

# In Defense of Appearances: a Reply to Marcia Baron's *The Moral Significance of How Things Seem*

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**IN DEFENSE OF APPEARANCES: A REPLY TO MARCIA  
BARON'S *THE MORAL SIGNIFICANCE OF HOW THINGS SEEM***

SARAH BUSS\*

I agree with most of what Marcia Baron says in *The Moral Significance of How Things Seem*.<sup>1</sup> I agree that we should care about what we express when we do something—or, at any rate, about what our *actions* express.<sup>2</sup> And I agree that under most circumstances, we should not alter our behavior in order to prevent others from mistakenly believing that we are doing something else.<sup>3</sup> Like Baron, I think that we should beware of exaggerating both our power to motivate others with our example and our obligation to do so.<sup>4</sup> And I, too, think that we ought not to permit the opinions of others to exercise much power over our own decisions.

Nonetheless, I am hesitant to endorse Baron's central claim. I am uneasy about her suggestion that, though we are morally required to care about what our actions express, the moral imperative to care about what they *appear* to express is (except in special cases) much weaker and more limited in scope.<sup>5</sup> In this Commentary I will argue that in most human interactions, what we appear to be doing is more important than Baron acknowledges. In defending this thesis, I will call attention to the wide range of cases in which what we express in our actions depends upon, and is even indistinguishable from, what we appear to express.

I will focus on the *moral* appearance of our actions. After briefly noting the familiar epistemic grounds for being sensitive to this appearance, I will consider cases in which our actions give offense. I will argue that it matters whether we offend people (even when the offense taken is unwarranted), and that this gives us a reason to care

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1. Marcia Baron, *The Moral Significance of How Things Seem*, 60 *Md. L. Rev.* 607 (2001).

2. *See id.* at 639-40 (contrasting the significance of how actions appear with the importance of what they express).

3. *See id.* at 624-26.

4. *See id.* at 629 ("Very few other people are likely to be swayed, by my supposed election to engage in a certain activity, into thinking that what they had hitherto thought was wrong must actually be all right after all."); *id.* at 628-29 (asserting that "generally, it is not really my business to worry that others, seeing me do *x*, will mistakenly believe that I am doing *y*, which they correctly hold to be wrong, and will then decide that if I am doing *y*, it must be okay for them to do it").

5. *See id.* at 639-40.

about how we appear to be treating the people with whom we interact. We have reason to try to avoid appearing disrespectful and unfeeling; and if we fail in this regard, we have reason to respond to the offended party with apparent concern and respect.

Baron cites with approval Laurence Thomas's observation that "[m]oral deference is meant to reflect the insight that it is wrong to discount the feelings and experiences of persons in diminished social category groups simply because their articulation of matters does not resonate with one's imaginative-take on their experiences."<sup>6</sup> As far as I can tell, what holds for members of oppressed groups holds for everyone else: in order to treat others with respect (and with beneficence too), we must be receptive to their take on things—and receptive, in particular, to their take on our actions. More particularly still, we must not be indifferent to whether our actions *appear* to be unkind or disrespectful, or in other ways morally indefensible. Baron claims that we need not go out of our way to demonstrate this receptivity when we (or others in our group) have done nothing to call it into question.<sup>7</sup> I agree. But the question is raised not only, as she suggests, when a person is a member of an oppressed group and we belong to the oppressing group, or when we have ourselves mistreated the person in the past.<sup>8</sup> Whether we have sufficient concern and respect for another human being becomes a question—at least for this human being—as soon as we interact with her in a way that she deems to be disrespectful or unfeeling.

Suppose I do something that others take to be wrong: I order a steak; I spend money on a cappuccino for myself; I speak quickly and loudly in challenging someone who is insecure and shy. These acts are not what Baron calls "expressive acts." Their value does not lie in what I am "attempting to express" by performing them.<sup>9</sup> Yet in the eyes of my critics, they express, respectively, a lack of respect for the moral value of animals, a lack of concern for the suffering of other members of my own species whose lives might be saved by that two dollars and change, a lack of respect and concern for my interlocutor. We may suppose that I do not see things this way myself. But if I am to

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6. *Id.* at 618 (quoting Laurence M. Thomas, *Moral Deference*, in *THEORIZING MULTICULTURALISM: A GUIDE TO THE CURRENT DEBATE* 359, 375 (Cynthia Willett ed., 1998)).

7. *See id.* at 619.

8. *See id.*

9. *See id.* at 609 (discussing beneficent and expressive acts and defining the latter as "acts whose value lies entirely in what is expressed, or in the fact that one is attempting to express" a certain principle or emotion).

avoid being a moral clod (or worse), I had better take these appearances seriously.

One reason for this is obvious: my critics may be right. What appears to me to be perfectly permissible behavior may not really be so. I am fallible in moral matters, just as I am fallible in other matters. My point of view is just one among many; and it may not be the best point of view from which to survey the moral terrain. John Stuart Mill is justly famous for making this very point. Moral progress, he warns, is not possible if we insulate our beliefs about what is right from the beliefs of others.<sup>10</sup> And even when we can discover no compelling reason to change our opinion on some matter, an openness to other ways of looking at our behavior is essential to our ability to understand both what we believe and why we are justified in believing it.<sup>11</sup>

Our epistemic limitations are not the only reason why we ought to care about the viewpoints of others—and about the appearances accessible from these other viewpoints. How our behavior appears to others matters for the simple reason that *they* matter. And they matter not just as the means to our ends, but as ends in themselves. Even when I have thoroughly and carefully reviewed the reasons for judging my behavior to be morally wrong, and even when, as a result, I have confidence in my own assessment, the respect I owe to others requires that I be sensitive to their points of view when I interact with them; and this requires that I beware of appearing not to care about how they perceive my actions. In particular, I ought to be sensitive to whether my behavior *appears* to be offensive. And when it does appear offensive to those with whom I am interacting, I ought to appear to care about this.

It is important to note that the requirement to be sensitive to someone's "take" on one's behavior is partly grounded in the duty of benevolence: if I really am indifferent to the fact that my behavior appears to be disrespectful or hardhearted, then I really am *unfeeling*, because I really am indifferent to whether I have "hurt someone's feelings"; and if my indifference is apparent to those I have offended, then this is an additional source of distress. Having acknowledged this point, however, I want to turn my attention elsewhere. I want to focus on the extent to which, and the reason for which, indifference to appearances is *disrespectful* as well as *unkind*. In a nutshell, such indifference is disrespectful because, at least in most circumstances, it

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10. JOHN STUART MILL, ON LIBERTY 76 (Penguin Books, 1979) (1859) (noting that "the peculiar evil of silencing the expression of an opinion is that it is robbing the human race, posterity as well as the existing generation").

11. *See id.* at 97-99.

is incompatible with appearing to take other points of view seriously, and because appearing to dismiss the value of other points of view is one way of appearing to dismiss the human beings who occupy these points of view.

Just as I would be disrespectful if I put on my headphones in the middle of a boring philosophy lecture, so, too, I would be disrespectful if I made no attempt to listen to my neighbor's impassioned defense of animal rights or the right to grow hemp. Even if I have already heard the same views ably defended by the guy down the street, I ought not to give my neighbor the impression that I couldn't care less, that I believe she is wasting my time. I ought to appear to listen to what she has to say, not because I stand to learn anything from her, but simply because she is addressing me civilly, as one surveyor of the moral scene to another.

The other day, as I walked down the alley near my house, I had a brief encounter with another alley-dweller who is a stranger to me. We said "Good morning" to each other. And then he said, as I was passing him by, "It's a lot colder today." I already knew that, of course. And he knew that I knew. In order to take his point of view on the weather seriously, there was absolutely nothing I needed to do. After all, it was my point of view too. But had I done nothing, I would have been disrespectful. In order to avoid treating him as if he were of no greater value than the weather itself, I had to *appear* to take his point of view seriously. This does not mean that I had to appear to ponder it deeply, or to weigh the pros and the cons. Rather, I simply had to acknowledge that, in some admittedly very small way, his viewpoint mattered. Even as I moved on by, I had to affirm his take on the weather ("Yep, it sure is!"), or to respectfully offer the contrary view that the previous morning had not been any warmer.

As I hope this last example makes clear, my point is not that we have to stop and listen to every crank who threatens to disrupt our plans for the day. My point is that the moral importance of being receptive to other people's "take on things" is grounded not only in *our* fallibility and *their* capacity to enlighten us—not only, that is, on their value as means to the end of our avoiding moral error. It is also grounded in their value as ends in themselves. In the typical case, we cannot express respect for this value—indeed, we express disrespect, even contempt—unless we appear to be receptive to the points of view of those whom our actions affect. And we cannot appear to be receptive if we appear to be indifferent to whether our actions appear offensive or heartless.

If human beings had no value, then it would not matter in the least whether they were ever upset or in pain. But human beings are intrinsically valuable. And so when someone with whom I am interacting takes offense at something I do, this matters—even if I believe that taking offense is unwarranted. Since this matters, it should matter *to me*. If it does not matter to me—if I am indifferent to whether my action appears to be disrespectful or hardhearted—then the offense is compounded: my response to the offended person's feelings and judgment expresses the view that, as Baron puts it, this person just doesn't "count."<sup>12</sup> Since this is a disrespectful message, as well as a hurtful one, it is important for me not to be indifferent. If I really am indifferent to whether I appear to be expressing respect and concern, then I really am disrespectful; I imply that the moral judgment at the heart of the distress I have caused is not worth my notice. In short, one way to *really* offend someone is to show no concern about whether one *appears* to have offended her. And since this means that one gives offense if one appears to be indifferent to whether one appears to give offense, a commitment to treating people with concern and respect is a commitment to making an effort not to appear disrespectful.

As Baron notes, "against a backdrop of disrespect . . . not addressing the disrespect . . . itself shows disrespect."<sup>13</sup> And, as she also says, where there is a "climate of mistrust," we must pay "special attention to how our actions may appear."<sup>14</sup> If I am less inclined than Baron to downplay the importance of how our acts appear, this is, in part, because I am more struck than she is by how easy it is to create a bad climate. We can cause someone distress with nothing more than a slight modulation in our tone of voice, a barely perceptible alteration of our gaze, a curl of our lip. Because in most cases, it is also quite easy to avoid such disrespectful expressions; we thus have a very good reason to be sensitive to the impression we are making even before the climate turns bad.

According to Baron, the relative unimportance of how our actions appear is illustrated by affirmative action policies.<sup>15</sup> Such policies, she says, ought to express respect for those they are meant to help.<sup>16</sup> But as long as they do this—as long as their "message" is (as Thomas Hill puts it) that "we acknowledge that you [the intended

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12. See Baron, *supra* note 1, at 617.

13. *Id.* at 619.

14. *Id.* at 640.

15. *Id.* at 622-23.

16. See *id.* at 620 ("Shaping affirmative action policies in one way rather than another, and opting for them in the face of certain familiar objections, expresses respect.").

beneficiary of the policy] have been wronged . . . . We deplore . . . the wrongs . . . . We welcome you respectfully into the university community and ask you to take a full share of the responsibilities as well as the benefits”<sup>17</sup>—those committed to implementing these policies need not second-guess themselves just because it appears to some people that affirmative action treats minorities as intellectual inferiors. Baron may be right about the particular case she has in mind. I doubt, however, that we are entitled to generalize. What if, for example, the people who believed that affirmative action insults minorities were the intended beneficiaries themselves? Surely, this would be morally significant—even if the critics were mistaken about the policy’s “real” message. More obviously still, it would be downright disrespectful to dismiss their criticisms as irrelevant. In considering whether to implement an affirmative action policy, administrators should be as concerned about how the policy strikes the targeted minorities as they are about what it really expresses. Indeed, given human fallibility, if the policy appears disrespectful according to those it is meant to help, this ought to be taken as grounds for wondering whether it really does express respect. As Baron herself notes: “On the question of whether something is offensive to a certain group, . . . members of that group have insight into the matter that outsiders lack.”<sup>18</sup>

The moral and political debates over affirmative action illustrate the extent to which disagreements about what an action or policy expresses are, at the same time, disagreements about what it *appears* to express. When Hill urges us to pay attention to “the messages that are likely to be received” from an affirmative action policy,<sup>19</sup> he might just as well have admonished us to notice what messages the policy is likely to appear to be giving. Since the “real message” of an action or policy may not be an established fact, the attempt to discern this message just is the attempt to discern what message the action or policy appears to express. It is, presumably, for this very reason that, at the end of her article, Baron suggests that “[i]f it is by no means clear whether our action expresses *x* or not, the responsibility to attend to the expressive meaning of our action is somewhat weaker.”<sup>20</sup> But surely, this generalization is false. When we are unsure of what message we are giving, our responsibility is just as strong as—and so our moral burden is even greater than—when we are certain about what our action con-

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17. THOMAS E. HILL, JR., *The Message of Affirmative Action*, in *AUTONOMY AND SELF-RESPECT* 189, 209 (1991) (internal quotation marks omitted).

18. Baron, *supra* note 1, at 618.

19. HILL, *supra* note 17, at 190.

20. Baron, *supra* note 1, at 641.

veys. The fact that we are doing something whose meaning is unclear requires us to be attentive to what our action expresses. And this is precisely because in such cases it is harder for us to be confident about what our action *appears* to be expressing.

Baron points out that many actions or gestures have a “standard meaning,” and she suggests that when we perform these actions, or make these gestures, they express this standard meaning.<sup>21</sup> From what I can tell, however, expressive actions typically cannot communicate the message standardly associated with them unless the agent *appears* to have the attitude appropriate to the message. To take one of Baron’s own examples of expressive action, it is almost impossible to express regret when one utters the appropriate words in a joyful tone of voice, or while—in the presence of an intended target—one leafs through the telephone book, or assiduously clips one’s nose hairs.<sup>22</sup> Not all expressive actions are like this: just by clapping, one can, I think, express appreciation for a boring performer, even if one’s face is a blank, or if one is already pulling on one’s coat. Nonetheless, clapping is an exceptional case. And the other exceptions do not include expressions of respect and concern. Expressing respect and concern is more like laughing at someone’s joke than like clapping for her performance. In order to express appreciation for someone’s joke, it won’t do to simply say “Ha, ha, ha!” In order for a laugh to have its standard meaning, one must appear to “get” the joke one is laughing at, and to find it funny; and this appearance cannot be generated by the act of laughing alone. So, too, our words and gestures of deference derive their standard power from the attitudes we appear to have while we utter the words and go through the motions. Appearances matter in such cases because expressive action involves an attempt to express something *to someone*, and because the attempt cannot be successful if what we do appears to express something else.

Because appearances matter where expressions of concern and respect are at issue, it is possible to fake concern and respect. Just as a good actor can fool someone into thinking that he finds her dumb joke amusing, so too a good actor can fool someone into thinking that he values her as an end in herself. In such cases, there is clearly something morally abhorrent about the agent. Yet, insofar as the issue is whether he treats another human being with respect, what he appears to believe is more important than the reality. More carefully, a person’s genuine expression of concern and respect for another human

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21. *See id.* at 607 n.1.

22. *Cf. id.* at 615-16 (noting that some manners of expressing regret are better or more convincing than others).

being need take no deeper form than a sincere attempt to *act* concerned. In other words, provided that one really is open to other points of view, one need not really value a given person who occupies one of these viewpoints in order to succeed in treating her with concern and respect. It is enough that one *appears* to value her; it is enough that one appears to regard her as someone who deserves to be taken seriously.

Of course, if one does not value human beings except as possible sources of insight, then one is far more likely to treat individual human beings with contempt. Appearing to value someone when one really *does not* can thus be difficult to sustain. But the value of appearances that do *not* reflect an underlying reality extends beyond cases in which someone does not really regard other human beings as ends in themselves. It is, more fundamentally, a function of the fact that we cannot acknowledge a person's value *as a person* without acknowledging the value of her point of view—that to treat someone with whom we are interacting as if we attribute no value to her point of view is to treat her with disrespect. One way we acknowledge the value of a person's point of view is to act according to only those principles that she could reasonably endorse. But when we are actually interacting with this person, something more is required of us: we must appear to take her actual point of view seriously. And this requires that we appear to “consider” her point of view, even though we have already given it all the consideration we think it is due. Again, in order to “show respect” for my alley neighbor when he sends a thought my way, I must “show respect” for this thought, even though I have heard it all before, and even though this thought is of no value to me. In most such cases, appearing to consider a person's attitudes and beliefs is not misleading: my neighbor knows that what I *really* think of his opinion—and even whether I really think his opinion is worth thinking about—is beside the point. In such cases, what I *appear* to think is what really counts because, in such cases, *appearing* to give consideration to “where someone is coming from” is the way of *really* showing consideration for *him*.

Baron notes that, “[i]n the context of a close relationship,” the person with whom one is interacting can often legitimately wish to “hear” that one “feels the pain,” or some other appropriate emotion, when one announces a decision that is likely to hurt this person.<sup>23</sup> In defending the moral significance of what we appear to feel or think in our interactions, I am simply suggesting that close relationships are

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23. *Id.* at 616.

not unique in this respect. And I am offering yet another reason for thinking that Baron obscures the complex relationship between expressing  $x$  and appearing to express  $x$  when she says: "Appearances often contrast with reality, but an action cannot express  $x$  unless  $x$  is really there."<sup>24</sup>

Appearances often do *not* contrast with reality. We want to know whether someone appears to favor our proposal because we want to know whether she really does support it. We ask, "Did she look sad?" and "Does she seem to be willing to bargain?" because we believe that the appearances in these and many other cases are the appearances of what is really there. At the same time, we recognize that, as Baron herself concedes, an act can express  $x$  even though  $x$  is "not something that the actor feels or thinks."<sup>25</sup> And this, I have argued, is not simply because some actions have a "standard meaning," but because what some actions express depends on no more and no less than what the actor *appears* to feel or think. The "warmth" someone appears to feel when her act really does express warmth—or (to take another of Baron's examples) the "superiority" she appears to feel when she really does "act superior"<sup>26</sup>—need not be "really there"; in order for someone to express warmth, superiority, and any number of other feelings, thoughts, and attitudes, it is not only necessary, but sufficient, that she *appear* to have them. This is what makes insincere expressions of warmth possible. But my point about the imperatives of respect is that some expressions of what is not "really there" are perfectly sincere: the mere appearance of taking another human being's point of view seriously can be a way of sincerely expressing one's commitment to taking him seriously as a human being.

Baron notes that "there is no end to the possible mistaken beliefs to which my actions might give rise,"<sup>27</sup> and she warns that if we pay "more than a very small amount of attention to appearances," we risk "screwing up our values."<sup>28</sup> I agree. But as I have indicated, I do not think that the requirement to attend to whether our actions appear disrespectful or unfeeling imposes on us the heavy burden of deliberately reviewing the countless ways that people might possibly interpret these actions. To the contrary, with a little training, most of us become as sensitive to the impression we are making as we naturally are to the temperature in the air—and just as unobsessed about it. Of

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24. *Id.* at 607.

25. *Id.* at 640.

26. *Id.* at 614 & n.14.

27. *Id.* at 623.

28. *Id.* at 634.

course, most of us care more about what people think of us than we care about the air temperature. So the very sensitivity that prevents us from being moral clods also threatens to make us moral cowards, who refrain from doing anything that we fear may rock the boat or in other ways cause displeasure. The proper response to this threat is not, however, to cultivate indifference to appearances, but rather, to free our self-esteem from reliance on the opinions of others. This is a central message in the work of one of the most eloquent critics of the human tendency to become slaves to the opinions of others: Jean-Jacques Rousseau admonishes us to be sensitive to the feelings and judgments of others, even as he rails against human vanity and tells us how to raise our children so that they will not succumb to it; he insists, moreover, that maintaining this sensitivity is no difficult task, as long as we really do value other human beings properly.<sup>29</sup> “True politeness consists in showing benevolence to men. It reveals itself without difficulty when one possesses it. It is only for the man who does not possess true politeness that one is forced to make an art of its outward forms.”<sup>30</sup>

As Rousseau’s remark suggests, since it is not especially difficult to discern whether our actions appear disrespectful, unfeeling, or just plain wrong, it is rarely difficult for us to avoid appearing disrespectful or unfeeling, or generally indifferent to whether we do the right thing. Indeed, the ease with which we can *avoid* appearing disrespectful and unfeeling is the flip side of the ease with which we can give an offensive impression. According to Baron, we express respect by expressing a “willingness to acknowledge wrongdoing,” by “welcoming input,” “not silencing dissent or criticism,” “not expecting the others . . . to take a ‘backseat’ role in the discussion of policies or the nature of the wrong at issue.”<sup>31</sup> I have argued that one cannot *express* “willingness,” or the “expectation” that others will share the front seat—one cannot really be “welcoming”—without *appearing* to be willing or welcoming. Regardless of whether I am right about this, however, it is no more difficult to *appear* willing or welcoming than it is to do what we must in order to treat one another with respect. In many cases, all it takes is a certain facial expression or tone of voice. In others, a few words do the trick. In still others, we need merely devote a few minutes to listening (attentively) to what someone has to say. Even when forced to contend with a fool, we can usually, with little effort, make

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29. See generally JEAN-JACQUES ROUSSEAU, *THE EMILE* (Alan Bloom, trans., Basic Books 1979).

30. *Id.* at 338.

31. Baron, *supra* note 1, at 619.

clear that we are unimpressed with his manner or opinions without thereby appearing to be sneering at (or even “suffering”) *him*.

Of course, the people we encounter have a range of sensibilities: some human beings are more thick-skinned than others; some are a bit quirky in the meanings they assign to various tones and gestures. In acquiring a feel for how our behavior appears to others, we learn that the same “body language” does not have the same appearance to everyone. And part of getting to know the people in our world is learning to adjust our behavior in subtle ways to their different sensibilities—usually without being the least bit aware of what we are doing. Even if a neighbor or colleague is inclined to perceive a sign of disrespect where most others would notice nothing at all, we can usually avoid offending her by making only very minor adjustments. To be sure, there are limits. When accommodating someone becomes difficult, we need not feel morally responsible for the distress we cause her. We are certainly under no obligation to cease doing whatever we believe we have good reason to do. But the existence of a few perverse human beings does not provide us with a justification for ignoring how our acts appear to the others. The fact that there will always be people whom we cannot be expected to refrain from upsetting is no more a reason to be indifferent to whether our acts appear disrespectful than the fact that the weather can change “without warning” is a reason to be indifferent to whether a thunderstorm appears to be headed our way.