

“As a”

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I

The locution “as a” does an enormous amount of moral, political and epistemic work, entirely incommensurate with its brevity. A judge might appear after issuing a verdict of capital punishment and make the following claim: “*As a* judge I issued a death penalty verdict for the defendant, but *as a* human being I oppose capital punishment.” We can also imagine a financial consultant giving the following advice to a client who happens to be a dear friend of hers: “*As a* consultant I can’t advise you to buy this stock, but *as a* friend I can tell you that I think it would be an excellent idea.” A devout Christian confronting a moral dilemma might solve it in the following manner: “This might be a fine thing to do, yet *as a* Christian I must avoid it.” The locution *as a* can signify various realms: a role, such as the judge; a relationship, such as the friend; or a core identity, such as the Christian. It might also be used to describe the position of someone who has been through a particular and powerful experience, which is neither a role nor a relation nor a core identity. In such a case we might encounter individuals introducing a variety of arguments in the following manner: “*as a* former prisoner...”; “*as someone* who has been tortured...”; or “*as an* abused child...”.

The use of the *as a* locution in some contexts is implicit, constituting our moral and political response without being explicit. It is therefore more pervasive than we might imagine. Such an implicit function seems to explain differences in degrees of moral outrage and levels of mobilization in confronting various calamities. The U.S. mustered a great deal of its resources to respond to the terror attacks of 9/11. Armies were mobilized for far-reaching missions and an office of Homeland Security

¹ I wish to thank Toby Freilich, Stephen Holmes and Levi Spectre for their comments and advice.

was established in a response that was extensive and costly. A far greater number of people die in the U.S. in car accidents every year, accidents that might be reduced with far less investment. And yet, deaths in car accidents do not provoke the same kind of state reaction, they do not call for comprehensive mobilization of collective state resources. The answer to this gap lies in the fact that the victims of 9/11 were killed *as* citizens of the U.S., they were targeted because they were citizens, which is not the case with victims of car accidents. The state in such a case is responding to a direct challenge to its sovereign duties to protect its citizens; its weakness has been directly exposed. In distinction to car accidents, the state, we might say, is signaling in its reaction that it has an ultimate commitment to ensure that nobody will be hurt *as a* citizen, and that no harm will come to anyone due specifically to his or her association with the state.

There might be reason to doubt whether the difference in the ways the victims are described and located in these two cases does provide a sensible moral distinction in guiding the state's response to matters of life saving. Consequentialists in particular might be troubled by the efficacy of such a distinction, but regardless of our normative evaluation, it seems clear that the dramatic difference in the response of the state depends on the implicit use of the *as a* locution that differentiates between the cases.

The *as a* locution therefore serves to differentiate not only between the ways in which various agents might position themselves, but operates as well in defining the moral standing of the victim in the eyes of society. There is a great difference in the degree of moral outrage which is provoked when someone is attacked randomly, or when he or she is attacked *as a* member of an ethnic, religious or racial group, though the attack itself and the pain inflicted in both cases might be identical. Given

the complex way in which the *as a* locution operates, it might refer simultaneously to agents and victims. In a racially motivated attack, given the particular racial history of the U.S., its citizens might respond differently *as* Americans when someone is attacked *as a* black person.

The *as a* can also frame the delicate fabric of human interaction. In the studio a painter examines a naked model. If the painter shifts his gaze and begins to relate to the model as a sexual object the whole situation and its propriety is transformed. The naked person is there *as a* model and the painter is examining the model *as an* artist. Now imagine the entrance of a third party and its impact on the scene. Not being a painter, the third party doesn't observe the naked person *as a* model. Or imagine how awkward it might be for someone to meet his therapist at a dinner party. The awkwardness arises from the fact that the particular therapeutic context of his self-revelation and its *as a* framing-power has changed. In the cases of the therapist and the artist the particular *as a* stance they assume allows for an encounter that is ordinarily privileged to intimate relations.

In some cases there is nothing puzzling about the function of the *as a*. It can sometimes grant the speaker a natural epistemic privilege. It makes a great deal of sense for a person to challenge an expert who pretends to describe the conditions in prison in the following manner: “*as a* former prisoner I can tell you that your description is wrong.” In such cases the *as a* locution doesn't create an inner separation, it is not a posture the speaker assumes in contrast to another posture that he could have assumed; the alternative to his position *as a* past prisoner doesn't reside within the self, it is declared in contrast to another person who has never been a prisoner, who has never experienced the prison from within. Besides the fact that the self, the speaker, is not opting for a posture among different postures that he could

assume, there is another reason that we don't feel any sense of wonder in the prisoner case. The particular position that he opted to inhabit in support of his argument seems to us to legitimately justify the statement that he made. If we wish to understand prison conditions it is indeed worthwhile to listen to someone who has been there *as a* prisoner.

The judge who has just issued a death penalty *as a* judge does present a certain puzzle to us. He has opted to operate from one position among different ones that he himself could have adopted. If the defendant, for example, was a young man approximately the same age as the judge's children, the judge could have said "*as a* father of a son this age I couldn't give the defendant such a final irreversible verdict," or "*as a* Catholic I couldn't issue a death penalty," or he might have said, "I am a human being, not only a judge, and *as a* human being I couldn't do it, since a human being doesn't do such things." What does it mean altogether to adopt a stance, and what guides such a crucial dramatic adoption of one stance among several stances that the judge could have potentially adopted? Do we employ unarticulated second order principles in sorting out the different stances? Are there cases in which our actions are fatally wrong since we opted to act from a wrong stance, acting wrongly *as a* "x" rather than *as a* "y"?

The *as a* puzzle is deepened for another reason. In the case of the judge the relationship between the *as a* position and what it justifies is a bit more complex, not as smooth as the case of the *as a* former prisoner. What does acting *as a* judge entail here? We do have some sense of why it serves as justification for issuing the death penalty, as the judge states to us: "*as a* judge I am bound by the rules of the system, I cannot do what I think is personally right, etc." But we can imagine a different flow of argumentation from this same stance which is just as powerful. A judge might reply to

a conservative audience that demands harsher treatment of criminals: “You might think that we should make broader use of the death penalty in order to protect the public. But I can tell you that *as a* judge who actually is sending that person to death, it is a much more difficult thing to do. You have the luxury of being outside observers; you expect me to do the killing for you, but *as a* judge who actually does the sentencing and will have the blood on his hands it is a very different matter.”

In the context of this essay I am not interested in the general metaphysical question which arises from the pervasiveness of the *as a* posture, and the possible claim that the self is merely the sum of its postures and that it never emerges but *as a* something. In such a metaphysical picture of the self, even if a person can withdraw from his present posture he will always withdraw to another one. Nor am I interested in the opposite claim that asserts a core inner self which is independent from its postures. Supporters of such a view of the self might yearn for the encounter with that self when it is stripped from its diverse roles and functions, while bemoaning the particular modern alienation that is caused by the aggregate postures that happen to take over our lives. I am, rather, interested in the way in which the reference to the *as a* posture is supposed to make a difference, political and moral, in particular when it is evoked by way of justifying something.

In realizing the deep and pervasive role that the *as a* locution plays in our moral and political life, a few questions emerge: When are we called upon to adopt a stance altogether? After all in many cases we merely respond directly: “This is wrong; *I* don’t do that, or *I* should do that.” Given the crucial impact of the actual stance that is adopted, what guides the way in which we position ourselves among the variety of stances that we could have assumed? (We have to be aware as well of cases in which we don’t adopt a stance, but inhabit it implicitly). How do we make sense of

the impact a stance can have on our moral judgments and actions? Do we have a proper sense of what exactly flows from the particular stance that has been adopted? In order to begin grappling with these questions it would be useful to examine in a deeper way what actually happens when someone relates, acts or speaks *as a*. I wish to base my phenomenological account of the *as a* stance through an examination of the impact it has on our beliefs.

II

Believing is a complex attitude, and in analyzing religious beliefs some alternative descriptions of what is entailed in that attitude have been offered. Is a belief *that p* an assertion of certainty concerning the truth of *p* in cases in which *p* cannot be supported by direct proof? Or is it, as William James has claimed, the willingness to act based on *p* in an irreversible fashion, while not having certainty concerning *p*? According to James the believer is willing to risk a great deal just by relying on a proposition that for him is merely a hypothesis.² Parents, for example, might give birth to a child (a great irreversible action) hoping that the world will turn out to be a good place for the child, with no certainty concerning such matters. Giving birth, in Jamesian terms, is thus an act of faith.

Another important distinction concerning the nature of belief was offered by Martin Buber: the distinction between believing *that* and believing *in*.³ Believing *that* is a propositional attitude; believing *that* God exists, or believing *that* there is life in a remote galaxy. Believing *in*, is a different matter; it is an expression of trust, not an affirmation of a proposition. “I believe *in* you” a coach might say to the team before embarking on the most important game of the season. To believe *in* God, as it is

² William James, *The Will to Believe and Other Essays in Popular Philosophy*, (New York 1956) pp. 1-31.

³ Martin Buber, *Two Types of Faith*, translated by Norman P. Goldhawk, Syracuse University Press, 2003

always used in biblical language, is an expression of trust not a mere affirmation of the existence of God.

Besides believing *that* and believing *in*, believing takes another interesting form which I would like to term - believing *as*. Years ago, I encountered an observant Jew who happened to be one of the most outstanding oncologists of our generation. On Sabbath in synagogue, he would offer a special prayer for each of his patients. When asked about this practice he said, “*as an* observant Jew I believe that prayers can help, yet *as a* physician I treat my patients with the most up-to-date medical procedures.” In his case, which I think sheds light on the nature of the *as a* stance in general, his inhabiting the stance *as an* observant Jew meant that he did not bring to bear all his convictions to his praying practice. At the synagogue he was not acting *as a* scientist and was not seeking a full-scale coherence of all his various commitments. The *as a* allowed him to carve out a space which operated at a distance from the rest of his metaphysical commitments. The *as a* is a barrier-creating locution.

It is important to emphasize that the *as a* is not necessarily used in order to carve a relatively marginal or temporal ad hoc space at a distance from the core self. It can express an affirmation of a core identity while blocking stressors at the margins. A person, upon hearing about statistics that presume to prove a correlation between levels of intelligence and ethnic origin, might react in the following manner: “*as a* humanist I reject that.” The *as a* locution affirms her ultimate convictions, which operates as a barrier for even entertaining such a theory. If she was a member of a committee that approves grants for research proposals, and one proposal suggested examining such a possible correlation, *as a* humanist she might reject the proposal as worthy of examination. Her commitment *as a* humanist to basic equality between

people is so deep and essential that presumed statistical findings of a different sort would not shake it.

The spaces carved by the *as a* locution can be of very different and even of opposing natures. The *as a* might isolate a relatively marginal space from the rest of the “central self.” Or, conversely, it might block a “side pressure” from impacting the self’s core commitments. The self in such a case reasserts what is central to it through the appeal to the *as a*. Usually when the *as a* delineates an identity such as *as a* Christian or *as a* humanist it serves to bound the core self, and when it points to a role such as *as a* judge it serves to bound a unique space from what is central to the person. Yet this is not always the case. Given that we can inhabit several and sometimes contradictory identities, and given that roles might be for some people constitutive to who they are, what is left out of the barrier after reasserting a core identity might be of equal weight.

Different stances entail different sets of obligations: being a physician, being a teacher, etc. The appeal to the *as a* locution assumes the moral weight of “positionality,” but it does something more than just tying the person to a stance. It doesn’t only point to the particular obligation implied by a stance but to the fact that it can block other claims; it allows for quarantining the agent from other conflicting commitments that he has. A parent, for example, has the permission or obligation to give priority to saving the life of his children on a sinking ship; he might even think that saving his daughter or son takes precedence even if with that same effort he could have saved two passengers. But if he happens to be the captain of the ship, then, *as a* captain he might have to give equal concern to each passenger and disregard his parenting obligations. The *as a* in such a case is not only used to establish the particular obligation that he has *as a* captain but to block other strong commitments.

The *as a* functions in a particular way in dealing with a possible conflict, which differs from the ordinary way in which conflicting claims are handled. In an ordinary conflict the relative weight of each of the claims is assessed and a decision is made. By contrast, the *as a* operates by creating immunity from a counter claim, or highlighting why its weight is significantly diminished. When opting for a stance, the moral choice is made at a prior step before weighing the claims; we might say that it operates at a preemptive level.⁴ The moral choice is made not by weighing the claims but rather by inhabiting a position and by assuming a certain attitude that flows from that stance. If someone disagreed with the captain's decision to give the lives of his own children the same weight as that of any other passengers, he wouldn't make the following claim against the captain: "You got it wrong, a parent has a prior obligation to his children even if he could have saved two passengers with the same means that he had employed to save his one child." This argument would not be a relevant claim against the captain who happens to be in complete agreement with such a judgment concerning parents, children and other passengers. The argument against the captain would have to take a different direction: "When it came to your children you shouldn't have acted *as a* captain, you should have acted *as a* parent. What was wrong with your behavior is not that you weighted the set of normative claims mistakenly, but rather that you assumed a stance to immunize you from the special claim of your child, which you shouldn't have done. A parent is always a parent no matter what!"

This critical opponent does not oppose the very idea of the impact of stance on commitment. After all he has argued that the captain should have acted *as a* parent. He is also not obligated to claim that the stance of a captain doesn't have any special

⁴ In some ways it has a similar structure to what Joseph Raz called exclusionary reasons. See J. Raz, *Practical Reason and Norms*, Princeton 1990, pp. 35-39.

moral implication when it is adopted properly. For example he might have said after raising the criticism: "If it was your nephew or your friend, not your child, then you should have treated them as any other passenger. It is your obligation *as a* captain to disregard these special claims that you might have adopted as a regular passenger. The captain 'trumps' the friend or the uncle but not the parent."

We can imagine at times the same person assuming two legitimate but opposing positions to the same event by adopting different stances. The following example highlights such a case: a child who is a student in a school, and whose father happens to be the principal, is constantly harassed by stronger children in the school's playground. The rules of the school are that pushing back is not allowed, and harassments of different sorts must be reported to the teacher. The child one day marshals all of his courage and decides to hit back; he wants to assert himself rather than to complain to the teacher, which would demonstrate a further sign of weakness. He hits back and a teacher catches him in the act (this is often the case as it is the first time the child retaliates so he is not cautious enough to hit back while no one is looking.) He strikes in a determined manner recalling all the times that he has been bullied, and the teacher, alarmed by the escalation of violence, sends him to the principal's office. The principal of the school, who happens to be his father, enquires about the case and says to his son, the student, what he would say to any student: "You should have reported this to the teacher, we cannot allow such retaliatory behavior in a school. I am punishing you by removing you from class for a while." At dinner that night, the father says to the son: "*As a* principal I have punished you, yet *as a* father I think you have done well. You must know how to defend yourself and stand up when being harassed. But *as a* principal that is responsible for the general wellbeing of the school I cannot tolerate such behavior." At each of these

moments the *as a* functions to block an opposing set of considerations, and such opposing responses, adopted by the same person about the same case seems morally and humanly probable.⁵

A better grasp of what it is to adopt the *as a* stance can be therefore articulated: It is a barrier-creating function which isolates particular commitments that stem from a unique stance from the rest of our commitments, thus, preempting or weakening what might be a conflicting claim. This phenomenological account allows us to proceed with a clearer picture to evaluate the pervasive use of the *as a* locution. It is useful to start the evaluation with the examination of occasions in which the *as a* works in a perverse form, often in politics.

III

Political crimes and injustices involve a chain of agents, which operate by a sophisticated division of labor. There are different agents involved in making the decision, in collecting information, in manufacturing and providing the means, in commanding the operation at different levels of the command hierarchy, and in the actual execution, which involves as well a great deal of organized division of labor. The division of labor at times is so highly calibrated and sophisticated that it allows for the illusion that no agent is actually responsible for the crime since it is distributed among so many people along the chain. (A powerful system such as Nazi Germany was structured in such a way that the victims themselves were part of the chain that brought their own demise.) This is a defining feature of political action, which has far-

⁵ Gerald Cohen argued against the use of roles in constituting beliefs as well as behaviors. He uses a different example of a parent who happens to be a professor at a university where his son is a student and he is involved as well in matters of discipline. The son was not able to prepare for an exam out of no fault of his own, and the father, *as a* father advises him to cheat. Cohen argues that the father shouldn't behave in such a manner since roles shouldn't have any moral power altogether; he should rather give the advice as a man not as a professor or as a father. I think Cohen's example works not because we think that issuing a judgment from a stance is wrong altogether as Cohen thinks, but rather, because the advice to cheat even when given *as a* father might sound wrong to us. See "Beliefs and Roles" *Proceedings of the Aristotelian Society*, 1966-7 vol. 67, pp. 17-34.

reaching implications in political crimes. Given such a structure of performance, agents who perform a political crime operate within a specific role; they inhabit a stance - *as a soldier, as a policeman, as a judge*, etc. An individual criminal on the other hand, a rapist for example, doesn't operate as anything, he rapes with no *as a* function.

Besides the diffusion of agency created by the distribution of labor in political crimes, there is another feature of the *as a* performance that helps to obfuscate a direct sense of personal agency. Within the moral code of public political offices, individuals who occupy them are not allowed to exploit them for personal gain or to use them as to implement their own personal values and judgments. That restriction creates a sense of depersonalization which helps to perversely foster a distance between the agent and his deed. Since the agent is not allowed to "bring himself" into the office, including his personal interests and judgments, it is the "office" that acts rather than him. The *as a* public stance, with its particular depersonalized internal ethic, insulates the agent from the deed in such cases. Agency is thus not only falsely distributed across a complex chain of political division of labor, the political structure of public office fosters as well a perverse sense of loss of personal agency altogether.⁶

Organized crime is, as well, an operation with a fixed division of labor since it is a collective action that seeks efficiency. In organized crime a criminal operates within the *as a* stance such as gang member. The stronger the organization, the more complex and longer the causal chain it can create, and thus one way of measuring the power of a criminal is how far removed from the actual infliction of violence he can locate himself, while operating through a causal chain which he commands and structures. But what distinguishes a political crime from organized crime is that in

⁶ On this point see Thomas Nagel, "Ruthlessness in Public life" in *Mortal Questions* (Cambridge University Press, 1979) p. 77.

political crime the various *as a* stances from which the crimes are performed are ordinarily morally and legally sanctioned. We presume that the existence of a political system can aim at some good; that the particular roles assigned within the system are essential to its well-ordered functioning, and that it is important that these roles are kept bounded. The judge and the policeman are roles that are essential to the functioning of the state, and there are moral and practical reasons that support keeping these stances enclosed. Separation of powers demands that judging be separate from legislating, and that the police force not be involved in judging. Soldiers have to obey orders on how to go about accomplishing a military mission, and the high command is subordinated to the civilian government in decisions of initiating a war. The gang on the other hand serves no public good, and the stance within the gang *as a* soldier doesn't carry any moral resonance. There is no such thing as a good gang but we might think that a bad government might be better than no government.

Politics is therefore a realm in which crimes are performed from the *as a* stance, and even more so, it is the realm in which justifications of questionable actions are supported by an appeal to the boundedness of the stance. These justifications rely on the fact that the very boundedness of the stance is backed initially by plausible moral claims. Soldiers who have been involved in war crimes, or judges who have implemented racist laws defend themselves by the appeal to their role, acting *as a* soldier following orders or *as a* judge applying the law. In one such case, quoted by Robert Cover in his fascinating study of the judges who enforced pro-slavery laws, a judge provided the following justification for denying a fugitive slave his freedom: "As a citizen and as a man, I may admit the injustice and immorality of slavery; that

its tendencies are all bad; that it is productive of evil, and evil only. But as a jurist, I must look at that standard of morality, which the law prescribes.”⁷

Relying on such an appeal, people who are involved in political crime don't merely claim that they made a miniscule contribution to the crime, and that others within the chain are to be blamed since they were involved in much more decisive manner. By reverting to their respective stances, the soldier and the judge are leveraging the moral and political legitimacy that the boundedness of these stances ordinarily have within the system.

What is wrong with this form of defense is that inhabiting a stance that ordinarily might make moral sense shouldn't serve as a form of disassociation from the rest of the self and its commitments. With such a disassociation the blinders and walls surrounding the carved out bounded stance have become too opaque, too dense. Trying to defend in this way a variety of atrocities is an expression that the function of the person *as a* soldier is cut off completely from the rest of what his self is supposed to be.⁸ We tell the soldier “there are certain obligations, side constraints, that no role will exempt you from; even in the stance that you inhabit *as a* soldier, with all the barriers it creates, the prohibition against intentional killing of innocents cannot be blocked off.” *As a* stances should never be exhaustive, they shouldn't be allowed to define completely the horizons of the moral field.

A division of labor in the military might raise more interesting questions. In contemporary warfare pilots, for example, don't see or know the target they bomb. Pilots are given coordinates on a map and they locate themselves at a distant position from which they can launch a guided bomb to a location that for them is merely a

⁷ R. Cover, *Justice Accused: Antislavery and the Judicial Process* (New Haven and London, 1975) p. 120.

⁸ See as well Arthur Applbaum's discussion in his, *Ethics for Adversaries* (Princeton Press, 2000), chapter 4.

point on the map. This is often the case with artillery units. Within the ordinary division of labor in the military it is not the business of the pilot to engage himself with target selection; he must hit the target not choose it. Given his training, his understanding of the general battle field, and the smoothness and efficiency of the operation there are good functional reasons why target selection shouldn't be his concern. He does his job *as a* pilot. But this way of functioning in a bounded *as a* stance within a chain of action is allowed only when the pilot establishes a strong presumption supported by good reasons that the people who are selecting targets do not aim at intentionally harming innocent civilians as part of their war strategy, or that they do consider questions of degrees of collateral damage allowed and that they try to minimize collateral harm as much as they can. A basic reliable moral trust has to be confirmed and be transparent.

It isn't only the case that commitments ought to penetrate the walls of the carved *as a* space, but the very possibility of inhabiting such a space with its ordinary walls and blinders depends in the first place on establishing the basic decency of the other bounded functions within the chain. The comfort of the stance which the pilot inhabits and its isolation, a stance that discharges him from examining the nature of each target that he is assigned to hit, depends on his conviction based on sincere reflection that the rest of the chain is functioning properly morally. This moral imperative works against the inert desire not to know what the rest of the chain is about, thus avoiding the responsibility of resisting it or exiting it, which is so endemic to political structures.

The critique of the soldier or the judge has so far been based on the idea that no stance ought to be the exhaustive of moral self-definition and that every stance is constrained by other strong considerations. Another critical approach could be voiced

internally to the stance itself. The soldier engaged in a massacre, following orders, has a perverse perception of his role as someone who under command applies the means of state violence. The noble aspect of a soldier's profession is the protection of his country. Massacre is not within the definition of the soldierly stance; it is not a response to a threat. The soldier receiving an order to massacre could thus say two very different things: "Though I act *as a* soldier, a soldier ought to be constrained by other considerations; I cannot shut myself off from them by hiding in the carved shelter of my stance." He could say as well: "Soldiers do not kill innocent civilians. It is against the very idea of soldiering; this is about turning me from a soldier into a terrorist, I am not a thug I am a professional." The judge, implementing racist policies, might also be exposed to criticism from two different directions. The straightforward critique asserts that his stance as a judge should not isolate him from other commitments. Others might raise a different argument against the judge, claiming that his conception of judging is completely wrong. Judging is not about blindly applying the laws, and the judge *as a* judge is obligated to use all his interpretive skills to produce a verdict that will cohere with solid moral principles.

IV

Disassociation and complete isolation is therefore one way in which the reliance on the *as a* stance goes deeply wrong. The bounded stance has to have windows; it has to be open to restrictions. But yet, we do intuitively accept that because of the force of the stance some wrongs could legitimately be done. A soldier must refuse an order to massacre, but he has to go ahead and obey a command in an operation that seems to him tactically disastrous and that might unnecessarily risk his life or lives of his comrades. He might have an obligation to voice his concerns but he has to follow the

orders even when he is aware of such a moral price. A judge *as a* judge will issue a verdict even if she is convinced that it is based on an unjust law, (and even if she has been fully convinced by Dworkin that moral judgments are inseparable from her role as a judge). A civil servant in the immigration office might sign an order of expulsion from the country against a person who he believes should have the status of a refugee. Preservation of the political system needs separation of powers and a division of labor, a division that has both moral and functional justification. Because of such second order justifications, maintaining the boundedness of stances might justify some wrongs. Yet such allowance to do what is wrong in the agent's eyes is conditioned by two considerations. The first consideration is that the system as such is worth preserving, that it aims at some good. If it is infected through and through, there is no point in adhering to its well-ordered division of labor so it can be preserved. The second consideration is that such a justification has a limit and when it comes to a grave violation of other commitments the walls of the bounded stance have to melt.

The moral force of the stance at times goes deeper than the general interest in preserving the system by adhering to the boundedness of the stance under certain limitations. There are cases in which adhering to what is implied by the bounded stance is independent of such second order considerations and it is integral to the stance as such in a more direct fashion. In such a case the agent acting *as a* is not doing something wrong for the sake of a larger concern, but rather he is doing what he should do, yet, had he not inhabited his particular stance or had he occupied another stance what he has done would have been wrong.

In order to clarify this point let us go back to the captain of a sinking ship whose child happens to be a passenger on the ship. He might decide, as was mentioned, that *as a* captain he is obligated to give equal concern to each passenger,

including his child. Even someone who disagrees with his acting this way will not think that this is a case in which he had one thought too many, as Bernard Williams has formulated it. There are very good reasons why he should have acted impartially towards his child as well. (I think that people who disagree with such a decision would agree that he is not allowed to use his unique capacities *as a* captain, such as the crew that he commands or other means that are at his disposal that no ordinary passenger has, to give priority to his child. These capacities were given to him for the sake of the good of all passengers not for his own preferences.) In his decision to give his own child equal concern he did what he ought to do but only *as a* captain; if he happened to be an ordinary passenger he should have acted *as a* father. His decision that *as a* captain he has to give his child the same standing as any other passenger was not based on a second order systemic consideration, but rather it had to do with the very nature of being a captain and the moral obligations that comes with holding such a position.

Inhabiting a stance can therefore be morally crucial for two very different reasons - external second order considerations and internal reasons to the stance itself. The stance we inhabit from among other stances might impact our actions to the degree that it might obligate us to do what is wrong (given certain limitations) or what is right only because we inhabit that stance.

V

In analyzing the *as a* locution so far some clarity has been gained in understanding what it means to inhabit a stance, the moral impact of the stance, and the ways in which the impact of the stance goes wrong and needs to be constrained. A further and

closer reflection on this complex structure can shed light on the place of impartiality in ethical and political life, and its relation to the *as a* stance.

There is a straightforward sense in which impartial concerns always play a dominant role in assessing our moral commitments. What can be done *as a* soldier or *as a* judge is constrained by impartial considerations in which rights are impartially granted. An innocent person has a right to life which ought to penetrate the bounded carved space of the soldier's role when he is commanded to massacre people, and human beings have a right to a fair trial that should "melt" the walls of acting *as a* judge. In constraining bounded stances, impartial obligations mark the limits of what is allowed by the privileged position of the stance. Yet, there is another, more robust way, in which impartial concerns enter the moral life in relation to the *as a* stance. This robust sense of impartiality emerges when it becomes an active concern rather than a side constraint. In such cases impartiality doesn't play a role only in limiting the moral power of the stance but rather a thicker impartial commitment flows from the obligations that stem from the stance itself. The case of the captain highlights that aspect of robust impartiality in a clear way, but a further clarification of the nature of *as a* stance has to be provided in order to get the full sense of the robust work of impartiality and its uniqueness.

There are stances we inhabit just by merely leading a human life, such as having family and friends, and there are stances that we are assigned to, such as the diverse roles of judges, soldiers, civil servants, or captains. The stances we inhabit by the sheer fact of leading a human life, as parents as friends, are so pervasive that only in moments of possible conflicts the force of the stance comes to the surface, usually when a barrier has to be established to resolve a possible emerging conflict. These stances dominate our normal background condition in which we operate in the world.

Given that they are stances of relationships, when we act from them they ordinarily direct us towards partial preferences of family and friends. (These partial preferences are, as was said before, limited by impartial thin side constraints. As parents we can spend our resources in favor of our children but we can't steal from someone for that purpose etc.). Impartiality in a robust sense, not only as a side constraint, is forced on us when we are extracted from these *as a* relational background stances, into a particular role. An ordinary passenger is expected to give partial treatment to his friends and family on the sinking ship, but when he is assigned the role of captain he is extracted from his relational commitments and *as a* captain he must shift towards an active impartial attitude. The expectation to act impartially flows from inhabiting the particular stance of a public office, which among other things puts at the command of the agent collective effective resources which he couldn't have accessed merely *as a* father or a *as a* friend. The robust impartial obligation of the captain is what allows him the use of public resources such as life boats and the crew, and it grants him coercive powers that no individual has. He can impose a priority to save the weak, young and elderly before the rest of the passengers, or he can confiscate private property for the sake of the survival of the ship.

The place of impartiality can now be newly assessed in relation to the function of the *as a* stance in our moral life. In a thin sense, as a side constraint, impartiality has primacy in setting limits to the force of "positionality" and in breaking a false possible "boundedness" of the *as a* carved space. But in the robust sense of impartiality, in which equal concern has to be granted, such a commitment depends on inhabiting a very particular stance usually *as a* public officer. The commitment to robust, thick impartiality kicks in only when the background *as a* stances of our ordinary relational human lives are blocked by inhabiting such unique public stances.

In its thick sense, impartiality is thus secondary in our moral life, since it depends on inhabiting a very particular public stance and that stance is not our ordinary relational stance in which we operate by the sheer fact of having a human life.

I think that the failure to realize the secondary place of robust impartiality and its dependency on a very particular *as a* stance is one of the deepest flaws of utilitarianism. The utilitarian demand to maximize overall utility is based on a firm conception of equality that grants equal weight to each individual preference, a weight that has to be impartially assessed before acting. In following this utilitarian principle of impartiality, a mother shouldn't spend money to buy her child a computer if she can instead use the money to buy clothing for ten poor children. She also ought not to invest in particular personal goals, such as cultivating literacy, when contributing to environmental change with that same investment would have resulted in greater overall utility. In the utilitarian view, impartiality is primary not only in its function as a side constraint, but rather in the robust commitment to positive ongoing impartial activity in investing our resources and in directing our actions. Bernard Williams has already criticized such an impartial norm, arguing that it undermines the integrity of the individual, since it prohibits the agent from pursuing the personal goals and aspirations which define her identity as a human being. The utilitarian principle according to Williams restricts our capacity to form the partial attachments and goals which are basic to the formation of genuine personal integrity. I think that Williams' critique is convincing, yet there is another critical angle that seems to me to address a more basic question concerning the impartial expectation of utilitarianism. This other critique aims at the claim that what might be wrong with utilitarianism has to do with the *as a* stance it adopts in dealing with moral life. This failure of utilitarianism

becomes clearer if we reflect on the stance that utilitarians expect of people to adopt when confronting the pleas of others.

An individual confronting the needs of an impoverished individual, which might be expensive, should not act as an impersonal distributor who calculates the best overall use of the limited resources at his disposal in relation to global needs. Such an individual provider might spend a great sum of money in order to alleviate the chronic pain of someone who has appealed to him by helping him to buy expensive medicine, while realizing that the same amount of money given to Oxfam might better maximize the overall utility of his giving. This attitude rests on the conviction that a moral subject should address the subject whom he encounters, and that it would be morally wrong to pull out a calculator from his pocket before addressing such a need. What is wrong with pulling out the calculator is that the individual provider is not a distributive bureaucrat, but a subject confronting the pain and need of another subject.

The issue at stake is therefore not only the clash between the impartial obligation and the capacity to form partial preferences and particular goals as raised by Williams. In opting to provide for the expensive needs of the other against the general principle of utilitarianism, the giver is not inclining towards his personal partial preferences or towards causes that are particularly dear to his heart. He is, rather, resisting the impersonal posture while responding to the actual relationship formed between him and the person in need whom he has encountered. In this situation, it would be morally wrong for him to view himself as if he were an impersonal universal provider. What might be wrong in the utilitarian principle is therefore the *as a* stance that it forces on the individual in such a case. Utilitarians expect every person to adopt in every action the *as a* stance of a public office from

which robust impartiality is rightfully expected. The adoption of such an *as a* position seems to be artificial and misses the nature of the encounter with the plea of the other and its force.

On the other hand, if that same poor person appealed to someone who inhabits the role of an official who is responsible for allocating communal resources, that official must adopt the larger impersonal perspective. In providing for needs, an official must take into account the limited resources, the needs of the rest of the poor, and the hierarchy among such needs. An individual, when acting *as an* official, qua public figure, has an impartial obligation that stems from his particular institutional role and commitment. He would be betraying such a trust if he were to adopt the relational subjective stance when encountering the needs of others. His role *as an* official blocks the force of the relational bond established by the personal approach of the needy to him, a relational bond that ordinarily commits a person to confront the needs of the other without calculating overall utilities.

The impartial stance expected by utilitarianism involves two different perspectives. The first, which is self-directed, demands that the moral agent should assume an impartial and impersonal position while transcending his own preferences and goals; the second is other-directed, expecting an impersonal attitude towards the claims of others. Williams challenged the first self-directed impartial stance; our discussion poses a challenge to the other-directed impersonal stance. The rejection of the primacy of the impartial stance presents not only a challenge to the impartial general way of proper allocation of resources; it also rejects the utilitarian view of the individual pain one confronts as a mere instance of a general obligation towards addressing the pain of others. The particular encounter itself, and the ensuing relationship that it creates, generate their own moral force.

The robust impartial principle is thus limited to a particular *as a* stance which extracts us from the background relational stances that we inhabit by leading a human life. These relational stances include as well encounters, some of them accidental, between subjects, when a person in need puts himself in the hands of the other by appealing to him. It takes a particular *as a* stance to force us to assume a strongly impartial attitude towards the needs of others and this is usually a public office and the public trust. Given the impact of stances on our commitments, what might be wrong with utilitarianism is not its core principle, which might be suitable to a particular stance, but rather the way its proponents expect us to adopt such a stance as a guiding posture covering our entire moral life.