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LAW, MORALITY, AND VIRTUE*

In recent times, the concept of virtue has regained a prominent role in public discourse and in academic ethics as well. However, it has not yet been dealt with very much in contemporary political theory and legal philosophy. This paper aims at clarifying the relationships between law and moral virtues in two respects. First of all, there is the question as to whether and to what extent the law may urge its addressees to be virtuous by enforcing or fostering the respective character dispositions. The second question is whether and to what extent a well-functioning legal order is dependent on moral virtues of the citizens. As to the first question, the paper defends the widely shared view that a legitimate legal system must not enforce virtues and may foster them only to a limited extent. This view results from considering the proper aims of the law: determining and enforcing the rights and duties that are based on fundamental moral obligations; establishing and enforcing arrangements of rights and duties that aim at the fulfillment of weak moral obligations that are not sufficiently realized by individual action without coordination; and establishing duties which are justified by generally acceptable policies, such as the provision of public goods. By contrast, the discussion of the second question leads to the result that a legal order will operate appropriately only if it is backed by supportive moral virtues of the citizens. In order to show this, it is argued that law would necessarily fail when its officials and addressees were pursuing nothing more than their self-interests. Particularly, virtues are necessary for strengthening the force of legal threats, making possible an effective enforcement of legal norms, preventing superior legal officials from corruption, submitting the exercise of legal powers to sufficient public control, and providing moral attitudes for an appropriate process of legislation. As a result, law does rely on civic virtues which it cannot produce by itself.

Key words: *Morality. – Virtue. – Aims of Law. – Rights and Obligations.*