Impermissible Yet Praiseworthy*

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Abstract:

It is commonly held that unexcused impermissible acts are necessarily blameworthy, not praiseworthy. I argue that unexcused impermissible acts can not only be pro tanto praiseworthy, but overall praiseworthy—and even *more so than* permissible alternatives. For example, there are cases in which it is impermissible to at great cost to yourself rescue fewer rather than more strangers, yet overall praiseworthy, and more so than permissibly rescuing no one. I develop a general framework illuminating how praiseworthiness can so radically come apart from deontic status.

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Suppose you are morally required to adopt a vegan diet, but you adopt a lacto-vegetarian diet instead. Although what you do is impermissible, blaming you for not going all the way to veganism could be counterproductive. Perhaps the effects of blaming you are even bad enough that we ought not to do so. But the effects of blaming you do not settle whether you are blame*worthy*, in the sense of it being appropriate to have a negative reactive attitude toward you for your conduct, or in the sense of your being deserving of discredit for your conduct.[1] To be praiseworthy or blameworthy is to be worthy of praise or blame, in some such sense, for one's conduct.[2]

[1] I am thus here setting aside consequentialist accounts of blameworthiness. See, for instance: Richard Arneson, "The Smart Theory of Moral Responsibility and Desert," in *Desert and Justice*, edited by Serena Olsaretti (Oxford: Oxford University Press, 2003): 233–58. It also seems that you can be worthy of blame even when we lack the standing to blame you. On the latter, see, for instance: R. Jay Wallace, "Hypocrisy, Moral Address and the Equal Standing of Persons," *Philosophy and Public Affairs* 38 (2010): 307–341; Macalester Bell, "The Standing to Blame: A Critique," in *Blame: Its Nature and Norms*, edited by Justin Coates and Neal Tognazzini (New York: Oxford University Press, 2013), 263–281; Patrick Todd, "Let's See You Do Better" (unpublished).

[2] For a sample of relevant literature, see: Michael Zimmerman, *An Essay on Moral Responsibility* (Totowa: Rowman and Littlefield, 1988); Holly Smith, "Varieties of Moral Worth and Moral Credit," *Ethics* 101 (1991): 279–303; R. Jay Wallace, *Responsibility and the Moral Sentiments* (Cambridge: Harvard University Press, 1994); Nomy Arpaly, *Unprincipled Virtue: An Inquiry Into Moral Agency* (New York: Oxford University Press, 2003); T. M. Scanlon, *Moral Dimensions: Permissibility, Meaning, Blame* (Cambridge: Harvard University Press, 2008); Julia Markovits, "Acting for the Right Reasons," *Philosophical Review* 119 (2010): 201–42; Michelle Mason, "Blame: Taking It Seriously," *Philosophy and Phenomenological Research* 83 (2011): 473–81; Amy Massoud, "Moral Worth and Supererogation," *Ethics* 126 (2016): 690–710; Dana Nelkin, "Difficulty and Degrees of Moral Praiseworthiness and Blameworthiness," *Noûs* 50 (2016): 356–78; David Shoemaker,

It is commonly held that unexcused impermissible acts are necessarily blameworthy, not praiseworthy.[3] On some views, what it *means* for an act to be impermissible is that it is blameworthy, absent excusing conditions. On other views, all unexcused impermissible acts are blameworthy, even if what it means for an act to be impermissible is not that it is blameworthy, but, for example, that it *mustn't be done*.[4]

In this paper, I defend the following claim:

> ***Impermissible Yet Praiseworthy:*** There are situations in which it is overall praiseworthy to do an act *A*, and *more so than* it is to do a permissible and entirely blameless alternative *B*, even though *A* is impermissible, and all relevant responsibility conditions are met (so that *A* is unexcused).

It may, for example, be impermissible to at great cost to yourself rescue fewer rather than more strangers, yet overall praiseworthy, and more so than permissibly rescuing none. No one to my knowledge has defended *Impermissible Yet Praiseworthy*.[5] Not only is this claim

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"Response-Dependent Responsibility; or, A Funny Thing Happened on the Way to Blame," *Philosophical Review* 126 (2017): 481–527; Elinor Mason, *Ways to be Blameworthy: Rightness, Wrongness, and Responsibility* (Oxford: Oxford University Press, 2019); Pamela Hieronymi, *Freedom, Resentment, and the Metaphysics of Morals* (Princeton: Princeton University Press, 2020).

[3] For example, see: Allan Gibbard, *Wise Choices, Apt Feelings* (Oxford: Clarendon Press, 1990), chapter 3; John Skorupski, *The Domain of Reasons* (Oxford: Oxford University Press, 2010), part III; Stephen Darwall, *Morality, Authority, and Law: Essays in Second-Personal Ethics I* (Oxford: Oxford University Press, 2013), 21; Brian McElwee, "Demandingness Objections in Ethics," *Philosophical Quarterly* 67 (2017): 84–105.

[4] See Derek Parfit, *On What Matters, Vol. 1* (Oxford: Oxford University Press, 2011), chapter 7.

[5] The impermissible yet praiseworthy is in some sense the mirror image of the suberogatory, that is, the permissible yet blameworthy; see Julia Driver, "The Suberogatory," *Australasian Journal of Philosophy* 70

interesting and surprising, but it is also of potentially great dialectical significance. If it is correct, then we cannot conclude that an act is permissible from the fact that it is praiseworthy, or from the fact that it is more praiseworthy than a permissible alternative.[6]

(1992): 286–295. Elizabeth Harman recognizes moral mistakes that are praiseworthy, but, crucially, these are morally *permissible* moral mistakes; see her "Morally Permissible Moral Mistakes," *Ethics* 126 (2016): 366–393. Paul McNamara offers a case in which an act is impermissible yet praiseworthy, but crucially the act is excused in virtue of non-culpable ignorance; see his "Praise, Blame, Obligation, and Beyond: Toward a Comprehensive Framework for the Classical Conception of Supererogation and Kin," *Deontic Logic in Computer Science*, edited by Ron van der Meyden and Leendart van der Torre, Lecture Notes in Artificial Intelligence, 5076 (Berlin: Springer Verlag, 2008), 15. In "Distinctive Duress," *Philosophical Studies* 177 (2020): 1007–1026, Craig Agule defends the existence of a kind of praiseworthy impermissibility, though his view and argument are quite different from mine (for example, unlike Agule's, my view crucially relies on a distinction between being pro tanto praiseworthy and being overall praiseworthy). Arguably the closest predecessors of my work here can be found in: Ulla Wessels, "Beyond the Call of Duty: The Structure of a Moral Region," *Royal Institute of Philosophy Supplement* 77 (2015): 87–104; and Daniel Muñoz, "Three Paradoxes of Supererogation," *Noûs* (2020) https://doi.org/10.1111/nous.12326. Using cases similar to those explored in section III, Wessels and Muñoz argue that impermissible acts can be *better* than permissible alternatives. However, neither defends my claims about praiseworthiness.

[6] Insofar as a supererogatory act is a non-required act that is praiseworthy, or more praiseworthy than a merely permissible alternative, I can be read as arguing that some supererogatory acts are impermissible (though it is not my aim here to defend a view of the supererogatory per se). For relevant discussion, see: Joseph Raz, "Permissions and Supererogation," *American Philosophical Quarterly* 12 (1975): 161–168, 164; David Heyd, *Supererogation: Its Status in Ethical Theory* (Cambridge: Cambridge University Press, 1982); Paul McNamara, "Supererogation, Inside and Out: Toward an Adequate Scheme for Common Sense Morality," *Oxford Studies in Normative Ethics* 1 (2011): 202–235; Alfred Archer, "Are Acts of Supererogation Always Praiseworthy?" *Theoria* 82 (2016): 238–55; Claire Benn, "Supererogation, Optionality, and Cost," *Philosophical Studies* 175 (2018): 2399–2417.

In section I, I present cases in which praiseworthiness appears to attach to impermissible acts that fall beneath the call of duty. These impermissible acts seem pro tanto praiseworthy, and some might even be overall praiseworthy. However, since these impermissible acts are not *more* praiseworthy overall than permissible alternatives, the cases presented in section I are not of the form picked out by *Impermissible Yet Praiseworthy*. In section II, I offer a general framework illuminating how praiseworthiness can come apart from deontic status in this more radical way. The framework showing this conceptual possibility consists of a distinction between *requiring reasons* and *justifications*, and of views about how they relate to praiseworthiness and blameworthiness. It shows how impermissible acts that go beyond the call of duty (impermissible acts that are more responsive to the balance of reasons than is required) can fit the form picked out by *Impermissible Yet Praiseworthy*. In section III, I move beyond mere conceptual possibility. I argue there plausibly *are* cases of the form picked out by *Impermissible Yet Praiseworthy*, in which you can at great cost to yourself rescue more or fewer people. The intended purpose of this section is to provide, by way of illustration, a more robust defense of the central claim that there are *some* cases of this general form (even if none of the particular ones I discuss are). In section IV, I suggest—as a supplement to the framework presented in section II—that there may be limits on when impermissible acts can be overall praiseworthy. The holding of such limits will constrain the form that cases picked out by *Impermissible Yet Praiseworthy* can take. In section V, I conclude with a brief discussion of some potential implications for real-world cases.

It is worth bearing in mind that my focus in this paper is *moral* normativity, that is, moral requirement, moral permissibility, and so forth (as opposed to rational requirement, rational permissibility, and so forth). I will often omit the term "moral" for brevity.

I. Praiseworthy Impermissibility Beneath the Call of Duty

Many acts that are required are not praiseworthy.[7] You are not praiseworthy for using turn signals while driving, though you are required to do so. Many acts that go *beyond* what is required are praiseworthy. You are praiseworthy for risking your life to save a stranger trapped in a burning building, though you are not required to do so. But sometimes praiseworthiness attaches to other sorts of acts. Some acts that are required are praiseworthy. You are praiseworthy for missing a nonrefundable international flight to take a seriously injured cyclist to the hospital, and required to do so.[8] And some impermissible acts that fall *beneath* what is required are praiseworthy at least to *some* extent, even if they are also to some extent blameworthy. Here are three putative examples.

> ***Gas:*** You can save three strangers from death by releasing a gas into their room. However, this will create lethal fumes in the next room, killing both you and a fourth stranger.[9]

[7] Speaking of *acts* as being praiseworthy is only shorthand; ultimately it is agents who are praiseworthy. My primary focus here is the praiseworthiness of agents *for* performing certain acts for certain motivating reasons, as opposed to their praiseworthiness for having or displaying certain dispositions (see, for instance: Phillip Montague, "Acts, Agents, and Supererogation," *American Philosophical Quarterly* 26 (1989): 101–11; Arpaly 2003, chapter 3; Markovits 2010; Massoud 2016).

[8] We can suppose you are the only person around to take the cyclist to the hospital. See: Massoud 2016 (692).

[9] This is an adaptation of Philippa Foot's gas case in "The Problem of Abortion and the Doctrine of Double Effect," in *Virtues and Vices and Other Essays in Moral Philosophy* (Oxford: Blackwell, 1978), 19–32 (29). Originally published in *Oxford Review* 5 (1967): 5–15.

Releasing the gas would seem to impermissibly infringe the one stranger's right not to be killed. Nonetheless you would remain praiseworthy to some extent for saving the three at the cost of your life. Next consider:

> ***Vegetarian:*** You are out to dinner at a restaurant with your meat-loving family. There are just three items on the menu: a meat dish, a vegetarian dish, and a vegan dish. Your family would moderately embarrass you if you order the vegetarian dish, and harshly insult you for the duration of the meal if you dare order the *vegan* dish. Moreover, despite being quite hungry, the vegetarian and vegan options both appear repulsive (the restaurant is a steakhouse). But you just watched a new documentary on factory farming, and want to reduce your contributions to that system.

Let us suppose that you are required to order the vegan dish, and that it is impermissible to order either other dish. Also suppose that you have most reason to order the vegan dish, next most reason to order the vegetarian dish, and least reason to order the meat dish. It is praiseworthy to order the *vegan* dish. This would involve you paying a significant cost in responding fully to the reasons present (and your motivating reason for ordering the vegan dish coincides with the normative reasons to do so—for example, the normative reason to avoid causing more animals to suffer).[10] When you order the *vegetarian* dish, you pay a lesser but still significant cost in responding less than fully but still significantly to the reasons present. Much of what would make it praiseworthy to order the vegan dish would therefore also appear when you order the vegetarian dish.[11] The impermissibility of not fully

[10] I here build upon Massoud 2016 and Apraly 2003 (chapter 3).

[11] Other factors may affect praiseworthiness here. For example, ordering either the vegetarian dish or the vegan dish is morally *exceptional* relative to your community. For relevant discussion, see: J. O. Urmson, "Saints and

meeting morality's demand does not entirely cancel your praiseworthiness. It seems you would be praiseworthy to some extent for ordering the vegetarian dish. Consider a third example.

> ***Flight:*** Two strangers face a deadly threat. You can do nothing, save one stranger's life at the cost of missing a nonrefundable international flight, or save both their lives at the cost of missing the same flight *and* stubbing your toe.

You are required to save both strangers. It is impermissible to save just one and it is impermissible to do nothing. You have most reason to save both, next most reason to save just one, and least reason to do nothing. It is praiseworthy to save both strangers. This would involve you paying a significant cost in responding fully to the reasons present. When you save just one, you pay a lesser but still significant cost in responding less than fully but still significantly to the reasons present. Much of what would make it praiseworthy to save both would therefore remain were you to save just one, even if saving just one is to some (a greater) extent blameworthy. The wrongness of not fully meeting morality's demand does not entirely cancel your praiseworthiness. Although in *Flight* saving just one stranger is impermissible, it is plausible that you are praiseworthy to some extent for doing it.[12]

Heroes," in *Essays in Moral Philosophy*, edited by A. I. Melden (Seattle: University of Washington Press, 1958), 198–216; Julia Markovits, "Saints, Heroes, Sages, and Villains," *Philosophical Studies* 158 (2012): 289–311; McElwee 2017.

[12] Raz 1975 (165–66) can be read as claiming that an act cannot be *at all* praiseworthy unless there is on balance most reason to do it, as opposed to merely a reason to do it. This would leave us unable to accommodate the "ambivalent" or "mixed" response it can be appropriate to have toward you in cases like *Gas*, *Vegetarian*, and *Flight*. We cannot satisfactorily accommodate this ambivalence by suggesting, as Raz 1975 (166) does, that we are simultaneously admiring one aspect of your character while regretting another. For we can suppose that your

These examples suggest that we need to distinguish between being *pro tanto* praiseworthy and being *overall* praiseworthy. Let us say an agent is pro tanto praiseworthy for performing a token act for a token motivating reason when they are praiseworthy for some aspect of performing this act for this motivating reason (and likewise for being pro tanto blameworthy). An agent can at once be pro tanto praiseworthy for performing an act for a motivating reason—for example, releasing the gas to save the lives of three strangers—and be pro tanto blameworthy for performing this same act for this same motivating reason.[13] An agent is overall praiseworthy for performing an act for a motivating reason when, taking into account all of the praiseworthy and blameworthy aspects of doing so, they are on balance praiseworthy for doing so (and likewise for being overall blameworthy).

What exactly it is to be overall praiseworthy will depend on what it is to be worthy of praise or blame for one's conduct.[14] We might, for instance, conceive of the latter as being deserving of credit or discredit. In *Flight*, you deserve some credit for saving a stranger's life

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motivation in these cases is out of character (see, for instance, Arpaly 2003 (94–5)). The most plausible explanation of the ambivalence is that you are praiseworthy for an aspect of your conduct, and blameworthy for another aspect of your conduct. We can instead read Raz as offering the more plausible claim that an act cannot be *overall* praiseworthy unless there is most reason to do it; the arguments for *Impermissible Yet Praiseworthy* offered below serve as arguments against this more plausible claim.

[13] On one view, no agent can both be pro tanto praiseworthy for performing a *simple* act (for a motivating reason) and pro tanto blameworthy for performing this same simple act (for this same motivating reason). Defenders of this view might for example claim that, in *Gas*, releasing the gas is in fact a *complex* act, composed of two separate simple acts: the act of saving the three strangers and the act of killing yourself and a fourth stranger (as a foreseen side effect of what you must do to save the three). They can then add that you are praiseworthy for performing the first simple act and blameworthy for performing the second simple act. It is compatible with this view that you are both pro tanto praiseworthy and pro tanto blameworthy for performing the complex act of releasing the gas.

[14] For some of the various possible accounts, see footnote 2.

at the cost of missing your flight, but you deserve even more discredit for letting the other stranger die merely in order to avoid stubbing your toe (in addition to missing your flight!). Overall you deserve discredit for your conduct, which corresponds to the difference between the credit deserved for the good aspects of your conduct and the discredit deserved for the bad aspects of your conduct.[15] We might instead conceive of being worthy of praise or blame as being the appropriate target of a positive or negative reactive attitude. It is appropriate to have a positive reactive attitude toward you for saving a stranger's life at the cost of missing your flight, but it is also appropriate to have an even stronger negative reactive attitude toward you for letting another stranger die merely in order to avoid stubbing your toe. The appropriateness of such an ambivalent response may be compatible with the appropriateness of having a single higher-order attitude toward you for your conduct as a whole (overall admiration, perhaps). But it may be that there is no single attitude it is appropriate to have toward your conduct as a whole, which corresponds to a "difference" or "average" between the reactive attitudes it is appropriate to have toward each aspect of your conduct. Even in the absence of any single overall appropriate attitude, we could say you are overall blameworthy as shorthand for the claim that the appropriate negative reactive attitude is relevantly stronger than the appropriate positive reactive attitude, or for the claim that it is relevantly more appropriate to have the positive attitude than it is to have the negative one.[16] I intend to remain neutral on these different possible conceptions of being worthy of praise and blame,

[15] The idea of overall credit deserved fits well with (though is not entailed by) Zimmerman's 1988 (chapter 3) "ledger" metaphor.

[16] I take it that it would still be an interesting claim that there are situations in which the positive reactive attitude it is appropriate to have toward you for some aspect of doing *A* is relevantly stronger than the negative reactive attitude it is appropriate to have toward you for some aspect of doing *A* (*A* is overall praiseworthy), even though *A* is impermissible and unexcused.

and on the corresponding differences in how exactly to conceive of being overall praiseworthy. In what follows, I will occasionally write "praiseworthy" or "more praiseworthy" unaccompanied by either "pro tanto" or "overall." The "overall" reading is intended only when explicitly indicated.

It seems fairly uncontroversial that some acts are impermissible yet pro tanto praiseworthy. Cases like *Gas*, *Vegetarian*, and *Flight* suggest there are. More controversial is the claim that some acts are impermissible yet overall praiseworthy. *Flight*, at least, is not a case of this sort, as saving just one stranger in that case is overall blameworthy. Are *all* unexcused impermissible acts overall blameworthy?

I do not believe so. The aforementioned views which posit a necessary connection between unexcused impermissibility and blameworthiness do not support the claim that unexcused impermissible acts are necessarily overall blameworthy.[17] To the extent that these views are plausible, they may support the weaker claim that all unexcused impermissible acts are necessarily pro tanto blameworthy, but they are orthogonal to the neglected question of how an impermissible act's blameworthy aspects balance against its praiseworthy aspects. Saving just one stranger in *Flight* is pro tanto blameworthy, perhaps partly in virtue of being impermissible, perhaps partly in virtue of (some of) the facts that make it impermissible. It is also pro tanto praiseworthy. But this act's blameworthy aspect more than amply counterbalances its praiseworthy aspect. It is overall blameworthy. If the scales can tip one way, can they not tip the other? It seems they can. Consider the following case.

> ***Hand:*** 100 strangers are about to die, and another is about to lose their finger. You can do nothing, save just the lives of the 100 strangers at the cost of losing your hand,

[17] See footnote 3 for literature on these views.

or save all 101 (save the lives of the 100 *and* save the other's finger) at the cost of losing your hand *and* stubbing your toe.

You are required to save all 101 strangers. It is impermissible to save just the lives of the 100 and it is impermissible to do nothing. You have most reason to save all 101 strangers, next most reason to save just the lives of the 100, and least reason to do nothing. It is praiseworthy overall to save all 101 strangers. It *also* seems praiseworthy overall to save just the lives of the 100. The credit you deserve for sacrificing your hand to save the lives of 100 strangers exceeds the discredit you deserve for failing to save the other stranger's finger at the additional cost of stubbing your toe. Although in *Hand* saving just the lives of the 100 strangers is impermissible, it seems you are praiseworthy overall for doing it.

I have suggested that *Gas*, *Vegetarian*, and *Flight* involve impermissible acts that are pro tanto praiseworthy, and that *Hand* involves an impermissible act that is overall praiseworthy. In all these cases, the impermissible acts in question fall beneath the call of duty. One might object that responding to reasons at (significant) cost to yourself is insufficient for being praiseworthy overall or even pro tanto. One might claim that, to be praiseworthy at all, you must meet if not go beyond the call of duty (meeting the call of duty need not mean doing what there is most reason to do). I return to such claims in section IV. Sections II and III will concern praiseworthy impermissibility *beyond* the call of duty—impermissible yet praiseworthy acts that are more responsive to the balance of reasons than is required.

Moreover, none of the four cases discussed in this section involve an impermissible act that is *more* praiseworthy overall than a permissible alternative. The cases discussed in this section are therefore not of the form picked out by *Impermissible Yet Praiseworthy*, that is, situations in which it is overall praiseworthy to do an act *A*, and more so than it is to do a

permissible and entirely blameless alternative *B* (*B* is not pro tanto blameworthy), even though *A* is impermissible and unexcused.[18] In the following section, I offer a general framework illuminating how praiseworthiness can come apart from deontic status in this more radical way.

II. Impermissible Yet Praiseworthy: A Framework

In this section, I introduce a general framework illuminating how there can be cases of the form picked out by *Impermissible Yet Praiseworthy*. It consists of a familiar distinction between *requiring reasons* and *justifications*, and of views about how they relate to praiseworthiness and blameworthiness. I do not claim that this is the only framework within which cases of the form picked out by *Impermissible Yet Praiseworthy* can be generated and explained, but it strikes me as a fairly natural and useful one.

First, requiring reasons. I will use "a requiring reason" to refer to an aspect of an act (in a set of alternatives) that tends to make this act required. Even when such a reason does not succeed in making an act required it nonetheless pulls in that direction, contributing to it being the case that the act is required. That an act involves keeping a promise, for instance, tends to make this act required. But you may sometimes also have an even stronger requiring

[18] It may also be that, in certain asymmetric dilemmas, act *A* is overall praiseworthy and act *B* is not. However, these would not be cases of the sort picked out by *Impermissible Yet Praiseworthy*, in which impermissible act *A* is more praiseworthy overall than permissible alternative *B*. In a genuine dilemma, no alternative is permissible. For putative examples, see: Michael Walzer, "Political Action: The Problem of Dirty Hands," *Philosophy and Public Affairs* 2 (1973): 160–180; Thomas Nagel, "War and Massacre," reprinted in his *Mortal Questions* (Cambridge: Cambridge University Press, 1979), 53–74.

reason *not* to perform this act.[19] The requiring reason not to let an innocent stranger die can be stronger than the requiring reason to keep your promise. I will say that there is "more requiring reason" (mass noun) to do act *B* than there is to do an alternative *A* when the respective requiring reasons to do *B* and *A* on balance make it the case that act *A* is impermissible, absent a sufficiently strong justification to do *A*. I will likewise take it that *B* is required whenever there is most requiring reason to do *B*, absent a sufficiently strong justification not to do *B*.[20]

Second, justifications. I will here treat justifications as considerations that justify without requiring.[21] As I construe them, justifications tend to make acts permissible only

[19] Requiring reasons can thus be likened to Rossian prima facie (pro tanto) duties, which play a contributory role in the determination of all things considered duties. See: W. D. Ross, *The Right and the Good* (Oxford: Oxford University Press, 1930). Ross himself apologizes for the misleading phrase "prima facie" (20), as he intends to be referring not to appearances but to actual features that play a pro tanto or contributory role.

[20] I will here be using "more requiring reason" in a way according to which if there is more morally requiring reason to do *B* than there is to do *A*, then *B* is morally better than *A*. For an important discussion of how there can be more moral reason to do *B* than there is to do *A* even though *A* is morally better than *B*, see: Douglas Portmore, *Opting for the Best: Oughts and Options* (Oxford: Oxford University Press, 2019). On Portmore's view, there is more reason to do *B* than there is to do *A* if the best "maximal option" that entails doing *B* is better than the best maximal option that entails doing *A*. But it can be that the best maximal option that entails doing *B* is better than the best maximal option that entails doing *A* even when *A* is itself better than *B* (see Portmore 2019, section 6.4, especially 210–13).

[21] On purely justifying considerations, see: Douglas Portmore, "Are Moral Reasons Morally Overriding?" *Ethical Theory and Moral Practice* 11 (2008): 369–88; Thomas Hurka and Esther Shubert, "Permissions to Do Less Than the Best: A Moving Band," *Oxford Studies in Normative Ethics* 2 (2012): 1–27; Joshua Gert, "The Distinction Between Justifying and Requiring: Nothing to Fear," in *Weighing Reasons*, eds. Errol Lord and Barry Maguire (New York: Oxford University Press, 2016), 157–172; Seth Lazar, "Accommodating Options," *Pacific Philosophical Quarterly* 100 (2019): 233–255. Purely *morally* justifying considerations are widely

indirectly, by tending to *prevent* requiring reasons from making acts impermissible. A justification is sufficiently strong when it successfully prevents the balance of requiring reasons from making an act impermissible. For instance, if saving the life of a stranger unavoidably involved the painful loss of your legs, I take it there would be a strong enough justification to refrain from saving the stranger.[22] You would be permitted but not required to refrain from saving them.[23] If instead saving the stranger's life involved nothing more than the loss of your shoes, there might be a weak justification to refrain from saving the stranger's life, but it would not be sufficiently strong in the face of the strong requiring reason to save the stranger's life. You would be required to save them. When an act is supported by the balance of requiring reasons—that is, when there is no more requiring reason to do anything else—no justification is needed for the act to be permissible. (Or, if you prefer, a justification of zero strength would be sufficient.) Finally, the fact that there is a justification to do act *A* strong enough to prevent the fact that there is more requiring reason to do *B* than there is to do *A* from making *A* impermissible is not always enough to make *A* permissible. After all, such a justification to do *A* might not be strong enough to prevent the

endorsed, and recall that my focus here is moral normativity (by "a requiring reason" I mean "a morally requiring reason," and so on).

[22] On agent-relative prerogatives, see: Samuel Scheffler, *The Rejection of Consequentialism* (New York: Oxford University Press, 1982); Shelly Kagan, *The Limits of Morality* (Oxford: Clarendon Press, 1989); Hurka and Shubert 2012; Lazar 2019.

[23] This is not to deny that you are *prudentially* required to keep your legs. Nor is it to deny that there is *a* morally requiring reason to keep your legs (even if the loss of your legs is costly for no one but you). The picture is instead that there is significantly more morally requiring reason to save the stranger at the cost of your legs than there is to do nothing, but that you are for all that not morally required to incur this cost, since there is a sufficiently strong moral justification to keep your legs.

fact that there is more requiring reason to do *C* than there is to do *A* from making *A* impermissible.[24]

The remainder of the framework consists of two connections between requiring reasons, justifications, praiseworthiness, and blameworthiness. First, consider the following view about praiseworthiness.

> ***Praiseworthiness:*** Assuming relevant responsibility conditions are met, act *A* is praiseworthy if there are requiring reasons to do *A* and there is a justification not to do *A*, and is more praiseworthy, the stronger these reasons to do *A*, and the stronger this justification not to do *A*.

Praiseworthiness is not offered as a complete account of praiseworthiness, but as a view identifying two factors that can amplify an act's praiseworthiness.[25] Perhaps there are other such factors.[26] We may wish to add to *Praiseworthiness* that *A* is done for sufficiently good

[24] For example, suppose you can do nothing, save a stranger's index fingers at the cost of your pinky finger, or save the same stranger's index fingers along with another stranger's life at the cost of your pinky finger. It seems the fact that doing nothing avoids the loss of your pinky is a sufficiently strong justification to prevent the fact that there is more requiring reason to save the stranger's index fingers than there is to do nothing from making it impermissible to do nothing. But, as the requiring reason to save a life is considerably stronger than the requiring reason to save fingers, it seems that the fact that doing nothing avoids the loss of your pinky is not a sufficiently strong justification to prevent the fact that there is more requiring to save a stranger's index fingers along with another stranger's life than there is to do nothing from making it impermissible to do nothing.

[25] Unlike *Praiseworthiness*, Massoud's 2016 account of praiseworthiness is only indirectly sensitive to requiring reasons (704–7). This difference does not matter for my main purposes here.

[26] For instance, perhaps (only) *exceptional* responsiveness to requiring reasons is praiseworthy (see footnote 11), or perhaps the strength of the *non-requiring* reasons to do an act can also amplify its praiseworthiness. On non-

motivating reasons (that, for instance, your motivating reasons for doing *A* coincide with normative reasons to do *A*). *Praiseworthiness* is offered as a coarse-grained view identifying two factors relevant to praiseworthiness. It is intended to be compatible with a range of fine-grained views about the nature and specific amplifying roles of these factors. For instance, on one view, only *cost-based* justifications not to perform *A* (to perform some alternative instead of *A*) are relevant to praiseworthiness; on other views, other sorts of justifications are relevant too. On one view, you cannot be pro tanto praiseworthy for performing *A* unless it is to some extent costly for you to do so (and you believe it to be to some extent costly for you); on other views, you can be pro tanto praiseworthy for performing *A* even though it is costless for you to do so. On one view, the reasons to do *A* fix an upper limit on *A*'s praiseworthiness, however costly it is for you to do *A*; on another view, the costliness of doing *A* can amplify *A*'s praiseworthiness without any such upper limit. And so forth.

Next consider the following view about the relationship between requiring reasons, justifications, and blameworthiness.

> ***Blameworthiness:*** Assuming relevant responsibility conditions are met, act *A* is blameworthy if it is not the alternative there is most requiring reason (mass noun) to do and there is no sufficiently strong justification to do *A*, and is more blameworthy,

requiring reasons, see: James Dreier, "Why Ethical Satisficing Makes Sense and Rational Satisficing Doesn't," in *Satisficing and Maximizing: Moral Theorists on Practical Reason*, edited by Michael Byron (Cambridge: Cambridge University Press, 2004), 131–154; Terry Horgan and Mark Timmons, "Untying a knot from the inside out: reflections on the 'paradox' of supererogation," *Social Philosophy and Policy* 27 (2010): 29–63; Margaret Little and Coleen Macnamara, "For better or worse: commendatory reasons and latitude," *Oxford Studies in Normative Ethics* 7 (2017): 138–160.

the greater the shortfall in requiring reason between *A* and the alternative there is most requiring reason to do, and the weaker the insufficiently strong justification to do *A*.

The basic idea behind *Blameworthiness* is that you are pro tanto blameworthy for falling short of what there is most requiring reason to do, absent a sufficiently strong justification, and that blameworthiness is amplified by the degrees to which these requiring and justifying considerations fall short. We can, for instance, take the degree to which the requiring reason to do an act falls short of what there is most requiring reason to do, and multiply it by the degree to which the justification to do this act is weaker than the weakest sufficiently strong justification. As long as there *is* a sufficiently strong justification for failing to do what there is most requiring reason to do, you are fully insulated from blame, regardless of the degree of shortfall in requiring reason.[27] There is an important but commonsensical asymmetry between *Praiseworthiness* and *Blameworthiness*. Whereas you are to various degrees praiseworthy for making sacrifices in response to individual requiring reasons, you need not be *at all* blameworthy for failing to respond to individual requiring reasons. Blameworthiness for failing to respond to a requiring reason gets "switched off" if you do what there is most

[27] Some have argued that there are cases in which an act is blameworthy even though there is a sufficiently strong justification to do it (see Driver 1992). *Blameworthiness* can be modified to accommodate this claim by distinguishing between the strength of justification needed to prevent an act from being made impermissible and the strength of justification needed to prevent an act from being made blameworthy. Alternatively or additionally, we could distinguish between different types of justifications, claiming that the fact that it would involve the use of your property makes it permissible for you not to help a stranger in need, while that the fact that it would be costless for you to help them makes you blameworthy for not helping. In other words, to avoid being blameworthy for not helping, you need a sufficiently strong *cost-based* justification to refrain from helping.

requiring reason to do, or, failing that, if you do an alternative for which there is a sufficiently strong justification.[28]

This general framework consisting of requiring reasons, justifications, *Praiseworthiness*, and *Blameworthiness*—together with the distinction between being pro tanto praiseworthy and being overall praiseworthy—gives us the tools needed to generate cases of the form picked out by *Impermissible Yet Praiseworthy*. To see this, imagine there are three alternatives: what you have least requiring reason to do, what you have second most requiring reason to do, and what you have most requiring reason to do. Suppose the cost to you of doing either what you have most or second most requiring reason to do is great enough that there is a sufficiently strong justification to do what you have least requiring reason to do. And suppose the cost to you of doing what you have most requiring reason to do is the same as the cost to you of doing what you have second most requiring reason to do, and there is no sufficiently strong justification to do what you have second most requiring reason to do. Given all this, it is impermissible to do what you have second most requiring reason to do, permissible to do what you have least requiring reason to do, and permissible to do what you have most requiring reason to do. Now *Praiseworthiness* and *Blameworthiness* can together imply that the praiseworthiness of doing what you have second most requiring reason to do relevantly exceeds its blameworthiness. It can thus turn out to be overall praiseworthy to do what you have second most requiring reason to do, and more so than doing what you have least requiring reason to do, even when the former is impermissible and the latter is permissible.

[28] Failing to respond to requiring reasons may leave various forms of moral residue, even when not pro tanto blameworthy. For example, while you are not pro tanto blameworthy for breaking a promise in order to save a drowning child, perhaps you have to compensate the promisee (Ross 1930, 28).

The framework presented in this section thus shows how cases of the form picked out by *Impermissible Yet Praiseworthy* are conceptually possible. To move beyond mere conceptual possibility, we need cases in which the relevant reasons and justifications are not merely stipulated, as done in the previous paragraph. In the following section, I work through a series of emergency rescue cases some of which plausibly *are* of the form picked out by *Impermissible Yet Praiseworthy*. However, it is not my primary aim to persuade readers that the *particular* cases I will focus on are of the form picked out by *Impermissible Yet Praiseworthy*. Instead my main aim is to provide, by way of illustration, a more robust defense of the central claim that there are *some* cases of the form picked out by *Impermissible Yet Praiseworthy* (even if none of the particular ones I discuss are). The general framework of this section, together with the particular cases of the following section, should give readers a clear enough idea of how to construct their own cases that fit the relevant form.

III. Impermissible Yet Praiseworthy: Cases

With our basic framework in place, we can proceed to some emergency rescue cases that are illustrative of the form picked out by *Impermissible Yet Praiseworthy*. To help minimize noise, let us consider idealized cases in which potentially relevant considerations not explicitly mentioned are held constant or bracketed appropriately.[29] We can, for instance, suppose that those in need of rescue are innocent and have serious interests in continuing to live, that potential rescuers are relevantly informed, and that performing a given rescue does

[29] Readers are invited to fill in more concrete details of these cases as they like, so long as they take care not to introduce confounding factors.

not affect one's abilities or opportunities to help others in the future.[30] Let us begin with the following case.[31]

[30] To appreciate the significance of this last qualification, see, for example, Portmore 2019 (section 6.4).

[31] For similar or relevant cases see: Charles Fried and Derek Parfit, "Correspondence," *Philosophy and Public Affairs* 8 (1979), 393–397; Derek Parfit, "Future Generations: Further Problems," *Philosophy and Public Affairs* 11 (1982): 113–72, 131; Kagan 1989, 16; Douglas Portmore, "Dual-Ranking Act-Consequentialism," *Philosophical Studies* 138 (2008): 409–427, 420–21; Victor Tadros, *The Ends of Harm*: *The Moral Foundations of Criminal Law* (Oxford: Oxford University Press, 2011), 161–62; Theron Pummer, "Whether and Where to Give," *Philosophy and Public Affairs* 44 (2016): 77–95; Joe Horton, "The All or Nothing Problem," *The Journal of Philosophy* 114 (2017): 94–104; Jeff McMahan, "Doing Good and Doing the Best," in *The Ethics of Giving*, edited by Paul Woodruff (New York: Oxford University Press, 2018): 78–102; Thomas Sinclair, "Are We Conditionally Obligated to Be Effective Altruists?" *Philosophy and Public Affairs* 46 (2018): 36–59; Portmore 2019, section 6.4; Helen Frowe, "If You'll Be My Bodyguard: Agreements to Save and the Duty to Minimize Harm," *Ethics* 129 (2019): 204–229, 210; Ralf Bader, "Agent-Relative Prerogatives and Suboptimal Beneficence," *Oxford Studies in Normative Ethics* 9 (2019): 223–250; Muñoz 2020; Christian Barry and Seth Lazar, "Supererogation and Optimisation" (unpublished); Kerah Gordon-Solmon, "Between All and Nothing: Or, Defending the Impermissible" (unpublished). Not all of these authors discuss cases with the same structure as those that are of interest to me here. In some of these cases, one faces a series of choices over time: first one can either incur a personal cost to help others, or not, and if one does incur the cost, one can then at a later time choose whether to help more at no additional personal cost. In the cases that are of interest to me here, one faces a single choice in which one can either incur a personal cost to help others, incur a personal cost that is no greater to help more, or incur no personal cost by helping no one at all. The dialectical importance of the distinction between these sorts of cases in part depends on whether it is possible to argue for conclusions about the single choice cases on the basis of claims about the series of choices cases (McMahan 2018 and Bader 2019 discuss the extent to which it is).

> ***Costly No-Conflict:*** Two strangers face a deadly threat. You can do nothing, sacrifice your legs in a way that would save one stranger, or sacrifice your legs in another way that would save both.

In *Costly No-Conflict*, there is significantly more requiring reason to save the greater number than there is to do either alternative. Nonetheless, there is a strong enough justification to do nothing. Even if the cost is entirely due to immediate pain, transitional factors, and social injustice, the cost of losing a limb is a serious one. I take it this cost is great enough to make it permissible not to sacrifice your legs to save two strangers.[32] At the same time, it seems impermissible to save the lesser number (one stranger) instead of saving the greater number (both strangers).[33] This would be so if there were no sufficiently strong justification to save the lesser number.

Is there no sufficiently strong justification to save the lesser number in *Costly No-Conflict*? The most pressing question here is whether there is a justification to save the lesser number that is strong enough to prevent the fact that there is significantly more requiring reason to save the greater number than there is to save the lesser number from making it impermissible to save the lesser number.

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[32] We can suppose the cost is greater if we doubt this is enough. My main arguments also hold independently of what it is that is being sacrificed—be it limbs, lives, time, safety, money, effort, or projects. On intuitions about losing limbs (to help others), see: Christian Barry and Gerhard Øverland, "How Much for the Child?" *Ethical Theory and Moral Practice* 16 (2013): 189–204; Kasper Lippert-Rasmussen, "Barry and Øverland on Singer and assistance-based duties," *Ethics and Global Politics* 12 (2019): 15–23; Elizabeth Barnes, *The Minority Body: A Theory of Disability* (Oxford: Oxford University Press, 2016).

[33] There is some experimental philosophy that suggests this intuition is widely shared. See: Lucius Caviola and Stefan Schubert, "Do people consider it obligatory to donate effectively?" (unpublished).

There is no plausible *cost-based* justification to save the lesser number. To have a cost-based justification to do act *A*, there must be an alternative that is costlier to you than *A*, so that doing *A* avoids this cost. But neither alternative to saving the lesser number in *Costly No-Conflict* costs you more than saving the lesser number does.

Perhaps instead you have an *ownership-based* justification to use your body (or, more broadly, to live your life) in one way instead of another, even when the cost to you would be the same in every respect, whichever of these two acts you do.[34] First, it is controversial that ownership-based justifications can operate independently of cost in this way. Second, it is particularly controversial that there is any such justification to save the lesser number in *Costly No-Conflict*, since here your altruistic alternatives do not differ at all with respect to *how you use* your body (apart from the effects of how it is used on the number of strangers saved). Third, even if we grant that there is *an* ownership-based justification to save the lesser number, it seems implausible that it is strong enough to prevent the fact that there is significantly more requiring reason to save the greater number from making it impermissible to save the lesser number. After all, ownership-based justifications do not seem strong enough to prevent the fact that there is significantly more requiring reason to save the greater number from making it impermissible to save the lesser number in a variant of *Costly No-Conflict* in which saving either the one stranger or both costs you nothing but involves the use of what is yours (at least as long as it is the same use either way).

[34] On ownership-based justifications or similar, see: Seana Shiffrin, "Moral Autonomy and Agent-Centered Options," *Analysis* 51 (1991): 244–54; Frances Kamm, "Non-Consequentialism, the Person as an End-in-Itself, and the Significance of Status," *Philosophy and Public Affairs* 21 (1992): 354–89; Fiona Woollard, *Doing and Allowing Harm* (Oxford: Oxford University Press, 2015); Seth Lazar, "Moral Status and Agent-Centred Options," *Utilitas* 31 (2019): 83–105.

In sum, in *Costly No-Conflict*, there is significantly more requiring reason to save the greater number than there is to do either alternative. But while there is a sufficiently strong justification to do nothing, there is no sufficiently strong justification to save the lesser number. It is impermissible to save the lesser number and permissible to do nothing.[35] To determine whether *Costly No-Conflict* is illustrative of the form picked out by *Impermissible Yet Praiseworthy*, we need to ask whether it is overall praiseworthy to save the lesser number (and more so than doing nothing).

In answering this question, we need to take account of the motivating reasons for saving the lesser number in *Costly No-Conflict* and other cases. The reason for this is twofold. First, it is not obvious why you *would* save the lesser number in this sort of case (unlike *Flight* and *Hand*, in the rescue cases in this section it is *no* costlier to you to save the greater number than it is to save the lesser number). Second, motivating reasons can affect praiseworthiness and blameworthiness.

Although heroic life-saving acts are paradigmatically praiseworthy, they can fail to be overall or even pro tanto praiseworthy—and can be pro tanto or even overall blameworthy

[35] Horton 2017 argues that the claim that in *Costly No-Conflict* it is permissible to do nothing and impermissible to save the lesser number has the implausible implication that, if you are not going to save both strangers, you are required to do nothing. This inference relies on the principle that, when *A* and *B* are your only permissible alternatives, if you are not going to do *B*, you are required to do *A* (Horton 2017, 96). But we should reject this principle. In *Costly No-Conflict*, it is permissible to do nothing and impermissible to save the lesser number even though there is more requiring reason to save the lesser number than there is to do nothing (as there is a sufficiently strong justification to do nothing but no sufficiently strong justification to save the lesser number). When your alternatives are *A*, *B*, and *C*, and there is more requiring reason to do *C* than there is to do *A*, it is not plausible that, if you are not going to do *B*, you are required to do *A*. For further discussion, see my, "All or Nothing, But If Not All, Next Best or Nothing," *The Journal of Philosophy* 116 (2019): 278–291; and my paper co-authored with Daniel Muñoz, "Supererogation and Conditional Obligation" (unpublished).

instead—if done for sufficiently bad motivating reasons. It is plausible that you would be overall blameworthy for saving the lesser number in *Costly No-Conflict* if you acted out of a combination of concern for the one stranger and unjustifiable hate for the other.[36] By the same token, bad motivating reasons could render you blameworthy for doing nothing or for saving the greater number, even though these acts would remain permissible.[37] For instance, you may be blameworthy for doing nothing out of unjustified hate for the strangers you could save, but not for doing nothing out of concern for your legs. To simplify, I will here limit my focus to cases in which acts are done for the best motivating reasons available (excluding those that give rise to excuses). Is the best available motivating reason for saving the lesser number good enough for you to be at least pro tanto praiseworthy for doing so?

The best—least bad—sort of motivating reason available for saving the lesser number in *Costly No-Conflict* is what I call "innumerate altruism." That is, you are moved to *help someone*, but are indifferent to how many. Even when fully aware of the plights of each, at any given time you are not moved *more* by more plights than fewer.[38] Equally moved to save

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[36] This is how both Horton 2017 (94) and McMahan 2018 (94–9) characterize *Costly No-Conflict*.

[37] See Scanlon 2008 and Frances Kamm, *Intricate Ethics: Rights, Responsibilities, and Permissible Harm* (New York: Oxford University Press, 2007), 132.

[38] You are thus not moved more by more plights than fewer, whether it is a case of two rather than one, or two million rather than one. A more intermediate possibility is that you are indifferent to how many you help in no-conflict cases only if the (difference in) number is below some finite threshold. I will set aside possibilities like these and focus on the simpler motivating reason of innumerate altruism (when I turn to other sorts of cases—such as conflict cases—I will consider other motivating reasons for saving the lesser number). Innumerate altruism may be seen as a motivational reflection of these ancient thoughts: "Whosoever preserves a single soul … scripture ascribes as much [merit] to him as if he had preserved a complete world" (Talmud: Sanhedrin 37a) and "… whosoever saves the life of one, it shall be as if he had saved the life of all of mankind" (Quran 5:32). It may also be seen as a motivational reflection of the (related) thought that each person's life is of infinite moral

just one as you are to save both—either way you help someone—your choice to save someone culminates in arbitrarily picking "just one." You do not deliberately employ a randomizing procedure, but you are just as likely to save the lesser number in order to help someone as you are to save the greater number in order to help someone, and on this occasion, you happen to go for the lesser number. In addition, your innumerate altruism is anonymous in that you would be equally moved to save just one as you are to save both were the positions of the two swapped. Finally, your innumerate altruistic motivation is quite a powerful one, taking precedence over your strong motivation to keep your legs.

It seems that innumerate altruism is not a bad enough motivating reason to prevent saving the lesser number from being pro tanto praiseworthy.[39] *Praiseworthiness* could then imply you are pro tanto praiseworthy for saving the lesser number out of innumerate altruism. After all, in saving the lesser number you are heroically sacrificing your legs in response to a requiring reason to help someone.

But even if it is pro tanto praiseworthy to save the lesser number out of innumerate altruism—as seems plausible—it is not clear that this is overall praiseworthy, or more so than doing nothing (which is not pro tanto praiseworthy). After all, in saving the lesser number you are also allowing someone else to die *gratuitously* in that your available alternative of not

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value, so that the moral value of saving just one person is equivalent to that of saving an arbitrarily large group of people that contains this same person.

[39] Even if innumerate altruism is in some sense an irrational motivation, it need not be irrational in a way that renders praise and blame inapt ("Tuesday-only altruism" may be irrational, but the fact that you act from such an irrational motivation need not preclude you from being praiseworthy for helping others on Tuesdays and blameworthy for failing to help on other days). Perhaps you cannot be praiseworthy *for saving the lesser number* if you arbitrarily *pick* this alternative, insofar as that does not constitute *choosing* this particular alternative. You nonetheless can be praiseworthy to some extent for choosing to *help someone* (at great cost to yourself).

allowing them to die is at least as favorable in every respect.[40] This would seem to make for a rather substantial shortfall in requiring reason between saving the lesser number and saving the greater number. Given this, and that there is no sufficiently strong justification to save the lesser number, *Blameworthiness* has the plausible implication that you are substantially blameworthy for saving the lesser number out of innumerate altruism. The praiseworthiness of saving the lesser number does not seem great enough to counterbalance this blameworthiness.

Costly No-Conflict does not provide clear support for *Impermissible Yet Praiseworthy*. But the foregoing discussion puts us in a good position to consider some further, and more promising, cases. Consider:

> ***Red/Green No-Conflict:*** You can do nothing, press a red button thereby saving the lives of ten strangers, or press a green button thereby saving the lives of these same ten strangers and saving another stranger's finger. Pressing either button will also cause you to drop into a fiery pit and die.[41]

The best sort of motivating reason available for pressing the red button is what I call "innumerate smaltruism." That is, whenever you are confronted with a mix of big plights (such as deaths) and relatively small plights (such as lost fingers), you are moved more by more big plights than by fewer, but you are not moved more by only a few more relatively small plights than by fewer. Innumerate smaltruism seems a better motivating reason than

[40] By "at least as favorable in every respect," I intend to include non-moral (prudential) respects.

[41] This is a version of my *Hot Death* case (Pummer 2019, 283). Note that dying usually removes all opportunities to help in the future. We can suppose that in this case there are no opportunities to help in the future anyway.

innumerate altruism.[42] Given this, and that pressing the red button constitutes making an enormous sacrifice (your life) in response to very strong requiring reasons (to save ten people), *Praiseworthiness* has the plausible implication that pressing the red button out of innumerate smaltruism is very praiseworthy. As pressing the red button also allows someone to lose a finger gratuitously, the shortfall in requiring reason between pressing the red button and pressing the green button is—though significant—relatively small. *Blameworthiness* has the plausible implication that it is only somewhat blameworthy to press the red button. It thus seems plausible that you are overall praiseworthy for pressing the red button, and more so than you are for doing nothing (which is not pro tanto praiseworthy). Insofar as it is impermissible to press the red button and permissible to do nothing, *Red/Green No-Conflict* would therefore appear to support *Impermissible Yet Praiseworthy*.[43]

The explanation of why it is impermissible to save the lesser number yet permissible to do nothing in *Costly No-Conflict* is instructive here. Even though the harm of a lost finger is small relative to the harm of death, it seems there is a significant requiring reason to prevent the loss of a finger, and indeed that in *Red/Green No-Conflict* there is significantly

[42] To the extent that the manifestation of dispositions matters for blameworthiness, an innumerate altruist would be more blameworthy for pressing the red button in *Red/Green No-Conflict* than an innumerate smaltruist would be.

[43] One may wonder whether what is doing the intuitive work in this case is the fact that it is not obvious (to you, the agent) that it is impermissible to press the red button. After all, some hold that moral ignorance mitigates blameworthiness in the way empirical ignorance does. On my view, you can be overall praiseworthy for pressing the red button, even if you correctly believe that it is impermissible to do so. As explained in section II, you can be both pro tanto praiseworthy and pro tanto blameworthy for performing a token act. For further discussion of moral ignorance, see, for instance: Gideon Rosen, "Culpability and ignorance," *Proceedings of the Aristotelian Society* 103 (2003), 61–84; Elinor Mason, "Moral ignorance and blameworthiness," *Philosophical Studies* 172 (2015): 3037–3057.

more requiring reason to press the green button than to press the red button.[44] There is a sufficiently strong justification to press neither button.[45] Is there a sufficiently strong justification to press the red button (that is, save the lesser number) in *Red/Green No-Conflict*? That there is a sufficiently strong cost-based or ownership-based justification to save the lesser number is just as implausible in this case as it is in *Costly No-Conflict*, but we might wonder whether some further type of justification is available in *Red/Green No-Conflict*. After all, it seems *very* good to press either button. Perhaps there is a sufficiently strong justification to do *A*, even though there is significantly more requiring reason to do *B* than there is to do *A*, when *A* is *good enough*.[46] And perhaps pressing the red button is good enough. There might be cases in which such a *satisficing justification* to do act *A* prevents the fact that there is more requiring reason to do an alternative from making *A* impermissible. But it does not seem plausible that there is a sufficiently strong satisficing justification to press the red button in *Red/Green No-Conflict*, as pressing the red button allows someone to lose a finger gratuitously. More generally, when acts *A* and *B* are perfectly alike but for the fact that *A* allows significant harm gratuitously whereas *B* does not, it seems there cannot be a sufficiently strong satisficing justification to do *A*, no matter how good *A* is.[47] In sum, the requiring and justifying considerations present in *Red/Green No-Conflict* together support the

[44] If a lost finger seems too small a harm, we can instead make it a lost hand or arm. Also note that Kamm 2007 would not count the finger as an "irrelevant good" here, since the people whose lives you can save by pressing the red button are the same as those whose lives you can save by pressing the green button.

[45] If you doubt this, you can retell the case so that pressing either button would cause you even greater agony, serious non-hedonic harm, the destruction of your life projects, and so forth.

[46] An act might be "good enough" in absolute terms or relative to its alternatives. For discussion, see: Thomas Hurka, "Two Kinds of Satisficing," *Philosophical Studies* 59 (1990): 107–111.

[47] If a "good enough" act *just is* an act there is a sufficiently strong justification to do, then act *A* cannot be good enough.

claim that it is impermissible to press the red button and permissible to do nothing. So *Red/Green No-Conflict* appears to support *Impermissible Yet Praiseworthy*. There are further cases.

The practical relevance of this paper would be substantially limited if the only plausible cases of impermissible acts that are overall praiseworthy, and more so than permissible alternatives, involved allowing harm gratuitously out of innumerate smaltruism. In most real-world cases we are unable to help everyone at once; when saving the larger group *precludes* (rather than includes) saving the smaller group, saving the smaller group does not constitute allowing harm gratuitously.[48] Consider two cases that have this feature.

> ***Costless Conflict:*** Three strangers face a deadly threat. You can, at no cost to yourself, save one of them or save the other two. Tragically, you cannot save all three.

> ***Costly Conflict:*** Three strangers face a deadly threat. You can do nothing, sacrifice your legs in a way that would save one stranger, or sacrifice your legs in another way that would save the other two.

The claim that it is impermissible to save the lesser number in *Costless Conflict* is more controversial than the claim that it is impermissible to save a stranger at no cost to yourself instead of saving both that same stranger and another at no cost to yourself.[49] The claim that

[48] See Horton 2017, McMahan 2018, and Sinclair 2018 on charitable giving.

[49] For views according to which you are not required to save the greater number in cases like *Costless Conflict*, see: Elizabeth Anscombe, "Who is Wronged?" *Oxford Review* 5 (1967): 16–17; John Taurek, "Should the Numbers Count?" *Philosophy and Public Affairs* 6 (1977): 293–316; Munoz-Dardé 2005; Tyler Doggett, "Saving the Few," *Noûs* 47 (2013): 302–315. On deciding by lot, see: John Broome, "Fairness," *Proceedings of*

it is impermissible to save the lesser number in *Costly Conflict* is accordingly more controversial than the claim that it is impermissible to save the lesser number in *Costly No-Conflict*. Whereas in *Costly No-Conflict* saving the lesser number constitutes allowing significant harm gratuitously, in *Costly Conflict* saving the lesser number does not constitute allowing significant harm gratuitously. In the latter case, the fact that you would save *that* one stranger at least *significantly* favors saving the lesser number without also favoring any other alternative (particular individuals matter above and beyond the amounts of well-being instantiated in their lives).

Nonetheless, I hold that it is impermissible to save the lesser number in *Costless Conflict*. Since a proper defense of this claim lies beyond the scope of this paper, I will just assert it here. But it is important to observe that we need not claim that what makes it impermissible to save the lesser number in cases like *Costless Conflict* and *Costly Conflict* is that it is impermissible to do *A* when *A* fails to produce the impartially best outcome and there is no sufficiently strong justification to do *A*.[50] Though saving the life of a joyful person may produce a much better outcome than would saving the life of a bored person, it seems you are not required to save the former instead of the latter (at least, assuming their lives are

the Aristotelian Society 91 (1990): 87–101; Ben Bradley, "Saving People and Flipping Coins," *Journal of Ethics and Social Philosophy* 3 (2009): 1–13. For defenses of the popular view that you are required to save the greater number, see: Derek Parfit, "Innumerate Ethics," *Philosophy and Public Affairs* 7 (1978): 285–301; Frances Kamm, *Morality, Mortality, Vol. 1: Death and Whom to Save from It* (New York: Oxford University Press, 1993); T. M. Scanlon, *What We Owe to Each Other* (Cambridge: Harvard University Press, 1998); Michael Otsuka, "Skepticism about saving the greater number," *Philosophy and Public Affairs* 32 (2004): 413–426; Dougherty 2013.

[50] See Sinclair's 2018 response to me (Pummer 2016) and Horton 2017 on this score.

worth continuing and they have serious interests in continuing them).[51] It would also seem you are not required to save the life of the joyful person along with someone else's finger instead of saving the life of the bored person. It is plausible that, when there is a conflict between saving X's life and saving Y's life, adding Z's finger to either side of the scales cannot by itself make it impermissible to save those on the opposite side.[52]

At the same time, I take it that adding Z's *life* to Y's side of the scales *can* make it impermissible to save X's life instead of saving the lives of both Y and Z. What makes it impermissible to save the lesser number in *Costless Conflict* is that there is significantly more requiring reason to save the lives of two people than there is to save the life of one other person, and no sufficiently strong justification to save the lesser number. It seems there is likewise significantly more requiring reason to save the greater number than there is to save the lesser number in *Costly Conflict*. And the claim that there is a sufficiently strong justification to save the lesser number is just as implausible in *Costly Conflict* as it is in previous cases.[53]

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[51] See Doggett 2013 and Frances Kamm, "Aggregation, Allocating Scarce Resources, and the Disabled," *Social Philosophy and Policy* 26 (2009), 148–97.

[52] Recall that in *Red/Green No-Conflict* the red button and the green button save the lives of the *same* people, so the fact that the green button also saves a finger does make it impermissible to press the red button.

[53] There is a potential disanalogy when it comes to satisficing justifications, as in response to the suggestion that there is a sufficiently strong satisficing justification to save the lesser number in *Red/Green No-Conflict* I appealed to the fact that saving the lesser number allows significant harm gratuitously. But it also seems plausible that when acts *A* and *B* are perfectly alike but for the fact that *A* allows strangers Y and Z to die whereas *B* allows stranger X to die, there cannot be a sufficiently strong satisficing justification to do *A*, no matter how good *A* is. This last claim is compatible with the view that it is permissible to save the lives of ten strangers along with X's life instead of saving the lives of ten *different* strangers along with the lives of Y and Z (acts are less alike when they involve saving different people). It is also compatible with the possibility of cases

Like *Costly No-Conflict*, *Costly Conflict* is a case in which it is impermissible to save the lesser number, though permissible to do nothing. But there are two important differences that plausibly make it significantly less blameworthy to save the lesser number in *Costly Conflict* than it is to do so in *Costly No-Conflict*.

First, because in *Costly Conflict* the requiring reason (count noun) to save the one is in conflict with the requiring reasons to save the two, there is less of a shortfall in requiring reason (mass noun) between saving the lesser number and saving the greater number in *Costly Conflict* than there is in *Costly No-Conflict*. Given this, *Blameworthiness* has the plausible implication that it is less blameworthy to save the lesser number in *Costly Conflict* than it is to do so in *Costly No-Conflict*.

Second, while the best sort of motivating reason available for saving the lesser number in *Costly No-Conflict* is that of innumerate altruism—you are moved to *help someone*, but are anonymously indifferent to how many you help—there are better motivating reasons available for saving the lesser number in *Costly Conflict*. The best sort of motivating reason available for saving the lesser number in *Costly Conflict* is what I call "imbalanced altruism." That is, you are moved by the plights of each and indeed moved more by the plights of more, but you are not motivated by an appropriate balance of the plights on each side (that is, you are not motivated in accord with the fact that there is more requiring reason to save the two than there is to save the one). Here you might be moved to *help someone who wouldn't be helped under any other alternative*.[54] Or, better yet, you might step

in which there is a sufficiently strong satisficing justification to do *A*, when *A* and *B* are perfectly alike but for the fact that *A* allows strangers Y and Z to each lose a *finger* whereas *B* allows stranger X to lose a finger (and there is significantly more requiring reason to do *B* than there is to do *A*).

[54] This sort of motivating reason is incompatible with saving the lesser number in no-conflict cases.

inside the shoes of some of those you can help, and be moved to help *them in particular*.[55] Here too, your motivation is anonymous. You are just as likely to save the lesser number in order to help *that one* as you are to save the greater number in order to help *those two*, and on this occasion, you happen to go for the lesser number. Either sort of imbalanced altruism seems a better motivating reason than innumerate altruism. Failing to be motivated by an appropriate balance of the plights on each side does not seem as bad as being *indifferent* to the number of people you can help.

While in *Costly No-Conflict* it does not seem that the praiseworthiness of saving the lesser number is great enough to counterbalance the blameworthiness of doing so, in *Costly Conflict* it *does* seem that the praiseworthiness of saving the lesser number can be great enough to counterbalance the blameworthiness of doing so. The latter case thus appears to support *Impermissible Yet Praiseworthy*. Some further cases appear more compelling still. Consider:

> ***Red/Green Conflict:*** You can do nothing, press a red button thereby saving the lives of ten strangers and saving the life of stranger X, or press a green button thereby saving the lives of these same ten strangers and saving the lives of strangers Y and Z. Pressing either button will also cause you to drop into a fiery pit and die.

As in *Costly Conflict*, it seems there is significantly more requiring reason to save the greater number (press the green button) than there is to save the lesser number (press the red button).

[55] Depending on how you encounter the imperiled strangers—such as whether you can see them—it may be possible to be moved to save the one on the basis of a singular thought about them or their particular plight, such as "Lorraine is drowning." For further discussion, see Setiya 2014 and Philip Pettit, "Love and Its Place in Moral Discourse," in *Love Analyzed*, edited by Roger Lamb (Boulder: Westview Press, 1997), 153–63.

And the reasons offered above in support of the claim that there is no sufficiently strong justification to save the lesser number in *Costly Conflict* likewise support the claim that there is no sufficiently strong justification to save the lesser number in *Red/Green Conflict*. So it is plausible to claim that it is impermissible to press the red button in *Red/Green Conflict*. But, at least assuming your motivating reason is something in the vicinity of imbalanced altruism, it seems plausible that you are overall praiseworthy for pressing the red button, and more so than doing nothing. After all, the blameworthiness of pressing the red button in this case seems no greater than that of saving the lesser number in *Costly Conflict*, while the praiseworthiness of pressing the red button seems considerably greater than that of saving the lesser number in *Costly Conflict*.

Similar remarks apply to the following variant, which could convince those who believe it is permissible to save the lesser number in conflict cases (assuming they agree that there is more requiring reason to save one stranger's life than there is to save another's legs).

> ***Equinumerous Red/Green Conflict:*** You can do nothing, press a red button thereby saving the lives of ten strangers and saving stranger X's legs, or press a green button thereby saving the lives of these same ten strangers and saving stranger Y's life. Pressing either button will also cause you to drop into a fiery pit and die.

In sum, while *Costly No-Conflict* does not provide clear support for *Impermissible Yet Praiseworthy*, it is plausible that a variety of other cases do—including *Costly Conflict*, but perhaps especially *Red/Green No-Conflict*, *Red/Green Conflict*, and *Equinumerous Red/Green Conflict*.

IV. The Limits of Praiseworthiness

In section I, I presented cases in which praiseworthiness appears to attach to impermissible acts. These impermissible acts seem pro tanto praiseworthy, and some seem overall praiseworthy. In sections II and III, I showed how praiseworthiness might come apart from deontic status in the more radical way described by *Impermissible Yet Praiseworthy*—impermissible acts might not only be overall praiseworthy, but more so than permissible alternatives. In this section, I will suggest that there may nonetheless be limits on when impermissible acts can be overall praiseworthy. The holding of such limits would constrain the form that cases picked out by *Impermissible Yet Praiseworthy* can take.

According to the *First Limit*, for an act to be pro tanto praiseworthy, it must meet or exceed what is required.[56] That is, there must be at least as much reason to do this act as there is to do a permissible alternative (you are required to do some or other permissible alternative). In section I, I presented examples of acts that are impermissible and yet seemingly at least pro tanto praiseworthy (in *Gas*, *Vegetarian*, *Flight*, and *Hand*). The *First Limit* implies that such impermissible acts that fall beneath the call of duty are in fact not pro tanto praiseworthy—for example, insofar as in *Flight* you are required to save both strangers, it is not praiseworthy to save just one. The rescue cases discussed in section III are different. Saving the lesser number in cases like *Red/Green No-Conflict*, *Costly Conflict*, and *Red/Green Conflict* is more responsive to the balance of reasons than is required—there is more reason to save the lesser number than there is to permissibly save no one. These cases provide us with acts that in this way go beyond the call of duty, yet are impermissible. The *First Limit* does not imply that these impermissible acts cannot be pro tanto praiseworthy,

[56] We might more extremely claim that, for an act to be pro tanto praiseworthy, it must strictly exceed what is required. This claim conflicts with the intuition (noted in section I) that you are praiseworthy for missing a nonrefundable international flight to take a seriously injured cyclist to the hospital, even though this meets but does not exceed what is required.

and so does not present an obstacle to my argument for *Impermissible Yet Praiseworthy*. Nonetheless, the *First Limit* seems a somewhat stingy view of praiseworthiness in that it implies you could make a very substantial sacrifice in response to very weighty moral reasons and deserve *no praise whatsoever* for this if you still fall a bit short of what there is most moral reason to do.

According to the *Second Limit*, then, for an act to be *overall* praiseworthy, it must meet or exceed what is required. Like the *First Limit*, the *Second Limit* is compatible with the argument I provided for *Impermissible Yet Praiseworthy* (in the rescue cases in section III, the impermissible act of saving the lesser number exceeds what is required). But the *Second Limit* is a less stingy view in that it is compatible with the intuition that you can be at least to *some* extent praiseworthy for making substantial sacrifices in response to moral reasons even if you fall short of what you are required to do—by, for example, saving just one stranger in *Flight*. The *Second Limit* has seemingly plausible implications in other cases as well.

Recall that in *Gas* your only two alternatives are to either do nothing or release a gas that will save three strangers and as a foreseen side effect create fumes that will kill you and a fourth stranger. I take it there is a requiring reason to release the gas, most requiring reason to do nothing, and no sufficiently strong justification to release the gas. *Praiseworthiness* implies that pressing the button is pro tanto praiseworthy, and *Blameworthiness* implies that pressing the button is pro tanto blameworthy. It is plausible that this act's blameworthiness is relevantly greater than its praiseworthiness, and that it is therefore overall blameworthy. But, according to *Praiseworthiness*, holding fixed the requiring reasons to release the gas, it is more praiseworthy to press the button, the greater the cost to you of releasing it. Shouldn't you then be *very* praiseworthy for releasing the gas, given that doing so cost you your life? What if releasing the gas caused you to suffer for many months and then die? The *Second Limit* has the plausible implication that it is *not* overall praiseworthy to release the gas,

regardless of how costly it is for you to do so. Releasing the gas does not meet or exceed what is required, which is to do nothing. There is more reason to do nothing than there is to release the gas.

Nonetheless, it might seem that the *Second Limit* remains too stingy a view of praiseworthiness. After all, it implies that in *Hand* you cannot be overall praiseworthy for saving just the lives of 100 strangers at the cost of losing your hand (because you failed to also save a stranger's finger at the cost of stubbing your toe, which you are required to do). We might have thought that the praiseworthiness of going so far in response to reasons at such a substantial cost to yourself is relevantly greater than the blameworthiness of not making it just a bit farther to level of responsiveness required (meeting the call of duty). Fortunately, there is a third view that accommodates this thought, as well as has the plausible implication that it is not overall praiseworthy to release the gas in *Gas*, regardless of how much this costs you.

According to the *Third Limit*, if *A* is not what there is most reason to do and there is no sufficiently strong justification to do *A*, then, for *A* to be overall praiseworthy, the difference between the reason to do *A* and the reason to do the alternative there is least reason to do must be sufficiently great relative to the difference between the reason to do *A* and the reason to do the alternative there is most reason to do. The basic idea here is that the blameworthiness of *A* for unjustifiably falling short of what there is most reason to do can be counterbalanced by enough praiseworthiness (to render *A* overall praiseworthy) only if *A* rises far enough above what there is least reason to do. The *Third Limit* is compatible with the thought that in *Hand* it is overall praiseworthy to save just the lives of 100 strangers at the cost of losing your hand. The difference between the reason to save the lives of 100 strangers and the reason to do nothing is much greater than the difference between the reason to save

the lives of 100 strangers and the reason to save all 101 (that is, to save the 100 lives *and* save the finger).[57]

The *Third Limit* also has the plausible implication that in *Gas* it is not overall praiseworthy to release the gas, regardless of how much this costs you. The difference between the reason to release the gas and the reason to do the alternative there is least reason to do is zero, since releasing the gas just is the alternative there is least reason to do. Zero cannot be sufficiently great relative to the difference between the reason to release the gas and the reason to do the alternative there is most reason to do (do nothing).

It is not my aim here to defend the *Third Limit*.[58] But if it is correct, it will constrain the general form that cases of the sort picked out by *Impermissible Yet Praiseworthy* can take.

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[57] This seems plausible even if the fact that an act is impermissible itself provides a reason against doing it. For discussion, see: Stephen Darwall, "But It Would Be Wrong," *Social Philosophy and Policy* 27 (2010): 135–57.

[58] In addition to noting that the *Third Limit* has plausible implications in *Hand* and *Gas*, we might think it can be supported by the following rationale: The fact that *A* responds to *a* reason—for example, a reason to save the three by releasing the gas—will not always be enough to render *A overall* praiseworthy, regardless of how costly it is for you to do *A*. It will not be enough when *A* unjustifiably falls short of what there is most requiring reason to do, as then *A* will be more *blameworthy*, the costlier or more difficult it is for you to do *A* than it is to do what you have most requiring reason to do (see, for instance, Nelkin 2016 (368–69)). If scaling up the cost of *A* so amplifies *A*'s blameworthiness, then scaling up the cost of *A* will need to simultaneously amplify its praiseworthiness to a relevantly greater extent, for *A* to be overall praiseworthy. But as *A*'s cost-amplified blameworthiness is based upon a difference between the reason to do *A* and the reason to do the alternative there is most reason to do, it is plausible that the cost-amplified praiseworthiness needed to counterbalance this would similarly be based upon a difference in reason (mass noun)—namely between the reason to do *A* and the reason to do the alternative there is least reason to do. Different precisifications of the *Third Limit* can take different views as to how far above what there is least reason to do *A* needs to rise, for a given shortfall between *A* and what there is most reason to do. Which precisification is correct may depend on the respective rates at which *A*'s praiseworthiness increases and *A*'s blameworthiness increases, as the cost to you of doing *A* is scaled up.

Namely they will have to take something close to the general form of three-alternative cases like those offered above in sections II and III. Here is proof. Assume for reductio that *A* and *B* are the only two alternatives, that *A* is impermissible, that *B* is permissible, and that *A* is overall praiseworthy. For *A* to be impermissible, it must be that there is most requiring reason to do *B*, and no sufficiently strong justification to do *A*. Then, according to the *Third Limit*, *A* is overall praiseworthy only if the difference between the reason to do *A* and the reason to do the alternative there is least reason to do (*A*) is sufficiently great relative to the difference between the reason to do *A* and the reason to do the alternative there is most reason to do (*B*). Since a difference of zero cannot be sufficient (relative to the difference between the reason to do *A* and the reason to do *B*), *A* is not overall praiseworthy. But this contradicts the assumption that *A* is overall praiseworthy. So, we have a case in which impermissible act *A* is overall praiseworthy, and more so than permissible alternative *B*, only when *A* is made impermissible by the presence of a third alternative *C*—that is, when there is more requiring reason to do *C* than there is to do *A* and no sufficiently strong justification to do *A*. According to the *Third Limit*, then, *A* will be overall praiseworthy only if there is more reason to do *A* than there is to do *B* (assuming *B* is the only alternative to *A* besides *C*). And for *B* to remain permissible, there will in turn have to be a sufficiently strong justification to do *B*. Thus, if the *Third Limit* holds, cases of the sort picked out by *Impermissible Yet Praiseworthy* will have something close to the general form of three-alternative cases like those offered above in sections II and III (imagine *A* is "save the lesser number," *B* is "do nothing," and *C* is "save the greater number").

Even if cases of the sort picked out by *Impermissible Yet Praiseworthy* all share the same general form, it is important to observe that they need not all share the same content. Section III looked at cases of innumerate altruism and imbalanced altruism, in which you can do nothing, rescue the few at great cost to yourself, or rescue the many at the same cost to

yourself. To my mind, these are among the most compelling cases of the sort picked out by *Impermissible Yet Praiseworthy* (especially *Red/Green No-Conflict* and *Red/Green Conflict*).[59] But perhaps others will find other cases equally compelling or even more so. Take an example involving promise-keeping: Suppose you have made eleven promises to your business associates. You have a strong requiring reason to keep ten of them, and a significant but relatively weak requiring reason to keep the eleventh. In virtue of some great unexpected cost to you of keeping these promises, there is a sufficiently strong justification not to keep any of them.[60] Now suppose you can do nothing, incur this great cost to keep ten of the promises, or incur this same great cost to keep all eleven. It may well be impermissible yet overall praiseworthy to incur the cost to keep just the ten promises (and more so than doing nothing).[61]

[59] In cases like *Red/Green No-Conflict* and *Red/Green Conflict*, not only is it plausible that saving the lesser number (impermissible) is more praiseworthy overall than doing nothing (permissible), but it might also be plausible that saving the lesser number (impermissible) is *nearly as* praiseworthy overall as saving the greater number (permissible).

[60] Suppose the requiring reason to keep these promises is not defeated by the unexpected cost of keeping them.

[61] Arguably you can also go beyond the call of duty in ways worthy of praise without making any significant sacrifice, as when you do a small kindness or forgive a wrongdoer. But while it could be impermissible to keep fewer promises rather than keep more at no greater cost, it is somewhat hard to see how it could be impermissible to do fewer small kindnesses rather than do more at no greater cost, or to forgive fewer wrongdoers rather than forgive more at no greater cost. This is because while there is significant requiring reason to keep promises, and plausibly significantly more requiring reason to keep more promises than there is to keep fewer, it is far from clear whether there is any significant requiring reason to do small kindnesses or to forgive (or more requiring reason to do more such things). Doing small kindnesses and forgiving are often taken to be paradigm examples of acts there is merely *non-requiring* reason to do. See footnote 26.

V. Implications for Real-World Cases

While it does seem to me that some of the rescue cases explored in section III plausibly are of the form picked out by *Impermissible Yet Praiseworthy*, it is not my primary aim to show this. Instead my main aim has been to defend the plausibility of the claim that there exist *some* cases of this general form, whether or not they are the particular ones I discuss. But the particular cases I have discussed, together with the general framework presented in section II—and supplemented with one or more of the limits of praiseworthiness from section IV—should give readers a good sense of how to construct many additional cases that fit the relevant form. I will conclude with some potential implications for real-world cases.

I have here focused on somewhat idealized examples in an effort to provide a clear and minimally noisy case for *Impermissible Yet Praiseworthy*. There is good reason to believe there are also plenty of real-world cases that are of the sort picked out by *Impermissible Yet Praiseworthy*. Arguably many can be found in the growing literature on "effective altruism."[62] For instance, that literature suggests there are many cases in which the same monetary donation can save at least twice as many lives (if not ten or even a hundred times as many) if given to one charity rather than another. In a sizable subset of those cases, we have no special or personal connection to either charity, or at least no greater such connection to one than the other, and yet because we have already given an awful lot in the past, because we are choosing between such a large donation to one charity and an equally large donation to the other, or because morality turns out to be quite undemanding, we are not

[62] For example, see: Toby Ord, "The Moral Imperative towards Cost-Effectiveness in Global Health," *Centre for Global Development* (2013): www.cgdev.org/content/publications/detail/1427016; William MacAskill, *Doing Good Better: Effective Altruism and a Radical New Way to Make a Difference* (London: Faber & Faber, 2015); *Effective Altruism: Philosophical Issues*, edited by Hilary Greaves and Theron Pummer (Oxford: Oxford University Press, 2019).

required to make the donation in question. Although ineffective charitable giving is often attributable to ignorance of relevant cost-effectiveness differences, it is also often attributable to a degree of innumerate or imbalanced altruism on our part. Such cases of ineffective giving may be relevantly analogous to *Costly Conflict*, in that there is a sufficiently strong cost-based justification for doing nothing, and yet saving the lives of *n* strangers at cost C is impermissible given that we can instead save the lives of at least 2*n* different strangers at cost C.[63] Although I have here focused on saving more or fewer lives, effective altruism is about appropriate responsiveness not only to the number of individuals we can help, but also to the degree to which we can help individuals and the probability our acts will actually help them. And giving to charity is but one relevant sort of real-world case—others may include volunteering, choosing a career, or fighting humanitarian wars.[64] To be sure, there are many significant disanalogies between these real-world cases and idealized ones like *Costly Conflict*.[65] Here is not the place to argue that these potential disanalogies do not make inapt the intended analogy.

To the extent that such an analogy holds, there are many real-world cases of impermissible altruism that is more praiseworthy overall than permissible and blameless non-

[63] As suggested earlier (in footnote 53), *perhaps* when the ratio difference between non-overlapping groups is fairly small it is permissible to save the smaller group instead of saving the larger group (for example, saving 11 strangers rather than 12 different strangers, or 99 rather than 100).

[64] On this last sort of case, see: Victor Tadros, "Unjust Wars Worth Fighting For," *Journal of Practical Ethics* 4 (2016): 52–80; Kieran Oberman, "War and Poverty," *Philosophical Studies* 176 (2019): 197–217.

[65] See, for instance: Sinclair 2018; Woollard 2015; Kamm 2007; Caspar Hare, "Obligations to Merely Statistical People," *The Journal of Philosophy* 109 (2012): 378–390; Andreas Mogensen, "The Callousness Objection," in Greaves and Pummer 2019, 227–240; my paper co-authored with Roger Crisp, "Rescue and Personal Involvement: A Response to Woollard," *Analysis* 80 (2020): 59–66; and my book *The Rules of Rescue: Cost, Distance, and Effective Altruism* (New York: Oxford University Press, under contract).

altruism. When we find ourselves engaged in such impermissible altruism, we should not focus entirely on our conduct's negative aspect, and not only because of the counterproductivity of doing so. Our conduct is not only overall praiseworthy, but (considerably) more so than the permissible non-altruism of many others. At the same time, we should not lose sight of the fact that our conduct is impermissible, and has a blameworthy aspect. The ideally appropriate response to such impermissible altruism is mixed, a proportionate reflection of both the praiseworthy as well as blameworthy aspects of our conduct. When such an ideal response is impossible, or psychologically infeasible, we may have to navigate between under-blaming ourselves and under-praising ourselves. When it comes to our responses to the impermissible yet praiseworthy altruism of others, these matters are arguably more delicate still.[66]

[66] On asymmetries between self-blame and other-blame, see: Dana Nelkin, "How Much to Blame?: An Asymmetry in the Norms of Self-Blame and Other-Blame" (unpublished).