

Situationism, going mental, and modal *akrasia*

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Abstract Virtue ethics prescribes cultivating global and behaviorally efficacious character traits, but John Doris (Noûs 32:504–530, 1998; Lack of character: personality and moral behavior. Cambridge University Press, Cambridge, 2002) and others argue that situationist social psychology shows this to be infeasible. Here, I show how certain versions of virtue ethics that ‘go mental’ can withstand this challenge as well as Doris’ (Philos Stud 148:135–146, 2010) further objections. The defense turns on an account of which psychological materials constitute character traits and which the situationist research shows to be problematically variable. Many situationist results may be driven by *impulsive akrasia* produced by low-level (in some cases even perceptual), emotionally induced ignorance about one’s situation, and some may be driven by a further subtype: modal *akrasia*. Many subjects in the infamous Milgram experiments, e.g., seem to have recognized what the virtuous thing to do was and that they *should* do it, and only failed to do it because their emotions prevented them from seeing (or at least from recognizing, at the level of deliberation) that they *could*. If the primary constituents of character traits are higher-level mental dispositions involved in deliberation, though, then the results don’t show that *these* psychological materials are problematically variable.

Keywords Situationism · Virtue ethics · Character traits · Deliberation · Modal *akrasia*

In the early 1960s, Stanley Milgram (1963, 1974) instructed participants to deliver what they thought were highly dangerous shocks to another individual, “the learner.” Every subject did so, amidst the learner’s screams and protests, and 65 %

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continued to administer the shocks even after the learner stopped responding—until for all they knew, the learner was dead. In Darley and Batson's (1973) Good Samaritan study, subjects walked past a person slumped in an alley while on their way to deliver a lecture. Whether they stopped to help or not depended on whether they were told they were in a hurry or not (10 % vs. 63 %), but not on personality measures or professed values. In Isen and Levin (1972), 87.5 % of subjects who found a dime in a phone booth helped a passerby who dropped a stack of papers, compared to 4 % of subjects who did not.

These findings are far from anomalous, but representative of a large literature in situationist social psychology purportedly showing that various aspects of situations play more of a role in determining moral behavior than people's personalities or character traits. You do what you do less because of cross-situational dispositions that *you* possess (like being helpful) and more because that's just what people typically do when in that type of situation (e.g., having just found a dime). Situationism threatens a number of central assumptions about responsibility, free will (Nahmias 2007; Nelkin 2005; Vargas 2010), and the nature of agency (Doris 2009, forthcoming), but its most notable philosophical application, by John Doris (1998, 2002, 2005, 2010) and others, has been to virtue ethics.¹

Virtue ethicists advocate the development of character traits that are global (situationally consistent with respect to morally irrelevant factors, like finding a dime, and stable over time), as well as behaviorally efficacious. They then explain central moral notions—e.g., what it's right to do—in terms of what someone with properly developed character traits—the virtues—would do. Since character traits are dispositions, their possession can be assessed with conditionals:

If a person possesses a [global] trait, that person will engage in trait-relevant behaviors in trait-relevant eliciting conditions with *markedly above chance* probability p (Doris 2002: 19).²

If Marion is honest, for instance, then she'll engage in honest behavior in a wide range of situations calling for honesty. Situationists claim there's evidence against most such conditionals: in many trait-relevant eliciting conditions, people do not engage in the trait-relevant behaviors. People are considerably intrapersonally inconsistent across eliciting conditions, or situations. Thus, the antecedent of every such conditional is either false, and people do not have global character traits, or true, but the traits don't play a primary role in producing people's behavior. Either way, developing global *and* behaviorally efficacious character traits is too impracticable to leave virtue ethics viable.³

¹ I'll focus on Doris' account, but the response developed also applies to Harman (1999) and Vranas' (2005). Merritt (2000) and Flanagan (1991) express somewhat different worries about character. Ross and Nisbett (1991) provide an introduction to the relevant empirical findings, which Mischel (1968, 1971) applies to character traits.

² I'll argue for an important modification of this conditional in §4. Following Doris, we'll bracket any worries about conditional analyses of dispositions and the details of eliciting conditions and exact probabilities.

³ Most of the relevant data come from between-subjects studies, but the best explanation of the cross-situational inconsistency found in these experiments is intrapersonal inconsistency (Doris 2002: 63). See also note 50.

Two clarifications: The situationist need not deny the existence of more local traits. Even if people do not have the global trait of *helpfulness*, they might have the more narrow, situation-specific traits of *helpfulness-after-finding-a-dime* and *unhelpfulness-after-not-finding-a-dime*. These “evaluatively disintegrated” traits aren’t the ones virtue ethicists appeal to, though, and for good reason. We can’t base prescriptions or evaluations on the near infinite list of local traits that might be relevant in myriad unforeseen situations (cf. Webber 2007), and moral training would have a tremendous time instilling the “local virtues” of *dime-finding-dropped-paper-compassion* and *sailing-in-rough-weather-with-one’s-friends courage* (Doris 2002: 115). Of course, “local” and “global” fall on something of a spectrum. What the situationist denies is only the tenability of character traits that are *global enough* for what virtue ethics requires.

Second, the challenge isn’t just that people don’t currently have extensive enough traits but that they never feasibly *could*. Global character traits violate the *Principle of Minimal Psychological Realism*: for an ethical theory to prescribe *X*, it needs to actually be possible for creatures like us to have or do *X*. Virtue ethics tells us to develop character traits that are global and behaviorally-efficacious, but situationism supposedly shows that we lack the very psychological materials from which we could ever do so.⁴

A number of responses have been made to the situationist challenge, but none have dealt a decisive blow. My aim here is to sketch a best line of defense on the virtue ethicist’s behalf—a central strategy that can be supplemented by other (extant) replies.⁵ Some have stressed that character traits can be overshadowed by

⁴ On psychological realism, see Flanagan (1991: Ch. 2) and Doris (2002: 112–114). Doris insists that the real debate is over traits of type *T*, had to extent *E* (where *T* and *E* are those required by virtue ethics), such that others, like Prinz (2009: 125), overstate things in saying, e.g., that “[i]f situationists are right about average minds, then virtuous minds are not merely hard to attain; they may be nomologically impossible” (my emphasis). However, if we say that situationism only shows it to be extremely difficult, not impossible, to possess the relevant traits, then there is more force in the response that the virtues are *supposed* to be rare (Annas 2005; Sreenivasan 2002). We can reconcile these characterizations by construing the debate in terms of the *possibility* of character traits of type *T+*, possessed to extent *E+*. (All parties should agree that whatever we currently possess is improvable; the question is whether we could develop robust and extensive *enough* traits for the purposes of virtue ethics. I’ll often leave these qualifiers implicit in the text.) Empirical data can support this type of nomological possibility claim. We have excellent *empirical* evidence, e.g., that no human can run 100 m in under 3 s (through natural means).

⁵ I really do mean “on behalf” of. I won’t offer a positive argument *for* the existence of character traits, only a negative argument against situationists’ claims to have proven them untenable. I think there are independent motivations for virtue ethics, and only intend to de-fang the situationist challenge to it here, clearing the path for these positive considerations. For surveys of other responses to situationism, see Prinz (2009) and Russell (2009: Part III). “Best” is trickier. I’ll go on to argue that virtue ethical theories that take some of the primary constituents of character to lie at the pre-deliberative level (e.g., Alfano 2013; DesAutels 2012; McDowell 1978, 1979; Russell 2009; Snow 2008; Wiggins 1975) fare worse against the situationist challenge than theories that take its primary constituents to be deliberative. I’ll discuss the former theories in what follows, but will have to pass over the independent things that can be said in their support. I note, then, that there may be tradeoffs. Just in terms of, and for the purposes of responding to the situationist challenge, however, deliberative theories of character are better situated than pre-deliberative theories, and so are included in its “best” defense in that sense. The rest of the argument I offer—the re-interpretation of the situationist results—can be used by all virtue ethicists.

competing factors, such as the pressures of authority, punctuality, and other social influences. As we'll see, though, much turns on the sense in which (and where) this overshadowing occurs. Others have taken issue with situationists' understanding of character traits and claimed that they're not primarily behavioral, but rather mental, dispositions. Doris does admit that character traits can have some internal constituents, but he argues that any account that 'goes mental' (rather than primarily behavioral) will fail for further reasons: either the internal materials themselves turn out to be situationally variable, or else they can't play much of a role in producing overt behavior (2010: 144, responding to Adams 2006). However, while many versions of going mental do succumb to these further challenges, those with a sharper separation between different internal states need not.

The strategy here turns on distinguishing (C): the *psychological materials*⁶ that are the primary constituents of *character traits* and (V): the materials that the situationist research shows to be *variable*. If the materials involved in (C) are distinct from those in (V), then the data fail to demonstrate that the virtues are infeasible. Regarding (C), I'll argue that the virtue ethicist should take character traits to consist primarily in dispositions involved in deliberation. Regarding (V), I'll argue that many situationist results are likely driven by involuntary and akratic behavior due to low-level (in some cases even perceptual) *epistemic* variability. I'll then extend the scope of this interpretation of (V) by introducing an importantly overlooked form of practical shortcoming—modal *akrasia*—that seems to drive many of the most problematic findings. To the extent the data are driven by these sorts of shortcomings, they don't tell against virtue ethics, since variability at these lower levels isn't variability in the deliberative processes or states that are the primary constituents of character traits.

1 Going mental

Theories of character traits can be divided into three broad families on the basis of what they take the *primary* constituents of character traits to be: overt behaviors, moral sensitivities, or deliberative processes. Consider an intuitive model of the causal route that information can take to affect one's behavior. We can divide the path roughly into five "levels," each of which is comprised of different psychological materials, and where the outputs of each are inputs to the next.⁷ At the lowest, *perceptual level*, sensory receptors register information about the environment, leading to perceptual states. At the next, *quasi-perceptual level*, the information may become the content of propositional attitudes like beliefs.

⁶ These are the dispositions that constitute traits, could develop into them, or would (if that were possible).

⁷ These are convenient ways of dividing processes that occur along more of a spectrum, and surely other causal arrows (some pointing in opposite directions) are needed for anything like completeness. We don't need to take a stand on all of the model's details, since its *structure* is what's important. Dual-processing theories do, however, lend a certain amount of empirical support: system 1 processes are often construed as quasi-perceptual (e.g., by Kahneman 2011), System 2 processes as effortful and deliberative.

Together, the perceptual and quasi-perceptual levels constitute the *pre-deliberative level*.

Mental states on the pre-deliberative level may be conscious, but its processing is wholly receptive; one is not active with respect to it. In contrast, one can actively engage with information at the next, *deliberative level*, where it enters into (or initiates) rational relations with one's other mental states—where one can make inferences from and combine that information with other beliefs and desires, such that one comes to practical conclusions: judgments about what to do. At the next, *post-deliberative level*, the information can then influence one's decision, and so, at the highest level, one's *overt behavior*.

Doris (1998) favors an *overt behavior account*, according to which character traits consist primarily in global behavioral dispositions. He acknowledges that traits might also include a variety of internal factors, but what distinguishes overt behavior accounts from theories in the other two families is its denial that these are primary.⁸ Doris also discusses *moral sensibility accounts*, according to which the virtues consist primarily “in a distinctive ‘way of seeing’”—i.e., in passive dispositions of pre-deliberative capacities that are reliably *receptive* to the *morally salient* features of one's situation (Doris 1998: 509).⁹ In contrast, *deliberative accounts* emphasize dispositions at higher, more *effortful* levels. Character traits are primarily constituted by dispositions of the active mental processes by which the *agent* produces action—that is, the processes involved in practical deliberation. Annas (2005: 638; 2011) and Kamtekar (2004), for instance, stress the role of practical reasoning in making character traits situationally flexible.¹⁰

Of course, individual theories can emphasize different dispositions at the same level, and they may even appeal to dispositions on more than one. What's important for our purposes is just the rough distinction between the three main families.

⁸ Doris (2002: 17, 86-9; 2005: 663; 2010: 140). The ‘primacy’ terminology is mine.

⁹ As Jacobson (2005) notes, moral sensibility theorists sometimes use ‘seeing’ and ‘perception’ to refer to actual sensory perception, sometimes to a cognitive or intellectual sort of “perception” (indeed, compare *NE* 1147a25-27 and 1147b15-19, where Aristotle speaks of *sensory* perception and *NE* 1143a25-1143b7, where the relevant sense of “perception” is *noûs*.) McDowell (1978, 1979) and Wiggins (1975) claim that *phronêsis*—prudence or practical wisdom construed as a way of moral seeing or quasi-perception—is a constituent of the virtues (though McDowell takes the relevant states to have a dual direction of fit). Note also that speaking of “epistemic” sensitivities at the perceptual (and perhaps quasi-perceptual) level is an expedient. They need not concern actual knowledge, but they are—like genuinely epistemic sensitivities at higher levels—passive, receptive dispositions.

¹⁰ I mean to construe deliberation more broadly: not broadly enough to include theoretical reasoning, but not to require practical reasoning of any particular sort (e.g., “weighing” or “calculating”), either. The deliberative account has affinities with theories of identification, according to which actions produced by deliberation are more fully one's own than others. Some deliberative accounts may tie character traits more tightly to the will (in line with volitionalists about identification, like Frankfurt, 1988), while others may connect them more closely to evaluative judgments (in line with cognitivists, like Watson, 1975). The relevant dispositions may also constrain, rather than motivate, one's choice, as in Frankfurt's (1988) “volitional necessities”.

Doris (2010: 144) levels two objections at any theory that makes internal factors the primary constituents of character traits—any theory that ‘goes mental’. First, further empirical data suggest that these internal states are situationally variable. Second, if going mental insulates the psychological materials that (would) underlie character from the problematic behavioral variability, this severs the connection between traits and behavior in both directions. Going mental would only open the possibility of having traits at the cost of their behavioral efficacy.

By going mental, the moral sensibility account shields character traits from the initial situationist challenge in a way that’s unavailable to overt behavior theories (according to which the observed variability directly demonstrates inconsistency in the traits). Overt behavior is produced by a host of internal factors, so the variability that’s actually observed in situationist studies could be driven by inconsistency in psychological materials other than the moral sensitivities. And in that case, the findings wouldn’t demonstrate variability in the materials that are supposed to be the primary constituents of character traits.

The moral sensibility account falls afoul of Doris’ further objections to going mental, however. The data “problematizes the [moral sensibility] account, by suggesting that the requisite ‘sensitivity’ is itself highly variable with situational variation” (Doris 1998: 510). Darley and Batson (1973: 108) report that just such a failing prevented some of their Good Samaritan subjects from stopping to help the “victim”:

According to the reflections of some of the subjects, it would be inaccurate to say that they realized the victim’s possible distress, then chose to ignore it; instead, because of the time pressures, they did not perceive the scene... as an occasion for ethical decision [at all].

Doris (1998: 511) notes that “such a reading is also possible for Milgram: perhaps experimental pressures prevented some of his subjects from recognizing their situation as one where moral demands for compassion towards the victim should override their obligation to help the experimenter. In these cases, the failure apparently has more to do with a shortcoming of sensibility than insufficiently global dispositions to action.”

Thus, while moral sensibility accounts fare better than overt behavior theories, they fall prey to Doris’ (2010) further challenges. However, they only seem to be susceptible to these challenges because they locate (C), the primary constituents of character traits (partly) in psychological materials that overlap those implicated in (V), which include epistemic sensitivities. What the virtue ethicist needs is a way of going mental that adequately separates these.

Deliberative accounts do just this, and are, more faithful to folk psychology and closer to Aristotle’s own theory. Consider the frequency with which we make excuses like: “Well, Elsa’s heart was in the right place, but”... “she’s just a bit absent-minded”, “exhausted,” “intoxicated,” etc. We take failures of pre-deliberative sensitivities to be excusing or exempting conditions (to various degrees). On the assumption that responsibility for an action corresponds to how much of a role one’s character played in producing it—the degree to which it expresses one’s good

or ill will—this suggests that the character traits operate primarily at a “higher” psychological level.

Aristotle himself holds a deliberative theory, and we’ll adopt his *reason/emotion account* as representative.¹¹ According to Aristotle, virtue is “a state of character concerned with choice” or a “*purposive disposition*.” Since choice “is deliberate appetite, it follows that if the choice is to be a good one, both the reasoning must be true and the desire right; and the desire must pursue the same things that the reasoning asserts.”¹² Since character traits are dispositions concerning the regulation of one’s appetitive faculties by practical reasoning—dispositions “concerning choice”—it’s plausible that they’re primarily constituted by active, deliberative-level states and processes, not overt behaviors or receptive sensitivities. Choice “is felt to be very closely related to moral goodness, and to be a better test of character than actions are.”¹³ Moreover, in order to *choose* one from among competing options, one must already be aware that there are options and of what they are.

This is not to deny that epistemic failures are somewhat blameworthy nor that the proper functioning of one’s receptive sensitivities is an important *precondition* on the exercise of character traits.¹⁴ Just as the overt behavior account doesn’t need to deny that there are some internal constituents, so Aristotle and other deliberativists don’t need to deny that behavioral and pre-deliberative dispositions constitute *some* of the constituents of fully developed character traits. They only deny that these are primary. They might still be peripheral, secondary constituents.

2 Pre-deliberative *akrasia*

If character traits are primarily deliberative-level dispositions, then actions produced by processes at other levels should be less than fully indicative of what character traits one has (especially when they “bypass” or disrupt the relevant deliberative-level dispositions). If one’s degree of responsibility for an action reflects the extent to which it expresses one’s character, then failures at lower levels

¹¹ All references to *Nicomachean Ethics* are to Thomson (2004) except the next, which is Ross (1998; *NE* 1106b35-1107a3; my emphases). The interpretation of Aristotle’s views is, of course, a matter of debate (though Doris 2002: 175 also seems to take his to be a deliberative account). Suffice to say that the interpretation I offer here is *Aristotelian* (and at least what Aristotle should have said if apprised of modern social psychology).

¹² *NE* 1139a23-26. Earlier, Aristotle says that the virtues are not feelings, but rather the dispositions to have feelings through practical reasoning: “when we are angry or frightened it is not by our choice; but our virtues are expressions of our choice, or at any rate imply choice” (*NE* 1106a2-4).

¹³ *NE* 1111b5-6; my emphasis.

¹⁴ Arguably, well-functioning sensitivities would underlie *intellectual*, rather than moral virtues. More importantly, responsibility attributions aren’t a perfect guide to character—they’re also sensitive to other factors like moral luck. Our question, however, concerns cases where responsibility is diminished *because* of a lack of character in producing it (that is, cases in which the agent would otherwise have been responsible, holding fixed any other factors like moral luck, habitual shortcomings, etc., were it not for her lack of character).

should constitute exempting or excusing conditions. This is precisely what Aristotle suggests when discussing involuntariness and *akrasia* (incontinence) in Book VII.3 of the *Nicomachean Ethics*.

For Aristotle, *involuntary actions* are either the product of compulsion by another agent or of ignorance about the particular features of one's situation.¹⁵ According to Aristotle,

[W]hat makes an act involuntary is not ignorance in the choice (this is a cause of wickedness) nor ignorance of the universal (for this people are blamed), but *particular* ignorance, i.e., of the circumstances and objects of the action; for it is on these that pity and pardon depend.¹⁶

Aristotle goes on to say that, “for an act to be called involuntary in virtue of this sort of ignorance [of particulars], the agent must also feel distress and repentance for having done it.”¹⁷ This also suggests a deliberative account. Feeling distress and repentance indicates that one's emotions were in fact properly regulated by one's practical reasoning, even though one's behavior was not. Hence, feeling distress and repentance provides positive evidence that one was in mitigating conditions—that pity and pardon are apt reactions to one's actions—because it provides positive evidence that those actions didn't fully express one's character.

Aristotle's account of *akrasia* is often criticized for being too similar. For Aristotle, all akratic actions result from some form of epistemic deficiency with respect to the minor premise of a practical syllogism, which concerns knowledge of the particular features of one's situation—knowledge that Aristotle often construes as perceptual.¹⁸ The minor premise is “concerned with particulars, which fall within the scope of *sensation*.”¹⁹ *Akrasia* is the product of failing to “exercise” or “use” one's knowledge of a relevant minor premise, or of one's having such knowledge only in the sense of one who is asleep or intoxicated.²⁰ “The knowledge that is present” of the relevant minor premise “is not what is regarded as knowledge in the strict sense [e.g., that involved in a universal judgment]... but only *sensory* knowledge.”²¹

Aristotle claims that the akratic is “forgivable” and “is not wicked, because his *choice* is morally sound, so that he is only half wicked. And he is not a criminal,

¹⁵ NE 1147b7.

¹⁶ NE 1110b30-1111a2.

¹⁷ NE 1111a18-21.

¹⁸ NE 1146b35-1147a10.

¹⁹ NE 1147a26-27; my emphasis.

²⁰ NE 1146b31-1147a24.

²¹ NE 1147b15-19; my emphasis. Moss (2009: 137, n. 37; 150) also interprets Aristotle as claiming that *akrasia* involves a genuinely perceptual shortcoming (akin to a perceptual illusion), rather than a failing of *phronēsis*, as McDowell (1978, 1979) and Wiggins (1975) would have it. Like the moral sensibility theorist, though, Moss still takes the akratic to lack a kind of *moral* knowledge. This doesn't sit well with Aristotle's claim that *akrasia* is partly mitigating, since he suggests (e.g., in the quote above about involuntariness) that moral ignorance is the *most* blameworthy type of ignorance. It's for this (intuitively compelling) reason that we should take involuntariness and *akrasia* to involve descriptive, or factual epistemic failures, rather than ignorance of moral or normative knowledge.

because he is not deliberately malicious.”²² *Akrasia* is a mitigating condition; perhaps not to the same degree as involuntariness, but for the same reason: both involve some epistemic deficiency with respect to the particulars of one’s situation. The ignorance involved in involuntariness is caused by external factors, whereas it has an internal cause in *akrasia*: the passions. Like the involuntary but unlike the wicked, akratics regret their actions; they know and feel that they were wrong. They “are always capable of repentance” and curable (“can easily be persuaded to change”) because the principle of correct reason is preserved in them.²³ For Aristotle, the akratic is akin to the youth who is still learning to develop fully virtuous character traits, where “shame is the semivirtue of the learner” (Burnyeat 1999: 215).²⁴ What primarily distinguishes the virtuous person from the akratic and the youth is that she appropriately manifests her character in her behavior. The akratic and youth do not have fully virtuous character traits yet, but they do have the requisite psychological materials from which they can be developed—the “semi-virtues.” Just as with remorse for involuntary actions, so shame and repentance indicate that one’s akratic behavior did not express how one’s emotions were regulated by one’s practical reasoning, so their presence is positive evidence that the behavior didn’t reflect the functioning of the psychological materials that (would) primarily constitute one’s character traits.

How mitigating an instance of *akrasia* is depends on just how one’s passions overcome the knowledge of one’s particular situation in that instance. Aristotle differentiates two types of *akrasia*: “impetuosity and weakness. Some people deliberate and then under the influence of their feelings fail to abide by their decision; others are carried away by their feelings because they have failed to deliberate” in the first place.²⁵ The *weak* akratic deliberates, judges that he ought to perform the “better” action on the basis of his deliberation, but then performs the “worse” action because of interference by the passions. *Impetuous* akratics do not deliberate at all because they are “disposed to follow their own impressions [i.e., sensations].”²⁶ The weak are more blameworthy than the impetuous.²⁷

We can extend this insight to deliberative accounts more generally using our model above, distinguishing types of *akrasia* on the basis of which point along the causal route the passions interfere with information about one’s situation.²⁸ Emotions can interfere at any one of the first four levels—either by preventing information from reaching the next altogether, or by distorting it in some other way—resulting in a failure or disruption regarding that information *at that level*. For instance, the passions

²² NE 1150b7-12 and 1152a17-19.

²³ NE 1150b30-1151a28; cf. 1102b13-19.

²⁴ NE 1128b17-21. Burnyeat (1999) details the deep parallels between youth and *akrasia* for Aristotle.

²⁵ NE 1150a19-21; cf. 1152a17-20.

²⁶ NE 1150b27.

²⁷ NE 1151a1-2.

²⁸ This model isn’t Aristotle’s, of course. For one, Aristotle’s ‘choice’—*prohairesis*—is somewhat ambiguous between judgment and decision, and he may not have had an independent concept of the will (Frede 2011). Our model resolves that ambiguity in the distinction between deliberative and post-deliberative levels.

may *bypass*²⁹ veridical information, or they may *produce* non-veridical information that they then input to higher levels. How indicative an instance of *akrasia* is of one's character traits depends on the level at which this failure occurs.

Weak *akrasia* results from failures at the post-deliberative level. One has and can use the knowledge about the particulars of one's situation at the level of deliberation. (When reasoning and making one's all-things-considered judgment, there's no epistemic deficiency with respect to the minor premise of the practical syllogism.) Instead, one's passions disrupt that information somewhere along the causal route between judgment and decision (e.g., when temptation prevents one from forming an intention). Thus, unlike vice, weak *akrasia* involves no defect at the deliberative level. Processes involved in deliberation cease after forming a judgment. Emotions, however, can still influence one's decision at the higher, post-deliberative level—after a judgment has been made, and so after one's deliberative processes can have any occurrent impact. Contemporary discussions focus almost exclusively on this species of *akrasia*.³⁰

One of Aristotle's great insights in VII.3, though, is that we sometimes act against what we *know* to be best because our emotions overpower our epistemic sensitivities *before* we ever deliberate—due to passionate interference, that is, at the quasi- or even perceptual level. On our model, impetuous *akrasia* occurs when one's affective states prevent one from ever registering particular (non-moral) facts, from perceiving or forming beliefs about those facts, or by otherwise extinguishing or interfering with that information before it's accessible at the level of deliberation.³¹ Hence, this type of *akrasia* constitutes even more of a mitigating condition than the weak variety. Consider the following four cases.

In each case, Eli fails to warn one of his houseguests, Anthony, that he's about to accidentally take some ecstasy (which Eli had hidden in an old aspirin bottle in the medicine cabinet). Eli's omission (failure to warn Anthony) and its effect (Anthony's lack of amusement) are held fixed in each case, but we vary the cause of Eli's omission (and his reaction to it). In Case 1, he acts involuntarily. Preoccupied by his conversation with Anthony and his attention elsewhere, he simply fails to notice that the pills aren't aspirin. Eli fails to notice the same thing in Case 2, but not because of any external factors. Instead, the unconscious dread of having his friend find out about his ecstasy

²⁹ *Bypassing* “occurs when one's actions are not causally dependent on one's [responsibility]-relevant mental states and processes, such as one's beliefs, desires, deliberations, and decisions” (Murray and Nahmias 2014: 440). Bypassing also occurs when lower-level processes cut out higher-level processes from the causal chain.

³⁰ Davidson (1980: 22), for instance, defines *akrasia* as follows: “In doing *x* an agent acts incontinently if and only if: (a) the agent does *x* intentionally; (b) the agent believes there is an alternative action *y* open to him; and (c) the agent judges that, all things considered, it would be better to do *y* than to do *x*.” Pre-deliberative *akrasia* need not involve any judgment, and the modal *akrasia* discussed below also fails to satisfy condition (b). Others are of course free to call these shortcomings something other than ‘*akrasia*’, but I'll follow Aristotle's terminology. Rorty (1980) is an important exception. She recognizes that *akrasia* can occur on a number of different levels, including the perceptual, but it's sometimes unclear whether she has in mind practical, or instead epistemic, *akrasia*.

³¹ This is only occurrent inaccessibility, compatible with having the knowledge dispositionally. As Aristotle says, *akrasia* may result from having knowledge only in the sense of the asleep or intoxicated.

habit prevents him from recognizing what the pills are (at least at the level of deliberation). This is impetuous *akrasia*. In Case 3, Eli recognizes that the pills are ecstasy, deliberates about whether he should let Anthony take them, and actively judges that he should not. But when he opens his mouth to give warning, he finds that the prospect of revealing his secret habit to Anthony renders him unwillingly speechless. This is weak *akrasia*. In each of these three cases, Eli immediately regrets his omission and feels terrible about having ruined Anthony's afternoon. In Case 4, in contrast, Eli not only notices what the pills are, but judges that he *should* let Anthony take them and has no regrets about doing so. This is fear-induced viciousness. In all four cases, Eli's action is (somewhat) blameworthy, but increasingly so. The conditions of Case 1 make Eli's action relatively excusable, those of Case 2 mitigate to a lesser degree, Case 3's lesser still, and Case 4's perhaps not at all. This is exactly what deliberative accounts predict: each subsequent case involves passionate interference at a higher psychological level, and so failures of states or processes more central to Eli's character traits.

Eli's behavior in Case 4 renders him vicious (or "semi-vicious") because it is *motivated* by a failure of the very psychological materials that are supposed to be the primary constituents of Eli's traits. He does what he does *because* of a passion that his practical reasoning endorses. He decides to let Anthony take the wrong pills because he deliberates and judges that he should. As Aristotle would say, Eli's "ignorance" here is ignorance in his choice (or judgment).

The weak akratic is still blameworthy, but less so than the vicious, because the motive that explains his behavior is not rooted in deliberative processes, and so not constituted by a defect of character. The weak akratic acts *in spite of* his deliberation, and *because* of the interference of fear, ire, temptation, etc., at the post-deliberative level—after he has made his judgment. Even if weak *akrasia* isn't motivated by passions at the level of deliberation, though, it might be that failures on that level are still necessary conditions for its occurrence. For knowledge of one's situation to be disrupted by post-deliberative passions, perhaps it has to have passed through the level of deliberation and not have been regulated well enough by deliberative-level processes. In Case 3, Eli notices that the pills are ecstasy and his deliberative processes control his fear well enough in light of that information for him to make the correct judgment—that he shouldn't let Anthony take the ecstasy. But his fear resurfaces at the post-deliberative level and causes him to decide otherwise (or causes his willpower to give out). While deliberative processes fail to quash Eli's emotions well enough to prevent them from striking back at the post-deliberative level, that's not the function of those processes, not what they're *for*. Deliberative processes cease after a judgment has been made. And Eli's deliberative processes do regulate his emotions well enough to perform their primary function: delivering the correct judgment. Thus, even if it results from some occurrent failures of deliberative processes, weak *akrasia* is, according to the deliberative account, less blameworthy than vice because only the latter involves failures of the primary functions of the central constituents of traits.³²

³² Taking regret and remorse to provide evidence of mitigating conditions supports this point (assuming that such reactions arise at the level of deliberation). The weak akratic's compunction shows that his passions, unlike the vicious or wicked's, were properly regulated by practical reasoning at the deliberative, even if not post-deliberative, level.

Impetuous is even more mitigating than weak *akrasia* because it doesn't involve any occurrent failure at the deliberative level at all, and so no failure in the primary constituents of character. One cannot deliberately control one's passions in light of particular information about one's situation if one's deliberative processes never engage with it. Because the relevant information does rise to Eli's deliberative level in Case 3, he is "not caught unprepared, like the impetuous" Eli in Case 2. In Case 2, Eli's fear prevents the information that the pills are ecstasy from entering the realm of practical reasoning in the first place, and so prevents his character traits from ever regulating his passions in light of it. Hence, his impetuous *akrasia* provides little evidence about how Eli's deliberative processes would have determined his actions if they'd had the relevant information, and so little evidence about what character traits he might possess.³³

Recall that our strategy involves an account of (C): which psychological materials are the primary constituents of character traits and (V): which internal states situationist research shows to be variable. *Akrasia* of both sorts is motivated by passions that are, according to a deliberative account of character traits, not only *non-constitutive* of the psychological materials involved in (C), but that bypass or otherwise disrupt the potential effects that those materials might occurrently have on one's behavior. Impetuous *akrasia* is even less indicative of the materials involved in (C) than weak *akrasia*, and seemingly more so the lower the psychological level on which it occurs. Impetuous *akrasia* provides less evidence about character when produced by passionate interference at the perceptual, rather than quasi-perceptual, level. Eli's responsibility for failing to warn Anthony is even more mitigated, e.g., when his fear prevents him from ever perceiving that the pills are ecstasy in the first place compared to when he does perceive that fact, but his fear distracts him from forming any beliefs about it. Thus, it seems that the lower the psychological level on which the virtue ethicist can locate (V), and the higher she can locate (C), the more plausible her response to the situationist (the greater the distance between them, the less evidence (V) provides about (C)). Deliberativists locate (C) at a fairly high level. Failures of pre-deliberative epistemic sensitivities, in contrast, constitute low-level instances of (V). What remains to be seen, then, is whether the situationist results—and if so, how many—are driven by such failures.

³³ Even if impetuous *akrasia* doesn't involve *occurrent* deliberative-level failures, doesn't it still require that such failures occurred on some *past* occasion(s)? No: passionate interference with information about some *specific aspect* of one's current situation at the pre-deliberative level doesn't imply any past failure to regulate that passion with respect to *that* information. One may never have encountered any situation with that aspect before. In that case, past regulative failures don't explain how one's practical reasoning would regulate one's passions on this particular occasion in light of this particular information, so the current passionate interference provides no evidence about the psychological materials that (would) underlie one's character traits.

3 Re-interpreting situationist results

3.1 Pre-deliberative *akrasia* and involuntariness

Behavior produced by passionate interference with non-moral information at the (quasi)-perceptual level isn't a deficiency that we're accustomed to calling '*akrasia*'. As noted above, we've come to reserve that term almost exclusively for passionate interference at the post-deliberative level. Terminology, though, is not the point. What's important is the kind of practical shortcoming that Aristotle draws our attention to in VII.3—a kind that's been widely overlooked (as '*akrasia*' or otherwise). Indeed, Aristotle's appeal to "temporary amnesia" or failure to "use" one's knowledge has often been ridiculed as extremely implausible. But in fact, the findings of situationist social psychology may be riddled with poignant demonstrations of precisely this form of impetuous, *pre-deliberative akrasia*.

Recall the following observation from Darley and Batson about their Good Samaritan study: "it would be inaccurate to say that [some subjects] *realized* the victim's possible distress, then *chose* to ignore it; instead, because of the time pressures, *they did not perceive the scene... as an occasion for ethical decision*" (1973: 108; my emphasis). Another possibility, though, is that some subjects simply failed to recognize the *non-moral* information that anyone needed to be helped at all—that is, they literally failed to *see* the person (or failed to see the person *as* distressed). If produced by external factors, these subjects' behavior was purely involuntary. Of course, not all subjects' behavior was. Other subjects seemed to recognize that someone needed to be helped, and still didn't stop to provide it, but appeared to have wanted to. The subjects in this group were "aroused and anxious" (Darley and Batson 1973: 108), which Doris (2002: 138) himself takes to indicate *akrasia*. Doris, however, interprets these subjects as having "reluctantly ceded to the demands of punctuality," which suggests (if not vice or morally incorrect beliefs) that their judgments were overcome by passions at the post-deliberative level.³⁴

The weak, post-deliberative variety is only one type of *akrasia*, though. Another possibility is that the subjects in this latter group were, like Eli in Case 2, *pre-deliberatively akratic* (but otherwise good Samaritans). Perhaps the demands of punctuality affected these subjects' epistemic sensitivities at the (quasi)-perceptual, rather than the post-deliberative level, preventing information about the victim's presence or condition from rising to the level of deliberation, thereby precluding the psychological materials that (would) underlie their character traits from ever taking that information into account when judging what to do. In that case, these subjects' failure to help would be very similar to that of those who acted involuntarily (*à la* Aristotle), and so less than fully indicative of what their character traits might be. In

³⁴ Doris accepts that situationism may demonstrate widespread *akrasia*, but remains ambivalent about whether this mitigates responsibility (2002: 136; 214, n. 22). I suspect this lies in the fact that he focuses on the weak, post-deliberative variety—*akrasia* involving failures of "self-control" and "normative competence" (2002: 133).

both cases, they fail to register pertinent non-moral facts about their situation, only differing in whether that results from external or internal factors. In both cases, subjects may not fail to “perceive the scene... as an occasion for *ethical* decision” so much as an occasion for *any* decision.³⁵

Pre-deliberative *akrasia* may drive the results of many other situationist studies, as well. For one, evidence suggests that good mood broadens, while bad narrows, attention (see, e.g., Sedikides 1992). This may account for some of the difference in helping behavior observed in Isen and Levin’s (1972) dime-finding study (cf. Sabini and Silver 2005: 540). Korte et al. (1975: 1000-1) show that subjects’ helping behavior generally increases when sensory stimuli in the environment decrease, perhaps as the result of simply being less distracted, and so more likely to notice the presence of people who need to be helped. Part of the dime-finding effect, then, may simply be due to a difference in mood-modulated *attention*. Subjects who just found a dime were in a better mood and so more likely to notice someone dropping a stack of papers compared to those who had not, and hence were more likely to help pick them up.³⁶ If so, the study would provide an example of how good mood can actually *remove* impediments to the normal functioning of one’s epistemic sensitivities.³⁷

If the virtue ethicist ‘goes mental’ with the deliberative account of character traits, then she has the beginnings of a plausible response to any situationist data that can be interpreted in this way—that is, to any findings of inconsistency in overt behavior that may be the result of variability in pre-deliberative epistemic sensitivities (either due to interference by the passions, as in *akrasia*, or by external factors, as in involuntariness). Variability in lower-level sensitivities isn’t variability in (what would be) the primary constituents of character traits. This doesn’t show

³⁵ Many cases of self-deception qualify as quasi-perceptual *akrasia*: desires curtail epistemic sensitivities (e.g., to evidence of one’s partner’s infidelity) prior to deliberation. As discussed in the text below, there is evidence that mood affects attention, and experiments in the New Look tradition of the 1950s and more recent studies in the same vein provide further evidence that desires and affective states can influence genuinely *perceptual* sensitivities (Balcetis and Lassiter 2010). Ambiguous figures are more likely to be perceived as desired objects—e.g., as food for subjects who are hungry (Balcetis and Dunning 2006, Epstein 1961). Subjects perceive objects that lead to a reward to be closer to them than less desirable objects (Balcetis and Dunning 2010). Subjects perceive a hill as steeper the more they’re afraid of skateboarding down it (Stefanucci et al. 2008), and subjects who are more afraid of heights overestimate them (Stefanucci and Proffitt 2009). The classic finding remains Bruner and Goodman’s (1947): children of lower socio-economic status perceive some coins as larger than better-off children. Stokes (2011) argues that these results demonstrate direct causal effects of desires on perception in more detail.

³⁶ Levin and Isen (1975) found similar results when the measured behavior was mailing a lost letter left on top of the phone (the assumption being that every subject would perceptually register such a conspicuously placed object whether they had found a dime or not). However, other researchers have failed to replicate this “lost letter” result (Weyant and Clark 1977: 108–109), and still others have failed to replicate the original “dropped papers” result (Blevins and Murphy 1974). The literature on mood effects more generally also gives “mixed results” (Miller 2009), and so may not need to be explained away by virtue ethicists at all.

³⁷ Similarly, Ross and Nisbett (1991: 43) suggest that many subjects in the Bystander Effect experiments (like Latané and Darley 1970) fail to help due to their “subjective construal” of the situation: “interestingly, it also appears that group situations may have inhibited subjects from noticing the emergency in the first place.” Snow (2008: Ch. 5) offers a similar interpretation of many of the situationist findings, though see note 46.

that one's character traits *are* functioning properly on these occasions, but it does undermine the argument for thinking they're not. While this interpretation fits the Good Samaritan and dime-finding studies, though, it may seem considerably less plausible for other results. For instance, it might seem ludicrous to suspect that subjects in the Milgram experiments (apparently) shocked a person to death simply because they failed to perceive some non-moral fact about their situation. In fact, I think this is exactly what many did.

Aristotle provides one last point of departure: “the premises of action [in practical syllogisms]... are of two kinds—pertaining to ‘the good’, and... to ‘the possible’.”³⁸ (The major premise pertains to the good, the minor to the possible.) Most likely, Aristotle means that the minor premise contains information about *how* to realize the goal specified in the major premise.³⁹ But there is another, more suggestive reading: perhaps (some) minor premises (the information disrupted in some cases of *akrasia*) concerns the modal facts of one's situation—information, i.e., about ‘the possible’.

3.2 Modal *akrasia*

The agonizing emotional distress of many subjects in the Milgram experiments has often been taken as evidence that their character traits were overpowered by competing desires (or traits).⁴⁰ Doris (1998: 511) contends that the demands of authority outweighed subjects' tendency toward compassion, and that similar experimental demands (like punctuality) may have been at play in Darley and Batson's Good Samaritan study (2002: 138). Sreenivasan (2002) and Sabini and Silver (2005) press similar lines. In the Milgram experiments, any subject who protested was given the following series of responses: “Please continue.” “The experiment requires that you continue.” “It is absolutely essential that you continue.” “You have no other choice, you must go on.”

The problem is that anyone outside the situation can see that [subjects'] duty to continue is overshadowed... by their duty not to torture the confederate. They are blocked from seeing this by, we suggest, the experimenter's uncontested insistence that it isn't so (Sabini and Silver 2005: 552).

As noted in the introduction, there is a sense in which these interpretations are on the right track, but they tend to locate the relevant “blocking” or “overshadowing” at the wrong level.

³⁸ *De Motu Animalium* 701a24-25.

³⁹ See, e.g., Nussbaum (1978: 189–190) and Wiggins (1975: 39–40).

⁴⁰ Evidence of this emotional distress comes from quantitative self-reports of how “tense and nervous” subjects were (Milgram 1974: 41–43), qualitative self-reports in post-experiment debriefings, and third-party observations. One particularly poignant third-party report: “I observed a mature and initially poised businessman enter the laboratory smiling and confident. Within 20 min he was reduced to a twitching and stuttering wreck, who was rapidly approaching a point of nervous collapse. He constantly pulled on his earlobe, and twisted his hands. At one point he pushed his fist into his forehead and muttered: “Oh God, let's stop it.” And yet he continued to respond to every word of the experimenter, and obeyed to the end” (quoted in Milgram 1963: 377).

If subjects' behavior is interpreted as the result of consciously taking obedience, punctuality, or peer approval to provide weightier reasons at the level of deliberation (and judging accordingly) then these are cases of viciousness. If the demands instead outweigh subjects' judgments at the post-deliberative level, then while more excusing, such cases of weak *akrasia* still provide some evidence about subjects' character traits. Neither of these interpretations seems plausible of most subjects, though. Consider first the interpretation involving passionate interference at the level of deliberation. It seems far-fetched, at best, to suppose that subjects thought that the duty to *continue an experiment* outweighed the duty *not to torture someone to death* (pace Haslam and Reicher 2012). Instead, as Doris suggests, situationist results are as disturbing as they are precisely because they show that “noncoercive situational factors may result in ‘ordinary, decent’ people acting in ways they *know to be wrong*” (2002: 134; my emphasis). Subjects' emotional distress was presumably a direct response to this knowledge. Otherwise—if subjects were ignorant of the wrongness of what they were doing and judged that they should be shocking the learner—why were they so distraught about doing so? Attributing subjects' behavior to passionate interference at the post-deliberative level seems only slightly less strained. Post-deliberative *akrasia* results from a judgment being overpowered by a desire that is typically *stronger* than the one that produced it. But while the temptation to have another drink or to continue smoking is one thing, any desire to obey authority (or to be punctual) in an experimental setting is likely *much* weaker than subjects' desire not to torture someone to death, and not plausibly a desire they endorse or identify with.⁴¹

On the other hand, it may seem equally implausible to claim that these subjects are pre-deliberatively akratic. What non-moral feature(s) of the situation could they fail to register that would account for their behavior: the presence of the device that delivered the shocks; the presence of the victim receiving them; the fact that *they* were the ones delivering the shocks?

What, then, *does* explain the behavior of these subjects? We should expect any answer to this question to be somewhat surprising, and any complete answer to be complex. After all, we're trying to explain why ordinary, “decent” people perform actions that they know to be *heinous* in the absence of any real compulsion or coercion. If subjects knew that they *should* stop and deeply desired to do so, why didn't they?

Once we frame the puzzle in this way and appreciate its force, the following answer actually seems, to me, quite natural (albeit surprising): perhaps people just didn't know that they *could* stop. Perhaps, that is, many subjects in the Milgram experiments didn't fail to recognize any *categorical* facts about their situation, but instead failed to recognize pertinent non-moral *modal* facts—e.g., facts about their own abilities or capacities in it. Even though subjects were aware that the learner needed to be helped and that they themselves *should* do so, perhaps many

⁴¹ According to Bok (1996: 190–191), the Milgram results are not driven by one duty (e.g., obedience) outweighing another at the (post)-deliberative level, but instead by conflicting duties causing subjects not to make any decision at all, which Bok takes to constitute failure of a virtue that allows people to resolve such dilemmas.

nonetheless failed to recognize that they *could* do so (or maybe they only had this knowledge in the sense of one who is asleep or intoxicated). Of course, this is bound to be the story for only some subjects in some of Milgram's experiments, but there is reason to think it fits many.

Experimental debriefings suggest as much. Many subjects seem to have continued to deliver the shocks simply because they did not "see" any alternative. One subject, for example, explained his uncontrollable, nervous laughter during the study as:

"a sheer reaction to a totally impossible situation... being totally helpless and caught up in a set of circumstances where I just *couldn't* deviate and I *couldn't* try to help. This is what got me" (Milgram 1974: 54; my emphases).

Considering another subject, Milgram (1974: 87) notes that "the experiment, even months after, seemed never to have raised in him the question of whether or not he should have considered disobeying the instructions to continue giving shocks." After delivering the 270-volt shock, a third subject, "Mrs. Rosenblum," "mutters in a tone of helplessness to the experimenter":

Must I go on? Oh, I'm worried about him. Are we going all the way up there (*pointing to the higher end of the generator*)? Can't we stop? I'm shaking. I'm shaking. Do I have to go up there? (80).

Given the prods, Mrs. Rosenblum continued to the end of the experiment.

These aren't reports of passionate interference at the deliberative or post-deliberative level, and the experimenters' prods ("the experiment requires that you continue," "it is absolutely essential that you continue," and so on) don't seem to have interfered with subjects' *moral* knowledge. It isn't that subjects should have known that the duty to refrain from torture and murder trumped the demands of obedience, but were somehow convinced by "the experimenter's uncontested insistence" that *this* "isn't so" (Sabini and Silver 2005: 552). Rather, the experimenters' prods seem to have contributed to disrupting subjects' recognition that, *as a matter of non-moral modal fact*, it was *possible* to stop shocking the learner. The prods (and other aspects of the situation) seem to have prevented subjects from recognizing that they had any choice in, or ability to stop the experiment, or at least prevented any such recognition from reaching the level of deliberation where their practical reasoning could have regulated their passions in light of it. Without that knowledge, their deliberative processes led subjects to the evaluative judgment that they should stop, but they could not make the decision *to stop*.⁴²

⁴² People can *judge* that they should perform actions that they think they can't; they just can't *decide* to perform them. That is, at least one type of 'ought' implies can (though subjects might fail to recognize this). It's plausible that only the *deliberative* 'ought' implies can, while the *evaluative* 'ought'—the sense in which Levi ought to win the lottery because he's had terrible luck (but is such a nice guy)—does not (Schroeder 2011: 8–9). Milgram (1974: 8–9) makes a similar suggestion: "Another psychological force at work in this situation may be termed 'counteranthropomorphism'... attributing an impersonal quality to forces that are essentially human in origin and maintenance... Thus, when the experimenter says, 'The experiment *requires* that you continue', the subject feels this to be an imperative that goes beyond any merely human command... 'It's got to go on. It's got to go on', repeated one subject. He failed to realize

Records of the few subjects who did terminate the experiment support this interpretation, as does Haslam and Reicher's (2012) report that, of the four experimental prods, the one that *didn't* work was "You have no other choice." Most of the subjects who were told this stopped the experiment. It's plausible that this prod backfired precisely because it made the subjects realize that they *did* have a choice, allowing the salience of that fact to break through the lower-level passionate interference into the deliberative-level, thereby allowing them to form a judgment on its basis. Take, for instance, "Mr. Rensaleer":

Experimenter: You have no other choice.

Mr. Rensaleer: I *do* have a choice (*Incredulous and indignant:*) Why don't I have a choice? I came here on my own free will (51).

Another subject, "Gretchen," mentions free will three times in refusing to succumb to the series of prods (Milgram 1974: 85). In effect, many of the (few) subjects who did successfully stop the experiment seem to have done so precisely because they realized that any appearance of the experiment's *having* to reach its conclusion—that it was inevitable—was illusory (or perhaps because they never had any impression of helplessness in the first place). The experiment would *not* simply continue, as if by fate, if they themselves refused to participate.

If we take these reports and subjects' emotional distress at face value, they suggest that the Milgram effects are partly due to a type of pre-deliberative deficiency after all; not a failure to recognize categorical facts, but a failure to recognize non-moral modal facts. Many subjects in the Milgram experiments, that is, seem to exhibit *pre-deliberative* modal *akrasia*—*akrasia* brought about by pre-deliberative emotions distorting or preventing information about what is *possible* in one's situation from rising to the level of deliberation.⁴³ Such passionate interference precludes deliberative-level processes—and so the primary psychological materials that (would) constitute one's character traits—from taking into account the full range of options that are actually available. One's passions may motivate a particular action at a pre-deliberative level and ensure that it, rather than any alternative action, will be performed, by disrupting the recognition that there are any alternative courses of action—i.e., by disrupting appreciation of the fact that one could, or has the ability to, do anything else.

This combination of knowledge and ignorance at the level of deliberation may also be the best explanation for why numerous subjects in other experiments (who were similarly distraught) failed to help people in need. In the Good Samaritan study, some subjects may have seen the person slumped in the alley and that he

Footnote 42 continued

that a man like himself [the designer] wanted it to go on. For him the human agent had faded from the picture, and 'The Experiment' had acquired an impersonal momentum of its own." Believing 'The Experiment' was literally issuing commands seems incredible, but many subjects may have taken it to have an "impersonal momentum" that simply wasn't within any human's power (at least their own) to terminate.

⁴³ 'Modal *akrasia*', of course, concerns nomological, metaphysical, and perhaps logical modality, as well as what's possible for an agent relative to his or her set of capacities and abilities—not deontic modality.

needed to be helped, but the demands of punctuality may have prevented them from recognizing that they could. Zimbardo (2007: 70–71) recalls that during the Stanford Prison Experiment, one prisoner told the others (after meeting with Zimbardo) that it was impossible for any of them to leave: “*I couldn’t get out! They wouldn’t let me out! You can’t get out of here!* ... Nothing could have had a more transformative impact on the prisoners than the sudden news that in this experiment they had lost their liberty to quit on demand, lost their power to walk out at will. At that moment, the Stanford Prison Experiment was changed into the Stanford Prison.” The *guards* heard the prisoner’s testimony, as well, and perhaps this was also the crucial moment for them—in which they ceased to recognize, at the deliberative level, that they could do anything *but* treat the prisoners as prison guards would. If subjects recognized the general moral requirement that people in need should be helped (not harmed), that this particular person was in need, and that they weren’t helping, that’d explain why they were so upset with themselves: they knew that what they were doing was deeply wrong, and only failed to stop because they couldn’t see this as an open alternative.

Situationist results driven by modal *akrasia* (or *modal involuntariness* involving the same type of ignorance) don’t provide much evidence against deliberative versions of virtue ethics. Subjects *should*, in some sense, recognize that they can help, but their failure to do so isn’t primarily one of character if brought about pre-deliberatively. The modally akratic’s practical reasoning regulates her emotions well enough to make the correct evaluative judgments and to have the right emotional reactions. Had the information in question risen to the deliberative level, the evidence suggests that many subjects in the Milgram, Good Samaritan, and Stanford Prison experiments might have made the correct decision, and so performed the right action. Neither the motives behind their behavior nor the failures that made them possible were located in the primary constituents of their character traits. Their hearts may have been in the right place, but for their failure to recognize that they could do otherwise.⁴⁴

4 Behavioral efficacy and internal variability

The combination of the deliberative account and the possibility that many of the situationist findings are driven by pre-deliberative involuntariness and *akrasia* provides the virtue ethicist with a way of ‘going mental’ that avoids the initial situationist challenge: observed variability in overt behavior may be the product of variability in pre-deliberative epistemic sensitivities, rather than the psychological

⁴⁴ If we can perceive *affordances*—e.g., if we can see the apple as eat-able-(for-me) (Gibson 1979)—and if our passions can disrupt our doing so, that would constitute genuinely *perceptual modal akrasia*. For example, some Milgram subjects may have literally failed to *see* the learner as *help-able-by-me* because of the experimental demands. Compare Ross and Nisbett (1991: 57), who speculate that if there had been a big red ‘stop the experiment!’ button in front of subjects (thereby providing them a “channel factor”), most would have pressed it. Plausibly, the reason this would make a difference is that the button would allow subjects to *see* the experiment as *stop-able-by-me* (or the learner as *help-able-by-me*) in virtue of seeing the button as *press-able-for-me*.

materials that are (or would be) the primary constituents of character traits. This doesn't establish that the relevant deliberative processes (would) function properly (though some subjects' emotional distress and awareness of the wrongness of their actions is suggestive); even less that they (would) function properly (and globally) *enough* for the purposes of virtue ethics. But it does call into question the situationist's evidence for thinking otherwise. As noted at the outset, Doris (2010) claims that any version of going mental nonetheless succumbs to one of two further challenges. We're now in a position to address these.

The first challenge is of empirical inadequacy: whatever internal states the virtue ethicist identifies as the primary constituents of character, further data show that these, too, are situationally variable. Second, if any version of going mental succeeds in avoiding the first challenge—by quarantining the primary constituents of character traits from the behavioral variability—it therein sacrifices their behavioral efficacy. Swanton (2003: 31), for instance, agrees that the emotional distress of many Milgram subjects is evidence of *akrasia*, and concludes that they may have had the trait of being, e.g., compassionate, even though they failed to act compassionately. In response, Doris (2005: 664) alleges that Swanton's conception of virtue cannot, then, be committed "to claims about overt behavior," and the same might be said about our account.

It's worth noting, however, that in principle, character traits *can* be severed from behavior. Those with severe paralysis or locked-in syndrome can still bear us good or ill will: hope that good or bad things happen to us. And even if it's hard to recognize through such a person's behavior—even if she *can't do anything about it*—it's still important to us which of those ways she feels. We care about others' mental states toward us *as such*, at least in part, independently of whether or not they can act on express them at all. That's not to say that character can be divorced from behavior entirely. If people's traits in general were not efficacious, the social practices surrounding the reactive attitudes might cease to make much sense.⁴⁵ It's worth keeping in mind, though, that what matters most about overt behavior—its primary role in human practices surrounding praise, blame, and responsibility attributions—lies in what it expresses about its *mental* causes; whether it manifests *internal* good or ill will.

It might seem, though, that our strategy makes any behavioral efficacy problem even worse. One might object that by stressing the causal impact of *other* internal states on behavior—namely, epistemic sensitivities—we thereby allot a comparatively smaller role to the character traits in the determination of moral behavior. That would be a mistake. Epistemic sensitivities do not *compete* with character traits to produce behavior. Return to Doris' (2002: 19) conditional:

If a person possesses a trait, that person will engage in trait-relevant behaviors in trait-relevant eliciting conditions with markedly above chance probability *p*.

⁴⁵ This fact, though, seems to have more to do with the capacities humans happen to have for acquiring *evidence about* character traits, rather than the nature of the traits themselves. The reactive attitudes might still make perfect sense in a society of completely paralyzed but, e.g., telepathic (or technologically-enabled) mind readers.

To provide a test for whether a person possesses a trait, we need to make two modifications. First, the eliciting conditions should appear in the conditional's antecedent, rather than consequent. Second, they need to include the proper functioning of one's epistemic sensitivities. In other words, the virtue ethicist should *not* maintain that:

If A has character trait C in situation S in which A can manifest C, then A will typically manifest C (whether or not A recognizes that A can manifest C in S)

but rather that:

If (i) A has character trait C in situation S, and (ii) A recognizes S as a situation in which A can manifest C (at the level of deliberation), then (iii) A will typically manifest C.⁴⁶

If A doesn't satisfy (i) and (ii)—including the proper functioning of A's epistemic sensitivities—then any failure to satisfy (iii) doesn't show that A lacks C.

Suppose Marion is walking past an alley in which someone is being mugged. If she simply fails to notice the mugging, her omission's involuntary. If, instead, she has a can of pepper spray but forgets as much in the fear-induced heat of the moment, she's akratic. (Suppose Marion knows there's no other way to stop the mugging: she's the only other person on the street, has no cell phone, is too physically weak to challenge the muggers alone, and so on.) Here, even though Marion recognizes that someone needs to be helped, she doesn't recognize that *Marion* could help. In both cases, hers is a failure of epistemic sensitivity, not of character. To show that Marion is not courageous or compassionate would require a case in which she fails to help the victim *even though* she recognizes, at the level of deliberation, that she herself could help. Pre-deliberative epistemic sensitivities have a causal impact on behavior, but not by competing with the primary constituents of character traits. Their proper functioning is, rather, a *precondition* on the functioning of the latter. We base attributions of character on behavior in situations in which we assume the preconditions are met—when we think that Marion noticed all of the relevant non-moral information and was able to use it in deliberating about what to do.

⁴⁶ A need not recognize S as "C." One can act courageously without any thoughts about courage *as such* (one might simply recognize the enemy as *fight-able-for-me*). "CAPS" theorists like Snow (2008) and Russell (2009) make a similar point, though what they advocate adding to the antecedent is "subjective construal" (cf. Kamtekar 2004: 471). Following Mischel and Shoda (1995), they argue for a version of 'going mental' that straddles the two main families: character traits are robust patterns in the *cognitive-affective personality system* (CAPS), which consists of a number of different types of state, such that both pre-deliberative sensitivities like "subjective construal" and deliberative-level processes count as primary constituents. This opens CAPS theories to the internal variability challenge: if pre-deliberative sensitivities are among the primary constituents of character traits, the situationist data remain problematic, since they demonstrate variability in *those* internal states. Moreover, CAPS theorists tend to take "subjective construal" to include much more than the non-moral (quasi)-perceptual states involved in (ii): affect, emotions, and even evaluative judgments. The more we include in the specification of S, though, the more we risk making the conditional vacuous *qua* test or analysis of character. At the limit, adding the constituents of the character traits themselves into the antecedent amounts to individuating situations in terms of which traits are operative in them, which gets us nowhere. See note 5, though.

This second challenge to going mental can persist, though, in a way that bleeds back into the first: even if epistemic sensitivities are only preconditions, don't the results still show that we don't meet them often (or consistently) enough for the primary constituents to be as (consistently) behaviorally efficacious as the virtue ethicist needs them to be (in order, e.g., to ground our social practices surrounding praise, blame, and responsibility attributions)?⁴⁷

Note that the deliberative account weathers these worries better than other versions of virtue ethics. First, other accounts identify the primary constituents of character traits with psychological materials that non-virtue ethical theories need take no stand on. A consequence of the deliberative account, in contrast, is that virtue ethics and all other prescriptive ethical theories stand or fall in the face of the Principle of Minimal Psychological Realism together. All such theories require the ability to act deliberately (and consistently) in light of their prescriptions. So behavioral (in)-efficacy or variability of deliberative-level processes presents no more of a threat to deliberative versions of virtue ethics than to any theory with prescriptive ambitions.

Second, variability in the preconditions doesn't pose the same challenge as variability in primary constituents. The real situationist threat is not that we currently lack the virtues, but that we could never develop them. Empirical evidence for the latter claim, however, can only be gleaned from what we've tried so far, and our current institutions of moral development (such as they are) seem to prioritize the teaching of moral rules—rules of deliberation. Hence, there's evidence that this type of instruction (alone) doesn't, and probably can't, lead to behavior that's consistent enough (for virtue ethics). But likewise, there's very *little* evidence about whether we can train our *epistemic sensitivities* to be more consistent. To the extent that we've focused elsewhere, we haven't tried, so we don't know if meeting the preconditions is genuinely infeasible.

Indeed, the deliberative virtue ethicist *should* advocate allocating less attention to the teaching of what the right thing to do *is* than we currently give it. Often enough, people know. What our interpretation suggests is the easier thing to miss—and so could benefit from a larger share of explicit instruction—is that one (typically) *can* do that thing. We don't yet know if people can be taught to see past all of the frequent appearances to the contrary catalogued above, but if they can, their

⁴⁷ Doris (2009, forthcoming) and Railton (2009, 2011) argue that the psychological literature on “automaticity” shows that human behavior is caused by pre-deliberative *instead* of deliberative-level processes *most of the time* (in which case, we either aren't responsible for most actions or responsibility and agency don't require deliberation). Doris and Railton don't pose this as an objection to virtue ethics, but it may require a modification of the present account, insofar as we need to explain how responsibility for pre-deliberatively-caused behaviors can nonetheless vary. The deliberativist picture developed here can be extended to do so. Deliberative processes are *most* central to one's character traits, but some pre-deliberative states or processes may be *more* central than others if: (i) they were formed or shaped by the former on some past occasion or (ii) have properties analogous to those the virtue ethicist takes to be important about the former. (*These* pre-deliberative attitudes might then be disrupted or bypassed by genuinely “brute” passions—those that *don't* satisfy (i) or (ii)—in forms of *akrasia* akin to those discussed here.) This may be the most plausible way to relax the requirement that character traits be deliberative, rather than pre-deliberative, while maintaining a clean separation between (V) and (C). See notes 5 and 46.

deliberative-level processes may already be well-trained enough, and only awaiting their preconditions, to be consistently behavioral efficacious.⁴⁸

This leaves the most formidable version of Doris' first challenge: that deliberative-level processes themselves are highly variable. "[S]kepticism about globalist conceptions of character might be buttressed by skepticism about globalist conceptions of practical reason" (2002: 70).

Everyone agrees that *some* internal states are variable. (After all, the behavioral variability's likely coming from *somewhere* within the agent, even if *that* ultimately traces back to the situation.) The question is: *which* internal states? Our interpretation implicates epistemic sensitivities, but admittedly, many of the relevant findings simply don't distinguish.⁴⁹ Observing variability in overt behavior isn't automatically damning for the deliberative account, nor is variability in (post-deliberative) decisions. For that matter, even variability observed in the *outputs* of deliberation—one's judgments—could be the product of receiving variable *inputs* from the (quasi)-perceptual level, rather than any variability in how the deliberative-level processes themselves operate on those inputs. What's needed is better information about where exactly the behavioral variability is coming from.

The studies that come closest to providing it thus far, like Mischel and Shoda (1995), seem to vindicate the deliberativist.⁵⁰ When situations are individuated in terms of subjective construal (thereby holding fixed the preconditions and inputs of deliberative-level processes), behavior *is* cross-situationally consistent—presumably, because it's being produced by consistent deliberative-level dispositions. Further work is surely required, but if this research is any indication, a great deal of the internal variability may well turn out to be pre-deliberative—perhaps enough to preserve the feasibility of global enough, extensive enough deliberative-level character traits to sustain a viable virtue ethics.

⁴⁸ To the extent that we can train epistemic sensitivities to be more consistent, the situationist challenge is even less threatening to versions of virtue ethics that take those sensitivities to be more central to character traits than the deliberative account. Doris (2002: 148) even optimistically recommends teaching people about situationist effects. Beaman et al. (1978), e.g., find that watching a short film or a lecture on group effects increases helping behavior in subsequent bystander paradigms. Simply being informed that people in groups are less likely to help seems to cause people in groups to help more. There's also evidence that deliberative instruction can affect pre-deliberative—even perceptual—sensitivities. Langer et al. (2010), e.g., show that telling subjects either that practice or motivation ("try and you will succeed") on visual acuity tests improves performance actually *improves performance*.

⁴⁹ Indeed, the more human behavior is driven at the pre-deliberative rather than deliberative level, the less information we have about deliberative-level processing in general, and so the less evidence we have about whether it's problematically variable (see note 47). As noted, Doris (1998: 511, 2002: 69–71) himself tends to trace the variability in overt behavior back to epistemic sensitivities, rather than to active, deliberative-level processing. Doris (2002: 69–71, 2005: 659, 2010: 142–143, forthcoming) and Olin and Doris (2014) discuss many of the relevant findings. Note, moreover, that even if behavioral variability's primarily being driven by epistemic sensitivities gets virtue ethics off the hook, it only fans the flames of recent critiques of virtue epistemology (Alfano 2013; Olin and Doris 2014), as an anonymous reviewer for this journal points out.

⁵⁰ Another situationist staple is Hartshorne and May (1928), where the (within-subject) correlation of honest behavior in many children was shown to be (only) about 0.2 (see note 3). Mischel and Shoda (1995) show much higher correlations in children when individuating situations by subjective construal. For reservations, see note 46.

The distinction between epistemic sensitivities, behavioral dispositions, and deliberative-level processes provides the beginnings of the most promising response to the situationist. The first half of the strategy is a deliberative account of character.⁵¹ Fully virtuous character traits require some behavioral regularity and epistemic sensitivity, but their primary psychological constituents are deliberative-level dispositions. The second half of the strategy is an interpretation according to which many situationist results are driven by epistemic deficiencies: Pre-deliberative *akrasia* and involuntariness are not indicative of how one's deliberative-level processes would function in the presence of the information that they disrupt, so they provide poor evidence about what character traits we might possess.

Of course, this strategy's ultimate success depends on just *how many* situationist results are driven by epistemic deficiencies. Our interpretation won't cover some data, and surely only partially applies to other findings. Nonetheless, I suspect that it'll be a central component of the story. It's compatible with most findings, fits many of the most striking, and some, like Milgram's, seem to require it. At the very least, the situationist must rule this interpretation out for enough results for global character traits to be pronounced untenable.

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⁵¹ Assuming, at least, that non-deliberative versions of virtue ethics aren't independently more plausible (see note 5, though for suggestions about how non-deliberative elements might be allowed into the primary constituents of character traits while holding onto the re-interpretation strategy pursued here, see notes 46 and 47).

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