**Supererogation and Consequentialism**

**Abstract**

The thought that acts of supererogation exist presents a challenge to all normative ethical theories. This chapter will provide an overview of the consequentialist responses to this challenge. I will begin by explaining the problem that supererogation presents for consequentialism. I will then explore consequentialist attempts to deny the existence of acts of supererogation. Next, I will examine a range of act consequentialist attempts to accommodate supererogation: including satisficing consequentialism, dual-ranking act consequentialism and an anti-rationalist form of consequentialism. Finally, I will explore how indirect consequentialists have responded to this problem. Throughout the chapter, I will argue that in responding to the challenge of supererogation, consequentialists must choose between a more theoretically satisfying version of consequentialism and a form of consequentialism that is better able to accommodate our everyday moral intuitions and concepts.

KEYWORDS: Anti-Rationalism, Consequentialism, Commonsense Consequentialism, Dual-Ranking Consequentialism, Indirect Consequentialism, Maximising Consequentialism, Moral Obligation, Supererogation

**Introduction**

It is a recognizable feature of commonsense morality that some actions are supererogatory or beyond the call of duty. J. O. Urmson (1958) is credited with opening the contemporary discussion of the concept of supererogation in moral philosophy.[[1]](#footnote-1) Urmson argued that for a normative moral theory to be acceptable it must make room for supererogation. He gave the following example to support this claim:

We may imagine a squad of soldiers to be practising the throwing of live hand grenades; a grenade slips from the hand of one of them and rolls on the ground near the squad; one of them sacrifices his life by throwing himself on the grenade and protecting his comrades with his own body (1958 p.63).

The soldier has clearly acted in a way that is morally good. However, his act should not be considered morally required. This gives us reason to accept that there are some acts that are morally good but that are not morally required.

According to Urmson, the existence of acts of supererogation present a challenge for normative ethical theories. In order to be plausible, these theories should be able to accommodate this feature of common sense morality. However, Urmson claimed that there is no straightforward way for any of the major normative theories of his time (Kantianism, consequentialism and Moorean intuitionism) to accommodate supererogation. Nevertheless, Urmson (1958: 72) did hold that of the three, consequentialism was the best placed to do so.

Rather than investigating Urmson’s claim about the comparative advantages of consequentialism here, this chapter will examine the comparative merits of the different responses that consequentialists have made to this problem. I will begin, in Section One, by explaining the problem that supererogation raises for consequentialism. I will then, in Section Two, explore consequentialist attempts to deny the existence of acts of supererogation. Next, I will examine a range of act consequentialist solutions to the problem. In Section Three I will explore the satisficing consequentialist response to the problem. Then, in Section Four, I will investigate the response to the problem offered by dual-ranking consequentialism. In Section Five, I will look at a solution to the problem that involves reinterpreting supererogation. Finally, in Section Six, I will explore how indirect consequentialists have responded to this problem. I will argue that in responding to the challenge of supererogation, consequentialists must choose between a more theoretically satisfying version of consequentialism and a form of consequentialism that is better able to accommodate our everyday moral intuitions and concepts.

**1. The Problem for Consequentialism**

According to consequentialists, whether or not an act is right or wrong is determined solely by the comparative value of that action’s consequences compared to the alternative acts available. This broad definition leaves a range of important issues open. Most importantly, we need an account of how we determine which consequences are better than others. The most important question for present purposes arises once a way of ranking of consequences has been determined. Assuming such a ranking, how do we decide which acts are morally permissible and which acts are morally wrong?

The most straightforward answer to this question is the following:

*Maximising Consequentialism*: It is permissible for an agent A to perform act φ at time *t* if and only if there is no other act that A could perform at t that would bring about better consequences than φ.

In other words, at any given time the only act that is permissible from the acts that are available is the one that would bring about the best consequences. Or in the case where two or more acts are tied for first place, then all and only those actions ranked in first place are permissible.

However, while this account offers a straightforward account of the connection between the evaluation of consequences and moral permissibility, it faces clear problems in accommodating acts of supererogation. To show why, I will first clarify exactly how the term supererogation should be understood. First, supererogatory acts are permissible to perform or omit. Consider the soldier in Urmson’s example. He is permitted to act in this heroic way but it would also be permissible for him not to do so. We can formulate this point in the following way:

*Morally Optional*: If an act φ is supererogatory, φ is morally permissible, but φ is not morally required. [[2]](#footnote-2)

Maximizing consequentialism can accommodate this aspect of supererogation. If there are two or more acts that are tied for first place in the rankings for the best consequences then it will be permissible to perform either act. Both acts then are, in a sense, morally optional.

However, being morally optional is not sufficient for an act to be supererogatory. Imagine that I am buying an ice-cream in a café and have to choose between two flavors I like equally and my choice will not impact on anyone else. It is morally optional for me to choose either flavor but neither choice would be supererogatory. What is missing from this example that means that neither act is supererogatory is that neither is better than the other from the moral point of view. In contrast, when we consider Urmson’s example, the soldier can choose between two permissible options (jumping on the grenade or standing still) but one of these options is morally better than the other. In order for an act to be supererogatory then, it must also meet the following condition:

*Morally Better*: If an act φ is supererogatory, φ is morally better than at least one other morally permissible alternative.[[3]](#footnote-3)

A supererogatory act then is one that it is permissible both to perform and to omit and the performance of which is better than some other permissible alternative.

Maximizing consequentialism cannot accommodate this aspect of supererogation. The reason for this is that an act is only permissible according to maximizing consequentialism if there are no other available acts that would have better consequences. Or to put it another way, an act is only permissible if there are no other acts available to the agent that it would be morally better to perform*.[[4]](#footnote-4)*

We can now see the problem that consequentialism faces in accommodating supererogation. According to consequentialism, the moral status of an action is fully determined by its consequences. Once consequentialists have provided an account of how the consequences of the various acts we could perform are to be ranked, they must then provide an account of how this ranking translates to moral concepts such as obligation, permissibility, wrongness and indeed supererogation. The most straightforward answer is maximizing consequentialism, according to which the only permissible acts are those that bring about the best consequences. However, this view leaves no room for actions that are morally better than another permissible action. There is then, no way for this view to accommodate supererogation.

This leaves the consequentialist with two options. First, bite the bullet and accept that their view cannot accommodate supererogation. Those who take this path typically seek to argue that denying the existence of supererogation is not as problematic as it may initially appear. Alternatively, find an alternative account of the connection between the evaluative ranking of actions and moral concepts such as obligation, permissibility, wrongness and supererogation. I will first consider arguments from those who take the first option before considering a range of different approaches to the second.

**2. Rejecting Supererogation**

The most straightforward response that consequentialists can make to this problem is to reject the claim that acts of supererogation exist. This approach is endorsed by consequentialists such as Fred Feldman (1986) and Shelly Kagan (1989) who argue that we ought to always do the best we can from the moral point of view. As discussed in the previous section, if we accept that we ought always to do what is morally best then this leaves no room for acts that are beyond the call of duty.

The advantage of this response is that it does not require the consequentialist to compromise their position. The disadvantage is that this response offers an account of morality which many will view as over demanding and which leaves no room for acts of supererogation. Kagan and Feldman offer a number of interesting responses to the counter intuitive implications of their views, in particular to the claim that such views are too demanding (for a discussion of the demandingness of consequentialism see Sobel, this volume). In my view, these arguments should be assessed alongside an assessment of the plausibility of the views as a whole. I will not then explore them in detail here. It is worth noting though, that Kagan (1984) provides a number of responses to arguments that Heyd (1982) offers in support of the claim that acts of supererogation exist. Consequentialists might also draw on the arguments that others have made against the existence of acts of supererogation in order to support this approach (see Archer 2018:1-4 for an overview).

A specifically consequentialist rationale for rejecting the existence of acts of supererogation is offered by Alastair Norcross (1997) who claims that consequentialists cannot give a satisfactory account of moral terms such as rightness, wrongness, goodness, duty and permission and so should remove them from their moral lexicon. Instead, Norcross (1997) argues that consequentialists should talk only of alternative states of affairs as being better or worse.[[5]](#footnote-5) Norcross (2006: 44)claims that this scalar consequentialism has an advantage over non-scalar forms of consequentialism when it comes to the problem of supererogation. Admittedly, scalar consequentialism will have to eliminate the concept of supererogation along with the concept of duty. If there are no duties then there can be no acts that go beyond those duties. However, the scalar consequentialist can accommodate the intuitions that would push us to accept the existence of acts of supererogation by explaining these, “in terms of actions that are considerably better than what would be expected of a reasonably decent person in the circumstances,” (Norcross 2006: 44). A maximizing consequentialist would have to claim that people have a *duty* to do what is best and as a result that this is demanded of them. Scalar consequentialism, on the other hand, does not demand any one course of action and so can allow that the best available act is not demanded of us.

Like the views of Kagan and Feldman, Norcross’ view proposes a restructuring of our moral lives. However, rather than claiming that moral obligations are more radically demanding than we think, Norcross claims that morality does not involve any obligations at all. While we can evaluate alternative acts as better or worse, a scalar consequentialist will never translate this into a deontic judgement of obligation, wrongness or permissibility. It is worth noting just how radical this view is. These concepts play an important role in our ordinary moral discourse. We might find it hard to imagine what our moral practices would look like without these concepts. More importantly, we might think that such practices would be impoverished in comparison to moral practices that can make room for these concepts (McElwee 2010a). Moreover, we may find it strange that moral philosophers would end up with a more restricted moral vocabulary than commonsense morality (McElwee 2010a: 314)

Moreover, there seem to be specifically consequentialist reasons to worry about this approach. As Gerald Lang (2013) notes, the evaluative assessments that consequentialists typically endorse are plausibly seen as generating reasons for action, which in turn are plausibly see as generating obligations. Similarly, as Katarzyna de Lazari-Radek and Peter Singer (2014: 334) note, the question of what we ought to do was viewed as the fundamental ethical question in one of consequentialism’s foundational works, Henry Sidgwick’s *The Methods of Ethics* (1907). It is fair to say that none of these points provide decisive arguments against scalar consequentialism. Like Kagan and Feldman’s views, the only way to fairly assess this view is to evaluate the view’s radical implications in comparison with the plausibility of the arguments offered in favor of it.

In this section we have examined one consequentialist response to the problem of supererogation, which is to reject the claim that such acts exist. The advantage of this response is clear: it does not require the consequentialist to compromise their position. They can maintain that it is consequences alone that matter morally and so the right thing to do is whatever brings about the best consequences. The disadvantage of this view though is just as clear: denying the existence of supererogation denies a recognizable feature of our moral lives and will strike many as unacceptably counter intuitive. This problem, we might think, only gets worse if we respond by seeking to eliminate our other deontic concepts as well. This response does well in terms of theoretical purity then but fares poorly in terms of accommodating important features of our practices.

**3. Satisficing Consequentialism**

How else might consequentialists respond to the problem of supererogation? The obvious approach to pursue next is to look to ways of reformulating consequentialism so that it is compatible with the existence of acts of supererogation. The remainder of this chapter will investigate several such proposals.

The first proposal I will examine is satisficing consequentialism. Michael Slote (1985) proposes a form of consequentialism according to which it is morally acceptable to act in a way that is merely ‘good enough’ rather than performing the best act available. Good enough here should be understood in relation to the consequences of the other available actions (Slote 1984: 155). This gives us the following account:

*Satisficing Consequentialism*: It is permissible for an agent A to perform act φ at time *t* if and only if the consequences of φ-ing are sufficiently good in comparison to the consequences of the other acts that A could perform at *t.*

Slote argues that this view looks plausible when we consider the following example:

A warrior has fought meritoriously and died in a good cause, and the gods wish to grant him a single wish for those he leaves behind, before he enters Paradise and ceases to be concerned with his previous life. Presented with such an opportunity, may not the warrior wish for his family to be comfortably well off forever after? And will we from a common-sense standpoint consider him to have acted wrongly or non-benevolently towards his family because he (presumably knowingly) rejected an expectably better lot for them in favor of what was simply good enough? Surely not. (1984: 150-151).

If we accept that it is acceptable for the warrior to choose a ‘good enough’ option here then this suggests that there is no need to choose the best available act; it is enough to choose an option that is merely ‘good enough’.

This view has a clear advantage over maximizing consequentialism when it comes to accommodating supererogation. As Slote (1985: 53) points out, if we accept that a moral agent is only morally required to do what is ‘good enough’ then this opens up space for the possibility of acts that are morally better than the minimum that is required. If Act A is the best act available and Act B merely ‘good enough’ then act A will be better than the minimum that is required. On a satisficing view, then, there is nothing puzzling about the existence of supererogatory acts.

Moreover, Slote takes this view to follow from how we should think about practical reasons more generally. Suppose, for example, someone is selling her house and decides in advance what an acceptable offer would be based on what she paid for it, what her new house will cost and what similar houses in the area are selling for. According to Slote, it is perfectly rational for this agent to accept the first offer that meets this amount. There is no requirement of practical reason that the agent seeks to obtain the most money possible in this situation. It is important to point out that on Slote’s (1985: 38) view this is the case even if the agent knows that she could get a better offer. While some might be tempted to accept a satisficing strategy as a rational decision procedure, Slote’s view is more radical. Slote defends satisficing as a criterion of the rightness of actions. This means that even when the agent knows that a better option is available, she is perfectly justified in choosing an option that is merely ‘good enough’.

Such a view faces an obvious question: how can we decide whether the consequences of an action are good enough in comparison to the alternatives? In the absence of a decision procedure here, the view may be seen as incapable of guiding our actions. Setting this worry to one side, the more important problem for our purposes are the problematic counter examples the view faces. Consider the following case, given by Tim Mulgan:

*The Magic Game:* Achilles is locked in a room, with a single door. In front of him is a computer screen, with a number on it (call it n), and a numerical keypad. Achilles knows that n is the number of people who are living below the poverty line. He also knows that, as soon as he enters a number into the computer, that any people will be raised above the poverty line (at no cost to Achilles) and the door will open. There is no other way of opening the door. Because of the mechanics of the machine, any door-opening number takes as much time and effort to enter (negligible) as any other.

Achilles enters a number (p) which, although fairly large, is significantly less than n. We ask him why he opted not to raise a further n-p people above the poverty line. He replies that he is a Satisficing Consequentialist who thinks that saving p people from poverty in one day is ‘good enough’. He thus sees no reason to save more people, and doesn’t think he’s done anything wrong. (1993: 125).

According to Slote’s view, there will be some value of p that would make it morally permissible to choose p over n. If this is the case then choosing n is supererogatory, as it is morally better than the minimally permissible option. This is a strange result, given that it would have been just as easy to save the larger number of people. There seems little justification for Achilles to choose the lower number.[[6]](#footnote-6)

Another problem with ethical satisficing is that it rests on controversial commitments about the nature of practical reasoning. It is fair to say that many are far from convinced by Slote’s claim that deliberately choosing a ‘good enough’ option when a better option is available at no cost whatsoever is rationally justified. For instance, Philip Pettit (1985: 12)argues that when an agent is choosing between two available options and evaluates one better than the other, then claiming that the lesser option is ‘good enough’ is no justification for choosing it when a better option is available. Pettit is far from alone in finding rational satisficing puzzling or incoherent.[[7]](#footnote-7) Given that rational satisficing is such a controversial view of practical reasoning it may well seem preferable for consequentialists to find a different way to respond to the problem of supererogation.

Of course, there is no need for a satisficing consequentialist to commit herself to satisficing more generally. It is perfectly coherent to claim that in morality it is permissible to do only what is ‘good enough’ while when it comes to practical reason more generally agents ought to maximize. Nevertheless, without the appeal to rational satisficing, we are left without a clear rationale for accepting satisficing in the moral domain beyond the fact that the view is compatible with the existence of acts of supererogation.[[8]](#footnote-8)

In summary, satisficing consequentialism does a good job of accommodating supererogation and making sense of this aspect of our moral practices. However, it does this by appealing to a controversial view of practical rationality that many reject. It could be endorsed without appealing to this view but this is theoretically unsatisfying, as we are left without a clear rationale for accepting a satisficing version of consequentialism.

**4. Dual-ranking Consequentialism**

So far we have examined two consequentialist responses to the problem of supererogation. Rejecting supererogation has theoretical appeal as it allows the consequentialist to hold on to the most straightforward version of the view. However, in doing so it denies a familiar feature of moral lives and so is likely to strike many as unacceptably counter intuitive. Satisficing consequentialism on the other hand can accommodate this feature of our moral lives but it does so in a theoretically unsatisfying way. Where should a consequentialist look next for a solution to the problem? The ideal would be to find a theoretically satisfying way of accommodating supererogation. In this section we will examine an approach that aims to achieve this ideal: Dual-ranking Consequentialism.

The starting thought behind this approach is that there is a limit to the extent to which morality can demand that we sacrifice our own self-interest in order to promote what would be good from an impartial point of view. As Samuel Scheffler puts the point:

It is a basic tenet of our commonsense moral outlook that we are justified in devoting some disproportionate degree of attention to our own basic interests, where these are construed as including our fundamental human needs as well as the major activities and commitments around which our lives are organized. (1992: 122).

There is a long history of this thought being used to ground an objection against consequentialism.[[9]](#footnote-9) If consequentialism demands that we perform the act that would bring about the best consequences then there seems little room for prioritizing our own self-interested concerns, unless we are in the fortunate position of these coinciding with what would be morally best.

However, dual-ranking consequentialists argue that the right response to this thought is not to reject consequentialism but to reform it. We can do so by holding that there are two independent scales by which to evaluate actions. The first evaluates acts from the point of view of moral reasons and the second from the point of view of the other reasons that an agent has for acting. We could then hold that the moral permissibility of an action is not determined by moral reasons alone but is also partially determined by an agent’s non-moral reasons. Portmore has proposed the following version of this view (though as we shall see he no longer holds this position):

*Dual-Ranking Act Consequentialism:* S’s performing *x* is morally permissible if and only if, and because, there is no available act alternative that would produce an outcome that S has both more moral reason and more reason, all things considered, to want to obtain than to want *x*’s outcome to obtain. (2011: 118).[[10]](#footnote-10)

In other words, the moral permissibility of an act is not fully determined by moral reasons. An act A may be the morally best act available but if the best act all things considered (taking an agent’s moral and non-moral reasons into account) is act B then the agent has a choice about whether to perform A or B.

Why think though that moral permissibility could be partially determined by some reasons that do not count as moral reasons? Portmore (2011: 123) responds to this question by making the following distinction:

*Moral Reasons:* Reasons that, morally speaking, counts in favor of, or against, performing some action.

*Morally Relevant Reasons:* Any reason that is relevant to determining an act’s moral status.

This distinction opens up the possibility that reasons may serve to morally justify a course of action without morally favoring that act. As Portmore (2011: 122) points out, if non-moral reasons are capable of playing this moral justificatory role then this means that moral reasons are not morally overriding. On this view moral reasons do not fully determine the moral status of acts. Portmore supports this claim by appealing to the following cases:

*Fiona’s Choice Version 1:* Fiona is about to transfer the balance of her savings account to her current account. She must do this if she is to purchase a new home, and she can do this simply by clicking on a button TRANSFER. Alternatively, if she clicks on a button DONATE, her savings will be transferred, to Oxfam, providing various strangers in the Third World with some considerable benefit. (Paraphrased from Portmore 2011: 125).

Portmore argues that those who want to deny that Fiona has an obligation in this case should accept that this is because the non-moral reasons are playing a morally justifying role. This can be seen clearly by comparing it to the following case:

*Fiona’s Choice Version 2:* Fiona is in the same position as before except in, in this case, if she clicks the button she will lose no money of her own. Instead a philanthropist has agreed to transfer an equivalent sum of his own money to Oxfam. Whichever button she presses, Fiona will purchase her new home, but, by clicking on DONATE, she will also secure a considerable benefit for various others. (Paraphrased from Portmore 2011: 125).

In this case Portmore claims it seems reasonable to think that Fiona is obliged to press DONATE rather than TRANSFER. The reason for the difference is that there are no non-moral reasons that count against pressing DONATE.

Once we accept that non-moral reasons are capable of playing this moral justificatory role then providing an explanation for supererogation is simple (Portmore 2011: 131-136). Suppose an agent has to choose between two available acts, A and B. The moral reasons speak in favor of performing act A, while the non-moral reasons speak in favor of performing act B. Now we can see that if the non-moral reasons are of sufficient moral justificatory force then act A will not be required but will be morally better than another permissible act, act B. We can see, then, that dual-ranking consequentialism can successfully explain the possibility of acts of supererogation. This view has a clear advantage over maximizing consequentialism, as it is able to accommodate the existence of acts of supererogation.

Dual-ranking consequentialism also manages to accommodate the existence of acts of supererogation in a more theoretically satisfying way than satisficing consequentialism. While the theoretical justification for satisficing consequentialism relies on a controversial view of practical rationality, dual-ranking consequentialism presents an intuitively compelling picture of what makes an act supererogatory rather than obligatory. As we have seen, one thought that seems to motivate those who seek to account for the supererogatory is that unless we make room for these acts we risk presenting an unattractive picture of the good life in which morality takes precedence over all other concerns. Dual-ranking consequentialism fits nicely with this thought, as these are acts that would have been obligatory were it not for the non-moral reasons that count against their performance.

However, it should be noted that dual-ranking consequentialism is somewhat less theoretically satisfying than maximizing consequentialism. As Portmore (2011: 119) concedes, “the move from a single-ranking to a dual-ranking structure is not motivated by any axiological intuitions – that is not motivated our intuitions about which outcomes agents ought to prefer.” Consequentialists must decide whether this loss in theoretical purity is made up for by the ability to accommodate an important feature of our moral practice.

Another worry that has been raised against dual-ranking consequentialism is that it can only accomodate acts of supererogation that would have been obligatory were it not for the levels of sacrifice involved for the agent. We might worry that not all cases of supererogation are like this. This point is made by Ferry (2013: 580), who points out that there may be plausible cases of supererogation that are not opposed by non-moral reasons. Ferry supports this with the following example:

*Gift for Friend:* You see a book on sale and decide to buy it for a friend. If you buy the book it will bring joy to your friend and the pleasure of giving an unexpected gift will also bring joy to you. (Paraphrased from Ferry 2013 p.580).

The reason that Ferry takes this example to be problematic for Portmore’s account is that this seems to be a case where both the moral and non-moral reasons speak in favor of performing the act. As a result, it looks as if dual-ranking consequentialism would have to class this act as morally required.

A related problem for dual-ranking consequentialism concerns cases where an agent must make a choice between two trivially different options where one option is slightly better than the other. Suikkanen (2014 285-286) raises this objection with an example of a couple who must choose between watching one of two television shows. They enjoy both but they would each get a little more pleasure from watching one of them rather than the other.[[11]](#footnote-11) Again, dual-ranking consequentialism is committed to holding that it is morally required for both people to choose the show that will bring about more pleasure, as this will be both morally preferable (more pleasure overall) and preferable from the point of view of self-interest.

Portmore’s (2011) response to these objections, is to abandon dual-ranking consequentialism in favour of what he calls commonsense consequentialism. There are many more elements to this view than I have the space to do justice to here. The most important difference for my purposes is that with this view Portmore (2011 p.135) accepts the existence of moral reasons that have favouring or enticing strength but no morally requiring strength.[[12]](#footnote-12) This allows a simple response to Suikkanen’s example, as the reasons in favour of watching a particular show may be enticing reasons and so would not generate a moral requirement to watch a particular show. It is not obvious however, how a consequentialist could explain the existence of two different kinds of moral reason, some which have requiring strength and some that do not. One account that has been offered for the existence of two different kinds of moral reasons is offered by Jamie Dreier (2004). He suggests that there may be more than one moral point of view. Reasons stemming from justice may have requiring force while those based in beneficence may not (Dreier 2004: 149).[[13]](#footnote-13) While this response makes sense if we accept a pluralist approach to morality, it is not clear how a consequentialist could reconcile such a view with their commitment to the moral status of actions being fully determined by their consequences. This is not to say that such a view is incompatible with consequentialism but a consequentialist wishing to accept the existence of two different kinds of moral reasons certainly needs to provide some kind of consequentialism-friendly explanation for this divide.

Another objection to the dual-ranking consequentialist solution to the problem is based upon the testimony of those who perform acts of supererogation, who often claim that they would have been unable to live with themselves if they had not acted as they did. Many also report feeling a rewarding sense of inner satisfaction after performing these actions (Archer 2016b). If those who acted in this way would have been unable to forgive themselves had they acted differently, then we might think that acting in this way was not just what the agent had most moral reason to do but also what they had most reason all things considered to do. This is problematic for dual-ranking consequentialism, as it is committed to saying that if this were the case then these acts are required for these agents. This would be an odd result, as it would in effect be committed to claiming that these acts would be required from these agents but would not be required for agents who would not feel satisfied if they acted in this way or guilty if they acted differently. As I have put the point elsewhere, “Effectively, then, the other’s less developed moral conscience gets her off the hook from these more demanding obligations.”(Archer 2016b: 345). This need not be a devastating objection, as there are those who embrace this conclusion (eg. Flescher 2003: 115 and Dougherty 2017).[[14]](#footnote-14) Nevertheless, in the absence of an explanation for this, it does seem like a strange upshot of the view.

To sum up, dual-ranking consequentialism manages to accommodate the existence of acts of supererogation in a more theoretically satisfying way than satisficing consequentialism. However, it remains a less theoretically satisfying account of this connection than the straightforward account provided by maximizing consequentialism. In addition, dual-ranking consequentialism is committed to the claim that all acts of supererogation involve agential sacrifice, which faces a number of apparent counter examples.

**5. Reinterpreting Supererogation**

Dale Dorsey (2016) provides an alternative consequentialist response to the problem of supererogation. Dorsey’s solution to the problem involves rejecting the definition of supererogation that I outlined in Section One and which all of the accounts we have looked at so far have accepted. Instead of seeing supererogatory acts as *morally* optional and morally better than another *morally* permissible action, Dorsey claims that supererogatory acts are *rationally* optional and morally better another *rationally* permissible action. This means that supererogatory acts are those that meet the following conditions:

*Permissible not Required II*: If an act φ is supererogatory, φ is rationally permissible, but is not rationally required.

*Morally Good II*: If an act φ is supererogatory, φ is *especially* morally good or meritorious in comparison to other rationally permissible actions. (Dorsey 2016: 127)

In order to understand Dorsey’s proposal we must first examine what Dorsey means by ‘rational requirement’. Dorsey explains his use of the term in the following way:

[T]here are many different sorts of requirements – not just moral – that I face. I face legal requirements, prudential requirements, requirements of etiquette, requirements of my neighbourhood association. Sometimes these requirements will conflict. But in cases of conflict, it seems natural to ask ourselves what we ought to do really, or all-things-considered. More generally, in the case of conflicting requirements, how should I live? For the sake of brevity, I will refer to this ‘all-things-considered’ requirement, which is distinct from, e.g., moral, legal or prudential requirements, as the ‘rational’ requirement, or rational ‘ought’. (2013: 369)

By rational requirements then, Dorsey is referring to all-things-considered normative requirements.

An advantage of this view is that it is compatible with, though does not entail, a maximising consequentialist account of moral requirements (Dorsey 2016: 127). Dorsey’s account of supererogation allows us to say both that acts of supererogation exist and that *morally* obligatory acts are those that are best supported by moral reasons. It is the *rationally* obligatory acts that can be morally surpassed. This account, then, can retain the theoretically satisfying way in which maximising consequentialists outline the connection between moral reasons and moral obligations. Dorsey also claims that this response to the problem does better than its rivals at handling cases of supererogation that would have been obligatory were it not for the fact that they require a non-trivial sacrifice on the part of the agent.[[15]](#footnote-15)

Moreover, unlike the maximising consequentialism, Dorsey’s account provides us with a way of accommodating the intuitive appeal of the claim that acts of supererogation exist. Dorsey’s view allows us to say that Urmson’s soldier went beyond the call of duty. It is just that the duty being referred to here is not a *moral* duty but an *all things considered normative* duty (2016: 128). On initial appearances then, it appears that Dorsey’s solution offers us a way of capturing both the theoretical appeal of maximising consequentialism and the intuitive appeal of the claim that acts of supererogation exist.

One objection that Dorsey (2016: 129) considers against his view is that it doesn’t really accommodate the intuitive appeal of the claim that acts of supererogation exist. Instead, it simply identifies some other class of acts and shows that they exist. In response, Dorsey claims that while he takes himself to have provided a plausible analysis of supererogation, it is not a major problem for his view if his account is not seen as a plausible view of the concept. In this case he can simply claim to have provided an analysis of another concept, which he terms the superdupererogatory, which is compatible with his view and that captures everything that an account of supererogation should capture, namely: “actions about which we would say ‘hey, you didn’t have to do that;’ ‘that went above and beyond;’ and so forth.” (Dorsey 2016: 129).

However, as I have argued elsewhere (Archer 2016c: 186), while Dorsey’s account can make room for the existence of such acts, it does not do so in a way that fits with the way in which this phrase is used in our ordinary normative discourse. Admittedly, it is plausible to think that the concept of a rational requirement is a recognisable part of our normative discourse. It seems this concept is being appealed to when people make utterances like, “You must go to the dentist,’ or “You must take your eat more healthily.” However, it is implausible to claim that it is this concept that is being picked out by the term ‘duty’. This can be seen if we substitute ‘have a duty to’ for ‘must’ in the previous utterances to read: ‘You have a duty to do your homework’ and ‘You have a duty to take your medicine.’ This substitution seems to change the meaning between the two sentences, at least if we took the original utterances to refer to rational requirements. The new utterances suggest a moral requirement not a rational requirement. This means that Dorsey’s account does not provide a plausible analysis of what is meant by the ordinary language phrase ‘beyond the call of duty’. This is not in itself a devastating objection, particularly not to his main aim of defending an anti-rationalist account of morality’s authority. However, it does give us reason to question how successful this account really is in capturing the intuitions that push us towards accepting the claim that acts of supererogation exist.

**6. Indirect Consequentialism**

I have considered three ways in which consequentialists have sought to provide an account of the connection between the moral requirements and moral reasons that is able to make room for acts of supererogation. All of these accounts have shared the view that consequentialists should be directly linked to the consequences that will be brought about by the various acts an agent could perform at a particular time. In other words, they have all accepted that moral requirements are directly linked to the moral reasons an agent has to perform an act. I will now consider an alternative way in which consequentialists have sought to explain the connection between moral reasons and moral requirements: indirect consequentialism.

Before doing so it is worth explaining the difference between direct and indirect consequentialism. Walter Sinnott-Armstrong (2015) explains the distinction in the following way:  “A direct consequentialist holds that the moral qualities of something depend only on the consequences of that very thing. […]In contrast, an indirect consequentialist holds that the moral qualities of something depend on the consequences of something else.” A direct act consequentialism then holds that the moral permissibility of an act depends on the consequences of performing that act. An indirect consequentialist on the other hand, holds that the permissibility of performing an act depends not on the consequences of performing that act but on the consequences of something else. The obvious question this prompts is: what could this something else be?

The most popular answer to this question is the one given by rule consequentialists (see Hooker, this volume). According to rule consequentialism, the moral permissibility of an act is determined by whether or not the act is permitted by the set of rules that would bring about the best consequences. An act’s moral permissibility is not determined by the consequences of an act but by the consequences of a set of rules being generally accepted. Brad Hooker, for example, defends the following form of rule consequentialism:

*Rule Consequentialism:* An act is wrong if it is forbidden by the code of rules whose internalization by the overwhelming majority of everyone everywhere in each new generation has maximum expected value in terms of well-being (with some priority for the worst off). The calculation of a code’s expected value includes all the costs of getting the code internalized. (2000: 32).[[16]](#footnote-16)

This view can solve the problem of supererogation if we accept that the optimal set of rules will not demand that people always perform the act with the best consequences. Given that such a demanding set of rules might have high internalization costs (Hooker 2000: 78), it is reasonable to think that an alternative code would have better consequences. It is also reasonable to think that an optimal set of rules would also make it permissible and commendable, at least in some circumstances, to perform an act that would have better consequences than the act that is required. This means that rule consequentialism can make room for acts that are morally better than the minimum that morality demands.

Another indirect consequentialist approach is suggested by Ferry (2013) who begins by noting that in *Utilitarianism*, John Stuart Mill (1861, 2001: 48-49) claimed that the concept of moral wrongness is conceptually tied to sanction. When we say that an action is morally wrong what we mean is that the agent can be compelled to perform it and ought to be punished in some way for failure to do so. Ferry builds upon this understanding of moral wrongness to offer athe following solution to the problem:

An act is better or worse by virtue of the reasons for and against it, and in the end, we should accept that we ought to do what we have the most reason to do—we ought to do our best. But the line of duty is determined not by whether we ought to perform the act but by whether we ought to be held accountable for its performance. There will be cases then in which one’s obligations involve doing somewhat less than she could do even if she really ought to do her very best. (Ferry 2013: 586).

The key to Ferry’s solution is that it is the agent’s reasons that determine what it would be morally good or bad to do. Whether or not an act is morally required, on the other hand, is fully determined by the reasons people have to hold the agent accountable.

However, by moving away from the agent’s reasons to reasons that others have to react to the agent in certain ways, this view opens up the possibility that reasons that have no impact whatsoever on whether or not the agent should perform the act could change whether or not the act is permissible. For example, suppose someone is walking past a burning building and hears screams for help coming from inside. It seems reasonable to think that it would be supererogatory for them to run in and save the person trapped inside, providing of course that they are not a trained firefighter and the fire is sufficiently dangerous. Suppose however, that an evil demon tells all of the members of the moral community that she will destroy a whole city of people if they don’t require or hold the passerby accountable for saving the woman from the burning building. In this case the reasons concerning whether the passerby should perform the act are more or less unchanged (though perhaps the negative reactions he would face were he not to perform the act provide some additional reason to act in this way). However, despite the agent’s reasons being unchanged, the fact that the reasons to hold him accountable are now strongly in favor of doing so means that he now has an obligation to save the women from the building. It seems odd that a consequentialist would endorse a view that held that whether or not an agent’s action is morally required could depend on factors completely unconnected from the consequences of that action.

Even more problematic are cases where an act is prevented from being obligatory by this kind of reason. Suppose that Jane has an obligation to pay her taxes. If the evil demon were to demand that people require Jane not to pay her taxes then this seems to make it wrong for Jane to pay them. However, it would not make any difference to what Jane has moral reason to do.

The problemis that there can be many reasons to hold someone accountable that are not the kind of reasons that are capable of influencing the deontic status of the action. This is not necessarily a devastating objection to the view. If defenders of the Ferry’s approach can give an account of what the right kind of reasons to hold someone to account are then they will be able to maintain that an act is obligatory if there is most reason *of the right kind* to respond in certain ways to the agent’s performance or non-performance. The challenge for a consequentialist form of this account would be to do so in a way that stays true to the core consequentialist intuition that the consequences of an action are the only features of an action that matter morally.[[17]](#footnote-17)

McElwee offers an alternative indirect consequentialist approach. According to McElwee (2010b), consequentialism provides a plausible account of moral reasons. However, we should not accept the maximizing consequentialist account of moral obligation. Instead, he proposes that consequentialists can offer an alternative account of obligation as determined by norms governing the fittingness of guilt and blameworthiness (McElwee 2010b). While this account would not involve a direct connection between moral permissibility and an action’s consequences, McElwee argues that it could allow consequences to play an indirect role in shaping permissibility. It can do so through morally evaluating our moral norms and practices and calling for gradual reform to these norms and the cultivation of our moral sentiments in areas of life where they do not play a large enough role.

This account is also well placed to respond to the problem of supererogation. As our norms for guilt and blameworthiness are less demanding than maximizing consequentialism, there is room on this account for the existence of acts that would have better consequences than alternative permissible actions. In other words, there is room for acts of supererogation.

However, this account also faces objections of its own. One objection that can be raised against it is that there is no one system of moral norms present in the world at any given time. These norms vary significantly across cultures and within the same culture at different points in history. McElwee (2010: 409) accepts that these changing cultural expectations do indeed change what our moral requirements are. However, there is a further problem here, which is that these social expectations also vary within a culture at a particular time. How should we decide which group’s expectations determine whether or not someone has acted in a morally permissible way? Or will judgments of moral permissibility always have to be indexed to one particular set of social norms on this account? These are questions that will need to be answered satisfactorily in order for this account to be convincing.

Perhaps there are convincing answers McElwee can give to all these questions. Nevertheless, it is worth noting that his account, as with Hooker’s and Ferry’s, moves us away from the core consequentialist idea that an action’s moral status is determined by its consequences. Consequentialists must decide whether this is a price worth paying in order to secure a solution to the problem of supererogation.

Before concluding this section, though, it is worth briefly mentioning a number of reasons that have been given for thinking that a more indirect link between consequences and an act’s deontic status may be preferable from a consequentialist point of view. The first suggestion is made by Urmson (1958/ 1969: 70), who argues that a set of moral norms that demands too much from people would erode the force of moral address and could lead to those norms having less motivational force, as people become less sensitive to these forms of moral criticism.

Similarly, Claire Benn (2018) argues that an overly demanding approach to morality faces similar problems to an overly demanding approach to practical standards more generally. Perfectionism, holding onself to overly high standard and being overly critical of one’s behavior, is often counter-productive, leading people to perform their tasks less effectively than they would have if they had held themselves to lower standards. According to Benn, the same is true in the moral domain, holding people to highly demanding moral standards may lead people to perform actions that are morally worse than the actions they would have performed had they been held to lower standards. Both arguments push us towards the thought that the overall consequences of a less demanding set of moral standards may be better than those of a more demanding set.

In addition, Suikkanen (2014: 287) argues that the availability of alternative permissible options can increase the value of choosing a particular option. First, we value having free choice (or at least many of us do), so having these options will be instrumentally valuable in that in gives us something we desire or find pleasurable (Suikkanen 2014: 288). Another way in which being able to choose from different permissible options is instrumentally valuable is that it can give us the opportunity to learn something about ourselves (Suikkanen 2014: 288). According to Suikkanen the availability of options also has constitutive value, in that they constitute parts of a larger whole that is intrinsically valuable. First, they may have representative value (Suikkanen 2014: 289). The fact that the agent chose this act over other options may represent the agent’s inner life. They may also have symbolic value as a being part of a complex whole that recognizes our rational capacities (Suikkanen 2014: 290). All of these arguments suggest that from a consequentialist point of view, the world in which an agent is morally permitted to choose a suboptimal option can be better than one in which she is not permitted to choose this option.

**Concluding Remarks**

In this chapter I have sought to provide an overview of the various ways in which consequentialists have responded to the problem of supererogation. As we have seen, there are two general classes of response that can be made. First, consequentialists can hold firm to the theoretical purity of maximizing act consequentialism and deny the existence of acts of supererogation. Alternatively, consequentialists can seek to provide an alternative account of the relationship between moral reason and moral obligation that is able to accommodate the existence of acts of supererogation. While each of these alternative accounts face unique problems they are also all vulnerable to the objection that the ability of these accounts to accommodate intuitions about supererogation comes at the cost of providing a less straightforward articulation of the core consequentialist idea that an act’s moral status is determined by its consequences. This may seem to be something of an impasse, where the theoretical considerations that maximizing act consequentialism clash with the intuitive appeal of the existence of acts of supererogation.

Given this situation, I suggest that in order to make progress on this debate consequentialists should focus their attention on the question of whether the concept of moral obligation has a useful role to play in their moral theory and if so, what role this is (a discussion already begun in the debate between Norcross on the one hand and Lang and McElwee on the other). Unless this concept has any useful role to play in consequentialist moral theory then the whole discussion concerning how consequentialists can accommodate supererogation can be abandoned. If it does have a useful role to play, then the discussion of how consequentialists can accommodate supererogation should be guided by the role that moral obligation should play in their theory.

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1. While Urmson’s paper opened up the discussion of the concept in modern western philosophy, his paper was not the first to discuss the concept. As Rabinowicz notes (2000 p.79), Kotarbinski published a short note in 1914 in which he argues that utilitatarianism is unable to accommodate the supererogatory (1914/ 2000). [↑](#footnote-ref-1)
2. This claim is endorsed by Ferry (2013), Horgan and Timmons (2010 p.37) and Portmore (2011 p.91). [↑](#footnote-ref-2)
3. Though not all use the term ‘morally better’, the following endorse the claim that supererogatory acts are morally better than non-supererogatory acts: Ferry (2013 p.574), Heyd (1982 p.5), Portmore (2011 p.92). As McNamara points out, we need to appeal to the concept of ‘The Minimum that Morality Demands’ in order to make sense of this (1996 p.427). Harwood (2003) and Vessel (2010 p.302) define the supererogatory in terms of betterness for others. This account of moral betterness is easier for Maximising Consequentialism to accommodate. However, it cannot accommodate self-regarding acts of supererogation. If we accept the existence of such acts (see Kawall 2003 for a defence), then we cannot understand supererogation in terms of betterness for others. [↑](#footnote-ref-3)
4. Vessel (2010: 302) also considers what he calls ‘ties at the top’ phenomena as a potential consequentialist solution to the problem and rejects it for the same reasons. [↑](#footnote-ref-4)
5. Similarly, Crisp (2006) argues that the important questions in ethics concern what we have reason to do and do not concern moral concepts or properties. [↑](#footnote-ref-5)
6. There are a number of different satisficing positions available and it is not clear that all are vulnerable to counter examples such as this. For a critique of several distinct satisficing views see Bradley (2006). [↑](#footnote-ref-6)
7. See Byron (1998) and Dreier (2004) [↑](#footnote-ref-7)
8. One form of satisficing consequentialism that may be immune to these objections is Chappell’s (2019) willpower-satisficing consequentialism. Unfortunately, I do not have the space to discuss this view adequately here. [↑](#footnote-ref-8)
9. See for example Williams (1973) and Wolf (1982). [↑](#footnote-ref-9)
10. See also Sider (1993) and Vessel’s (2010: 305) egoistically adjusted utilitarianism. [↑](#footnote-ref-10)
11. Or, for non-hedonists, bring about slightly more wellbeing, however this is understood. [↑](#footnote-ref-11)
12. See Horgan and Timmons (2010) for a discussion of such reasons in response to the problem of supererogation. This discussion is not explicitly a consequentialist one. [↑](#footnote-ref-12)
13. See Archer (2016a: 460) for further discussion of this point. [↑](#footnote-ref-13)
14. For further discussion see Archer (2016b: 348-349). [↑](#footnote-ref-14)
15. Dorsey claims that his account also does better than its rivals at handling cases of supererogation that would have been obligatory were it not for the fact that they require a non-trivial sacrifice on the part of the agent. I do not have space to evaluate this claim here though I have argued against it elsewhere (See Archer 2016a). See also Portmore (2017). [↑](#footnote-ref-15)
16. Hooker’s account contains further conditions concerning internalization costs and adjudicating between two sets of rules that are best equal. I omit these to avoid over-complicating the discussion. [↑](#footnote-ref-16)
17. Ferry (2013: 586-7) offers a number of suggestions of what these reasons are that are not obviously compatible with this core consequentialist idea. [↑](#footnote-ref-17)