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Philosophy East and West, Early Release Articles, (Article)

Published by University of Hawai'i Press

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A virtue-based theory of right action aims to explain deontic moral principles in terms of virtue and vice (Hursthouse, 1999; Swanton, 2003; Zagzebski, 1996, 2010). For example, it may maintain the following account of moral obligation:

> (VO) It is morally obligatory for an agent A to φ in circumstances C if and only if a fully virtuous and relevantly informed person V would characteristically φ in C. (Zhong, 2016, 329)

However, this account faces the so-called *supererogation problem* (Kawall, 2009). A supererogatory action is an action that is morally praiseworthy but not morally obligatory. Suppose John risks his own life to save a stranger, which is supererogatory rather than obligatory. However, a fully virtuous person characteristically does supererogatory actions. So, VO fails to distinguish between obligatory action and supererogation.

Lei Zhong attempts to solve the supererogation problem by proposing a Confucian theory of obligation and supererogation (2016, 333):

> (ZO) It is morally obligatory for an agent A to φ in circumstances C if and only if a fully virtuous and relevantly informed person V would feel disdain [*xiu-wu*, 羞惡] for A's not φ-ing in C;
>
> (ZS) It is supererogatory for an agent A to φ in circumstances C if and only if (1) it is not morally obligatory for A to φ — that is, V would not feel disdain for A's

not φ-ing in C; and (2) V would characteristically φ in C (A ≠ V).

According to Zhong, if John did not risk his life to save the stranger, a fully virtuous person would not feel disdain for John, which shows that it is not obligatory for John to take that action. Nevertheless, a fully virtuous person would characteristically risk her own life to save others. The responses toward obligatory and supererogatory action are different because a fully virtuous person applies a higher moral standard to herself than to others. So, she would not feel disdain for someone who does not take a supererogatory action, though she would typically take such an action. Zhong calls his account the *advisor version* of virtue ethics, for whether someone's action is obligatory or supererogatory is determined by whether *someone else* who is fully virtuous person feels disdain for his action.

Zhong's account solves the supererogation problem nicely. Nevertheless, his account encounters a parallel problem that Zhong's account is unable to distinguish between obligatory action and suberogation. Call it the *suberogation problem*.

What is "suberogation"? Suberogation is a "mirror-image of supererogation" (McNamara, 2011, 205). A suberogatory action is *morally permissible (not obligatory) but blameworthy*. Here are some examples of suberogation from Julia Driver (1992):

> *Taking Seat*. When boarding a train, Tom is first to choose where to sit. The train is almost full. Tom knows that a couple behind him may want to sit together and there is only one place where there are two seats together. Being jealous or naughty, Tom decides to take one of the seats to separate the couple.
>
> *Preventing Abortions*. Jane has had five abortions. Despite that, she usually has sex without any means of contraception. She knows that she will do another abortion if she gets pregnant. Jane then becomes pregnant again, and she has her

sixth abortions.

Returning Favors. Albert has done many favors for Bill. Albert needs to return some books to the library. However, his sister is suddenly ill, so Albert needs to take her to hospital. Albert asks Bill to return the books for him. Bill, though having nothing urgent to do, refuses to return a favor to Albert.

Donating Kidney. Roger and Bob are brothers. Bob is suffering from kidney failure and needs his kidney transplanted. The only known compatible donor is Roger. Roger, however, refuses to donate his kidney to Bob.

In these examples, presumably all protagonists are not obligated to take the actions: Nonetheless, their behaviors are morally bad, "deserving of negative evaluation" (Driver, 1992, 286 n.2). It shows that suberogation is morally blameworthy, despite being permissible.

Suberogation poses a problem for Zhong, because a fully virtuous person would feel disdain for people who take suberogatory actions since suberogation is blameworthy. According to ZO, however, it follows that it is obligatory not to take suberogatory actions, which contradicts with the idea that suberogation is morally permissible. The suberogation problem can be formulated as follows:

(S1) It is morally obligatory for an agent A to φ in circumstances C if and only if a fully virtuous and relevantly informed person V would feel disdain for A's not φ-ing in C; (*ZO*)

(S2) A fully virtuous and relevantly informed person V would feel disdain for A's not φ-ing in C if A's not φ-ing in C is morally blameworthy;

(S3) It is morally obligatory for an agent A to φ in C if A's not φ-ing in C is morally blameworthy; (*S1 & S2*)

(S4) A's not ψ-ing in C is suberogatory; (*assumption*)

(S5) A's not ψ-ing in C is morally blameworthy; (*a fact about suberogation*)

(S6) If A's not ψ-ing in C is suberogatory, it is not the case that it is morally obligatory for A to ψ in C; (*a conceptual truth about suberogation*)

(S7) It is morally obligatory for an agent A to ψ in C; (*S3 & S5*)

(S8) It is not the case that it is morally obligatory for A to ψ in C. (*S4 & S6*)

So, Zhong's account leads to a contradiction between S7 and S8. For example, Bill's not returning the favor is suberogatory. So, a fully virtuous person would feel disdain for Bill since his action is blameworthy. According to ZO, however, Bill is obligated to return the favor to Albert, which contradicts with the fact that Bill's not returning the favor, despite being suberogatory, is permissible. Therefore, Zhong's theory runs into the suberogation problem.

Apparently, the only premise Zhong can reject is S2. Zhong may reply that blameworthiness is *merely a necessary, not a sufficient, condition* for a fully virtuous person to feel disdain. That is, Zhong may hold the following premise instead:

(S2*) A fully virtuous and relevantly informed person V would feel disdain for A's not φ-ing in C *only if* A's not φ-ing in C is morally blameworthy.

S2* leaves room for the claim that a fully virtuous person would not feel disdain for suberogatory actions, even though they are blameworthy. Perhaps, she would have some negative attitudes other than disdain toward suberogatory actions.

However, this argument is unavailable to Zhong. To see this, we need to see how Zhong responds to the *objection from minor obligation*. The objection from minor obligation is that a fully virtuous person might not feel disdain for an agent who fails to fulfill an obligation if the obligation is minor or insignificant. To use Zhong's example, suppose that a stranger politely asks you for the time and you have a watch and are not in a rush moment. Zhong assumes that you are obligated to tell him the

time. One may argue that a fully virtuous person would not feel disdain for your not telling him the time because the obligation is too minor and insignificant.[1] Let's see how Zhong responds:

> If a person is morally blameworthy for not doing x, then it is morally wrong for her not to do x, and hence it is morally obligatory for her to do x. In our example, a person should be blamed for not telling the stranger the time. Then it follows that it is morally obligatory for a person to do this. (Zhong, 2016, 336).

We see that Zhong already accepts S2 that blameworthiness is sufficient for moral obligation. So, he must commit to the claim that a fully virtuous person would feel disdain for blameworthy actions. Indeed, this is how Zhong thinks: "a fully virtuous person would feel disdain for a person who morally ought to do x but failed (or *who should be blamed for not doing x*)" (Zhong, 2016, 336; my italics). Therefore, since suberogatory actions are blameworthy, Zhong must agree that a fully virtuous person would feel disdain for them.

This reveals an underlying problem of Zhong's theory. In the above quotation, Zhong thinks that blameworthiness implies wrongdoing. Although the idea that blameworthiness implies wrongdoing seems natural, it is controversial. Indeed, several philosophers (Capes, 2012; Graham, 2014; Haji, 1998, 2002; Zimmerman, 1988) have argued against this idea. Instead, they argue for the *quality of will view*: S is blameworthy for φ-ing, if and only if φ-ing manifests a morally objectionable quality of will on the part of S. They support their view by giving examples in which actions manifest a morally objectionable quality of will without being wrongdoings. So, the quality of will view maintains that blameworthiness does not imply wrongdoing (and obligation not to commit a wrongdoing). Indeed, one argument for the quality of will view is based on suberogation since suberogation is blameworthy

but not obligatory. Zhong should not take for granted the view that blameworthiness implies wrongdoing (moreover, we'll see immediately that Zhong, in fact, accepts the quality of will view).

Or Zhong may reject S5; he may argue that suberogation is not blameworthy. However, I think that Zhong would not take this move because he would agree that a fully virtuous person would feel disdain for people who do suberogatory actions, which means that suberogation is blameworthy. For Zhong maintains that disdain is "a kind of negative emotion toward people who are alleged to involve character flaws" (Zhong, 2016, 331). So, Zhong actually accepts the quality of will view about moral blameworthiness. Surely, people who take suberogatory actions have certain character flaws. Tom is jealous of the couple who enjoy a good relationship. Bill is ungrateful and perhaps takes people's favors for granted. Jane lacks concern for life even if it is true that the moral status of fetus is much lower than her autonomy. Since they all have considerable character flaws, feeling disdain for them is appropriate.

Perhaps, Zhong may deny the existence of suberogatory action just because a fully virtuous person would feel disdain for it.[2] It is controversial whether there are suberogatory (and supererogatory) actions. Consequentialists usually deny them. Nevertheless, since Zhong acknowledges the supererogatory, denying the suberogatory seems *ad hoc* to me. Suberogation is the mirror-image of supererogation, so it seems more natural to acknowledge both of them. As Zhong thinks that countering the supererogatory problem by denying the supererogatory seems "very counter-intuitive and desperately *ad hoc*" (2016, 330), he at least owes us an explanation of why there are no suberogatory actions.

In conclusion, while Zhong's Confucian theory of obligation and supererogation successfully solves the supererogation problem, it encounters the suberogation

problem. The main obstacle for Zhong is that suberogation and the failure of fulfilling obligation are blameworthy so that a virtuous person will feel disdain for both of them. Zhong's account thus fails to distinguish between obligation and suberogation.

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[1] This example is similar to Retuning Favors and looks to me more like suberogation rather than obligation. So, if Zhong thinks that feeling disdain in this case is appropriate, it is hard to see why he would think that a fully virtuous person would not feel disdain for suberogation.

[2] To my knowledge, (Liberto, 2012) is the only work that denies the suberogatory on non-consequentialist grounds; see (Atkins & Nance, 2015) for a defense against Liberto's argument.