

Warcraft and the Fragility of Virtue

Warcraft and the Fragility of Virtue

An Essay in Aristotelian Ethics

Grady Scott Davis

WIPF & STOCK • Eugene, Oregon

Wipf and Stock Publishers
199 W 8th Ave, Suite 3
Eugene, OR 97401

Warcraft and the Fragility of Virtue
An Essay in Aristotelian Ethics
By Davis, G. Scott and Goodson, Jacob L.
Copyright©1992 by Davis, G. Scott
ISBN 13: 978-1-61097-085-3
Publication date 11/18/2010
Previously published by University of Idaho Press, 1992

Contents

Foreword

vii

Preface

xiii

1. Justice without Theory: An Aristotelian Prologue 1

2. Pacifism as a Vocation 27

3. Natural Law and the Credibility of the Just War Tradition 53

4. Warcraft and the Fragility of Virtue 83

5. Friendship, Justice, and Military Service 111

6. Revolution and Regret 139

7. Epilogue: The Limits of Justice 169

References

179

Foreword

by Jacob Goodson

In his essay, “The Moral Equivalent of War,” William James struggles to articulate a vision that encapsulates how the military virtues can be applied to non-violent practices for conflict between nation-states.¹ James wants his readers to see that legitimate practices of pacifism require the same military or “martial virtues” required by practices of warfare and that these practices serve as an “equivalent” substitution to warfare. However, James neglects to properly articulate what the military virtues are and how they can be embodied in peaceful moral equivalents. He thus falls short in persuading his readers to see this “moral equivalent.”

In this re-publication of *Warcraft and the Fragility of Virtue: An Essay in Aristotelian Ethics*, the religious ethicist G. Scott Davis remedies James’s shortcomings and succeeds in elaborating the military virtues. Additionally, Davis establishes how forms of Christian pacifism serve as a “moral equivalent” to warfare. However, Davis’s book is not simply a better-developed version of James’s vision. Rather, Davis demonstrates how warfare can be just only if those participating in warfare exhibit the virtue of justice.

In his description of Christian pacifism as a moral equivalent to warfare, Davis presents John Howard Yoder’s particular arguments for pacifism in the exact opposite way that Reinhold Niebuhr’s “realist” critique presents Christian pacifism in general. For Davis, Yoder’s version of pacifism is fully political and has to be treated with absolute seriousness—for both the Christian and the pagan. Davis displays an excellent understanding of Yoder’s moral vision, for instance, when he says: “This is a pacifism . . . based not on principle but on the desire to live in a way that reflects the life of the master [Jesus], regardless of any practical achievements in the world.” Davis praises this aspect of Yoder’s work and concludes, “only an ethics wedded overmuch to Kantian universalism would be tempted to deny that Yoder’s is a compelling moral vision” (41–42). Davis relishes the radical nature of Yoder’s pacifism and pushes Yoder in the Aristotelian direction of identifying pacifism as a discipline that requires certain dispositions toward the

world. Davis reminds Christian pacifists of “the enormity of what they forsake”: the security and livelihood of self and neighbor. He contends that as a morality based on the self-sacrifice of Jesus Christ, which remains a “live option” within the world today, the kind of Christian pacifism advocated by Yoder reflects particular abilities within warfare analogous to the skills of a just soldier. Davis, himself not a Christian believer, finds Yoder’s pacifism a worthy conversation partner for an Aristotelian understanding of the craft of warfare.

The goal of Davis’s book concerns his Aristotelian understanding of the craft of warfare. After demonstrating—in chapter 1—that just-war theories should not rely on theories of justice but should turn instead to the Aristotelian question of the disposition of justice, Davis provides credibility to the just-war tradition by re-describing the traditional just-war “criteria” in terms of the virtues. He makes the tradition plausible by showing how it is embodied, not in criteria abstracted from the exigencies of warfare, but in skills of warfare that can and must be learned, practiced, and preserved in the midst of these exigencies. Therefore, the overarching questions of virtue-centered just-war reasoning are: What kind of people do we need to be in order to have “proper authority,” “just cause,” “just intent,” and a “reasonable hope of success” when going to war? What kind of people do we need to be in order to maintain “discrimination” and “proportion” within warfare?

In chapter 4, Davis engages and evaluates the U. S. Bishops’ 1983 document, *The Challenge of Peace*,² where he concludes: “*The Challenge of Peace* departs from the specifically Christian understanding of the relation between the natural law and the virtues,” both the natural cardinal virtues (justice, courage, prudence, and temperance) and the theological virtues (charity, faith, and hope). The U. S. Bishops, Davis claims, “drive a wedge between prudence and conscience that makes it possible to envision compromising justice” (78). Required now, after *The Challenge of Peace*, is not a rejection of just-war reasoning but “a sustained Aristotelian account of character” that endures “the stress of conflict.”

So why “warcraft”? Davis supplies a succinct answer: “Part of the point of exploring the metaphor of craftsmanship [is] to free our thinking from the notion that justice, or practical reasoning in general, can ever be merely formal” (106). The use of the word “warcraft,” for Davis, accomplishes much: it takes justice out of the land of theory and transfers it into a particular disposition that requires cultivation and

skill. To prove this point, Davis engages James Childress's just-war criteria.³ Critiquing the claim that the presence of "hatred" violates just-war criteria, Childress maintains that "the presence of vicious motives [does] not obliterate the *jus ad bellum*."⁴ Alternatively, Davis argues that "unjust intent renders a war wicked" and, in what might be the most interesting part of the book, provides an analysis of Thomas Aquinas's particular understanding of hatred in order to show how a war is just *if and only if* it is waged with virtuous intentions and reasons. To hate or to have vicious motives toward an enemy prevents war from being "just." Ultimately, Davis's criticism of Childress resembles Elizabeth Anscombe's evaluation of "modern moral philosophy" in that the poverty of Childress's just-war theory—according to Davis—resides in its lack of a substantive "moral psychology" and in how it "portrays acts as somehow to be understood apart from the agents who perform them" (105). For Davis, war is only just when waged by virtuous people and fought by soldiers of skill. Thus war is a "craft" precisely in this sense.

As a craft, warfare remains susceptible to fragility. This observation reveals the significance of the second part of the title of the book: "the fragility of virtue." In what sense is virtue fragile? Davis presents what he calls an "orthodox Aristotelianism," to be distinguished from both Thomas Aquinas's theological additions to Aristotle's virtue theory as well as recent "secular" appropriations of Aristotle for modern moral theories. In other words, Davis is proud to describe his account as "pagan" (rather than "Christian" or "secular"). The "fragility" of the virtues involves turning our attention to how the virtues are practiced rather than "possessed." Davis reasons that if the virtues are not character traits a moral agent possesses but rather dispositions that require exercise and intentional reaffirmation, then the virtues remain "fragile" because the virtuous can never "rest in . . . past achievements" or become "indifferent" to the moral life. "The most common enemies of virtue are indifference, self-indulgence, and despair," according to Davis, and the way to avoid all three is through continual striving and testing.

To further elaborate the fragility of virtue, Davis utilizes the metaphor of "plague" instead of "hell" (as in "war is hell") to more clearly illustrate the fundamental aspects of warfare: "for in hell everything is final and accomplished, whereas plague, with its constant and unanticipated variations on horror, breeds despair, self-indulgence, and indifference to the way I shape my life. It leads to accepting the bestial

and the vile as something we have to live with . . . and perhaps even undertake ourselves” (87). This proposal for the metaphor of “plague” rather than “hell” leads Davis to one of the most significant claims of the book: “The most brutal irony of war is that conducting it justly demands, on the one hand, the firmest and most self-disciplined exercise of the virtues and, on the other hand, war does everything in its power to shatter the very virtues it demands” (88). With this one sentence, Davis hits the nail on the head by naming the limitations of both “pacifists” and “realists” when it comes to warfare and the virtues. Pacifists put too much emphasis on how “war does everything in its power to shatter the . . . virtues it demands,” and they too quickly dismiss “the disciplined exercise of the virtues” that war demands and requires. For Davis, pacifists focus on the “fragility” of the virtues at the expense of their actual exercise. Realists, clinging to the notion that war shatters the virtues, wrongly conclude that the virtues—as shattered—are not possible within warfare. Davis displays why the virtues help us affirm both observations: *yes*, warfare attempts to shatter the virtues necessary for waging war justly; and *yes*, warfare provides a place and time for the disciplined exercise of particular virtues. Therefore, Davis’s substantial contribution to the discourse of the ethics of warfare is the way forward he provides from dichotomous moral reasoning: he provides a non-binary approach to sustaining the necessary virtues within warfare, while recognizing that warfare will continually challenge those virtues. The “fragility” of the virtues leads us neither to the “realist” conclusion that the virtues cannot be exercised within warfare nor to the “pacifist” tendency to dismiss the possibility of warfare being just. Rather, the observation of the fragility of virtue leads to more serious deliberation and recognition of how the virtues are acquired and what work they actually do when waging war. Warfare challenges virtuous persons, but truly virtuous persons do not cease being virtuous in warfare.

For Davis, a virtuous citizen is not one who displays loyalty to their country at any and all costs; rather, only a country ruled by virtuous characters deserves loyalty. With this argument, Davis distinguishes his thought from that of James Turner Johnson—who mistakenly claims that the state maintains moral permission to demand military service of its citizens. According to Davis, only a virtuous state—and not any and every state—maintains moral permission to make demands at all. Moreover, Davis suggests that a virtuous state would never even make such a demand. Instead, the virtuous state prioritizes individual con-

science over military mandates as well as communities of friendship over loyalty to national ideology. Against Johnson's claim, Davis recognizes that his "orthodox Aristotelian" reasoning resembles Stanley Hauerwas's and John Yoder's approaches to questions concerning communities of friendship and individual conscience. His footnotes make clear, for instance, that his modes of reasoning surprisingly resemble that of Hauerwas's work on the particular questions of family, justice, and loyalty (see 138 n. 2, for one example). Furthermore, concerning Yoder, Davis makes the astute observation: "The Aristotelian, ironically, can make one with . . . Yoder's critique of modern political developments as themselves fostering the decay of community virtue" (121). Additionally, "Yoder's remark that 'democracy seems . . . to have increased the space for demagoguery' . . . echoes a repeated theme of Aristotle's *Politics*" (121).

In the end, Davis intentionally aligns himself with the just-war reasoning of Elizabeth Anscombe and Paul Ramsey, by claiming "defeat is better than committing injustice and . . . we must have the resolve to accept defeat" (112). He maintains that admitting defeat rather than compromising virtue is the "thrust" of the argument of his book, and an ethics of warfare ought to always "elevate justice over survival" (112). We remain in Davis's debt for providing such a comprehensive description of how an ethics of warfare can be realized in practice.⁵ Davis provides some of the best explanations when it comes to questions concerning difficulties within warfare, dissenting military and religious voices, and voluntary military service.

One final observation: since the original publication of Davis's *Warcraft and the Fragility of the Virtues*, there has been a lack of literature published on describing warfare in terms of the virtues. However, the recent publication of Daniel M. Bell's *Just War as Christian Discipleship: Recentering the Tradition in the Church Rather than the State* proves an exception to this rule.⁶ Bell claims that the church provides a Christ-centered community in which the military virtues can be nurtured by the theological virtues of faith, hope, and charity. Like Davis's book, Bell's book also provides thick descriptions of what this ethics of warfare actually looks like. While Bell's lack of substantial engagement with Yoder's Christian pacifism is not necessarily a shortcoming, it does point to a particular contribution made by Davis's *Warcraft and the Fragility of Virtue*: his novel development of a pagan just-war reasoning that reaches out into the depths of the Christian tradition.

In this sense, Davis offers both the best of Bell's *Just War as Christian Discipleship* and a clarification to James's "The Moral Equivalent of War." In relation to Bell's book, Davis presents a demand for the virtues within warfare that is as morally strenuous as Bell's emphasis on "Christian discipleship" but also supplies a substantial engagement with Yoder's Christian pacifism. In relation to James's essay, Davis develops the military virtues as a proper form of justice within warfare rather than seeking to maintain the military virtues for a different set of practices that are supposed to serve as an alternative to warfare.

For Davis, justice can be maintained in warfare if the people waging war are themselves just—i.e., willing to admit defeat rather than compromise their virtue. For these accomplishments, I reiterate, we are in Davis's debt. This re-publication of Davis's *Warcraft and the Fragility of Virtue* provides the opportunity for a more serious reception of Davis's contributions to the discourse on the ethics of warfare.⁷

Notes

1. William James, "The Moral Equivalent of War," in *William James: Writings, 1902–1910* (New York: Library of America, 1988) 1281–93.

2. The National Conference of Catholic Bishops, *The Challenge of Peace: God's Promise and Our Response: A Pastoral Letter on War and Peace* (Newark: Hunter, 1984).

3. James F. Childress, "Just War Criteria," in *Moral Responsibility in Conflicts: Essays on Nonviolence, War, and Conscience* (Baton Rouge: Louisiana State University Press, 1982) 63–94.

4. *Ibid.*, 78; see below, 103.

5. Interested readers might find Davis's contributions to *Religion and Justice in the War Over Bosnia* (New York: Routledge, 1996) helpful for his focused application of virtue-centered just-war reasoning to a particular armed conflict.

6. Daniel M. Bell Jr., *Just War as Christian Discipleship: Recentering the Tradition in the Church rather than the State* (Grand Rapids: Brazos, 2009).

7. The following people deserve mentioning for their comments and suggestions on this short piece: Deborah Allen, Carole Baker, Morgan Elbot, Andrea Gregory, and Stanley Hauerwas.

Preface

Michael Dummett remarks—I think it's in the preface to his Frege book—that authors owe their readers a preface, and since reading that as an undergraduate I've thought he was right. Human beings make books and other ones read them, and it is natural to want to know something about an author's relation to his book. I, at least, end up projecting myself as a friend of the authors I admire, and have caught myself more than once, perfectly sober (if that's not an oxymoron), carrying on animated conversations with Aristotle and Wittgenstein, Chaucer and Basho and Jane Austen. My own public reticence makes it easier to talk to the dead. This book is a record of those conversations and many more besides. I'd like it to be devastatingly compelling and the harbinger of some new era of moral seriousness, but I'll settle for a few people getting the point and maybe doing it better.

The origins of the book make a chronicle of the unexpected. In the spring of 1985, if memory serves, I was invited by Jeffrey Stout to teach a course at Princeton focusing on war and traditions of moral reasoning. Although I had not previously explored the just war tradition, it dovetailed nicely with my interest in Aristotle and his place in contemporary moral theory. Out of this came further versions of the course and the title essay, which was first drafted in October of 1985 and read to colleagues at Columbia University. Another version was delivered at the annual meeting of the American Academy of Religion in Atlanta in November of 1986 and subsequently published in *Soundings* (G. S. Davis, 1987). The performance in Atlanta marked the first time I delivered a paper at a professional meeting, and it was my great good fortune to have Stanley Hauerwas as respondent. Early versions of chapters 2 and 3 were given as papers to diverse groups in Syracuse, Princeton, and New York. Thanks are due everybody who helped me out on these occasions, particularly Reverend Letitia Smith of Brown Memorial Methodist Church in Syracuse, who invited me to

give what became chapter 2, and whose concerns for peace and justice shaped much of my early thinking about these topics.

In the spring of 1987, James Heaney of the University of Idaho Press asked if “Warcraft” were likely to become a book, and the rest, as they say, is wordprocessing. He has been a most gracious and patient editor, tolerating with equanimity the delays brought about by relocation, marriage, and babies. Those delays, however, have brought their own blessings. My move to the University of Southern California in the fall of 1988 put me in contact with Charles Curran, who not only contributed his time and insight to the content of several chapters but also with great tact led me to moderate some of the more tendentious and blustery qualities of my prose.

The style, I’m afraid, remains less than inviting, and I apologize for those parts I should have made better. The literary examples I’ve used to recall an image or instant of recognition I thought might make a point clearer or its significance more apparent. But I’m afraid that for some readers they will look rather like the tourist’s strategy of repeating himself louder when he’s not understood. Much the same might be said for the anthropological and historical examples, but one of the great pleasures of writing this book has been immersing myself in the literature of war. Michael Howard and John Keegan are a joy to read, and encountering Clausewitz’s *On War* was a revelation. It was also a surprise to sit down and read great chunks of Jefferson. At the outset I never would have imagined that Aristotle and Wittgenstein would be joined by Clausewitz and our third president as this essay’s heroes.

A note about pronouns. The venerable Strunk and White come down unashamedly in favor of “he” when the antecedent is a distributive expression “unless the antecedent is or must be feminine” (*Elements of Style*, 2d ed., p. 54). The more diplomatic but no less venerable Gowers advises the cautious author to “take evasive action where possible,” though finally Sir Ernest grants that it may sometimes be “least clumsy to follow the traditional use of *he*, *him* and *his* to include both sexes, but you should then make it unmistakably clear that you are using these pronouns in this way” (*The Complete Plain Words*, p. 118). I should have followed their advice. My attempts at random variation I now find jarring and the feeling that it was necessary at all an expression of misplaced delicacy. Sexism is evil because it is a species of injustice, and this is not a matter of pronouns but of wicked habits and oppressive institutions.

Finally, something by way of dedication. My debt to family and

friends, in particular my wife, Karen, far exceeds my ability to return. I have tried to record my intellectual debts in the notes and bibliography, but no doubt I have failed to accord someone his due. I am particularly aware of having read, very early on, material of Jeff Stout's that is only now finding its way into print. For his abiding generosity I stand happily in his debt. Special thanks are also due Stan Hauerwas and Charles Curran, friends of seemingly infinite patience. When I began this project I fully expected to enjoy the comments and criticisms of my great teacher and friend Paul Ramsey. Now I can only hope he would approve the effort; I miss him. For all the things I haven't done or done poorly, I await due and proper criticism. But for now,

ter frustra comprehensa manus effugit imago,
 par leuibus uentis uolucrique simillima somno.
 sic demum socios consumpta nocte reuiso.

Aeneid 2, 793–95

1.

Justice without Theory: An Aristotelian Prologue

This is an essay in the just war tradition, but it is also an attempt to spell out the practical implications of adopting a self-consciously “Aristotelian” stance in moral theory. Much of the motivation for this will come out in the following chapters, as they examine alternative approaches to ethics and war. But it also reflects a broader dissatisfaction with the ability of the prevailing secular traditions to give a coherent account of our moral vocabulary. A habit of concentrating on duties, obligations, and those aspects of ethics in general that lend themselves to systematization and “theory” has led to the relative neglect of those facets of our vocabulary reflected in our day-to-day deliberations about action. This neglect is only “relative” because there has been a continuous minority presence critical of the mainstream. Thus, David Wiggins notes:

Aristotle still demands our attention in this subject because he perceived more clearly than have subsequent theorists of rationality, morality and the practical the openness, indefiniteness and unforeseeability of the subject-matter of *praxis*. . . . Aristotle’s description of practical reasoning and the process of deliberative specification (for this or that context of acting) of a man’s standing ends or concerns, excels anything to be found in present day studies of the canons of public and private rationality. (Raz 1978:150. The complete essay, lacking the note, is reprinted in Rorty 1980.)

“Rationality,” “morality,” “*praxis*,” “deliberation,” and “ends,” Wiggins emphasizes, are central to an older understanding of what goes into a commendable human life, but have been displaced from too much of our recent ethical reflection. The implied contrast is with the approaches to rational action associated with Hume, on the one hand, and Kant, on the other, those twin peaks that have come to represent the seemingly irreconcilable demands of individual emotion and desire and impersonal duty and rational obligation.¹ In recent years the

most visible, and perhaps notorious critic of these traditions has been Alasdair MacIntyre; but well before MacIntyre, Aristotle found a powerful and consistent advocate in Stuart Hampshire, whose “Fallacies in Moral Philosophy” early called attention to the limits of moral theory in midcentury Oxford. Nonetheless, the trickle of methodological criticism has become a torrent since the appearance of MacIntyre’s first edition of *After Virtue* in 1981. Unfortunately, the result has too often been polarization, even confrontation, among consequentialists, communitarians, deontologists, and other camps. Rather than rehearse familiar criticisms and counterarguments, I’ve thought it more useful to approach an issue, ethics and war, as it might present itself to Aristotle. This will not mean avoiding methodological disputes, but will at least have the benefit of testing rival positions in application.

On the few occasions Aristotle speaks of war, he treats it as a uniquely human activity as opposed to a conflict between beasts. As such it is a reasoned and purposive enterprise, directed toward achieving goods which can be recognized as such by mature persons. War is not some Hobbesian manifestation of the state of nature, but an activity which can only be undertaken by groups outfitted with a rich sense of what makes a human life worthwhile. Otherwise we could not distinguish war from random and unintelligible violence. From this, Aristotle draws the conclusion that war “must therefore be regarded as only a means to peace; action as a means to leisure; and acts which are merely necessary, or merely and simply useful, as a means to acts which are good in themselves” (*Pol.* 7:1333a). As a human act, war becomes intelligible through being related to the pursuit of the good. But this brings us up against a central problem, both in the ethics of war and in moral thought generally: how do we determine the good?

This was, of course, not a problem for the early development of the just war tradition, since its proponents wholeheartedly embraced belief in God. Most interpretations trace the development of the just war theory backwards from the early modern law of nations, through Thomas Aquinas to St. Augustine, who laid the foundations for thinking about justice in war, working with the comparatively meagre suggestions to be found in Cicero and a few other classical sources.² Interpreters of the tradition typically emphasize, with varying degrees of praise, the centrality of the Christian moral vision, both historically and theologically, in the development of just war thinking. Paul Ramsey provides a characteristically bold statement, writing that “natural

law' judgements do not proceed from autonomous reason alone, but are derivative principles in which *agape* shapes itself for action" (Ramsey 1961:33). Ramsey in particular emphasizes the centrality of Christian love in the development and application of the just war tradition, and in doing so he places much greater weight on Augustine's understanding of service to the neighbor as central to the moral life than on justice in any of its classical senses. (Cf. G. S. Davis 1991.)

The same cannot be said of the natural law tradition often associated with Catholic moral theology. Augustine certainly plays a major part in this tradition, although to his thought the burgeoning medieval tradition added that of Cicero and the Roman legal tradition and eventually added Aristotle himself. But whereas the Aristotelian tradition was appropriated by the mainstream of just war thought in the late middle ages, primarily through Aquinas and his followers, Aristotle remained in the service of Christian theology. Thus, from the start his influence was filtered through the concerns of Christian teaching, and as theology lost its privileged position in early modern and enlightenment moral thought Aristotle's voice was obscured as well. It is only recently that the Catholic moral tradition has regained a serious hearing in the world of secular moral thought.³

Those uncomfortable with the natural law tradition, but unwilling to adopt a "hobbesian," *realpolitik*, approach to justice in war, have been drawn, like James Johnson, to the developing tradition of international law. (Cf. Johnson 1975.) Although lacking the universal claims of divinity and a shared human nature, law at least offers the example of a generally binding system of entitlements, prohibitions, and sanctions justified by their role in securing social stability and the common good. The claims of justice may sometimes go unfulfilled, but they remain at least a standard recognized by all nations that would not be seen as outlaws.

This legal paradigm informs the most influential recent contribution to the tradition, Michael Walzer's *Just and Unjust Wars*. This attempt to replace religious with political consensus risks foundering, however, on the shoals of international conflict. Once a state opts out of what Walzer calls the "war convention," there is a rapid slide into national interest, supreme emergency, and other justifications for violating the rules. Walzer accepts this as the tragic limit of human moral endeavor. He closes his argument by reaffirming the primacy of rules if we are to achieve even a modicum of justice. "We must begin," he maintains, "by insisting upon the rules of war and by holding soldiers

rigidly to the norms they set. The restraint of war is the beginning of peace" (1977:335). It remains an open question, nonetheless, whether and what sort of foundation can be given for such rules and how they cohere with the rest of our practical thinking.

In fact, the legal paradigm is a variation of the social contract and shares both the benefits and difficulties associated with that tradition. Part of its power is its refusal to indulge in divinity or metaphysics. Michael Oakeshott, in his introduction to *Leviathan*, remarks that "what stirs the mind of Hobbes is 'grief for the present calamities of my country,' a country torn between those who claimed too much for Liberty and those who claimed too much for Authority" (Hobbes 1960:xi). To still this grief, Hobbes elaborates a systematic account of political society grounded in observation of our material nature. Central to Hobbes's practice is the rejection of the Myth of the Garden, part and parcel of which is the metaphysics of the Fall. In the Myth of the Garden our first parents speak the language of nature, giving names to the animals and recognizing where their true good lies. Grasping the good allows them to understand the meaning and purpose of human life within the cosmos and thus to rank the various competing goods that present themselves in experience. Having ranked those goods, unfallen humanity can proceed to organize individual and political life in ways that generate rules of preference, obligation, and prohibition in accord with its natural dispositions.

Of this, Hobbes will have nothing. The state of nature, properly understood, places "all men in the condition of war" (Hobbes 1960:85) and at the same time compells them to accept limits on themselves as a means of securing protection from and restraint of their equals. In this way we produce a theory of justice. From the theory of justice we extract more specific instruction on such topics as social welfare, the right to privacy, and perhaps even the laws of war. Nature confers one principal right: to do anything one may "conceive to be the aptest means" for preserving one's life (Hobbes 1960:84). From this, Hobbes derives the fundamental law of nature, which turns out, with a certain air of paradox, to involve creating a complex of artificial constraints against the unfettered exercise of this right by others. He then turns, in the remarkable chapter 15 of part one, to a derivation of the laws of nature, which includes "A seventh, . . . *that in revenges*, that is, retribution of evil for evil, *men look not at the greatness of the evil past, but the greatness of the good to follow*" (Hobbes 1960:100; the italics are Hobbes's). As with the other laws of nature, the intent here is to mod-

erate conflict. The goal of civil society is peace, “for a means of the conservation of men in multitudes,” and when the laws of political community cease to function for this end they are voided. Thus, he writes that:

The laws of nature oblige *in foro interno*; . . . but *in foro externo*; that is, to the putting them in act, not always. For he that should be modest, and tractable, and perform all he promises, in such time, and place, where no man else should do so, should but make himself a prey to others, and procure his own certain ruin, contrary to the ground of all laws of nature, which tend to nature’s preservation. (1960:103)

I have no stake in calling such laws “fictions” if that detracts from the seriousness with which Hobbes should be taken. But “laws of nature” that can properly be violated by the dictates of nature have a status distinct from those generalizations that describe and predict the workings of nature as well as from those dictates of conscience that other traditions of moral analysis have held binding come what may.

It was precisely this problem that exercised the later contractarian tradition and its more recent exponents, such as John Rawls. How is it possible to secure a foundation for political order that retains Hobbes’s tough-minded insistence on political and psychological empiricism without licensing an unbridled consequentialism in circumstances of dire necessity? Of the various critiques of *A Theory of Justice* the most damning is that which accuses Rawls of importing an unacknowledged metaphysics of the good into the concept of right. His casual suggestion, for example, that there are natural duties which “apply to us without regard to our voluntary acts” (Rawls 1971:114) is difficult to sustain without a richer theory of the good than Rawls allows himself. Consider his remarks about killing. He rightly remarks that restraints on killing presuppose no antecedent promise, that to think so “is normally ludicrously redundant, and the suggestion that it establishes a moral requirement where none already existed is mistaken” (1971:115). But if the right to life is not a positive entitlement, how do we recognize the evil in killing, and how do we recognize circumstances wherein that evil becomes tolerable? It would seem that an adequate response must explain why we are obliged to refrain from killing even if that would further our otherwise best thought-out plan for achieving what we desire. One plausible answer seems to be that the other person’s life is a good incommensurable with the good

of our possible achievements and one we may not normally weigh in our own deliberations. But it is not clear how Rawls might be entitled to this good at the outset. Consequently, it is not clear how he is entitled to invoke “natural” duties and, to the extent that Rawls needs these natural duties to supplement the original position, his theory is undermined.⁴

A serious Aristotelian ethic will commend itself all the more to the extent that it maintains a commitment to naturalism, in the sense that its account of the good is continuous with our best account of humans as a natural kind. This doesn't require extensive technical knowledge, although it does imply an openness to the claims of anthropology and other studies of human activity, individual and corporate. Societies, after all, do not spring fully formed from the earth. I can admit, even with relish, that the coming together of hominids in extended groups can best be explained on Darwinian grounds. If such groups hadn't emerged, the species might well have been swamped in the evolutionary bump and grind. There is no reason, as Stephen J. Gould has made so elegantly clear, to believe that humans are biologically inevitable (cf. Gould 1989). But in acknowledging the Darwinian point I am rejecting the Hobbesian. There are no grounds for attributing to our protoancestors any judgments at all, much less ones about trading natural rights for communal security. This is just the way things turned out. That the species perpetuated itself is the mark of evolutionary success, but not much else. Of course, it seems to have worked so well that our protoancestors were enabled to sustain all sorts of other evolutionary innovations, not the least of which was the elaboration of language. In learning a language, we incorporate, literally, a complex network of skills and dispositions that presuppose various goods. To speak intelligently is to acknowledge that some things are inherently choice-worthy and others should be avoided. These are not decisions that we make in some prelinguistic vacuum but the outcome of the community's attempts to deal with itself and its environment. A language embodies the ecology of a community in ways that make it difficult, if not impossible, to distinguish the moral from the practical, and when we do make the distinction it will likely as not be misleading. (Cf. Hampshire 1989:81–110.) To be a language user is to be a moral agent.

Such a recognition manifests itself in the vocabulary we use in explaining action. In the prelinguistic world, explanation takes place in terms of physical structure, biochemistry, and instinct. Humans, of