiable manner. And while this is not a *necessary* feature of a moral theory, it is surely a highly desirable one.

Morally admirable immorality is, then, a possibility, and quite likely a reality, on many familiar and plausible normative ethical theories. Since the admirableness of the types of immoral action here discussed is *moral* in nature, the possibility of such actions does not imply the existence of any sort of significant nonmoral value; nor does it in any way pose a challenge to the authority of morality. This is not, of course, to prove that there are no cases of admirable immorality that support pluralism about values, or that prompt valid doubts regarding morality's overriding normative force. For that issue cannot be settled without determining whether all genuine cases of admirable immorality can be assimilated to the type this paper describes. But until a case of admirable immorality is proposed that can be shown both to be genuine, and to fall outside the account suggested here, it is best to refrain from drawing skeptical conclusions regarding the authority of morality, or the unique significance of its values, from the fact that some immoral actions are nonetheless worthy of our admiration.

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NOTES

1. That is, it is the action *itself*, and not simply some aspect of it, that is admirable. Admirable immorality is often defined in terms of character traits leading to actions, rather than actions themselves; but this risks making it too easy to establish its existence, since it is obvious that agents who perform immoral actions can display admirable character traits (courage, judgment, presence of mind, etc.) in doing so. Michael Slote attempts to avoid this problem by specifying that the admirable and immoral elements must be conceptually inseparable; thus the courage of a robber is disqualified because "what we admire in the robber's act, the daring, can be conceptually prised from its immorality" (Michael Slote, "Admirable Immorality," in *Goods and Virtues* (Oxford: Clarendon Press, 1983), pp. 77–107, at p. 79). However, the notion of conceptual inseparability employed here is fairly obscure (an obscurity exploited by Owen Flanagan in his "Admirable Immorality and Admirable Imperfection," *Journal of Philosophy*, vol. 83 [1986], pp. 41–60). Moreover, most extant discussions of admirable immorality do not seem to support the thesis that these traits are *necessarily* immoral (which conceptual inseparability would surely imply), but only that such traits are, at best, very likely to lead to immoral behavior. It seems preferable, then, to define admirable immorality in terms of *actions* that are *themselves* both admirable and immoral.

2. The thesis that admirable immorality, if it exists, poses a challenge to the authority of morality, is accepted by Michael Slote ("Admirable Immorality"), Marcia Baron ("On Admirable Immorality," *Ethics*, vol. 96 [April 1986], pp. 557–566), and Owen Flanagan ("Admirable Immorality and Admirable Imperfection"). (Slote argues that admirable immorality does exist, while Baron and Flanagan argue that it does not.) Although they do not use the term "admirable immorality," both Bernard Williams ("Moral Luck," in *Moral Luck* [New York: Cambridge University Press, 1981], pp. 20–39) and Susan Wolf ("Moral Saints," *Journal of Philosophy*, vol. 70 [1982], pp. 419–439) also argue that failures to be perfectly moral can be admirable, and take this to imply a challenge to morality's authority.

3. Thus Slote, for instance, seems to take the thesis "that morality overrides all opposing considerations" to be *equivalent* to the thesis that "there cannot be any (overall) justification for doing what is morally wrong" ("Admirable Immorality," p. 84). If the approach of this paper is correct, these two claims are not equivalent at all: the first thesis might be true even if the latter is false.

4. Wolf, "Moral Saints," p. 438.

5. There are also, of course, non-personal forms of admiration, which can be directed toward things that are produced by or result from the exercise of admirable skills and talents, or are analogous to such things: the admiration, for instance, of works of art, or of beautiful landscapes. These, however, fall outside the range of our discussion.

6. See especially John Stuart Mill, *Utilitarianism*, ed. R. Crisp (Oxford: Oxford University Press, 1998), chap. 2, para. 19 (pp. 64–65); and Peter Railton, "Alienation, Consequentialism, and the Demands of Morality," in *Consequentialism and Its Critics*, ed. Samuel Scheffler (Oxford: Oxford University Press, 1988), pp. 93–133.

7. Railton, "Alienation."

8. Ibid., p. 113.

9. Mill, *Utilitarianism*, chap. 5, para. 14 (Crisp, p. 93).

10. Ibid., chap. 2, para. 19 (Crisp, p. 66).

11. Cf. Baron, "On Admirable Immorality," p. 560.

12. Cf. Bernard Williams's comments on the necessity of retrospective justification in the Gauguin case, "Moral Luck" p. 24.

13. Mill, "James Mill's Analysis of the Phenomena of the Human Mind," in *The Collected Works of John Stuart Mill*, vol. 31, *Miscellaneous Writings*, ed. John Robson (Toronto: University of Toronto Press, 1990), p. 253.

14. See Williams, "Moral Luck."

15. John Stuart Mill, *A System of Logic* (London: Longman's, 1947), book VI, chap. xii, §2.

16. Brad Hooker, *Ideal Code, Real World: A Rule Consequentialist Theory of Morality* (New York: Oxford University Press, 2000), p. 131.

17. Following Hooker, it is assumed that the ability to be publicly accepted and promulgated is one of the conditions an ideal set of rules must meet. A rule consequentialism that rejected this condition might not allow for admirable immorality of the sort here described.

18. Hooker, *Ideal Code*, pp. 132–133. The reference to Berys Gaut is to "Moral Pluralism," *Philosophical Papers*, vol. 22 (1993), pp. 17–40.

19. Mill, *Utilitarianism*, chap. 2, para. 25 (Crisp p. 71).