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The Moral Agency of The State: What does a Virtuous State Look Like and is Allowing Capitalism Virtuous?

By: Austin Cable

Introduction

It has become quite noticeable that modern world politics across the globe has lacked a guiding morality in which we can hold states morally accountable in both the international and domestic spheres. This can be seen in the never-ending wars and occupations across the Middle East, South-East Asia, and many other places around the world. Now, attempting to implement such guiding moral principles seems to be an impossible task mainly because of the massive difficulties that one would face in trying to get the 195 countries around the world to agree on such principles. Because of this, most will probably accuse me of eurocentrism, which I hope to avoid in this paper. Despite this fact, I believe that the inevitable effects of the Climate Crisis and the need to see basic human rights observed across the world is enough reason to at least discuss the question: How can we begin to hold collective agents, states specifically, accountable for their actions?

To begin a discussion on how to hold the state morally responsible, it seems necessary to look back at how philosophers have traditionally discussed the agency of the state and figure out what features must a state have to be able to say that it can be held morally responsible. This leads me to look at discussions about the “personhood” of the state and what it means to be a moral agent. I believe that there exists a difference between personhood and moral agency that will allow us to sidestep the difficulty of establishing the state as a person, and simply need to prove that it can be a moral agent. To do this I will briefly overview Quentin Skinner’s argument in his lecture “Hobbes and the Purely Artificial Person of the State” to revive Thomas Hobbes’

theory on “the artificial person of the state” and other modern conceptions of personhood. Along with this, I will look at a traditional view of what it is to be a moral agent set forth by Alasdair MacIntyre in his work, “Social Structures and Moral Agency”. Through this section, I will establish that we merely need to provide an argument that the state can be classified as a moral agent to be able to hold them morally responsible.

Once we have established the notion that the state needs moral agency for us to hold them morally responsible, we are then tasked with proving that the state is a moral agent. Like many who write about moral responsibilities of the state in the international sphere, I will be assuming a version of the agential theory that gives us an argument as to why we can give moral agency to collective entities, like *the state*, and hold them morally responsible for their action. Specifically, I will be using an argument given for collective moral responsibility by Phillip Pettit. Through this argument Pettit establishes conditions that must be met for a collective entity to hold moral responsibility. Though Pettit does not specifically talk about the state, I believe that the argument he lays out for collective entities as a whole can be used for the state, and I show this by breaking down the argument and analyzing how and why a state meets these same conditions. I will go into more detail about the argument later on, but through this argument, I want to take this concept of the collective moral agency of the state and apply it to the domestic sphere instead of the international sphere, where it is most commonly utilized. This will include deciphering what the state owes its citizens and how to decipher whether an action taken by the state, in the domestic sphere, is morally right or wrong. I believe that in doing this, we can lay the groundwork for holding states morally responsible for their actions, which I rarely see in the world anymore, and help craft the image of a morally just state.

To start analyzing moral responsibilities of states and what a morally right or wrong state looks like, we must have a moral theory to use as the framework. While traditionally agential theory arguments have been ran through Kantian and Rights Based moral framework, I believe that the argument can better be laid out using a form of Virtue Ethics. By using Virtue Ethics, I believe we can achieve two things. First, we can create *The Virtues of the State*, which will resemble the virtues that already exist for moral agents, but will be specifically tied to actions that are uniquely made by states. This will provide us with basic moral principles that we can use to judge the moral status of a states' action. Second, through these created virtues, we can form the image of what a *Virtuous State* would look like. This can be used by states as a moral exemplar to strive towards. Virtue Ethics is rarely used within the political philosophy and global justice spheres because it has been traditionally focused on an individual actor. However, I believe that by successfully establishing the agential theory of moral agency for collective entities, like states, we can talk about states in the same sense that we talk about individual moral actors within Virtue Ethics.

Finally, I will apply my theory to something that I believe needs to be addressed when talking about the morality of the state. I believe it is time to have a discussion about whether or not it is morally right for a state to implement and keep Capitalism as its economic system. To do this I will take the three virtues of the state that I analyze in this paper and see if the implementation of capitalism, specifically the theory of competition which capitalism relies so heavily upon, prevents the state from working towards these virtues. If it turns out to be true that capitalism is preventing states from being virtuous to its citizens, then I believe we have established a reason for states to abandon capitalism and look towards other economic systems that are more morally applicable. This may seem to fall in line with a lot of traditional critiques of

CABLE 4

capitalism, however, I believe it differs in an important way, Through this exercise I hope to prove that the choice of the state is what the moral failure lies, not capitalism itself. I do this because I have heard many rebuttals to the traditional critique of capitalism, which calls it inherently immoral, that say it cannot be immoral or moral because economic systems are inherently amoral. While I may not completely agree with this rebuttal, I do feel it necessary to find a solution to it. That is why I believe we can prove that we can hold states morally accountable for their actions and choices, and through this show that the choice of capitalism is an immoral one.

The main objective of this paper is to provide an argument for not only holding collective entities like states morally accountable for their actions in the domestic sphere, but also for using a form of Virtue Ethics to accomplish it. The first section of this paper will be focused on the philosophical history of thinking of the state as a person and moral actor, and then establishing what classification is necessary for goals of this paper. Next, I will look to solidify the argument for agential theory and establishing reason as to why we need to be able to hold states morally responsible for their actions. Like I have already stated, I will be using an argument traditionally used in international discussions, and simply applying it to the domestic sphere. Then, in the next section I will spend time analyzing what would come from using a Virtue Ethics approach. I hope to come up with a “starter set” of the virtues of the state and show examples of how decisions made by states can be assessed by using these virtues. Along with that, I will create a rough image of what a virtuous state would look like in modern times. Finally, I will apply my theory to the question: Is the choice of Capitalism an Immoral one? By the end of this paper, I hope to have shown a successful argument as to why states should be held morally accountable for their actions in the domestic sphere and how we should go about holding them accountable.

The Personhood of the State vs. The State as a Moral Agent

The initial thought of holding the state morally responsible for its actions may at first seem counterintuitive to some because traditional moral and political theory has not viewed the state as a moral actor in and of itself. If the state is not a moral actor, it therefore has no actions that can be judged through a moral framework. However, some theorists throughout political philosophy have went against the traditional view and crafted arguments that say otherwise. The most prominent argument of this nature comes from a political philosopher who is read widely amongst students of philosophy, Thomas Hobbes. In *Leviathan* Hobbes not only formulates the theory of the social contract, but also introduces the concept of the “personhood of the state.” While there were a few political theorists, like Samuel Freiherr von Pufendorf, who expanded upon Hobbes’ idea, his theory though was lost throughout political history until modern day political philosopher Quentin Skinner took up Hobbes’ argument and attempted to revive it within the modern political discourse. Skinner’s lecture, “Hobbes and the Purely Artificial Person of the State” is what we will briefly analyze to get a better understanding of what Hobbes meant by the personhood of the state.

In his lecture, Skinner lays out a very detailed and complete overview of Hobbes’ theory about the personhood of the state. For the purposes of this paper, we need not look at every aspect of this argument, but rather we need to focus on one main component which I believe raises concern for the argument as a whole: what definition Hobbes gives for a *person*. After laying out the basic elements of Hobbes theory, Skinner cites Hobbes in what his definition of a person is and the difference between Natural Persons and Artificial Persons:

CABLE 6

“A Person is someone who acts either in his own name or in the name of someone else. If he acts in his own name, then the Person is his Own or a Natural One; if he acts in the name of someone else, then the person is Representative of the one in whose name he acts.”

In this excerpt from the Latin translation of *Leviathan*, Hobbes establishes a concept of personhood that is defined by whether actions can be attributed to them. If the actions are done for and by oneself, then we can call them a Natural Person and if they are done in the name of someone else, then they are a Representative, or Artificial Person. This concept is what leads Hobbes to further conclude that the state is an Artificial Person, created by the multitude of Natural Persons coming together to give power and authority to what he calls the Leviathan.

The problem that I see in using this argument for the means of giving moral responsibility to the state is the definition that Hobbes gives for a *person*. Modern moral philosophy has seen a surge in theories of personhood, primarily because of the heightened social debate over abortion. The concept of personhood has been highly debated and no common answer has really been agreed upon within the ethics community. To show just how highly controversial this concept is, here is a quick list of some of the leading theories for personhood:

1. Genetic Theory- You can only be classified as a person if you have the genetic makeup of Homo Sapiens
2. Cognitive Theory- You are a person if you meet certain cognitive criteria like consciousness, reasoning, self-motivated activity, the capacity to communicate, and self-awareness
3. Social Theory- You can be classified as a person if society recognizes you as a person, or if someone cares about you
4. Sentience Theory- You are a person if you have the ability to feel pain and pleasure
5. Gradient Theory- Personhood is not either you have it or you don't. It comes in degrees and you can be more of a person or less of a person

I want to make it clear, the fact that there are so many theories about personhood is not what makes Hobbes argument for personhood of the state wrong by any means. Rather, the fact there are so many competing arguments makes it highly difficult to formulate agreed upon conditions

to use for judging whether the state classifies as a *person*. If we cannot solidly say that the state is in fact a person, then our argument for issuing moral responsibility becomes weakened. For this specific question, I believe that we can take a different, much simpler approach by focusing on whether or not the state can be classified as a moral agent.

While the question of moral agency is still somewhat debated amongst moral philosophers, there does seem to be a sentiment that I believe most all would agree to: moral agency requires the ability to make moral decisions and judgements based off what is right or wrong or good or bad and to be held responsible for these decisions and judgements. One specific text that lays out this definition in a much more detailed manner is Alasdair MacIntyre's *Social Structures and their Threats to Moral Agency*. In this paper, MacIntyre lays out an argument for why the social roles that we create through social structures are harming our idea of moral agency. While laying out this argument, MacIntyre also gives us a nice interpretation of what an entity must have to be a moral agent. Briefly analyzing this interpretation from MacIntyre will give us a better understanding of what capabilities the state must have for us to say it is a moral agent.

MacIntyre expands upon one main argument about moral agency that he sees as widely shared amongst moral theorists. The first is a conception of what actions moral agents must be held justifiably responsible for. MacIntyre says this can take form in three respects, "First moral agents so conceived are justifiably and uncontroversially held responsible for that in their actions which is intentional. Secondly, they may be justifiably held responsible for incidental aspects of those actions of which they should have been aware. And thirdly they may be justifiably held responsible for at least some of the reasonably predictable effects of their actions." In laying out the three ways in which a moral agent should be able to be justifiably responsible for, MacIntyre

gives us insight into what it means to be a moral agent. Moral agents are not only held accountable for intentional effects from their actions, which seems to be an intuitive idea, but are responsible for incidental effects, in which they should be aware, and predictable effects as well. Moral agents must have the capability to analyze their actions and decipher between right and wrong using some notion of morality. This means that a moral agent should be able to decipher the intentional, incidental (to some degree), and predictable effects from their actions. This is where the responsibility is generated from.

Analyzing the difference between the personhood of the state and the state as a moral agent may seem nonessential to my argument as a whole, but I think it is necessary to establish the notion that we do not need to be able to call the state a person to be able to hold it morally responsible for its actions. Personhood is a very tricky subject and there seems to be no clear answer on what standards, if any, must be met to be considered a person. Moral agency, on the other hand, seems to at least have a common notion that most moral philosophers can agree upon, and it will get us to the same goal of being able to assign moral responsibility to states. Based off of this, it seems intuitive, for the sake of the argument, to attempt to argue that we can consider states to be moral agents rather than a *person*.

Thinking of States as Moral Agents

Holding states morally accountable as collective agents has been a contentious stance within the realm of international political philosophy, but it seems that current literature has been leaning towards an agential theory of collective morality. Many philosophers within international political philosophy have contributed to this theory, which means there are several iterations of how the theory is laid out. I have chosen to use Philip Pettit's version of an agential theory that

he lays out in his article, *Responsibility Incorporated*. In this piece, Pettit establishes three conditions that test the “fitness” of a group to be held responsible in a richer sense of the word than just causally or legally responsible. Pettit is running an argument that I believe shows that collective agents, like states, can be held morally responsible, and, therefore be counted as moral agents. I will lay out and explore this theory more in this section, but first I want to briefly explore what the agential theory looks like, and what establishing a theory of moral agency for collective entities allows us to do.

Like I stated earlier, there are several iterations of the agential theory, but the main crux of the argument goes something like this. Humans are considered moral agents because of certain criteria that we believe are required to be able to hold one morally accountable for their actions and choices. These criteria vary in different iterations of the theory, but they typically include the ability to have intentions and the ability to deliberate on one’s actions. The agential theory says that we can hold collective agents morally accountable in the same way that we can individual agents because they meet these same criteria, and therefore, we can consider them to be moral agents. This theory shifts how we have traditionally thought about moral responsibility. Most of the mainstream moral theories deal explicitly with individual actors and tend to not think of collective agents as moral actors. Unlike today, where we see millions of collective agents like states and corporations making decisions all the time, these moral theories were created in a time with a lot fewer collective agents to worry about. It is for this exact reason that I believe collective agents were not thought about often in the realm of moral philosophy, and why I believe it is now necessary that we start to include them in modern discussions of moral responsibility. An agential theory allows us to do that.

Pettit lays out the agential theory in a way that I believe not only effectively establishes the necessary analogy between individual actors and collective agents to show moral agency, but also shows how holding collective agents morally responsible is something we should want if we want to hold actors fully accountable for their actions. The argument for the theory is laid out by first establishing three conditions that Pettit says must be met to show the fitness of a group for being held responsible. These conditions are:

1. “Value relevance- The group is an autonomous agent that faces a significant choice between doing something good or bad or right or wrong.
2. Value judgement- The group has the understanding and the access to evidence required for making judgements about the relative value of such options.
3. Value sensitivity- The group has the control required for being able to choose between the options on the basis of its judgements about their respective values.”

These criteria given by Pettit are similar to those typically given in most agential theories. However, Pettit’s argument is particularly interesting because he puts a focus on the value that is associated with decisions making. The first criterion tells us that the group is facing a value-relevant choice where the group can choose to do something good or bad. The second tells us that the group can make judgements on the value of their choices. Finally, the third one tells us that the group can make a choice based off its own respective values. This talk of value is what sets apart this type of responsibility from that simple coming from causal or even legal. I believe this value that Pettit focuses on has to do with morality and therefore, makes the responsibility generated from these criteria moral ones. Establishing this, thus gives us reason to believe that collective agents are moral agents.

Pettit spends the rest of his paper detailing his argument as to why collective agents meet these three conditions and are therefore fit for moral responsibility.(footnote needed here) Instead of going in depth into the argument presented by Pettit, I am going to assume the three conditions are true and analyze how “states”, specifically, relate to these three conditions, starting with the value relevance condition. In short, to meet the condition of value relevance, the group, in this case the state, must be a) an autonomous agent who b) faces choices between good and bad and right and wrong. Like Pettit states in his paper, we can assume the state is will face choices between good and bad and right and wrong if we find evidence that they are an autonomous agent because if you are an autonomous agent, you will face choices and it is highly likely that those choices will have options that have good and bad moral worth. Therefore, we need not spend any time on condition b because it will follow from condition a. To find evidence that the state can be an autonomous agent, we first understand what it means to be autonomous.

The most common understanding for an agent to be autonomous is for them to have the capacity for self-determination of one’s actions and choices. For example, we think of most autonomous humans as being able to determine their actions and choices through their own free will and not because of an exterior force telling them what to do. When we think of the state, we usually think of a group of individuals who make up that state. Whether it be a republic or oligarchy, the choices of the state are usually made by its members. Some may say that this means the state’s choices and actions are not autonomous, because they are decided not by the state, but rather the members who make up the state. However, it seems like this doubt can be rebutted if there exist a choice or action that can’t be reduced to the choices of the individual actors. Pettit gives us an example showing that it is possible for a group entity to make a choice,

CABLE 12

while at the same time, none of the members having that same choice. I will give one similar example but change it so that it fits with our analysis of the state.

Imagine with me for a moment that we live in a small oligarchic republic where a four-member council is the state apparatus. This council is deciding on whether or not to enact a universal healthcare system for its citizens. They decide that if they are to enact such a policy, it must meet all of a set of 4 criteria that they have decided upon. Each member cast their vote on whether the specific universal healthcare proposal has met each criterion. The vote looks like this:

	CM 1	CM 2	CM 3	CM 4	Majority Consensus
Criterion A	Yes	Yes	Yes	No	Yes
Criterion B	Yes	Yes	No	Yes	Yes
Criterion C	Yes	No	Yes	Yes	Yes
Criterion D	No	Yes	Yes	Yes	Yes
Members Decision	No	No	No	No	

After the revealing the results, the policy is enacted because there was a majority consensus that the policy met each criterion. However, each member's individual decision was to not enact the policy because each member felt it didn't meet one of the criteria. Like in Pettit's example, we have revealed an example where it seems that the decision of the group can not be reduced to any of its members individual decision. This example seems to make it impossible to say exactly who

or what holds the responsibility for the decision to enact the policy, given the guidelines. One answer could be that the decision came from the group, as a whole. No individual actor can be said to have enacted the policy, rather we can say that the state enacted the policy. This seems to be a enough evidence to make the claim that the state is an autonomous agent, because it has the capability of making self-determined choices like the one shown above.

The next condition that Pettit talks about is Value Judgement which test whether an agent can make analyze evidence and make judgements on the relative value of the options it is given. It seems to me that we need not spend too much time on this condition. In regard to the state, the main question here is whether it can make judgements about the options it faces when making decisions. The reason I say that we need not spend much time talking about this condition is because we see states making judgements about propositions all the time. For example, in the U.S. Congress, legislation, which represent options for how to go about a certain issue, are brought up for consideration on a constant basis. Votes are held by the chambers of congress to formally decide on the value of said legislation and these votes are decided on by a deep analysis of the evidence provided in support and against legislation. Though this process, the state is able to make a judgement on any propositions that are made by its members, and thus the state's value judgment is formed. This is just a formalized way in which the state makes a judgement on the value of options it is given. This example seems to have easily mad the case for the state to, meet the second condition needed to be held responsible for its choices, but it won't be this simple for the third condition.

Pettit's third condition is Value sensitivity and it is the one that seems to be the most troublesome for collective agents. To meet this condition, the group agent must be able to make choices between options based of its judgements of its own respective values. Pettit makes it

clear in his paper, “given that the group agent is able to form judgements on the relative value of different options, the question is whether it can make choices in response to those judgements: whether it can be duly sensitive to the reasons that the judgements provide.” To be able to address this problem adequately, I believe we need to follow along with Pettit’s argument as to why group agents meet this condition, with keeping in mind that we are specifically focused on the state as our group agent. At first glance, one may make the claim that all decisions made by the state are decisions intentionally made by individuals with reason sensitive control, on behalf of the state. Like Pettit says, this statement runs us into a problem because it seems to say that the state as a separate agent is not able to be in intentional, reason sensitive control of its actions, but rather only the individuals who make up the state can. Pettit sums up the problem that we face in meeting the third condition in the following argument:

“Whatever a group agent does is done by individual agents.

Individuals are in reason-sensitive control of anything that they do and so in control of anything they do in acting for a group.

One and the same action cannot be subject both to the reason-sensitive control of the group agent and to the reason-sensitive control of one or more individuals.

Hence, the group agent cannot be in reason-sensitive control of what it does; such control always rest with the individuals who act for the group.”

Since this argument is valid and Pettit says we must look at the soundness of each premise, specifically the third premise, because throughout the entire paper, Pettit has been running on the assumption that the first two premises given are sound. So, the question we must answer is whether an action can be subject to the reason-sensitive control of both individual agents and the group at the same time.

To answer this question, Pettit gives us an example of a flask of water being brought to a boil, and, consequently, the flask breaks. In this scenario, the flask breaks because a water

molecule within the flask reaches a point of momentum that is sufficient enough to break the molecular bond of the flask. We then need to ask the question of what makes the flask break. On one level, we can say that the flask breaks because of the molecule that triggered the break. However, on another level, we can also say that the boiling of the water is also causally relevant. Pettit sees this as a higher and lower levels of causality. “The higher-level event, the water being at the boiling point, programs for the collapse of the flask, and the lower-level event implements that program by actually producing the break.” In this excerpt, Pettit introduces the idea of the programming agent and the implementing agent. Using this as an analogy for group and individual actors, we can say that the individual agents within the group are the ones charged with implementing the choices and actions made. The group, itself, is what programs the choices and actions that are to be made. Both of these agents seem to have causal relevance to the end actions. Pettit fleshes this idea out by saying, “The members will have responsibility as enactors of the corporate deed, so far as they could have refused to play that part and didn’t. The group agent as a whole will have responsibility as the source of the deed: the ultimate, reason-sensitive planner of its origin.” This idea of programming and implementing is what Pettit believes gives both group agents and individual agents value-sensitive control over actions, and, therefore, the opportunity for group agents to meet the third condition.

After seeing Pettit’s defense for group agents meeting the third condition, let’s now look at how the state fits into this idea of programming and implementing. The simplest example of this process that comes to mind is again the U.S. government. The state apparatus of the United States consists of three branches of government: The Executive, Legislative, and Judicial. These three branches all play a role in performing the actions of the state. When legislation is passed in the Legislature, signed by the President, and then upheld by the Supreme Court, it then becomes

the law of the land and therefore a decision has been made by the state. This is what we can refer to as the higher-level, programming apparatus of the actions taken by the state. Within all three of these branches are individual actors, the President and his cabinet, Representatives and Senators, and Justices, who act on behalf of the state. These individuals are the implementing apparatus of the state. They have a causal relationship to the actions taken by the state in the form of voting and to some extent caucusing for certain proposals. Just like in Pettit's example, the individuals have responsibility as enactors of policy, but the state as a whole will have responsibility as the source of the action: "the ultimate, reason-sensitive planner at its origin."

Actions taken made by the state have moral implications towards their citizens and other state actors, so it seems intuitive to me that they should hold some sort of responsibility for these actions. Through Pettit's argument, it becomes quite clear there is good reason to believe that collective agents like the state meet the provided conditions to be held morally responsible for these actions. Pettit talks about the need for holding groups responsible in this way in the last section of his paper. If we can't hold collective agents morally responsible, we take the risk of running into situations where no individual actor within the group can't be held responsible for the action, and therefore, we have nowhere to place the responsibility. When dealing with collective agents with the amount of power that states have, it seems intuitively obvious that we would not want to let states be able to act without having to take responsibility for those actions. Using an agential theory for collective agents helps us avoid these issues all together.

What does a Virtue Ethics framework give us?

Now that we have established that the state is a moral agent who can be held morally responsible for its actions, we can move forward with formulating a positive case for using Virtue Ethics to make moral claims about state actions and choices. Before we do that, however, it would seem beneficial to give a quick overview of the basics of Virtue Ethics to better understand how we will apply this moral theory, which is inherently focused on individuals, to a collective moral agent like the state. After a brief overview of Virtue Ethics, I will then go into what I call *Virtues of the State*. These are virtues that the state can embody, cultivate, and strive towards in its actions within the domestic sphere. While I do believe that one could make a case for a variety of virtues, I will focus on three that I believe are the most relevant to the issues of today that require state action. These three are Justice, Equality, and Compassion. To provide an analysis of how these three virtues could be embodied and cultivated by the state, I will look at current issues with the United States and how the state apparatus of the U.S. has acted on these issues. Through this analysis, I believe we will not be able to make moral claims on the actions taken by the U.S. state apparatus and others, but also lay groundwork for establishing what a *Virtuous State* would look like.

The theory behind Virtue Ethics was first introduced by Aristotle in his collection of books called *The Ethics*. In book 2 titled “Moral Virtue,” Aristotle introduces the concept that for a person to reach what he called *eudaimonia*, translated as “human flourishing,” a person must work towards cultivating the virtues and act virtuously in all aspects of life. For a person to act virtuous, for Aristotle, they must be performing the action in between two extremes. This is what Aristotle calls the “golden mean.” For example, acting courageous is the midpoint between acting cowardice, which is a deficiency, and acting reckless, which is too excessive. Aristotle says on page 46 of *The Ethics*, “Virtue, then, has to deal with feelings or passions and with

outward acts, in which excess is wrong and deficiency also is blamed, but the mean amount is praised and is right- both of which are characteristics of virtue.” Simply put, a virtuous person means doing the right thing, at the right time, in the right way, in the right amount, and to the right people.

Aristotle makes it clear that the virtues are not implanted within the nature of humans, but rather humans must acquire them and cultivate them by acting with the intent of being better and learning from other, more virtuous, people. Using experiences and watching other virtuous people is the only way to learn how to make virtuous choices. Aristotle relates this process to how builders and harpist learn their art. He says on page 35 of *The Ethics*, “But the virtues we acquire by doing the acts, as is the case with the arts too. We learn an art by doing that which we wish to do when we have learned it; we become builders by building, and harpers by harping. And by doing just acts we become just, and by doing acts of temperance and courage we become temperate and courageous.” Also, a true virtuous person is never finished learning. They always have improvements to make because they are gaining new experiences that teach them how to be even more virtuous. To be a fully virtuous person you cannot only cultivate some of the virtues, you have to cultivate all of them. To be truly virtuous you must act in a way that creates a unity between all the virtues. Performing and acting in this way is what makes moral, virtuous people out of humanity.

Reading this short description of what Virtue Theory is, one may raise the concern that this moral theory was created for individuals and cannot be applied to collective agents like the state. While I do understand these worries, I believe that they are simply barriers for virtue theorists that prevent them from being able to make moral claims within the field of global justice. All the way back to its origins, Virtue Ethics has been a theory about people interacting

with other people in their communities. These everyday encounters with others in the community are what Aristotle says aid in the cultivation of a person's virtues. The cultivation of an individual's virtue in the community also adds to the joint goal of the community, which is becoming more virtuous overall. To Aristotle, these interactions are heavily grounded in real one on one connections between human beings and humans achieving their final end, or "function". Throughout, *The Ethics*, he emphasizes that cultivating the virtues and becoming a virtuous person is all for the sole purpose of attaining eudaimonia and happiness for one's life. After reading all of that, it seems clear that Aristotle would have chuckled at the notion of taking a moral theory that was specifically designed for human beings and applying it to non-tangible states that have no need, or even capability, of reaching eudaimonia and feeling happiness.

Despite the creator of the theory most likely disagreeing with me on this issue, I still hold that we must find a way to advance past the "humans only" view in Virtue Ethics. First off, I do not feel that it is necessary for me to address the fact that collective entities cannot achieve eudaimonia or feel happiness. While this is considered the purpose for humans to work towards cultivating the virtues, it does not seem to be a requirement for them to take part in the practice. It seems totally plausible that a person could take part in cultivating virtues without wanting to gain happiness or eudaimonia. To be able to apply this theory to collective agents like the state, I believe all that is necessary is to show that states are capable of performing the same necessary moral interactions that individuals do to cultivate their virtues, and that states meet the requirements for being a moral agent. Since I have already accomplished this in the prior sections, I think we are safe to move forward.

Justice is the first virtue that I believe states can cultivate within their actions towards their citizens. The definition of justice that I believe best fits for what we are concerned about in

this paper comes from Aristotle himself. In Book 5 of the Nichomachean Ethics Aristotle writes, “A just thing then will be (1) that which is in accordance with the law, (2) that which is fair; and the unjust thing will be (1) that which is contrary to law, (2) that which is unfair.” Now when Aristotle was talking about justice, he of course wasn’t writing about how the state can cultivate this virtue, but rather how a person can. However, I still think we can pull from this definition and see how the state can accomplish the same thing. From this definition of justice from Aristotle, I think we should focus on the fairness part rather than the law-abiding part. While I do think that states can follow and break laws just like a person can, international law for example, I think when we look at the domestic sphere and the interactions of states with their citizens, we should pay particular mind to whether they are fair and just with their actions. If a state, as a moral actor, has cultivated the virtue of justice, then we should be able to see the characteristics of justice in the actions that the state takes.

To be able to make a moral claim about a states’ cultivation of the virtue of justice, we must look at their actions taken towards citizens and ask two questions. Were the effects of this action deserved and, if so, were they equitably distributed? These questions speak to the fairness and justness of the action taken. To further analyze this state virtue of justice let’s take a look at an example from the United States. In 1970, the U.S. Congress passed the Controlled Substance Act which gave marijuana a schedule one drug classification. This classification has led to the mass incarceration of U.S. citizens who are caught smoking or in possession marijuana. This action taken by the United States has changed the lives of its citizens in horrible ways. With the addition of other laws like the three strikes law, some citizens have been sentenced to life in prison for simply possessing a small amount of weed or failing a drug test during probation. The

effects of this action taken by the U.S. government are moral ones and thus we can judge them and see if they are in line with the virtue of justice.

Like I stated earlier, the first question we must ask is whether the effects of these actions were deserved. To answer this question, we must understand why the law was necessary in the first place. If the use of marijuana led to horrible effects within the community, then it seems justified that the U.S. government ban the use of it and implement repercussions to deter citizens from using the substance. Thus, the effects of these repercussions on their citizens would be deserved because the law was put in place to solve a more troubling problem. However, this was not the case. There is no evidence that shows marijuana use increases the likely hood of violence amongst its users and actually there are studies that allude to the exact opposite like this one from a 2013 Rand Corporation Study that says "marijuana use does not induce violent crime, and the links between marijuana use and property crime are thin." This would seem to say that there was no actual reason for the law to be put in place, and therefore, no justification for the effects of the repercussions that U.S. citizens faced for breaking this law. In this specific case, the actions taken by the U.S. created effects for its citizens that were not deserved. Since this action clearly goes against the question of whether or not the effects were deserved, it is not necessary that we venture into the question of whether or not they were equitably distributed. However, I do think it is relevant to point out that studies from the ACLU show that even though blacks and whites use marijuana at roughly the same rate, blacks are four times more likely to be arrested for marijuana possession than whites. This just provides further evidence that these actions taken by the U.S. do not show a cultivation of the state virtue of justice.

The next virtue that we are going to analyze is Equality. The concept of equality has been theorized by many different people to mean many different things. The type of equality that I

want to talk about here is that to do with democratic equality of citizens within a state. This concept of democratic equality is famously created by Elizabeth Anderson in *What is the Point of Equality*. In this paper Anderson says, “to be capable of functioning as an equal citizen involves the ability to effectively exercise specifically political rights, but also to participate in the various activities of civil society more broadly, including participation in the economy. And functioning in these ways presupposes functioning as a human being. Consider, the, three aspects of individual functioning: as a human being, as a participant in a system of cooperative production, and as a citizen of a democratic state.” This type of equality is what should be promoted by the actions of the state and thus created for its citizens. When looking at whether a state has cultivated this virtue of equality, we should look at the systems that the state has put in place to promote the capability to function as an equal citizen. If these systems produce a true form of equality than we can say that the state has acted in a virtuous way, and if not than they we can say the opposite.

To provide an example for the cultivation of this virtue, let’s look at a part of U.S. history that many want to forget, slavery. The U.S. had slavery as an official part of its society all the way up until the signing of the Emancipation Proclamation was signed by President Abraham Lincoln in 1863. This act by the U.S. state apparatus granted legal status to over 3 million slaves across the country. One does not have to dive too deep into the concept of slavery to understand that this institution blatantly goes against the concept of equality that we are analyzing. Slavery allows for the owing of human beings as property and prohibits these individuals from being able to do take part in the basic functions of being a human that Anderson described when talking about equality. The actions taken to allow slavery to exist in the U.S. were clearly and definitively not virtuous in any way. With that being said, the U.S. did take the right action and

abolished slavery. Since that time, the state has implemented many policies like the Civil Rights Act in 1964 and others to improve the social standing of those affected by slavery and racism. These actions, in and of themselves, seem to be rooted in the concept of equality for all citizens. The actions taken by the U.S. to implement policies that would increase the capability for black people to function in society equally with whites are ones that I would say show that the U.S. has worked to cultivate the virtue of equality. Now this is not to say that the U.S. is perfect in this aspect. The U.S. still has laws that negatively affect groups of citizens in way that do not promote equality. However, just like the actions of individuals can never be perfectly virtuous, only more or less virtuous, so can the actions of the state.

The last virtue that I wanted to analyze in this paper was that of Compassion. This virtue seems to have a slightly more agreed upon definition than the other two. For most, to be compassionate means to show sympathy for the suffering of others. We as individual actors exemplify this virtue when we donate to the poor and provide comfort to those suffering. The state can exemplify this virtue through the actions it takes towards those citizens worst off in society. Cultivating this virtue means that the actions taken by the state show sympathy and work to alleviate the struggles of its citizens who suffer the most. This would include policies that deal with homelessness, poverty, and to some extent, healthcare. This last issue of healthcare is the one that I want to dive deeper into to see how the U.S. does or does not show compassion to its citizens who suffer from health problems.

The U.S. healthcare system may be one of the most complicated systems in the world. It is a mostly privatized system that relies on employees receiving health insurance from their employers. It also has public aspects like Medicare and Medicaid that help supply health insurance for those who are retired or in poverty. However, these systems still leave close to 44

million uninsured and many more with inadequate insurance. Co-pays, deductibles, and premiums make private health insurance incredibly expensive and put some people in massive debt for simply getting hurt or having a pre-existing condition. Interestingly enough, the U.S. is actually one of the only countries on the world where people actually go bankrupt because of unpaid medical bills. So, on top of having to struggle with the medical emergency you were handed, you also have to deal with massive debt that comes with treating it. On the surface of this issue, I think any reasonable person can see the lack of compassion that exist within this system. Instead of the U.S. providing healthcare for all of its citizens regardless of their ability to pay, they let the private industry make massive profit off people getting injured. The policies passed and the actions taken by the U.S. to allow for this to happen lack the virtue of compassion in ever sense of the word and are downright immoral.

The few virtues that I have laid out in this paper are far from all the ones that a state, as a moral actor, should work towards cultivating and embodying, but they are ones that I feel are most important to talk about at this current moment in history. Justice, Equality, and Compassion seem to be lacking in not just the U.S. state apparatus, but many others across the world. This is why I believe it is important for us to be able to see states as moral actors and judge their actions through a moral framework. If we can see the actions of the state towards its citizens as inherently moral ones, then we can make claims about their lack for morality and the need for them to be corrected. Along with this ability to make moral claims about a state's actions, through Virtue Theory we can also conceive of a *Virtuous State*, just like Aristotle conceives of a virtuous person. A *Virtuous State* is one that act in accordance with the virtues. They work on cultivating the virtues and implementing them in their policy decisions and actions towards their citizens. This idea of a *Virtuous State* can serve as a moral exemplar for other states to strive

towards. This strategy puts a guiding morality at the focal point of states actions and removes the current metric of sheer power. Now a state is judged on how it has cultivated the virtues, rather than how successful they have been in gaining power over other states. This idea would hopefully lead to a more moral world for all people living in it.

Application: Is Choosing Capitalism Virtuous?

So now I ask the question, would it be virtuous for the state to choose Capitalism as its economic system? At first it may seem weird to say that any state “chooses” the economic system that is used within its society; however, I believe that this choices comes about in the actions that any state takes towards structuring its economic system. The rules and regulations passed by the governments of states play a key role in what economic system is allowed to take root in its society. Every day, that state allows, or chooses, to let one economic system prevail over others. In saying this, I want to look at how virtuous it is for a state to choose capitalism as its economic system. Now I do understand that economic systems are tricky to talk about because they can implement aspects from other economic systems that may make it hard to call it simply just a capitalist system. Therefore, I believe it is better to focus on the theory of competition, which I believe to be a cornerstone concept of capitalism.

In this section, I will look at this theory of competition and analyze how it effects the three virtues of the state that I expanded upon in the section prior. I will show how capitalism and the theory of competition do not promote the virtues of the state, but rather promote vices like injustice instead of justice, indifference instead of compassion, and inequality instead of equality. Through this application of my theory, I believe that I can successfully critique capitalism on moral grounds without calling capitalism itself immoral. While I may believe that

capitalism itself is immoral, I do recognize that the rebuttal to this line of reasoning is that capitalism can't be immoral because economic systems are neither moral nor immoral, but rather amoral. The approach that I intend to take with this section is to say that the choice of having capitalism is an immoral choice made by the state who chooses it. Therefore, the burden of immorality is given to the state and not on the system of capitalism itself. I believe that this is an adequate work around to the rebuttal given by many economists and gives reason to believe that capitalism is not a moral economic system for states to have in their societies.

Before I go into how the theory of competition prevents states from acting virtuously, we must first provide a definition to the theory of competition. There are different iterations of this theory, but I will be using one of the most know theories presented by Adam Smith in his work, *Wealth of Nations*. In the *Wealth of Nations*, Smith talks extensively about the many aspects of a capitalist economy and says this about competition, "If this capital is divided between two different grocers, their competition will tend to make both of them sell cheaper, than if it were in the hands of one only: and if it were divided among twenty, their competition would be just so much the greater, and the chance of their combining together, in order to raise the price, just so much less." This is the basic notion of the theory of competition. The creation of competition and a free market are supposed to lower the prices of goods for consumers and thus provided more goods, at an affordable price, to more people, rathe than if all of the goods were owned and sold by one company. This is the basic notion for competition in an economical sense but lets expand upon this and see what this means for other aspects of our society.

When you talk about competition in simple terms like lemonade stands, it seems harmless and honestly seems like a good thing for consumers. Surely lower priced goods would be a good thing for people who fall into the lower income bracket of that society. However, one thing that

we don't focus on enough is how this theory of competition has made its way into other aspects of our society. When we talk about competition, we have to acknowledge that competition has embedded itself in the American way of life. If you want to be successful in this country, you have to do better than everyone else in your workplace, in your school, or in your community. The theory of competition makes our society a battleground where everyone is fighting against each other to be more successful than the others. By no means do I think that wanting to be successful is a bad thing in any way. However, this sense of complete competition within our society creates a society that is completely outcome driven and the outcome that matters is all centered around profit. This is where I believe that the problem arises with the theory of competition and its relation to how a state can be virtuous.

The first virtue that I want to look at is justice. Like I have provided earlier in this paper, my definition of justice comes from Aristotle, with a particular focus on the fairness within the actions taken by the state towards its citizens. The question that we must answer is: how does competition and profit motive effect the ability of the state being just and fair to its citizens. To answer this question, we will look at how competition and profit motive have affected the incarceration system in the United States. The U.S. not only has the world's largest prison population, but also the world's largest private prison population. A lot of these private prisons are owned by corporations that run these facilities as for-profit prisons. The private prison market has seen a major jump in the proportion of total prisoners they keep in the last 20 years. In one study by the Bureau of Justice Statistics, the amount of the total prisoners that were held in private prisons jumped up 47% from 2000 to 2016 and the number of immigrants held in privately owned detention centers also jumped up 442% from 2002 to 2017. These increases have led to a massive profit haul for the CEOs of these companies. According to the sentencing

project, an organization fighting against for-profit prisons, “Core Civic and its closest competitor, GEO Group, collectively manage over half of the private corrections contracts in the United States, with combined revenues of \$3.5 billion in 2015.” This massive profit motive and competition between these companies has created a criminal justice system in America that makes money off of the more people we put into prison. This seems to be contradictory to the reason you have a criminal justice system in the first place and does not promote justice and fairness within society. When your economic system is based off of competition every sector becomes focused by the amount of profit that one can make out of the system. This means that enough profit can always outweigh the importance of justice with any society and shows how competition and profit motive prevents states from exemplifying the virtue of justice.

The next virtue is that of equality and the ability to function “as a human being, as a participant in a system of cooperative production, and as a citizen of a democratic state.” The problem that competition brings to the virtue of equality comes about through the results that competition brings about within a society. Competition produces winners and losers and once this happens you start to see a divide in wealth between those who win and those who lose. Granted, one may say that this divide is justified because the winner worked harder than the loser to win the competition. However, we must look at the starting places of these winners and analyze whether they have been given an advantage in the competition. A lot of people in America like to tout that anyone can become a billionaire and that these individuals earned their way to the top through the competition that capitalism provides. However, I believe this claim is not a correct way to describe the wealth that has been accumulated by those in the 1% of America. A study by United for a Fair Economy showed that “roughly 40% of the [Forbes 400] 2011 list received a significant advantage by inheriting a sizeable asset from a spouse or family

member [and] more than 20% received sufficient wealth to make the list from their inheritance alone.” These numbers show that the success of the richest individuals in America tends to come from inheritance and privileged positions, not hard work through competition. This massive accumulation of wealth also gives these individuals unlimited resources to buy whatever is necessary to keep “winning” the competition within the economy. This puts the majority of Americans at a disadvantage to ever be a winner. The true problem that I see in these outcomes is not that they exist, but rather that they are inevitable. Competition always leads to winners and losers, and those winners will always have an advantage over those that lose. This leads to an unequal society where those who have the resources to succeed in competition will always win the competition. To promote equality, you must provide all people with the means to succeed and in a society where the majority of those resources are in the hands of 1% of the population, this cannot happen.

The final virtue is that of compassion and how we treat those worst off in our society. Competition works very well in things like sports where the losers can still go home to their families and enjoy their lives outside of the competition that they lost. This, however, is not the reality when the competition decides where you go home to sleep at night. The losers in our society do not simply lose a game, they lose their livelihood and in some cases their lives. A study by Columbia University found that “approximately 245,000 deaths in the United States in the year 2000 were attributable to low levels of education, 176,000 to racial segregation, 162,000 to low social support, 133,000 to individual-level poverty, 119,000 to income inequality, and 39,000 to area-level poverty.” These individuals lost the “competition” that proponents of capitalism tout so much about, and then also lost their lives because they could not afford the basic necessities that human beings need to live. To analyze whether a state is being

compassionate with its actions towards its citizens, we must look at how they treat those worst off in their society, and for America, it seems they have left them to die. I am not saying that this is an inevitable effect of competition, nor am I saying that these problems could not be fixed by a social safety net put in place to help these individuals. However, I am saying that it makes no sense to allow an economic system that produces these effects to exist in the first place.

Allowing a system that results in the death of those worst off in your society is morally wrong and prevents the state from acting compassionate to its citizens.

Capitalism has produced a lot of wealth for states and the people who are on top in these state's economies. However, we should not judge a state on how much money it has, but rather how virtuous it acts to its citizens. Capitalism leads to injustices across a state's society, inequality amongst its people, and zero compassion for those worst off. This is because capitalism is not people focused, but rather profit focused through competition. I will not venture into a discussion about what economic system a state should choose if it wants to right the wrong of allowing capitalism to ransack its society, that can be discussed in other essays. However, I will say that the implementation and the continuation of capitalism as the economic system of any state will prevent that state from ever being able to act in a virtuous to its citizens.

Conclusion

Abuses of human rights and massive injustices are prevalent around the world. The main purveyors of these struggles are the state apparatuses that choose to allow this to keep going on. Whether it is allowing for the massive accumulation of wealth by a few individuals or allowing workers to be exploited across the world, states are the ones who make these decisions and take these actions. We must figure out some way to hold these actors morally responsible so that we

can begin the process for correcting these wrongs. The theory that I lay out in this paper will not fix every problem that we see in the world, but rather it is a starting place. If we can begin to look at states as moral actors, then we can begin to judge their actions through a moral framework. This may not seem like such a big deal, but I would challenge that it would be a paradigm shift like never seen before. Instead of the metric for state success being focused around power, it will instead be focused around morality. If we effectively utilize Virtue Theory in a way that will allow us to not only make moral claims about the actions taken by states but also create virtues and moral exemplars for states to use as a guide, then I believe we will successfully change the narrative that has brought so much misery and pain to a majority of the world's population.

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