

**SUPEREROGATION AND ETHICAL
METHODOLOGY:
A REPLY TO MELLEMA**

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The concept of Supererogation is *prima facie* paradoxical. How can actions that are morally good be left outside the domain of the morally required? Sensitive to this incongruity in the concept of Supererogation, Gregory Mellema formulates two principles, which at first seem appealing, yet are easily shown to be mutually incompatible.' Mellema's project consists of an attempt to preserve the basic intuitive elements in his two principles, while showing how they can be reconciled. His main concern, however, is with the conclusions regarding the limits of moral obligation which are assumed to emerge from the discussion. The main lesson I would like to draw from Mellema's enterprise relates to the limits of his philosophical method.

The status of supererogatory acts is heavily contested, and cannot be simply decided by intuition. Three principal views have been suggested in the history of ethics: rejecting the existence (or indeed the very possibility) of supererogatory acts; admitting them into the sphere of moral acts as a distinct category (added to the three traditional deontic categories of the permissible, the obligatory, and the forbidden); and recognizing their possibility – even value – but ultimately reducing them to the obligatory. I have elsewhere named these three alternative views anti-supererogationism, unqualified supererogationism, an qualified supererogationism, respectively.² They suggest three different solutions to the apparent paradox of supererogation.

I take Mellema's approach as a middle way between (or a mix of) the qualified and the unqualified views. On the one hand, he recognizes (though he neither defines nor explains) a realm of the supererogatory which cannot be viewed as morally "required"; on the other hand, he introduces an intermediate concept of actions, which lie beyond the call of duty yet are morally required in some (serious) sense. This is a new move in the discussion of supererogation: while it has become widely accepted (at least since Urmson's pioneering work) that the supererogatory should be added as a fourth category to the three traditional deontic operators, Mellema is here suggesting a *fifth* category, of actions which are beyond duty yet are not supererogatory.

Mellema's way of justifying this proposed solution to the paradox of supererogation consists of a series of claims directly based on common linguistic usage or intuitive moral judgement. The most fundamental assumption underlying his argument (especially in the move from the original to the revised formulation of Principle Two) consists of a distinction between *obligation* on the one hand and *ought* on the other, but nowhere does he try to articulate the distinction between the two. Is "ought" a deontically *weaker* concept than "Obligation", or does "ought" perhaps refer to what one is required to do in the most general sense while "obligation" applies only to moral requirements that arise out of particular forms of undertaking? Or take the term "permissible", which creates the conflict between Principle One and Principle Two: it is defined in the first case as the opposite of obligation and duty, but in the second case as the opposite of "ought". Accordingly, it is once analysed in purely deontic terms, but afterwards also in terms of the moral standing of a person and what is expected of him or her. And "expectation" itself is used ambiguously as referring both to the deontic status of an act and to the moral character of the agent.

It seems then that Mellema takes too lightly the general distinction between the cluster of concepts relating to moral character and virtue ("expectation", "can be faulted for", "feel guilt", "make excuses", "worthy of moral criticism"), and that abstractly defining the deontic status of actions ("duty", "obligation", "supererogatory", "permitted"). And his vocabulary also contains concepts ambiguous in the sense that they can be interpreted as belonging to either of these groups

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("blameworthiness", "ought", "should", "permissible"). For instance, "expecting one to do x" may be interpreted as expressing a deontic proposition regarding the status of x, a social norm regarding the desirable ends achieved by x, or a psychological attitude towards the agent of x.

My basic point is that linguistic usage cannot be a reliable guide in the attempt to solve the paradox of supererogation. The revised formulations of Mellema's two original principles indeed make them compatible with each other without much loss to their initial intuitive appeal. However, the *Philosophical* point of such a solution remains unclear. What does it explain in ethical theory? How does it re-organize the deontic map? Worse for Mellema, the price of his proposed solution to the paradox of supererogation is a shift to *another* category of moral actions, actions beyond duty, which are explicitly distinguished from the supererogatory actions with which he started. Are we to give up the notion of supererogation? And if not, how will the original conflict between the two Principles be avoided in the case of strictly supererogatory acts (i.e. those which not only go beyond duty but also beyond what we ought to do)?

Everyday language fails us in the attempt to draw theoretical distinctions. It is too vague ("permissible"), or too emotive ("beyond the call of duty"), or ambiguous ("ought"). Explanation and justification in ethics call for more *theoretical* tools, in which formal conceptual analysis is combined with substantive normative principles. Supererogation is a typically theoretical concept, a technical term that can be given sense only within a more comprehensive ethical view. Ultimately, the analysis of supererogation should provide us with a picture of the *moral* role and value of actions which go beyond the call of duty, of their special status in the spectrum of deontically distinct categories of human action.

The general strategy of Mellema's argument consists of the *weakening* of the two initial Principles, thus making them consistent with each other. When we compare the original version of Principle One with its revised version, we find that the only difference lies in the substitution of "actions beyond duty" for "acts of supererogation" The change is of course not merely semantic, and is explained earlier in the article: every supererogatory action is beyond duty, but not every

action beyond duty is supererogatory; hence, we may say that people *ought* to perform certain acts which go beyond duty without compromising the idea that supererogatory behaviour lies totally beyond what one ought to do. Furthermore, says Mellema, this move avoids the issue whether the omission of supererogatory acts is morally blameworthy or not: whatever their status, the omission of other (non-supererogatory) acts which are beyond duty *is* blameworthy, and a morally conscientious person should always perform them. But that is an easy way out of one of the most significant issues regarding the deontic status of those non-obligatory morally good actions. Rather than "take sides" in the substantive debate between Badhwar on the one hand and Chisholm and myself on the other, Mellema creates a new, intermediate category of actions placed half way between the obligatory and the supererogatory.

Formally speaking there is nothing wrong or inconsistent about this strategy, but it leaves all the interesting philosophical and moral issues regarding the deontic status of, say, making a sacrifice for the sake of a friend as unsolved as they were before. In order to be philosophically significant, the analysis should tell us what is the relation between "beyond duty" and "the supererogatory"; what are the criteria for distinguishing between the two categories; what are the paradigm examples of both types of non-obligatory actions (Mellema mentions forgiveness, mercy, and helping as examples for his new category, but neither tells why omission of these is indeed blameworthy, nor what are typical instances of the supererogatory); why is the intermediate category neither fully optional (like the supererogatory) or fully obligatory (like duty); in other words, what is the basis for *blaming* someone for refraining from doing something which was not her duty: is it the moral value of the actions? But if so, why not blame those who do not perform the strictly supererogatory act? To sum up this point: the attempt to remove from Principle One elements or features which are needlessly controversial" achieves only an ad hoc and formal solution leaving the substantive ethical paradox, which gave rise to the whole enterprise, unresolved.

The "weakening strategy" is also employed in the revision of Principle Two. Here the basic difference between the original and the revised formulae lies in the replacement of the deontic language of

permission and obligation by the language of ought. This move tries to logically reconcile the two Principles by what seems to do more justice to the traditional notion of supererogation (which was pushed aside in the reformulation of Principle One): it preserves a certain degree of moral requirement in supererogatory actions, while avoiding the contradiction involved in reducing them into straightforward duties. But again, Mellema does not explain the distinction between "ought" and "duty". Surely the two belong to the general category of moral requirements. Is "ought" just weaker than duty? Or maybe it comes from a different source. In Mellema's usage, it seems to be synonymous with "should". But the deontic map is far from clear. For instance, Mellema uses "permissible" sometimes as the opposite of "ought" (in Principle Two) and sometimes as the opposite of "obligation" (in Principle One). From Mellema's sympathy with such notions as "quasi-obligations" we may gather that "ought" is a weaker requirement than obligation, but that its omission still deserves moral blame. But then again, what is the basis of this blame?

One way of answering this question is to point out the specific contexts in which duties and obligations are created: certain roles and positions in the first case; certain undertakings in the second. Then, of course, one may say that there are moral "ought's" which are not within one's duties and obligations. However, these have nothing to do with supererogation, or actions beyond the call of duty in the traditional (and interesting) sense. Morally, I ought to save my neighbour from starving to death, although I have no official position in a relief agency nor did I promise him in the past to take care of his needs. The intriguing cases of supererogation (and the limits of moral duty in the wide, "Kantian" sense of the word) concern exactly those actions where people do something beyond what they "ought" (in the sense of a general moral *requirement*) to do. I believe (contrary to Mellema, Card, Whelan, and Kolnai) that mercy and forgiveness are typically beyond duty in the strict supererogatory sense, namely their omission is not morally blameworthy. But this (as well as the contrary view) should be argued within the framework of a whole normative view regarding freedom and autonomy, personal relations and social interests, etc.

Friendship, which is taken as one of the chief motivations in Mellema's attempt to redraw the borderline between obligation and supererogation, seems to shift the focus of the discussion of supererogation in a misleading way. Following Badhwar, Mellema argues that making a sacrifice for the sake of a friend is neither a duty nor –an obligation, but still one "ought" to make it, that is to say, one is worthy of blame if one avoids making it. This is adduced as a typical example of Mellema's new category of the non–supererogatory action which still goes beyond duty. But friendship is a highly problematic case in this context. First, it seems that friendly relations are exactly those in which *moral* norms generally do not apply, that is to say, they are typically personal, "natural", non–universalizable, based on sympathy or love rather than on rights and justice. Secondly, indeed it is true that there are situations in which one is under a duty or an obligation to act in a certain way towards a friend (including ways in which one is under any such duty towards an anonymous party). But these can be easily accounted for as *particular* duties owed to particular persons (like parents to children, or officers to their soldiers). Thus, an act of sacrifice may be a moral duty towards one's friend (one's child, one's soldier) in certain circumstances, due to the special relation between the two parties. Thirdly, when an act of sacrifice towards a friend is genuinely beyond the call of duty (even to a friend), then it is purely supererogatory, and hence its omission is not open to moral criticism (*pace* Badhwar and Mellema). Thus, moral judgement is either inapplicable to friendship or applicable only in the traditional Urmsonian framework (which provides only one category beyond duty).

The general methodological flaw in Mellema's analysis lies in the absence of a more detailed conceptual machinery (going beyond ordinary language) on the one hand, and of a normative principle justifying the way the borderline between duty and "beyond duty" is drawn. On the conceptual level the key to a better understanding of supererogation seems to lie in a clearer distinction between *deontic* terms and *axiological* (or *character*) terms. Thus, supererogation is best understood as referring to the deontic status of an act rather than as reflecting on the moral character of the agent. For, on the one hand some acts fulfilling a duty attest to the highly virtuous character of the

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agent, and on the other some supererogatory acts are fairly trivial and easily carried out. On the normative level, Mellema fails to explain the sense in which his newly created category of non-supererogatory actions which go beyond duty is morally justified (both as being required at all and as being only " weakly" required). It does not answer the two (opposite) challenges, for instance holding forgiveness to be a straightforward duty, or taking it as a strictly optional (supererogatory) act. The absence of a conceptual mapping and a normative view leads to the evasion of a direct solution of the paradox of supererogation through the addition of what seems an *ad hoc* hybrid of supererogation and obligation.

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NOTES

- 1 G. Mellema, "Supererogation, Blame, and The Limits of Obligation"; this journal, pp.
- 2 D. Heyd, *Supererogation: Its Status in Ethical Theory*; Cambridge: Cambridge University Press, 1982.