

Supererogation, Inside and Out: Toward an Adequate Scheme for Common Sense Morality¹

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1. Introduction

Consider a classic case of supererogation²:

Tiny Tim Rescue Case: A toddler is caught in a burning building. The fire and child's position are such that even experienced fire personnel might be at serious risk in an attempted rescue. The mailwoman passes by, and sizing up the situation, and its risks, and hearing the fire engines at a considerable distance, enters the building and eventually reaches the infant. She waits, trapped in an upper floor for the fire personnel to arrive, and drops the infant to the fire personal below.³

Traditionally, friends of supererogation presuppose that the actions they have in mind are ones their agents are praiseworthy (in varying degrees) for performing. That is, the classical conception of supererogation embodies:

The Link: If it is supererogatory for Jane Doe's to do A, it praiseworthy for her to do A.⁴

The Link is encoded in what I will call the "*The Standard Analysis*"⁵:

¹ I benefited from discussion with audience members at the University of Arizona Workshop in Normative Ethics, including Julia Driver, Thomas Hurka, Sam Kerstein, Sarah McGrath, Christian Miller, Doug Portmore, Peter Railton, Holly Smith, Mark Schroeder, as well as Mark Timmons, who was also particularly generous as host. I also benefitted from comments from the referees for this volume.

² Cf. Feldman 1978, p.48.

³ The seminal Urmson 1958 has, among other examples, jumping on a grenade to save fellow soldiers. This is a quite dramatic case, but the classical conception allows for supererogatory acts that are of much smaller significance, as with small favors.

⁴ The normative statuses in focus here are intended to be *moral* statuses throughout (e.g. "*morally* obligatory", "*morally* praiseworthy", etc.)

⁵ This is essentially what is called "The Standard Account" in Mellema 1991 (p. 17). Although hardly universal, it is probably the most frequently endorsed account --the default as it were. Typical renderings are more clipped than ours however, and even in Mellema's case, his rendering is the result of replacing optionality in our clause 1) with non-obligatoriness; but there is no question that his intention is not to deny that the supererogatory actions are permissible as well, and thus optional, and this becomes explicit when he discusses "The Standard System" (pp. 125-129). Often the *analysans* is clipped even more to "Praiseworthy, but not obligatory". This is true for Feldman 1986, the inspiration for our lead example above, where the clipped gloss is given (p.48), but the preceding and subsequent remarks (pp. 48 and 50) make clear the remaining conditions of the standard account are intended. Some of the glosses that Heyd 2006 gives are also of this clipped sort (though Heyd explicitly intends to provide a quite nuanced *alternative* to the standard account). For example he gives the clipped gloss of the standard account with "...the idea of supererogation, the category of actions that are praiseworthy ...yet at the same time not obligatory"), and likewise when he says

An action is *supererogatory* for S iff 1) it is optional for S to do,
2) it is praiseworthy for S to do and,
3) it is not be blameworthy for S to not do.⁶

1) is the *deontic condition* stating that the action is neither permissible nor impermissible.⁷ 2) and 3) are what I call "*aretaic conditions*"⁸—they focus on agent-evaluative notions that are grounded at least in part on the relationship between the action's performance/non-performance and the agent's motives, intentions, character traits, etc. Condition 2) applies when an agent is worthy of praise, a positive evaluation, for performing an action—this exercise of her agency reflects on her favorably. The focus here is on her. Although we might rightly say of such an action, that it is praiseworthy, I think this is always equivalent to, but derivative of, the agent's being praiseworthy for performing the action. Condition 3) applies to an agent when she is not worthy of blame, a negative evaluation, for not exercising her agency in doing A.⁹ Again, the focus is on evaluating her for what she does, although here too we often legitimately phrase it less revealingly by saying that not doing the act would not be blameworthy. Given the absence of any real usage of "supererogation" except as a technical

"...Good Samaritanism is praiseworthy and non-obligatory"; but after the latter gloss, he goes on immediately to raise the critic's question "...how come they [such acts] are *optional* or supererogatory?", and he goes on a bit later to say of Urmson 1958, the inspiration of the standard account: "Supererogatory acts *in Urmson's sense* ...include only actions that are morally praiseworthy, valuable, although not obligatory in the sense that *their omission is not blameworthy*", thus making explicit the intended equivalent of our clause 3), and it is plain Urmson intends optionality as well. Perusing the literature on supererogation (and suberogation) makes it clear that many tacit assumptions operate beneath the surface. Two notable ones may have already struck the careful reader in our discussion of the clipped version of the standard account: 1) if an action is praiseworthy then it is permissible (thus regularly no mention of the latter, or of optionality), and 2) if an action is not obligatory, then it is not blameworthy to omit (thus often no mention of the latter). These are very natural assumptions, so unsurprisingly tacit. One virtue of deontic logic, is that, by its nature, it tends to make explicit these sort of tacit dependencies, and thus encourages an explicit assessment, which in turn can sometimes open up new space. Two places where such assumptions and their import have been explicitly discussed and briefly assessed are in McNamara Forthcoming and Haji and McNamara 2010.

⁶ We ignore the adjustments needed for supererogatory omissions, and the more general problems with applying the moral statuses to act tokens as we do here for convenience. I am assuming we can temporarily bypass these complexities by shifting from talk of acts to the simpler and more manageable incorporation of an agency operator and propositions: it is supererogatory that Jane Doe brings it about that p, it is obligatory that Jane Doe brings it about that p, etc. On the problem, see Chisholm 1963, pp.4-5, and especially Stocker 1967 and 1968; Mellema 1991, pp.29-39 discusses and incorporates Stocker's insights into his own account of duty fulfillment and supererogation.

⁷ *Optionality* is not to be confused, as it often has been, with *indifference* (more later).

⁸ I use this term to cover evaluation of transient conative states, not just character traits. Cf. Trianosky 1986.

⁹ Strictly, we need to think of the standard analysis in terms of possible alternatives and shift to talk of properties the alternatives *would* have if taken throughout, or talk about properties the omission of the alternative would have, in the case of condition 3). There are issues beneath the surface here that I slough over.

term, the *Standard Analysis* comes close to locking *The Link* in almost stipulatively, and I will in fact assume that all three conditions are at least necessary on the classical *conception* of supererogation.

Note also that it is typically taken for granted that *action beyond the call of duty* is at least necessarily equivalent to *supererogation*, if not synonymous with it:

The Equivalence: An act is supererogatory for S iff it is beyond the call (of duty) for S.¹⁰

Furthermore, it is often taken for granted that the somewhat more recent issue of agent-centered/favoring prerogatives (or "options") has supererogation as a corollary.¹¹ Recall,

S has an *agent-favoring prerogative* iff it is permissible for S to do less than her overall best by acting [not acting] in a way that is better for her.¹²

Agent-favoring prerogatives are often discussed in the context of the over-demandingness of act consequentialism, and their existence is taken to be one fundamental presupposition of common-sense morality. It is also widely thought that if we have such agent-favoring prerogatives, then supererogation must be possible:

The Corollary: If an agent, in choosing an optimal course of action, omits exercising an agent-favoring prerogative, then the agent supererogates.

We need the qualifier, "in choosing an optimal course of action", since foregoing a prerogative is not itself enough. A person might do that in anger acting not only suboptimally, but imprudently, and even impermissibly.¹³ The *Corollary* says that if an agent has an option that is optimal overall, and a prerogative to permissibly choose a conflicting but more prudent

¹⁰ Similarly for *doing more than you have to* (morally speaking) and supererogation.

¹¹ See especially Scheffler's seminal 1984.

¹² We might add more detail, for example, S has an agent-favoring prerogative to do A iff 1) S's doing A is permissible, 2) there is an A-excluding act B open to S that is overall best or optimal, and 3) S's doing A is prudentially superior to S's doing B (and likewise for omissions). What we have above is admittedly vague, but I do not think greater precision would deeply affect the main points to be made here. I am also assuming that "overall best" is intended in the relevant sense so that it entails it is permissible to do so, and thus prerogatives are always optional. I am ignoring agent-sacrificing options in this paper (Kagan 1998), as Doug Portmore rightly reminds me.

¹³ Or both: a basketball player has the right, say, to permissibly defend himself *moderately only* against a *mild unjustified* physical affront rather than wait for the ref to intercede, which is overall optimal, but instead the player goes overboard and inflicts brutal harm on the offending party, imprudently, and impermissibly.

suboptimal alternative, but she chooses the overall optimal alternative nonetheless, then in choosing the morally optimal and prudentially suboptimal alternative, she supererogates.

Lastly, note that friends of supererogation have often, though not unanimously by any means, endorsed an alleged mirror-image of supererogation, often called suberogation or acts of “offence”.¹⁴ Here is the standard analysis of this concept:

An action is *suberogatory* for S iff 1) it is optional for S to do,
2) it is blameworthy for S to do and,
3) it is not praiseworthy for S to not do.¹⁵

The deontic condition is the same, but the valence of the aretaic conditions is reversed: now the agent is blameworthy for the performance, and would not be praiseworthy for non-performance.

This is a controversial category, but we offer two fast and dirty considerations in support of the claim that the category is worthy of consideration, and not to be ruled out on merely conceptual grounds.¹⁶ First, consider an ethical theory that analyzes the familiar deontic statuses via notions of moral rights. Now add that it takes moral rights as analogous to legal rights: for a simplistic example, say it embraces the idea that if S has a prima facie moral right to ___ then S ought to have a prima facie legal right to ___.¹⁷ Such a theory might entail that an exercise of a moral right can be optional yet worthy of negative aretaic appraisal; in particular, it might embrace scenarios where non-overridden right might be permissible to exercise, yet blameworthy to exercise, and not praiseworthy to not exercise. Any such rights-exercise would then be suberogatory. Secondly, consider the puzzle of “owed favors”. Jack does Jill some small favor, and Jack indicates that what he does is done with no strings attached. Let us assume, plausibly, that Jack really has the moral authority to provide such a gift with no strings

¹⁴ The British spelling, “offence” of “offense” has predominated since Chisholm 1963, and I will follow that tradition. Also I will use “offence” and “suberogation” interchangeably henceforth.

¹⁵ We ignore various subtleties here analogous to those mention in notes 5, 6, and 9.

¹⁶ The two considerations are elaborations of ones found in Driver 1992, which contains others in support of the possibility of suberogation. Mellema 1991 and Heyd 1982 contain important discussions, with Mellema cautiously endorsing, and Heyd strongly rejecting, the possibility. McNamara Forthcoming, and Haji and McNamara 2010 provide additional examples and considerations supportive of suberogation and quasi-suberogation and quasi-supererogation.

¹⁷ That is, it embraces the idea that this should be say a desired result.

attached.¹⁸ Yet, often enough, even in such circumstances, people say “Thanks! I owe you one”. What do we make of this? It looks like the “one” owed is a comparable benefit if the need arises. (Compare “Thanks! Now I owe you a favor!” or “I will pay you back!”) So we appear to have an *owed favor*, which reflects a puzzle in need of resolution. Now imagine at some future time Jill learns that she could costlessly provide Jack with a comparable benefit at a time that Jack could use it. It would seem that although it is optional to provide the returned favor, she would nonetheless be blameworthy for declining to provide it, while not praiseworthy for providing it.¹⁹ So suberogation (along with *quasi-suberogation*) appears to offer one potential solution to the owed favor puzzle.²⁰

That’s the set up. I will argue for these claims.

- 1) The classical conception of supererogation is not reconcilable with *the Equivalence*
- 2) The classical conception of supererogation is not reconcilable with the *Corollary*.
- 3) *The Equivalence* is false, and in both directions, given the *Standard Analysis*.
- 4) The *Standard Analysis* is itself inadequate to the classical conception of supererogation.
- 5) *Action beyond the call* is a more fundamental notion than *supererogation*, and more closely tied to agent-favoring prerogatives.
- 6) A number of similar points will be briefly made about the concept of an *offence/ suberogation*.
- 7) A simple formal conceptual framework, “Doing Well Enough”, sheds light on the differences, and augmented with aretaic notions like praiseworthiness and blameworthiness, allows for a distinct analysis of action beyond the call and of supererogation, and more generally allows for a variety of insights into fundamental features of the content and structure of common sense morality.

¹⁸ If we can release someone of an obligation to keep a *promise*, then it seems plausible that we can relieve someone of an obligation, if any, to return a *favor*?

¹⁹ Note that not being *obligated* to return the favor is compatible with its being the case that she nonetheless *ought* to. More on this momentarily.

²⁰ If it is inconvenient enough, but not too much, then it might be that it *is praiseworthy* to provide the return favor, and optional though still blameworthy to decline. In such a case, returning the favor is what Mellema calls “quasi-supererogation”, and declining is what he calls “quasi-suberogation”. It is arguable that if quasi-suberogation is possible, then so is suberogation, and vice versa. Mellema introduced these important additions to “The Standard System” (see note 5), and argued that they are instantiable if the non-quasi analogs are (Mellema 1991, Chapter 5).

2. On the *Standard Analysis* and the *Equivalence*

Consider some notions of rather fundamental coinage in our moral conceptual scheme:

what one must (or has to) do,	the least one can do,
what one can do,	what one ought to do,
what one can't do,	doing more than you have to do.

There is every reason to think that the notions associated with these modal auxiliaries and quasi-auxiliaries are a very deep part of our fundamental conceptual scheme. Consider the last for now. Unlike "supererogation", "You did way more than you had to do" rolls off your mom and pop's lips as easily as those of your moral philosophy colleagues, and as easily as say "you went way beyond anything required", or "that was nice; you didn't have to".²¹ I think doing more than you have to do is reasonably identified with "acting beyond the call of duty", at least as used in moral philosophy. To act beyond the call is to do more than required, more than you have to do.²² Yet, in moral contexts, I think this is clear on reflection:

It is possible for an act to be *Beyond the Call* for S to do yet not be praiseworthy for S to do.

The reason is simple: a person can do more than she has to *without* the action flowing from the sort of intentions, motives, or character traits necessary for making doing so praiseworthy. Consider the following case.

Ill-Motivated Rescue Case: I rescue an infant from a burning building thinking the plans to blow up a school busload of children tomorrow are hidden in the infant's diapers, which I hope to extract after the rescue.

Here I intend to rescue the child and succeed, but I am solely motivated by the desire to get those plans and use them to kill more youngsters. Here, it seems that at least part of what I did, rescuing the child, involved doing more good than I had to do. We could extend this with: "By rescuing the child, you did more good than any passerby would have been required to do,

²¹ In some contexts the latter is more polite than genuinely said, but the nuanced polite-only uses are parasitic on the non-merely-polite ones that are intended here.

²² Of course, in a moral context, the more is elliptical for "more morally relevant good".

but in your case, it was for the most heinous purpose—in order to do something worse than throwing that infant into the fire!”

Assuming, as most do, that not every obligation is praiseworthy to fulfill (e.g. my not murdering the children next door), it also seems plausible that sometimes we can do more good than we had to by misconstruing what is obligatory, and not as a reflection of high moral standards or motives. Consider the following case.

The Forgetful Pharisee: The Pharisee, who as a matter of policy, does just the minimum for others required by morality's demands, gets in a business deal with Joe Shmoe and agrees to trade for service 14 pounds of wheat that Joe Shmoe needs. However, the Pharisee mistakenly recalls his promise to have been to give Joe 15 pounds of wheat, and he does so. Now add that more good overall is done by giving 15 pounds to poor Joe than 14, although morality does not demand that he give more than the 14 promised.

Here the Pharisee's does more good than he has to do *by mistake*. His actions are not ill-motivated as in the terrorist case, but his character and motives are certainly less than ideal, and he is not worthy of praise for what he has done. As described, we can assume that had he known that giving 15 pounds was doing *more* than required, he would have never done it, and if he found out afterward, he would be demanding the extra pound back.²³

The difference between supererogation and action beyond the call also shows up in counterfactual future-tensed considerations. We do not ordinarily need information about an agent's motives and intentions to judge that she would be doing more than she has to if she took a certain option open to her. But to judge that this option would be supererogatory if taken, we would need to be confident that she would be praiseworthy for doing it, and for that her state of mind is relevant (e.g. we need to be confident that she would not do it for the worst of reasons?)²⁴

²³ I think this sort of thing can and does happen in other ways to, for example, by misunderstanding one's obligations deriving from a job. Note that I am not assuming all agreements are morally permissible, nor all jobs, but some surely are, and these typically create moral obligations in turn. Although perhaps I can't be mistaken that killing some good person for personal profit is wrong, I can be mistaken about such derivative aforementioned obligations. Agreements and duties associated with jobs are paradigm cases of generating grounds for specific moral obligations, and we can make mistakes about just what is generated.

²⁴ A consistently selfish opportunist might make a sacrifice on behalf of a rich person's child that we would unhesitatingly say involved doing more good than he had to irrespective of motives or intentions, but we would be quite hesitant to say that if he did that action, he would be praiseworthy for doing so, and would withdraw this surely if we learned his motives were exploitive and he held the child in solely instrumental regard. Indeed

So it sure looks like it is possible to do more good than you must, to go beyond what is required, and not be praiseworthy, and thus not supererogate. That is,

the ← side of the *Equivalence* is false: not all actions beyond the call are supererogatory.

It might be thought that since the *Equivalence* fails because we can have acts beyond the call that are not praiseworthy, we could just strike that requirement from the *Standard Analysis of supererogation* to get a related, but now distinct, analysis of *action beyond the call*:

An action is *Beyond the Call* for S iff

- 1) it is optional for S to do, and
- 2) ~~it is praiseworthy for S to do,~~
- 3) not blameworthy for S to not do?

However, this won't do. For morally indifferent acts satisfy this modification. So we must look elsewhere for an analysis of action beyond the call as well.

We have shown that the right to left side of the *Equivalence* is false, but what of the converse? Are all supererogatory actions beyond the call? We return to this below in section 5. But first, let's take advantage of the examples just introduced to quickly reconsider prerogatives and the *Corollary*.

3. On the *Standard Analysis* and the *Corollary*

Recall that the *Corollary* asserts that if an agent forgoes exercising an agent-favoring prerogative in choosing some optimal course of action, she supererogates. Let's reconsider this principle working backwards through our two prior cases.

In the Forgetful Pharisee case, we can easily imagine that the world impartially construed is not just better off with his choosing to give 15 rather than the promised 14 pounds to poor Joe,

in the right context, we might jokingly indicate our assessment of this character's character by saying that if *he* were to perform the action in question, the action would not be supererogatory—his motives would be anything but other-regarding.

but that it is best off with his doing so--his action is optimal. But we can also naturally imagine that the Pharisee also makes a small sacrifice of his welfare in giving one extra pound to Joe—the difference is negligible perhaps, but it is still a perceptible loss. We were assuming, and continue to do so, that it was permissible for the Pharisee to give Joe no more than what was agreed to. Hence the Pharisee forwent an agent-favoring prerogative, albeit unwittingly. Yet his act was not praiseworthy for the reasons already mentioned.

Now reconsider our Ill-Motivated Rescue Case. We can easily add to the case that the terrorist who makes the rescue gets partially burned as a result of the rescue, thereby sacrificing some agent-welfare he did not have to sacrifice (though not for the sake of the infant). He could have instead run down to the fire box and pulled the alarm while waiting to direct the fire personnel to the scene. Furthermore, we can easily imagine that his ill-formed terrorist plans are doomed to fail, and there is nothing better he can do morally speaking than rescue the infant. Here, by rescuing the child, he forgoes an agent-favoring prerogative to favor his own welfare by doing less with no risk. He does more good than he had to, at cost, but for the worst of reasons. Thus he is not praiseworthy for the rescue, so his action is not supererogatory, contrary to the *Corollary*. So it sure looks like the *Corollary* is false. An agent can omit exercising an agent-favoring prerogative in choosing some morally optimal alternative, and fail to supererogate.²⁵

Let's pause briefly to look at a framework that will aid us in seeing more clearly a number of features of common sense morality, including the nature of action beyond the call.

4. Interlude: DWE (Doing Well Enough) & Acting Beyond the Call

I suggest that we can revealingly demarcate *Action Beyond the Call* in common sense morality by glossing it (roughly) as:

the agent did better than she would have done had she done *the least she could have done*.

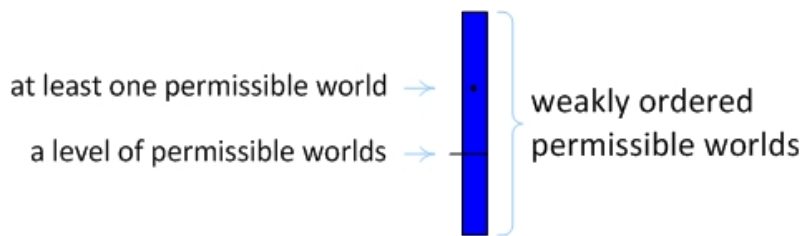
²⁵ Really, no permissible prerogative-excluding acts an agent can take *must* be positively supererogatory, unless we weave conditions sufficient to entail praiseworthiness into the very act (e.g. an act of rescuing the child for the best of moral reasons).

Furthermore, if the agent does more than the least she might have done at her own expense, then the agent forwent an agent-favoring prerogative. In general, I will argue that, we have an integrated family of non-agent-evaluative moral notions which includes action beyond the call, but does not include supererogation nor suberogation (which require agent-evaluative moral components), and that this family is more fundamental. Here are some key members of the family:

what one must (or has to) do,	the least one can do,
what one can do,	what one ought to do,
what one can't do,	what is optional to do
doing more than you have to do	permissibly doing less than you ought
doing something of indifference	doing something of significance

The DWE framework for this family is cast world-theoretically, but I think this is not essential (e.g. we might recast it in terms of life-performances or maximal courses of action).²⁶ I will also ignore agency and treat the moral notions as operators. So the context is classical deontic logic, but I think the work is substantively suggestive, and adaptable in other contexts. Assume we have an agent, Jane Doe, and a set of worlds "accessible" to her (those consistent with her abilities and disabilities). Then among these we will have a subset of those where she comports herself permissibly as of now—the acceptable worlds, and these in turn will be ordered according to how much morally relevant value is produced by her actions.²⁷

The Simple Model Structures:



²⁶ Castañeda 1968 provided some motivation for more careful formulations of act utilitarianism, and for assessing the act utilitarian deontic status of individual acts in terms of larger wholes. A world theoretic framework or analogue has been used widely in pure deontic logic (see e.g. Hilpinen 1971, and Horty 2001), at its interface with ethical theory (Feldman 1986), as well as in ethical theory (Portmore 2008).

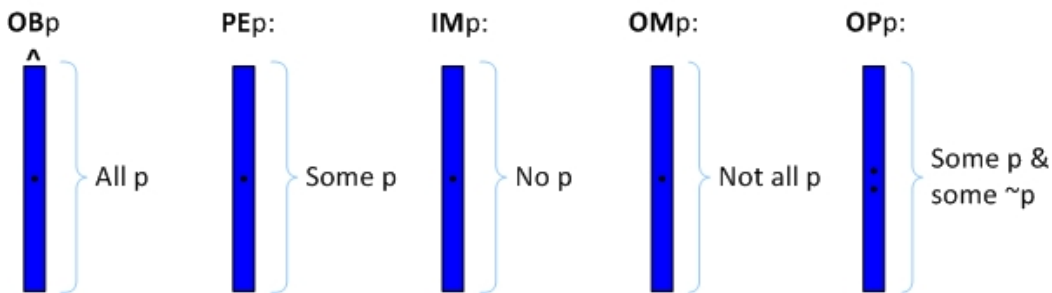
²⁷ That is, for any agent and world, we will assume that we have a world-relative ordering relation, \geq_i , that is confined to the i -acceptable worlds (a simplification), all such worlds are comparable (so reflexive), and the relation is transitive.

As in most discussions of supererogation and action beyond the call of duty, I am assuming there are no conflicts of all things considered obligations, so there is at least one world where Jane Doe comports herself permissibly henceforth. More accurately, I am assuming we are modeling only things that are overridingly obligatory, and likewise for other operators. Ties are allowed, so that there will be levels of equi-ranked acceptable worlds. The operators characterized via this framework are:

- OBp:** it is obligatory (for Jane Doe) that p (cf. "must")
- PEp:** it is permissible that p (cf. "can")
- IMp:** it is impermissible that p (cf. "can't")
- OMp:** it is omissible that p.
- OPp:** it is optional that p.
- MAp:** doing the maximum involves p (cf. "doing what one ought involves p").
- MIp:** doing the minimum involves p (cf. "the least one can do involves p")
- BCp:** it is beyond the call that p (cf. "exceeding the minimum involves p").
- PSp:** it is permissibly suboptimal that p (cf. "you can, but ought not").
- INp:** it is indifferent that p.
- SIp:** it is significant that p.

Moral Statures Modeled:

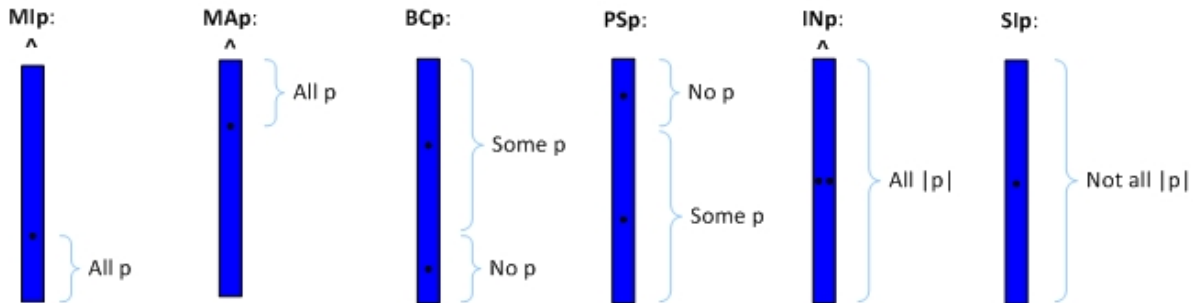
Here is how the five familiar deontic operators are modeled:



OBp for "It is obligatory (for Jane Doe) that p" is taken as basic and the remaining four are defined in the usual manner. It is obligatory for Jane Doe that p iff p holds in all her acceptable worlds, permissible if it holds in some, impermissible if it holds in none, omissible if it does not

hold in some, and optional if it holds in some, and not in some other.²⁸ The ordering plays no role for these.

We model some less familiar operators, as follows:



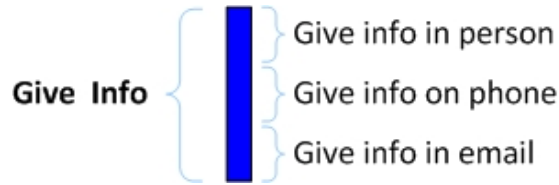
MIp stands for "Doing the minimum involves p", **MAp** for "Doing the maximum involves p".²⁹ The first holds when p is true in all the minimally permissible worlds; the second holds when p is true in all the maximal permissible worlds. **INp** stands for "It is a matter of indifference that p". "All |p|" means all associated levels of worlds (sets of equi-ranked permissible worlds) contain a p-world and a \sim p-world. These are taken as basic (thus the caret symbol under those operators in the diagrams), along with **OB**. The remainder are defined as follows:

- | | |
|---|--------------------------------------|
| D1. $PEp =_{df} \sim OB\sim p.$ | D5. $SI =_{df} \sim INp.$ |
| D2. $IMp =_{df} OB\sim p.$ | D6. $BC =_{df} PEp \ \& \ MI\sim p.$ |
| D3. $OMp =_{df} \sim OBp.$ | D7. $PS =_{df} PEp \ \& \ MA\sim p.$ |
| D4. $OPp =_{df} \sim OBp \ \& \ \sim OB\sim p.$ | |

So p is beyond the call iff it occurs somewhere among the permissible alternatives, but not among any of the minimal ones (and thus above them); p is permissibly suboptimal if p occurs somewhere among the permissible alternatives, but not among the optimal ones (and thus below them). Finally, it is significant that p if there is some level with either all p worlds or all \sim p-worlds, indicating that some level of value is achievable only if p (or \sim p) pervades; whereas indifferences indicates the opposite: each level of value can be achieved with or without p. Here is a simple illustration:

²⁸ I ignore here any representation of agency, and do not maneuver to block tautologies becoming obligatory, in the hope that the picture will still be reasonably clear without the needed modifications.

²⁹ In McNamara 1990 and 1996b, I argue that the first two respectively model what is involved in doing what one *ought* to do and what is involved in doing *the least one can do*; whereas **OB** models what one *must* do.



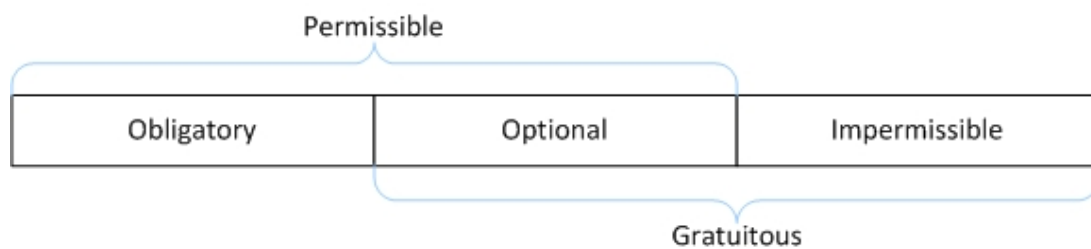
Contact Obligation Illustration: I'm obligated to provide you some delicate and troubling information. It is easy to suppose that the least I can do is email you a sensitively framed note, better still is providing the information by phone, best is to do so in person, and let's suppose that duplication is impermissible. Then what I must do is provide the info. The least I can do is email it. I ought to provide it in person since that is best. It is beyond the call to phone and it is beyond the call to visit, and it permissibly suboptimal to phone and permissibly suboptimal to email the info. All these options are morally significant; none is indifferent, although let's say my wearing (or not) black slacks today is a matter of indifference.

Let me note some merits of this framework.³⁰ First it models both what we *must* do and what we *ought* to do, and thus distinguishes them. It also ties what we must do to what we *can* and *can't* do in standard ways (e.g. duality: $MUSTp$ iff $\sim CAN\sim p$), and these latter clearly express what is *permissible* and *impermissible*. Since *must* properly implies *ought*, *ought* fails to stand in the standard equivalences relations to *can* and *can't*, and thus to permissibility and impermissibility, and thus to *obligatoriness*. So there is a discontinuity in most theorizing between the historical concern to model obligation and permissibility and the twentieth century focus on *ought*. Various semantic and pragmatic data (speech acts and pragmatic implicatures) can be explained by this semantic framework, and it receives corroboration in non-moral contexts in various ways. It places in focus the notion of *the least one can do*, and analyses it as entailing permissibility, but being distinct from what is obligatory (it is not obligatory to email the info, but it is the least you can do). It distinguishes what is *optional* from what is *indifferent*, and thus satisfies Urmson's Constraint (Urmson 1958): indifference must properly imply optionality. An alternative is optional here just in case there is a complete acceptable alternative involving it and also one not involving it; whereas something is a matter of indifference here iff every level of acceptable value can be achieved with or without it. It allows us to represent what is *beyond the call* and what is *permissibly suboptimal*, and it allows us to see that we can have two or more options that are beyond the call with one better than the other, and we can have two or more permissibly suboptimal actions that are not on a par. It

³⁰ McNamara 1990; and McNamara 1996a-b provide a cumulative case argument that this framework is on track.

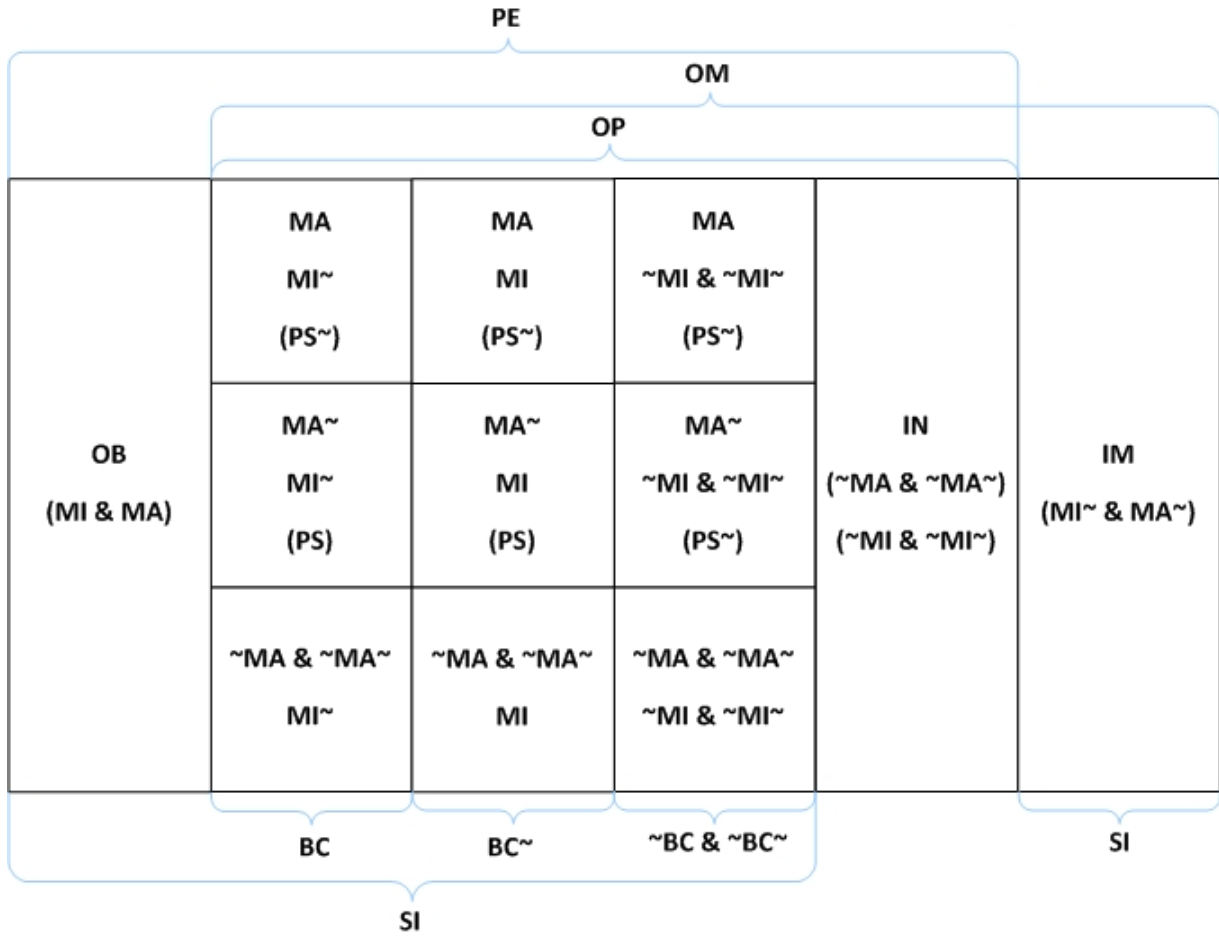
also resolves the tangle of how a supererogatory act can be one you ought to do by not embracing the bipartisan conflation of *ought* with what is obligatory. Finally, we get an analysis of action beyond the call as what is permissible to do but precluded by doing the least we can do, and likewise we get an analysis for its mirror-image, the permissibly suboptimal. These will be of particular importance below. It is also worth mentioning that the framework is fairly neutral across a variety of substantive accounts of what is obligatory and of what makes some options morally better than others. It is not even clear that classical act utilitarianism is incompatible with the framework, though the interpretation is controversial and limited in scope³¹

The increase in expressive resources of DWE can be illustrated by comparing the traditional partition of standard deontic logic into three mutually exclusive and exhaustive classes,

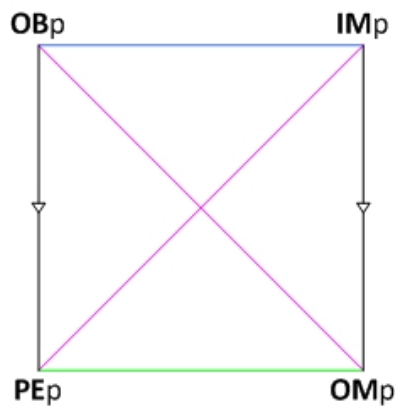


with one we get from DWE:

³¹ McNamara 1988 and 2006.

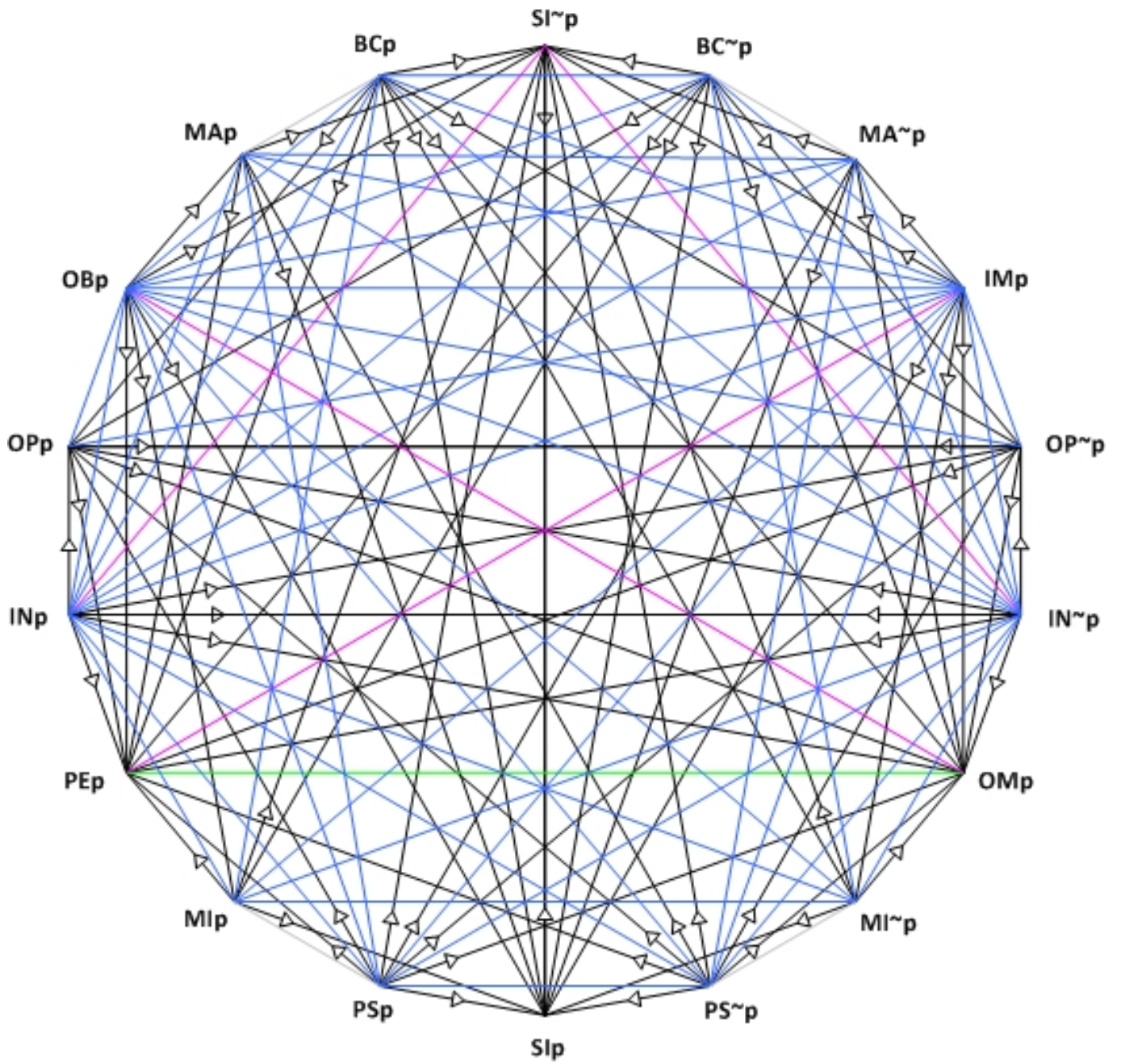


Likewise, the increase in conceptual linkage naturally increases again, indicated by comparing the traditional deontic square³²,



with its analog in DWE:

³² Blue, green, and purple lines link contraries, subcontraries and contradictories respectively. Arrowed lines indicate subalternation.



With DWE in place, let's turn back in the next section to the question we postponed at the end of section 2.

5. Are All Supererogatory Actions Beyond The Call?

Recall that we have proposed that

An action is beyond the call iff it is permissible but precluded by doing the minimum,

and since supererogatory actions are permissible by any lights, our questions reduces to:

Are all supererogatory acts precluded by doing the least one can do?

This also puts in focus the much-neglected deontic concept of doing the minimum, which appears to be conceptually prior to the notion of action beyond the call.

Now note that:

An action can be obligatory and yet highly praiseworthy.

For consider the following case:

Soldier on Point Case: A soldier is on point at a camp. She stands her ground faithfully in face of a sudden enemy attempt to overrun the camp, despite extreme danger in such a case to those on point.³³

Obligational demands can be highly arduous and at times require the great sacrifice or risk. Fulfilling such demands can be praiseworthy, sometimes highly so.³⁴

Second, notice that

if something is obligatory, then doing the least you can do involves doing that thing.

³³ Alternatively, a mother, forgoing acting on a burning desire to return to school, works in order to support her disabled child, where all other permissible options put the child's future at risk.

³⁴ Indeed, the proverbial jumping on the grenade case reasonably presupposes that the ordinary duties of a soldier, which can sometimes result in death, are not supererogatory, however admirable they can sometimes be.

For if it is obligatory, all permissible alternatives include it, and thus in particular, all minimal permissible ones do. Furthermore, sometimes the minimum you can permissibly do is the same as what is obligatory--there are no graded options to speak of. It follows from the preceding case as a corollary that:

It can be praiseworthy to do the minimum morality requires.

But *the crucial question* for us now is this one:

Can it be praiseworthy to do the minimum when that is distinct from what is obligatory—when one can also go beyond the call by doing more than the *bare* minimum?

One might think "how can it possibly be praiseworthy to do the *bare* minimum?", but we should be a bit cautious after noticing that the corresponding question "How can merely doing what you *have* to do be praiseworthy?" lacks persuasive force on reflection. I think the answer to the key question is "Yes." Just as it can be praiseworthy to do what you must do, it can be praiseworthy to even do the *bare* minimum. Consider this variant of our last case:

Solider on Point Variant (Minor Fallback Position): Suppose there is a first and second position on point, the second being a slightly safer fallback position but also slightly riskier for the camp. Now suppose it is permissible to pick either spot to make a stand (for whoever is on point, by explicit agreement of the group, by past justly distributed practice, etc.), but the first position is better than the second all in all. Our soldier in good faith picks and holds the second position in the face of a substantial enemy assault, perhaps losing her life.

Here *the least she can do* is hold the second position. Obviously she could also retreat, hide, or play dead, and thereby increase her chances of survival, though not permissibly so. Still I think we can all appreciate that the temptation to take the latter sort of impermissible option might be intense. To stay on point (in either position) in the face of high chance of death for the sake of others, knowing the advantages of running and having a much better chance of survival, is surely praiseworthy.³⁵

³⁵ More generally, suppose for simplicity that there are exactly two exclusive ways to discharge your obligations, A and B, and A is better than B. Then B will be the minimum you can do, but now add that A is only *slightly* better than B and that B involves a considerable sacrifice or risk on your part (slightly less though

But now notice two other things about this case:

- 1) It is surely permissible for her to *not* hold the second position, for she can also hold the first position instead, thereby going beyond the call. (Holding both is impossible.) So it follows that it is *optional for her to hold the second position*.
- 2) It is also *not blameworthy for her to not hold the second position*: for then if she went beyond the call by holding the first position, then she would thereby be blameworthy for not holding the second, which is unpalatable.

So here we have an action that satisfies all three conditions of the *Standard Analysis* of supererogation--it is optional to do, praiseworthy to do, and not blameworthy to not do, yet it is not beyond the call; indeed the action is *the least she can do*.

The Upshot: When we can go beyond the call, doing the minimum will always be optional, and not doing the minimum in such a case can't entail blameworthiness, for then going beyond the call would automatically entail blameworthiness; but sometimes our permissible choices are arduous enough that even taking the minimally permissible one in good faith is praiseworthy, even highly praiseworthy.

So we can have an action that satisfies the three conditions for the *Standard Analysis* of supererogation, but is not beyond the call. So we have this result:

Assuming the Standard Analysis of supererogation, the \rightarrow side of the *Equivalence* is false: not all supererogatory actions are beyond the call.

Recall our earlier result,

the \leftarrow side of the *Equivalence* is false: not all actions beyond the call are supererogatory.

Putting the two together, we get:

than A), one where the temptation to shirk the obligation to do A or B is great. It can then be praiseworthy to do even B, although to be sure, it might be still more praiseworthy to do A. The underlying point here is that obligations per se can sometimes be quite arduous, and thus praiseworthy to fulfill, but doing the minimum is a permissible way to fulfill one's obligations, so in such a case it to can be praiseworthy.

Assuming the Standard Analysis of supererogation, the Equivalence is false in both directions.

So should we then conclude that the answer to our main questions is "No"--not all supererogatory actions are beyond the call of duty? Clearly not. We cannot discharge the assumption for the → direction of the *Equivalence*, unless we assume that the *Standard Analysis* is correct, and we no longer can.

6. Revising the *Standard Analysis* of Supererogation & Revisiting the *Corollary*

Revising the Standard Analysis

The *Standard Analysis* is flawed in its own right. The soldier's holding the 2nd position, however praiseworthy, is not intuitively supererogatory or beyond the call, and fails to fall under the classical *conception* of supererogation. The *Standard Analysis* does not give sufficient conditions for its target class of acts. In particular, the deontic condition is too weak. Focusing only on actions that are praiseworthy to do and not blameworthy to skip, their mere optionality is insufficient to guarantee they are of the intended kind. However admirable our soldier is for doing even the minimum here, her act is surely not of the sort intended by friends of supererogation.³⁶

We need to be assured that the action is not one involved in doing the minimum in order for an action to be supererogatory. We might consider just adding that condition:

An act is *supererogatory* for S iff

- 1) it is optional for S to do,
- 2) it is praiseworthy for S to do,
- 3) it is not blameworthy for S to omit, and
- 4) *it is not involved in doing the least S can do.*³⁷

But this is still not strong enough. For consider:

³⁶ Put another way, the deontic condition is too weak because it can be satisfied for the wrong reasons: by an act that is involved in a surpassable *minimum*.

³⁷ That is, SUP iff OPp & PWp & ~BW~p & ~MIp.

Solider on Point 2nd Variant (Two Minor Fallback positions): Like the prior case but now there are *two* fallback positions on point, and holding either one of these fallback positions (adjacent to one another and otherwise equivalent in all morally relevant respects) is what doing the minimum involves, but they are mutually exclusive—she can hold only one.

In this case, holding position 2a is not involved in doing the minimum, since she can hold position 2b instead and still wind up doing the minimum. So we would still get the result that holding position 2 is supererogatory per the above proposed modification; but it is not supererogatory for it is still just a minimal way of discharging her obligations, albeit now it is not the only minimal way, but that is neither here nor there. So we need something stronger:

An act is *supererogatory* for S iff

- 1) it is optional for S to do,
- 2) it is praiseworthy for S to do,
- 3) it is not blameworthy for S to omit, and
- 4) *it is precluded by doing the least S can do.*³⁸

This guarantees that a supererogatory act must be an act that is altogether precluded by all ways of minimally discharging one's obligations.

And given that whatever is precluded by doing the minimum is permissibly precluded, and that an action is beyond the call iff it is both precluded by doing the minimum and yet permissible, we can simplify the above to:

An act is *supererogatory* for S iff

- 1) beyond the call for S to do
- 2) it is praiseworthy for S to do,
- 3) it is not blameworthy for S to omit.³⁹

Upshot: The Classical Conception of supererogation presupposes not only that the actions are praiseworthy to do, blame-free to skip, and optional, but that they are beyond the call.

If this is right, then it also supports the following:

³⁸ In other words, we need to shift the negation in 4) inward: SUP iff OPP & PWp & ~BW~p & MI~p.

³⁹ That is, since in DWE, $MI\sim p \rightarrow PE\sim p$, and $BCp \leftrightarrow (MI\sim p \& PEp)$ are theorems, SUP iff OPP & PWp & ~BW~p & MI~p simplifies to SUP iff BCp & PWp & ~BW~p.

Conceptual Priority of BC over SU: The non-agent-evaluative deontic notion of action beyond the call is more fundamental conceptually than supererogation as the latter presupposes the former.

We do not appear to be able to characterize the intended class of supererogatory acts by merely talking about what is optional (among the deontic notions); we also appear to need to make reference to the full conditions definitive of action beyond the call of duty in order to even designate the class of supererogatory acts, so the deontic notion of action beyond the call is more fundamental conceptually than supererogation, and in turn, permissibility and doing the minimum are more fundamental still.

Prerogatives and the Corollary Revisited

Now that we have the distinction between action beyond the call, and supererogation before us, let's return to the *Corollary* (for agent-favoring prerogatives).

The *Corollary*. If an agent, in choosing an optimal course of action, omits exercising an agent-favoring prerogative, then the agent supererogates.

We saw that it is false independently of the *Standard Analysis*, because supererogatory acts must be praiseworthy, but forgoing a prerogative by doing the best instead need not be praiseworthy at all. Thus agent-favoring prerogatives look more closely tied to action beyond the call than to supererogation. Furthermore, to get the tie just right, it is best to drop the reference to optimal alternatives, and invoke the important concept of the minimum:

The *BC Corollary*. If in choosing a *permissible* course of action, an agent thereby omits exercising an agent-favoring prerogative to do the *minimum*, then she goes beyond the call.

If there are agent-favoring prerogatives, then it will be possible for an agent to omit the exercise of an agent-favoring prerogative involved in her doing the minimum, and if what she does instead is still permissible, whether optimal or not, it follows from our analysis that she will be going beyond the minimum and thus beyond the call. Of course if we change "permissible"

above to “optimal”, we get something less general but with the same consequence.⁴⁰ However, it is better as we have it, since we must recognize that we have agent-favoring prerogatives to take suboptimal but post-minimal options, as it were, as we will see with the new variant on our rescue case in the next section. Let me note in passing here that of course permissible suboptimality is also closely related to that of prerogatives: If there are agent-favoring prerogatives, then there are permissibly suboptimal alternatives. We will return to this notion again in the next section in discussing suberogation.

The *BC Corollary* also again highlights the importance of the notion of doing the least one can do, and for reasons we have already seen, it will be possible to omit an agent-favoring prerogative and go beyond the call while still sub-optimizing, because action beyond the call does not entail optimizing.

If we wish to tie prerogatives to supererogation, we need additional qualifications, making use of agent-evaluative notions:

The *SU Corollary*. If in choosing a permissible course of action, an agent omits exercising an agent-favoring prerogative involved in doing the minimum, and she is praiseworthy for taking that course of action, and would not be blameworthy for not doing so, then she supererogates.

Here, to get the fit with the classical conception of supererogation, we need to add not only that she omits doing the minimum by choosing an optimal course of action, but that she is praiseworthy for her action, and would not be blameworthy for not doing so. If she meets the antecedent conditions, then for the reasons already mentioned, she goes beyond the call, and with the added agent-evaluative conditions, it follows more specifically that she meets our conditions for supererogation.

So the concept of an agent-favoring prerogative appears to be more closely linked to the non-aretaic notions associated with DWE and to not involve any agent-evaluative notions. If we augment DWE with a representation of an agent's welfare, we could define agent-favoring prerogatives, and explore how prerogatives might be connected to the least one can do, but we

⁴⁰ That is, per DWE, if MI_p & $MA_{\sim p}$, then $PE_{\sim p}$ & $MI_{\sim p}$, and so $BC_{\sim p}$.

pass over this here for another occasion, and continue our investigation by briefly considering more negative analogues to supererogation.

7. The Standard Analysis of Suberogation Revisited

What of the standard analysis of offences/suberogation? Recall that the standard analysis of suberogation is like supererogation but with the aretaic valances changed:

An action is *suberogatory* for S iff

- 1) it is optional for S to do,
- 2) it is blameworthy for S to do and,
- 3) it is not praiseworthy for S to not do.

Clause 2) expresses the analog to the *Link* in section 1:

*The Link**: whatever is suberogatory for Jane Doe to do is blameworthy for her to do.

We will assume this too is built into the classical conception of suberogation.

We can ask, do any points analogous to those made above regarding action beyond the call, supererogation, and the *Standard Analysis* hold? Are there two distinct concepts easily conflated with one another? How do offences/suberogation fit in with DWE, if at all? Can we shed any light on the more controversial notion of offences? We turn briefly to these questions.⁴¹

Let me first note some potential confusions associated with the terminology. The word "offence" appeared to be a problematic term to many because it suggested a misdemeanor or mild transgression only. Thus it suggested, asymmetrically, that only mildly blameworthy acts can be in supererogation's contrary class, whereas this is not so for the class of supererogatory acts, where there is no limit on the degree of praiseworthiness a supererogatory act may carry.

⁴¹ Chisholm 1963 is seminal on offences, as well as supererogation. Heyd 1982 rules out offences, and Mellema 1991 expresses reservations and argues for disanalogies. So even friends of supererogation have found the existence of suberogation less convincing than supererogation, and many have thought that suberogation is not a true analog to supererogation/action beyond the call. Driver 1992 contains an important recent defense of the category. We cannot explore this issue here, but do so briefly in McNamara Forthcoming.

That suggests an immediate point of disanalogy. However, although there may be something to this, we should note two things quickly. First, there are occurrences of “offense” in U.S. English, as for example in “Federal Offense” do not have this implication, and in fact have the converse implication, as conveyed by the common refrain “Don’t make a federal offense out of it!”.⁴² So at best the suggestion of something mild is defeasible and not entailed. Secondly, there is an ambiguity in the symmetry thesis. The *Standard Analysis* of supererogation given above *is* a symmetrical analog to the *Standard Analysis* of supererogation *even if* there can be no extremely blameworthy analogs to extremely praiseworthy supererogatory acts. For the symmetry comes from the change of aretaic valence for the doing and non-doing of the optional acts in the two cases, not from further features of some instances of the defined concepts. One easy way to see this is that the *Standard Analysis* of supererogation does not *entail* that there are *any highly* praiseworthy supererogatory acts, and is clearly consistent with the thesis, however odd, that there can only be mildly praiseworthy supererogatory acts. Thus, in this respect, there can be no real issue about whether or not the standard analysis of the one is a symmetrical analog to the other, especially not because of issues associated with qualitative degrees of praiseworthiness or blameworthiness of instances. Of course the claim that the two *classes* of acts so characterized are not symmetrical in certain respects, particularly in terms of symmetry in the degree of praiseworthiness and blameworthiness, is a sensible claim and well worth exploring. Thus, since arguably (de facto, not per definition), supererogatory acts, if they exists, can be highly praiseworthy, a full analogue to the class of possible supererogatory acts would have to allow for highly blameworthy acts, and not be a class with only analogues of mildly praiseworthy acts of supererogation. Here, we pass over this further issue, and just note that the two concepts as defined are clearly symmetrical.⁴³

Nonetheless, there is one advantage to the use of “suberogation” over “offence”, and not only because it does not even defeasibly suggest mild blameworthiness in the extension of the concept. Since “suberogation” is so close to “supererogation”, differing in surface form, by intention, only in the prefix “sub” versus “super”, it naturally suggests a shorthand for “the mirror-image of supererogation”. But “sub” also more specifically suggests *under, below, or beneath*, just as “super” suggests *above or beyond*. But here lies potential confusion. In DWE,

⁴² In law, from which the colloquial use of the compound derives in the USA, it is jurisdictional, but includes the assassination of a president, hardly a minor “offense”.

⁴³ It is explored briefly in McNamara Forthcoming, and I hope to take it up more fully in the future.

we analyzed action beyond the call or doing more than one must as being an action above the minimum morality allows—invoking this much neglected notion, often confused with what is obligatory or a duty. Arguably, if one does less than one *has* to, one fails to do even *the least* she can do, and that entails failing to act permissibly, period. There is just no *permissible* option below doing the least one can do, even though there often are such options above the least one can do. So it does not look like there is anything quite analogous to action beyond the call in terms of a line *both* above which *and* below which we can permissibly comport ourselves, as might be suggested for example by a surface read of the title “Above and Below the Line of Duty” (Wolf 1986), which after all does fit rather well with a componential analysis of “super-erogation” and “sub-erogation”, since as the former is etymologically linked to paying out more than required, the latter might naturally be linked to paying out less than required. Thus, at a glance, the two prefixes (“sup” and “sub”), fit well with the notion of some demarcating line, with one involving going above this line, and the other involved in going below this line. However as we saw, one can optionally and thus permissibly, do more than one is required to do, and thus more than the least one can do (for this is what the former means more explicitly and revealingly), but one can’t *permissibly* do less than the least, so the literal reading appears problematic when we think of suberogation in line with action beyond the call.⁴⁴ However, if we ignore this and just look for symmetries in DWE, we find them. And note that we have already given a more nuanced reading of supererogation as involving action beyond the call, and that as involving action beyond *the minimum* specifically, not beyond some line of duty/obligation per se. So if we look for an analog, it would derive from the more basic symmetry between doing the minimum permitted (the least one can do) and the maximum permitted (what one ought to do)—the two poles of permissibility as it were. But there is also then a clear derivative analog to action beyond the call itself: permissibly suboptimal action. Here, the symmetry is not aretaic, but instead stems from reversing the minimum with the maximum in the definition of BC. This is already implicit. Recall our analysis of BC:

p is beyond the call iff p is permissible & precluded by the minimum.⁴⁵

⁴⁴ Note that it won't do to read "supererogation" as acting in a way that is more praiseworthy than obligatory actions, for obligatory actions can be extremely praiseworthy (consider a police officer risking her life to protect citizens in danger) and a supererogatory action can be only mildly praiseworthy (consider small favors). Cf. Chisholm 1963.

⁴⁵ BCp =_{df} PEp & MI~p

Recall also that we defined permissible suboptimality, which we saw was importantly related to prerogatives, as follows:

p is permissibly suboptimal iff p is permissible & precluded by the maximum.⁴⁶

And plainly, the prior problem disappears here, for now there is a line below which we can clearly permissibly operate. If there is a range of permissible options, as DWE, and the intuitive conception of action beyond the call, require, then plainly one can operate below the line constituting the upper range of one's permissible alternatives, without thereby being in the impermissible range of one's options. What we can't do is assume that there is a single line, both above which and below which we can permissibly go, and that it is this self-same line that is definitive of the act-evaluative components of supererogation and suberogation. The concepts of supererogation and suberogation are complex and rich, and have been tangled with confusions. I would suggest that this is a place where the DWE framework is explanatorily productive.

These reflections might lead one to consider that what is intended by suberogation is just the de facto mirror-image of action beyond the call, and thus to consider an analog to our initial *Equivalence*:

The *Equivalence**: An act is an offence/suberogatory iff it is permissibly suboptimal.

Here an offence would be deemed something we *ought* not do though it is permissible nonetheless—it is not the case that we *must* not do it, although it is precluded by doing what is best—what morality recommends.

Alas, as with our first proposed *Equivalence*, this won't do. For consider this variant of our earlier mailwoman rescue case:

⁴⁶ $P_{Sp} =_{df} P_{Ep} \ \& \ MA \sim p$.

Tiny Tim, Tiny Todd, Tiny Tara Rescue Case: Our mailwoman might heroically save one child by entering the left side of the building, or even more heroically, save the twins on the right side of the building, but at even great risk. She heads left and saves Tiny Tim.

Now it is easy to imagine that any rescue might be intuitively beyond the call. If she did the least she could do, she would stay outside and direct the fire trucks to the house from the intersection, say. But it is also plausible that the rescue of Tiny Todd and Tiny Tara together would nonetheless have been superior to her rescue of Tiny Tim, and in such a scenario, optimal. So her rescue of Tiny Tim was beyond the call *and* it was also permissibly suboptimal. As argued elsewhere (McNamara 1990, 1996a), this is just a special consequence of the fact that there can be options that are beyond the call, mutually exclusive, and nonetheless ranked one above the other. But surely the rescue of even the one child is not an offence or suberogatory on the classical conception. Since it is supererogatory for her to save Tiny Tim in the case imagined, it is also praiseworthy for her to do so; furthermore, since it would also be supererogatory for her to save the Twins instead, it is not blameworthy for her to not do so on the classical conception. So we cannot say of the classical conception of suberogation that a permissibly suboptimal action is an offence. Being a permissibly suboptimal action is consistent with being an act of supererogation, which is surely not consistent with its being an act of suberogation—the latter two are mutually exclusive classes.⁴⁷ So

the ← side of the *Equivalence*^{*} is false: not all permissibly suboptimal actions are suberogatory.

And the reasons here are analogous to those that we uncovered in arguing that the equivalence of supererogation and action beyond the call did not hold: there an action could be beyond the call and not praiseworthy, so not supererogatory; here we've found an action can be permissibly suboptimal but not blameworthy, so not suberogatory.

Is being permissibly suboptimal a necessary condition for suberogation? I think so. The classical examples are often purported cases of someone permissibly exercising some moral

⁴⁷ I have argued elsewhere (McNamara 1990, 1996b) that assuming supererogatory acts had to be optimal and that what is optimal is what we ought to do, and what we ought to do is what we must do has led to all manner of confusion and inability to formulate a coherent picture of supererogation, or common sense morality for that matter.

right where this is suboptimal to do and mildly or significantly blameworthy to do (e.g. Chisholm 1963, Driver 1992). Furthermore, given what we have seen so far about the relationship between action beyond the call and supererogation and the classical conception of the latter, if an offence/suberogatory act is intended to be the mirror-image of supererogation, and our proposed analysis is on track, that act had better always be a permissibly suboptimal—one we ought not do, though it's permissible. This suggests the following *Revision of the Standard Analysis of Suberogation*:

An action is *suberogatory /offence* iff

- 1) it is optional,
- 2) it is blameworthy,
- 3) it is not praiseworthy to omit, and
- 4) *it is precluded by doing the maximum.*

And given the logical symmetries in DWE between permissible suboptimality and action beyond the call, we get the following simplification:

An action is *suberogatory/offence* iff

- 1) it is permissibly suboptimal
- 2) it is blameworthy and,
- 3) it is not praiseworthy to not do.

And having now identified two distinct lines as relevant for supererogation and suberogation respectively, we also see that there is no problem at all in principle with meeting all the non-agent evaluative components of supererogation and suberogation in the very same act, as in our last rescue case.

Whether or not the notion of suberogation is truly on the same footing with supererogation in terms of full symmetries, and in terms of plausibility is not something I will try to answer here. To do so would take us into a more fundamental level about the logic of aretaic concepts and deontic ones.⁴⁸ Here I have tried to briefly explore some analogies, and to reveal that there is here too a more objective notion of act evaluation, permissible suboptimality (what one permissibly can but should not do) that is not equivalent to that of suberogation, but is arguably more fundamental than it, permissible suboptimality being a component in the analysis of suberogation.

⁴⁸ McNamara 2000 and Forthcoming.

I hope it is also plain that permissible suboptimality is more closely tied to agent-favoring prerogatives than is suberogation, since the notion of agent-favoring prerogatives does not entail any agent-evaluative statuses for exercising a prerogative or omitting one. Just as the omission of an agent-favoring prerogative in doing something optimal does not entail praiseworthiness, it should be equally plain that exercising an agent-favoring prerogative need not entail blameworthiness. This is not only so because one can exercise such a prerogative in going beyond the call as in our suboptimal rescue case of the one child rather than the riskier but optimal rescue of the twins. One can also exercise such a prerogative in doing the minimum permitted and be blameless. For to generate blameworthiness, we must know something about the agent's mental state, motivation, intention, character or such, and how that figures in action. Surely someone can exercise a prerogative and do the minimum without realizing they are doing so, and even while inculpably but mistakenly thinking that what they are doing is involved in doing the maximum, and they do so for the most admirable reasons. For I may think, mistakenly but inculpably, that any rescue attempt on my part is doomed to fail, and so think the best I can do is direct the fire personnel to the house from the nearby intersection, and I do so conscientiously, trying to do the best I can. This is my prerogative intuitively, but even if not only suboptimal, but absolutely minimal, and with graded better options short of what is optimal, it need not be blameworthy.

8. Conclusion

I think our reflections build toward a cumulative case that the two notions of supererogation and action beyond the call are distinct, although routinely conflated with one another. Doing better than one has to do is more *external* and *act evaluative*, and supererogation (as classically conceived), has a more *internal* component that is *agent-evaluative*. Similarly for permissible suboptimality and suberogation: the former refers to only what is external, the latter makes reference to something inside that is agent-evaluative. The widely endorsed alleged *Equivalence* between action beyond the call and supererogation, given the *Standard Analysis*, is false in both directions. In particular, an action can be beyond the call without being praiseworthy, and so without being supererogatory. Furthermore the *Standard Analysis* of supererogation is defective since it would allow for cases where doing the minimum is supererogatory. The *Classical Conception* of supererogation appears to presuppose the concept

of action beyond the call of duty. Action beyond the call of duty can in turn be analyzed in terms of the deontic notions of *permissibility* and what is precluded by doing *the least you can do*, the prior being a widely overlooked notion.

It is also arguable that the non-agent-evaluative notions from DWE are more important than those like supererogation and suberogation that are partially aretaic. A good moral agent qua deliberating agent (or advisor) must ordinarily decide what's to be done independently of the contribution one's motives/intentions might make to an action's status. Such an agent or advisor wants to typically know what is permissible, what is the least one can do, what is obligatory, what is best, etc., and to decide whether she will in this instance do more good than she has to, the least she can do, the best she can do, and to make sure that whatever she does, it is permissible, etc. The orientation of a good agent acting or advising is toward the status of the available actions independently of how she might evaluate herself or someone else for doing the actions chosen for the reasons chosen. DWE focuses on such concepts. However, it can be augmented with an aretaic framework, and thereby enriched to model additional important agent-evaluative concepts of common sense morality, and it is here that supererogation and suberogation (and kin) belong.⁴⁹ We have more fully explored supererogation than suberogation here, and more needs to be said about the latter more controversial topic. There are also at least two important other related projects best alluded to in the form of questions: how might we represent agent-favoring prerogatives formally in an expansion of DWE? Where do axiological concepts like good and bad fit in? These will be taken up elsewhere.

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⁴⁹ McNamara Forthcoming.

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