

SAINTS AND THE PROBLEM OF SUPEREROGATION

A Thesis

Presented to

the Faculty of the Department of Philosophy

University of Houston

In Partial Fulfillment

of the Requirements for the Degree

Master of Arts

by

Mildred Steed Schmidt

May 1969

501225

SAINTS AND THE PROBLEM OF SUPEREROGATION

An Abstract of a Thesis

Presented to

the Faculty of the Department of Philosophy

University of Houston

In Partial Fulfillment

of the Requirements for the Degree

Master of Arts

by

Mildred Steed Schmidt

May 1969

ABSTRACT

Philosophers hold different views concerning whether actions referred to as supererogatory pose a problem for ethical theory. I support J. O. Urmson's thesis that this class of actions does pose a problem for the traditional division of ethical actions into only three categories: duties, forbidden actions, and indifferent actions. Yogendra Chopra takes the position that the traditional system is adequate for ethical theory, but I show why I think his defense of the traditional system is in error. In addition, I cite a detailed analysis of the three-fold system by John Ladd, and his criticism of it. Contemporary discussions of this problem are examined; namely, R. M. Chisholm's proposed conceptual scheme for wider expansion of the ethical categories, J. N. Findlay's distinction between hortatory and obligatory duties, and Joel Feinberg's discussion of our need for conceptions of excellence which are not patterned on the rule-model. A proposal by Neil Cooper of the possibility of a morality without rules is examined and rejected.

Kant and Mill's ethical theories might classify supererogatory acts as imperfect duties, but this does not solve the problem of the inadequacy of the three-fold scheme. For to divide the duty category into two types of duties, those whose non-performance is censured, and those whose non-performance is not censured is, in effect, to create a fourth category.

The implications of supererogation for the current discussion regarding rule-oriented and virtue-oriented ethics is considered, and the suggestion made that certain saints might be presented as moral paradigms.

TABLE OF CONTENTS

CHAPTER	PAGE
I. INTRODUCTION	1
The Problem	1
Prospectus	9
II. SUPEREROGATION AND THE TRADITIONAL ETHICAL CATEGORIES	15
Chopra's Defense of the Traditional Scheme	15
A Critique of the Traditional Scheme	21
III. CONTEMPORARY DISCUSSIONS OF THE PROBLEM OF SUPEREROGATION	31
Chisholm's Expansion of the Traditional Categories	31
Findlay's Distinction Between Hortatory and Obligatory Duties	43
Feinberg's Conception of a Wider Than Rule Morality	52
Can There Be A Morality Without Rules?	65
IV. THE KANTIAN AND UTILITARIAN INTERPRETATIONS OF SUPEREROGATORY ACTS	80
Universalizability and Imperfect Duties in Kant's Ethics	80
The Utility of Supererogatory Acts	89
V. THE SIGNIFICANCE OF SUPEREROGATION FOR ETHICAL THEORY	98
Supererogation and Rule-Oriented Ethics	98
Saints as Moral Paradigms	104
BIBLIOGRAPHY	116

CHAPTER I

INTRODUCTION

Different views are held by philosophers concerning whether actions which are referred to as "supererogatory" pose a problem for ethical theory. I shall try to support J. O. Urmson's thesis that such actions do pose a problem for the traditional division of ethical actions into only three categories: duties, forbidden actions, and indifferent actions. The solution of this problem has an important implication for current ethical theory and I shall attempt to show what this is.

I. THE PROBLEM

The category of supererogation, according to J. O. Urmson, poses a problem for all traditional ethical views.¹ Moral philosophers recognize three types of action which are evaluated according to their moral worth. These three types are: (1) actions that are a duty, or obligatory, which we ought to perform, and whose non-performance is blameworthy; (2) actions that are neither morally praised nor blamed and are thus morally indifferent; and (3) actions that are wrong, that we ought not to do, and whose performance is blameworthy. Urmson's example of the second type is "the lead of this or that card at bridge." He remarks that some philosophers, for instance G. E. Moore, would not recognize the second class since Moore presumes that good or ill of some sort will result from the most trivial of

¹J. O. Urmson, "Saints and Heroes," Essays in Moral Philosophy, A. I. Melden, editor; pp. 198-216.

our actions, and in his system actions are judged in terms of good or ill resulting. Urmson's thesis is that this three-fold classification is totally inadequate to the way we evaluate moral acts, and any moral theory that leaves room only for such a classification will be inadequate. Urmson supports this contention by showing that there are moral acts which cannot be subsumed under one of these three categories. One case in point is heroic acts. Other examples are found in certain saintly actions.

It is the moral sense in which we use the words 'saint' and 'hero' in which Urmson is interested, rather than the religious implications of these terms. He takes it as too clear to need argument that the words 'saint' and 'hero' are at least normally used in such a way as to indicate a favorable evaluation. Urmson's task in this article is to make explicit the criteria that we implicitly employ for use of these terms in moral contexts. Three types of situations are noted in which these terms are applied.² We call a person a saint when (1) he does his duty regularly in contexts in which inclination, desire, or self-interest would lead most people not to do it, and this is done as a result of exercising abnormal self-control. In such an instance a saintly action is a case of duty done by virtue of self-control in a context in which most men would be led astray by inclination or self-interest. The second type of situation marked out by Urmson is the same as (1) above, with this qualification: the saintly action is done without effort, and not, as in (1) above, by abnormal self-control. Thus, in the second type of situation Urmson describes, we call a person a saint when (2) he does his duty in contexts in which inclination, desire, or self-interest would lead most people not to do it; and this is done without effort. In such an instance a saintly action is a case

²Ibid., pp. 200-202.

of duty done without effort in a context in which most men would be led astray by inclination or self-interest.

Clearly, Urmson admits, the above instances can be subsumed in the traditional three-fold classification, as they are all concerned with duties, duties which are met in difficult contexts. But Urmson believes there is a third type of situation, one which he claims cannot be subsumed in the three-fold classification which he is criticizing as inadequate; namely: we call a person a saint (3) if he does actions that are far beyond the limits of his duty, whether by control of contrary inclination and interest or without effort, and we call such actions saintly actions, whether they are done by control of contrary inclination and interest or without effort.

Urmson points to two sources of examples for supererogatory actions: the examples of saints, as explained above, and the example of heroes. He thinks saintly lives and actions usually have to do with overcoming personal desires and self-interest in the performance of service to others, while heroic lives and actions usually have to do with overcoming personal fear and normal desire for self-preservation in order to rescue or serve others in some way. The two categories; i.e. 'saints' and 'heroes', may, but do not necessarily overlap. That is, we find 'saints of the hearth' as well as hero-saints. My area of concern in this paper will be saints--whether heroic or not. Also, I shall not be concerned with whether they became saints "by abnormal self-control" or "without effort", since, as we shall see, saints pose the same problem for ethics in either case.

Urmson points out that there is no action--however quixotic, heroic, or saintly--which the agent may not regard himself as obliged to perform. To illustrate this point Urmson refers to an

event in the life of St. Francis of Assisi. After St. Francis had preached to the birds on a celebrated occasion, his companions praised and admired him. But Francis was full of self-reproach that he had hitherto failed in what he now considered to be his duty; i.e. to preach to the feathered world. It seems to me this particular example from the life of St. Francis is ill-chosen. That is, Urmson might have chosen a better example to illustrate moral worth. For example, St. Francis provided nursing care for lepers, and on some occasions settled disputes between feuding villages.³ Possibly Urmson chose a quixotic example in order to show that St. Francis could without absurdity reproach himself for his failure to perform this peculiar 'duty', but it would be quite ridiculous for anyone else to do so. In addition, he points out that it is not recorded that St. Francis ever reproached anyone else for failure to preach to the birds. Perhaps he could claim this action for himself as a duty and perhaps even exhort others to preach to the birds, but he could not reproach others for not so doing. Urmson concludes that actions in his proposed category of supererogation differ from "duties." He says:

Such actions do not present themselves as optional to the agent when he is deliberating; but, since he alone can call such an action of his a duty, and then only from the deliberative viewpoint, only for himself and not for others . . . and since nobody else can call on him to perform such an act as they can call on him to tell the truth and to keep his promises, there is here a most important difference from the rock-bottom duties which are duties for all and from every point of view and to which anyone may draw attention.⁴

³Rene Fulop-Miller, The Saints That Moved the World, pp. 183-312.

⁴Urmson, op. cit., p. 204.

Heroic and saintly actions are not the sole examples of actions that exceed the demands of duty, although Urmson says they do represent "conspicuous" examples. In addition, there may be small acts of kindness and generosity that are clearly more than basic duty, but which we would not designate as "heroic" or "saintly." As a parallel to these facts concerning saints and heroes, Urmson cites the case of club members who fulfill only basic requirements of belonging to the club, as contrasted to other members whose outstanding service contributes far more than could possibly be demanded in the rules of the club. Such club members, he says, do more than any member could be asked or required to do.

It is important to notice that while there are three ethical categories into which actions may fall; i.e. right, wrong, or permitted, only actions falling in the first two of these, on Urmson's view, have moral worth. That is, right actions (duties) have positive moral worth, and wrong actions (forbidden) have negative moral worth. Actions in the category of "permitted" have no moral worth, and for this reason Urmson feels that actions of supererogation cannot be placed there, as they definitely do have positive moral worth. Such actions surely could not be placed in the category of "wrong;" and, while considered "right," they cannot be placed in the first category because they are considered to be non-obligatory, or non-duties. While it is agreed that they are "permitted" in the sense that they are neither enjoined nor forbidden, because of their positive moral worth, Urmson feels it is an error to place them in the "permitted" category along with such permitted actions as "the lead of this or that card at bridge." Such a trivial example could be said, on some views, to be indifferent in terms of moral worth, whereas actions of supererogation cannot be said to be indifferent in terms of moral worth. Therefore, it is Urmson's conclusion that such a three-fold ethical scheme of classification is inadequate.

Further aspects of this problem may be seen if we consider its consequences for a particular ethical theory. For example, in the case of Moore, and most utilitarians, any action is a duty that will produce the greatest possible good in the circumstances. So, on this view, the most heroic self-sacrifice or saintly self-forgetfulness will be duties on all fours with truth-telling and promise-keeping. For Kant, beyond the counsels of prudence and the rules of skill, there is only the categorical imperative of duty, and every duty is equally and utterly binding on all men. Concerning Kant, Urmson says:

. . . It is true that he recognizes the limiting case of the holy will, but the holy will is not a will that goes beyond duty, but a will that is beyond morality through being incapable of acting except in accordance with the imperative. The nearest to an equivalent to a holy will in the cases we have been noting is the saintly will in the second sense we distinguished--the will that effortlessly does its duty when most would fail--but this is not a true parallel and in any case does not fall within the class of moral actions that go beyond duty to which our attention is primarily given. It is also true that Kant recognized virtues and talents as having conditional value, but not moral value, whereas the acts of heroism and saintliness we have considered have full moral worth, and their value is as unconditional as anyone could wish. Without committing ourselves to a scholarly examination of Kant's ethical works, it is surely evident that Kant could not consistently do justice to the facts before us.⁵

Intuitionism seems to Urmson so obscurantist that he does not wish to predict what an intuitionist might say about the facts he points to concerning saints and heroes. However, he does remark:

. . . Those intuitionists with whose works I am acquainted found their theories on an intuition of the fitting, the *prima facie* duty or the claim; the act that has this character to the highest degree at any time is a duty. While they recognize greater and lesser, stronger and weaker,

⁵Ibid., pp. 206-207.

claims, this is only in order to be able to deal with the problem of the conflict of duties; they assign no place to the act that, while not a duty, is of high moral importance.⁶

So, here is Urmson's challenge to traditional ethical theories: Perhaps it is possible to revise your theory to accommodate the facts to which I point, but until such revisions are made, your theory is inadequate, and, in fact, to modify your theory successfully to accommodate these facts may detract from the plausibility of its underlying principles.

As moral theorists we need, claims Urmson, to discover some theory that will allow for both (i) absolute duties, whose omission is wrong, and which can be embodied in formal rules or principles, and (ii) a range of actions which are of moral value yet are non-imperative in nature and whose omission cannot be called wrong. Some type of ethical theory which stresses both of these aspects is called for by Chisholm, Findlay, and Feinberg, as well as Urmson, although each one presents the formula in his own unique way, as we shall see when we examine their proposals in detail.⁷ None of these writers wishes to obliterate or to belittle the importance of a morality which is concerned with duties which may be embodied in formal rules. All, in fact, make it a point to defend the formulation of such a morality as an extremely important task for normative ethics. Their additional claim is that--while this is a basic task--this is not the only task for normative ethics. The problem each of these writers tries to deal with concerns how to handle this second range of actions, and their proposals will be examined in Chapter III.

⁶ Ibid., p. 207.

⁷ Roderick Chisholm, "Supererogation and Offence - A Conceptual Scheme for Ethics," Ratio, Vol. 5, (1963), pp. 1-14; R. N. Findlay, Values and Intentions; Joel Feinberg, "Supererogation and Rules," Ethics, Vol. 71, (1960-61), pp. 276-288.

There is another position or possibility considered by Neil Cooper.⁸ Cooper thinks that 'morality' has two senses: a wider, broader sense than is contained in rules and a narrower sense which is legitimately rule-oriented. Then Cooper goes further, and, in opposition to Urmson and the other writers mentioned, claims that if we accept the wider "unconstricted sense" of morality, there are no moral concepts which one has to accept, including the concept of 'rule'. Cooper argues that it is possible for a morality to be either wholly or partly rule-free. If one considers Cooper as holding that a morality may be wholly rule-free, then this seems to put him in opposition to the views expounded by Urmson, Chisholm, Findlay, and Feinberg. If one considers Cooper as holding that a morality may be partially rule-free, then he seems to hold a view which is not directly opposed to the views of the other authors we are considering. It will be important in our exposition of the Cooper comments in Chapter III to try to determine to which view he is committed. For, if Cooper holds that a morality may be partially rule-free, then his position, while differing in detail, will have two parts, as do the other positions we shall discuss, one part concerned with rules, and the other concerned with something other than rules. On the other hand, if he wishes to hold to a morality which is wholly rule-free, then this is quite a different proposal, and one with which I shall not be greatly concerned in this paper. In order to show the possibility of a completely rule-free morality, Cooper has us imagine a community of Holy Wills. On this point my claim will be this: that which would apply in such a community is not necessarily relevant for the present human situation. I take it that the task of ethics is to deal with ethical judgments as they are in this world, and not as they might be

⁸⁵ Neil Cooper, "Rules and Morality," The Aristotelian Society, Suppl. Vol 33, (1959), pp. 159-172.

made in some other possible world.

Urmson has some comments relative to this:

But morality, I take it, is something that should serve human needs. . . . to show that a morality was ideal would be to show that it best served man--man as he is and as he can be expected to become, not man as he would be if he were perfectly rational or an incorporeal angel.⁹

So Urmson's claim is that a morality which would work only for angels would be a far from ideal moral code for human beings. It seems to Urmson that our moral code should distinguish between basic rules, set forth in simple rules and binding on all, and the higher flights of morality, of which he mentions saintliness as a conspicuous example. //

II.—PROSPECTUS

" It is because saintliness is mentioned as an outstanding example of the category of supererogation--a category which Urmson, Chisholm, Findlay, and Feinberg all wish to preserve as an important part of ethics--that we are concerned with it specifically. Of course Urmson mentions heroes as another example of this category, but my major interest in this paper will be saints. The saints lived in human situations of various kinds, and it was due to their lives in this world as corporeal beings that we call them saints. They were not angels; they were all human beings." Perhaps someone might wish to claim that they were recipients of "special grace." This brings up another limitation which I impose on myself in this paper: I

⁹J. O. Urmson, op. cit., p. 210.

shall not get involved in whether or not saintly lives and actions are a result of extreme effort, or of "grace." There are two reasons for this. First, because, as Urmson shows, the problem posed for ethics is the same in either case. Saintly actions and lives which are praised as being worthy in a superlative degree, whether achieved by extreme self-effort or by special grace, do not fall under the categories of any traditional ethical theory. Second, any discussion of grace would involve us in questions of a theological nature, and it is beyond the scope of this paper to deal with theological questions.

My method of procedure in this paper will be as follows. First, I shall consider the possibility that Urmson is wrong in thinking that the traditional three-fold ethical classification is inadequate. Yogendra Chopra takes this position.¹⁰ However, it is my conclusion that Chopra's attack on Urmson's position fails. As additional support for those who wish, along with Urmson, to modify the three-place scheme, I shall refer to John Ladd's analysis and criticism of this scheme.¹¹ Second, since the problem Urmson points to seems to be a real one, I shall examine some contemporary articles relating to this problem to see what solutions are offered by Chisholm, Findlay, Feinberg, and Cooper. Third, with the refined definitions and

¹⁰Yogendra Chopra, "Professor Urmson on 'Saints and Heroes'", Philosophy, Vol. 38, (1963), pp. 160-166.

¹¹John Ladd, The Structure of a Moral Code.

distinctions obtained from an analysis of the above articles, I shall re-examine two traditional ethical theories, those of Kant and of Mill, to see whether or not these traditional theories make an implicit or unavowed concession to account for the ethical facts which we are trying to account for.¹² It seems that both Kant and Mill make concessions to the type of ethical facts we are concerned with which make it impossible for their ethical theories, considered in their entirety, to be expressed in terms of the three-fold classification. If so, this points again to the inadequacy of the tripartite scheme of ethical categories. Fourth, I shall argue that since all views, traditional and recent, make some kind of concession to another sense of morality, wider than the sense of morality connected with rule-keeping, the task of ethics must be wider than rule-formulation and judging, as important as that task may be. Next, I shall mention and discuss some ways in which ethics might fulfill its wider task. In a recent paper Edmund L. Pincoffs has suggested a return to what he calls "virtue-oriented" ethics, which he claims has been neglected with the recent over-emphasis upon "rule-oriented" ethics.¹³ He seems in accord with the view that ethics must be concerned with rules, but thinks this orientation as to rules has been stressed to the neglect of the other task of ethics.

Pincoffs' article stresses virtues as attributes, and does not mention any specific examples of people who exemplified these virtues. Yet his overall concern is with the philosophy

¹²Immanuel Kant, Foundations of the Metaphysics of Morals; John Stuart Mill, Utilitarianism.

¹³Edmund L. Pincoffs, "Some Prolegomena to a Theory of Moral Education " (paper read at Philosophy Colloquium, Rice University, Houston, Texas, October 4, 1968).

of education, with teaching, and every teacher recognizes the importance of being able to give specific examples in illustrating abstract concepts. It seems to me that a consideration of the lives of the saints could be valuable in this respect. While we may give verbal descriptions which define the virtues abstractly, it might be said that the saints have defined the virtues vitally--by living them. Thus the saints might be lifted up as ideals which it would be good to imitate, although no one might demand this imitation by someone else.

If philosophers are to use the saints as ideals, and are to commend them to society in connection with the ethical task in its wider aspect (its non-rule oriented aspect), then the saints must be considered in greater detail. Heretofore, our main concern has been with the category of supererogation, and how actions falling within it do or do not fit into traditional ethical theories. We have seen that there seems to be a general agreement that such actions and lives have moral worth, and can be approved and commended to society, if not recommended in a demanding sense. When we turn to the task of commending such actions and lives, we may take two approaches. First, we may make lists of and commend virtues as ideal attributes, to be aimed at in so far as is in our power. But this involves us in difficulties, for those whom we teach may dismiss ideal virtues as too abstract, and as impossible thus not sensible goals to strive for. Second, we may commend the lives of real people whose lives exemplified these virtues in an uncommon way. This has the advantage of showing that such actions and lives are possible in the human situation, and of thus presenting them as "live options." If we take the second approach, there are two difficulties. While rules are universalizable, supererogatory actions are not. So, we would be commending something which is

not universalizable. Also, ethical philosophers try to stress generality as much as possible, and often individual lives pointed to are not felt to have this essential element of generality and objectivity. Perhaps it is not possible for philosophers to accept any one individual saint as an ideal. Indeed, some actions performed by saints recognized by the church might be censured by philosophers, and declared to have no moral worth. Is there a way around this difficulty? If not, philosophers might do well to cease to refer to saints for examples to illustrate their category of supererogation. I shall suggest that one can distinguish within the class of all saints a particular type of saint which can both be commended as having moral worth and recommended as an ideal type to be imitated. Perhaps the type will provide the generality which is required for ethical theory, and the illustration of this type by certain saints will provide the specific example so desirable for teaching purposes.

Concerning the difficulty that supererogatory actions are not universalizable, we may find that this aspect of them, which seems to be a problem for ethical theory, solves a problem mentioned by Pincoffs. He says:

The paradox of moral education, then, is that at the same time we must inculcate in the young the principles definitive of morality; and we must so educate them that they are not willing to rest on principles supplied to them by another person but will themselves generate the principles appropriate to their life-circumstances. Otherwise they do not possess¹⁴ the freedom that characterizes genuinely moral agents.

The non-universalizable aspect of supererogation perhaps offers

¹⁴Ibid., p. 10.

the freedom which the genuine moral agent seeks. All moralists seem to agree, implicitly at least, that certain types of lives and actions have moral worth, and yet cannot be demanded. So, they point to an objective good, but yield to each person's freedom to choose this good and its development--a development appropriate to his own life-circumstances.

In summary, there are two possible claims which ethical philosophers could make, or assume; namely (1) saints are of no significance or interest to ethical philosophers (although they might be of interest to theologians, or to psychologists), or (2) saints are of significance and interest to ethical philosophers. If we accept the first claim, then we should cease to refer to saints in connection with ethical theory. If we accept the second claim, then we need to be able to explain why, to justify this claim. I take the second claim to be accepted by the authors discussed herein; it is an assumption for Urmson, one which he takes to "need no argument." He is not the only philosopher who makes this assumption, who takes it that saintly actions are actions falling in the category of supererogation. Most have not proposed that we could, or should, eliminate the category of supererogation. The problem exists because the category of supererogation is taken to be an important part of ethics, and saints are pointed to as examples of that category. I accept that saints (at least certain ones, or certain types of saints) are of interest to ethical philosophers, that their actions illustrate for us actions of a supererogatory nature. In order to show how they illustrate moral worth, in Chapter V I resort to a discussion of types, and certain implications of these types for ethical theory.

CHAPTER II

SUPEREROGATION AND THE TRADITIONAL ETHICAL CATEGORIES

I. CHOPRA'S DEFENSE OF THE TRADITIONAL SCHEME

Yogendra Chopra thinks that the traditional trichotomy is defensible and that Urmson is wrong in thinking there are ethical actions we cannot presently accommodate.¹ It seems that Chopra makes three main points about the Urmson article. First, Chopra says that Urmson makes two opposing claims, claims which contradict each other. We shall presently examine this contention, and I shall claim that Chopra thinks the claims are contradictory because he has misinterpreted Urmson on several points. Secondly, Chopra thinks that critics of the three-fold classification are likely to find examples such as saints and heroes their best examples of the category of supererogation, so that if he can show that these types of examples can be accommodated in the traditional classification, the objections against the three-fold classification will lose their main force. That is, he will strike at the heart of objections if he can show that saintly and heroic actions can be accommodated. I shall hold that this does not necessarily follow. For, granted that the degrees of difficulty vary greatly in performing saintly or heroic actions as opposed to performing simple favors, does it not still hold that we may use performance of simple favors as an instance of non-obligatory well-doing; i.e. of supererogation? Thirdly, Chopra claims

¹Yogendra Chopra, "Professor Urmson on 'Saints and Heroes,'" Philosophy, Vol. 38, (1963) pp. 160-166.

that the major reason why Urmson cannot use the traditional scheme for the ethical actions he points to is that Urmson fails to take into account the rich vocabulary of moral praise and blame. I shall try to show that Chopra is wrong on this point, since the defining characteristic of supererogatory actions is not that they are more highly praised than other actions, but is rather that while praised (in whatever degree) they are not obligatory.

Evidently Chopra sees Urmson as making these two incompatible claims: (1) 'Duty' is only whatever that minimum requirement is for living together and avoiding bad or intolerable results, and (2) 'Duty' is not only that minimum, as stated in (1) above, but may involve more. On this interpretation of Urmson, Chopra is correct in saying that these two claims are incompatible. For the first definition of the term 'duty' defines it as equivalent to the basic minimum, while the second definition of 'duty' contradicts the first. Chopra's criticism surely is not directed to Urmson's claim that we need to establish basic duties as a minimum standard, but to the claim that duty consists in only those actions which are essential to the preservation of society. Chopra wants to argue that duty need not be conceived to be mainly concerned with the avoidance of bad results, nor to consist of merely meeting the minimum requirement for living together. Chopra and Urmson seem to agree that the establishment of some minimum is needed, that we must distinguish between 'going the first mile' and 'going the second mile.' Chopra reiterates this point made by Urmson:

. . . for it cannot be one's duty to go the second mile in the same basic sense as it is to go the first--otherwise it could be argued first that it is one's duty to

go two miles and therefore that the spirit of the rule of the second mile requires that one go altogether four miles, and by repetition one could establish the need to go every time on an infinite journey.²

If Urmson holds that 'duty' consists in only this basic minimum, Chopra cannot agree. Would Chopra perhaps want to define meeting or at least aiming at ideals of excellence as duties? This is the point at issue. Can ideals of excellence be duties in the same sense of 'duty' that basic bed-rock duties are duties? Perhaps Urmson wants to refer to basic duties as 'first-mile' duties; perhaps Urmson thinks that 'second-mile' 'duties', if duties at all, are so in a different sense from the 'first mile' binding obligations. It could be his point that these two senses are so different that they form another category: a category of moral worth which is non-obligatory.

But there is more than one way in which we may understand the term 'supererogation.' It may be understood in the 'second-mile' sense; that is, duty(first mile)-plus-more-of-the-same. Or it may be understood as doing or performing a morally worthy action of a completely unrequired nature. Such fine distinctions in the meaning of the term 'supererogation' are not distinguished by Urmson, but his article has been commented on by Feinberg, who tries to distinguish the various senses of the term, and we shall discuss these in detail in the next chapter. In any event, in whatever way Urmson views actions of supererogation, it is clear that he views them as non-obligatory, or as non-duties which nevertheless have moral worth. Therefore,

²J. O. Urmson, "Saints and Heroes," Essays in Moral Philosophy, A. I. Melden, editor; p. 205.

it seems to me an error on Chopra's part to attribute to Urmson what he says is Urmson's second claim: that 'duty' is not only that minimum, but may involve more, the more being actions which are above and beyond the basic requirements. This, it seems, is to misinterpret Urmson. Urmson, I take it, is making two claims, and claims which are not incompatible: (1) basic duties are important and their fulfillment may be demanded. Sometimes fulfillment is done in such a manner or under circumstances such that we commend it as even saintly or heroic. But (2) we can have instances of actions which are not duties which we also commend, and it is important to find an ethical category for these, since to place them in the indifferent category will not do justice to their moral worth.

Now let us consider Chopra's claim that he will strike at the heart of objections to the three-fold classification if he can show that what Urmson calls "conspicuous cases" can be accommodated. This seems to assume that it is the degree of difficulty involved in saintly or heroic actions which make them hard to classify. This is not true. Urmson shows that such actions pose a problem whether done by great and abnormal effort, or without effort (by grace). It is not degree of difficulty which makes them hard to classify. Rather, it is their non-obligatory nature together with their moral worth. Thus simple favors present a problem for classification, although admittedly not such a conspicuous problem. Chopra points to an ambiguity in Urmson's use of the word 'duty.' But I suggest that it is Chopra who is drawing special privileged definitions of 'duty.' Chopra claims that the upholders of the three-fold classification of ethical actions, of which he is one, do not use 'duty' in the sense in which it is used

in ordinary moral discourse. In the special sense which he (and they) want to give it, he says 'duty' is an "umbrella term for actions which are morally required or desirable."³ Let us examine Chopra's special explanation of 'duty' as a philosopher's "umbrella term."

Unlike the ordinary term, it ['duty'] applies equally to actions which are relatively unimportant and which we should hesitate to call duties.⁴

Surely this will not do. It might do to say that 'duty' (in this special sense or in any sense) can be applied to actions which are relatively unimportant. No one would dispute that some duties are minor, some major. But to say that 'duty' (in this special sense) can be applied to actions which we should not normally call duties surely makes it desirable to find another term. It is far better to call such relatively unimportant actions which are not duties "favors" (as we shall see Feinberg recommending). Surely it is confusing to construe a special technical sense of 'duty' to apply to minor 'non-duties'. What shall we conclude about Chopra's designation of a special use of the word 'duty' as a "philosophical umbrella" to include those actions which are "morally required or desirable"? Obviously, if it is necessary to make a special stipulative definition of 'duty' to include 'non-duty' on occasion, then there are actions which are not duties in the normal sense or use of 'duty.' It is just these non-duties with which we are concerned. And it seems that Chopra is pressed to explain non-duties, even in their less conspicuous examples, when they seem to have moral worth.

³Yogendra Chopra, op. cit., p. 165.

⁴Ibid., p. 165.

Now let us turn to Chopra's third point, which is that Urmson has failed to take into account the rich vocabulary of moral praise and blame and this is the main reason he cannot find a category for acts of supererogation. Chopra asserts that defenders of the traditional trichotomy are not bound to uphold a primitive scheme of moral appraisal whereby we either come under strong condemnation or are completely exonerated; that is, there are degrees of praise and blame within the traditional scheme. So Chopra's main positive defense of the traditional scheme is to point out that there are degrees of praise and blame possible within it. But this does not meet the problem posed by Urmson, since the defining characteristic of supererogatory actions is not that they are more highly praised than others. Their defining characteristic is rather that, while praised, they are not obligatory. This third argument by Chopra seems to follow from an error he makes, to wit:

Presumably all actions in the fourth category [that is, Urmson's proposed category of supererogation] are of higher moral worth than actions done in accordance with duty.⁵

That this is an incorrect presumption on Chopra's part will be shown when we get into an analysis of the paper by Chisholm in which he compares four actions: a minor duty, a sacrificial performance of duty, a minor favor, and a sacrificial action of supererogation.⁶ However, it seems to me that Urmson makes it clear in his article that one may be considered a saintly person or a hero and never go beyond the requirements of duty.

⁵Ibid., p. 163.

⁶Roderick M. Chisholm, "Supererogation and Offence - A Conceptual Scheme for Ethics," Ratio, Vol. 5, (1963), pp. 1-14.

The degree of praise which is evoked by saintly and heroic actions is not alone sufficient to cause Urmson to propose his fourth category. It is their moral worth, plus the non-obligatory element of some such actions.

I conclude that Chopra's attack on Urmson's article does not demolish the point which Urmson makes, and that Urmson has pointed to a real problem for ethical theory.

II. A CRITIQUE OF THE TRADITIONAL SCHEME

John Ladd's analysis and criticism of the three-fold ethical scheme offers further support for Urmson's thesis.⁷ Ladd supports Urmson in two ways. First, he criticizes the three-fold scheme, which he calls "the law of exhaustiveness," and claims it does not hold.⁸ Second, he distinguishes between positive and negative moralities, showing that each type offers some advantage, but also a serious disadvantage if followed to the exclusion or neglect of the other type. A moral code which contains elements of the negative as well as elements of the positive will be more complete and avoid the extremes Ladd points to if either is considered to the exclusion of the other. A negative morality, in his terms, is one which gives very specific prohibitions, and seems to correspond to Urmson's minimum code of moral behavior with its clear and specific rules. A positive morality, on Ladd's view, gives general directives which allow some freedom of choice on the part of the agent in their fulfillment and

⁷John Ladd, The Structure of a Moral Code.

⁸Ibid., pp. 126-127.

cannot be said to have the stringent obligatoriness of the first type. Counsels of perfection along with principles of benevolence, according to Ladd, are part of a positive morality, and it seems these would be in the second category of actions; i.e. a range of actions of moral value which are non-obligatory in nature, which Urmson is concerned for a good ethical theory to have.

"In presenting the case for a morality which will contain elements of both positive and negative moralities, and in criticizing the law of exhaustiveness, Ladd makes use of the word 'prescription' as a primitive term. As his use of this term differs from the way it is sometimes used by other philosophers (such as Hare) it will be well to mention Ladd's clarification of his use of this term. He uses 'prescription' or 'prescriptive' to speak of both guiding and constraining principles of action in the most general sense. Prescriptions may be general or particular, positive or negative; that is, they may be stated as injunctions or prohibitions, and they may be moral or nonmoral, although it is of course moral prescriptions with which he is especially concerned. He makes it clear that "a prescription is not to be identified with a command."⁹ While the prescription itself is not a command, a subject who has accepted a prescription is aware of its making a demand on him; that is, if he is committed to a prescription he will consider it as a factor in determining his decisions.¹⁰ Ladd does not identify 'prescriptive' with

⁹Ibid., p. 88.

¹⁰Ibid., pp. 90-91.

'imperative.' He holds that 'imperative' is a grammatical rather than a philosophical category, but concedes that it is possible to express a prescription in the imperative mood if the situation is appropriate. Nevertheless, he refuses to say that prescriptions are reducible to imperatives.¹¹

Ladd describes and compares what he calls 'negative prescriptions' and 'positive prescriptions.' Negative prescriptions (for example: "Don't lie") define their objectives or their conditions of violation more determinately and unambiguously than do positive prescriptions, and allow no freedom of choice. Many positive prescriptions can be reduced to negative ones; e.g. the positive prescription "tell the truth" is equivalent to the negative prescription "don't lie." A moral code which mostly consists of negative prescriptions (and in which positive prescriptions can be easily reconstructed as negative prescriptions as illustrated above) Ladd calls an "ethics of constraint." Contrasted to this is what he calls an "ethics of direction" which consists of positive prescriptions which are not reducible simpliciter to negative prescriptions.¹² For example, a positive prescription to "give to charity" contains a certain vagueness and allows some latitude in its fulfillment, for it is possible to meet its requirement by giving to one or several of numerous charities and in varying amounts. The latitude in fulfillment may be only as to time and place, or it may be much wider. The lines drawn by negative prescriptions tend to be sharp and clear, whereas those drawn by positive prescriptions tend to be fuzzy. Thus if a moral code consists only of positive pres-

¹¹Ibid., p. 95.

¹²Ibid., pp. 118-123.

criptions, the directives are general and vague. In addition, since no particular action is unequivocally demanded (because there are alternative actions which will do just as well) there are no sharp lines between what is morally prescribed and what is not prescribed. Thus, in a positive morality any one particular act cannot be prescribed with absolute stringency or considered obligatory in its absolute sense. A positive morality contains general directives which leave some discretion up to the individual as to how these are applied in particular situations, as well as the freedom to take into consideration other general directives within the system and how they relate to each other. On the other hand, a moral code of negative prescriptions does draw a sharp line between permitted and unpermitted single acts. Those acts thought to be wrong are unequivocally so, and there is complete unrestricted freedom to do anything one wishes outside the areas of conduct prohibited. Ladd says:

So in a negative morality we may expect to find large segments of behavior which are not the subject of morality, as well as certain specific parts which are absolutely prohibited, whereas in a positive morality there may be no such clear-cut distinction between the moral and the nonmoral.¹³

This typical difference, he notes, is illustrated in the legalistic approach of the priests (an ethics of constraint) and the more positive teaching of the prophets and of Jesus (an ethics of direction).

It is Ladd's point that we cannot have a binding obligation unless the obligation is specified in such a way that

¹³Ibid., p. 123.

we know exactly what its compliance entails, and that compliance is logically possible. Thus we can say, in a particular situation, such as a courtroom scene: "Don't lie" (a negative prescription), or "Tell the truth now" (a positive prescription). But we could not make the positive general prescription "Always tell the truth" a truly binding obligation for it entails that we should always know the truth. If one accepted this general directive as absolute, Ladd thinks one would have to go around putting this directive above all others, seeking to find out and declare the truth above all else in life. Ladd thinks this involves a logical impossibility as well as a practical impossibility and thus cannot be considered as obligatory.¹⁴ The particular positive moral prescription "tell the truth" when applied to a witness testifying in court might be considered a moral injunction having a high degree of stringency. But the general moral prescription, "as a general policy, be truthful", Ladd would call a moral counsel and count it as sometimes capable of being overthrown by other valid general moral directives such as "prevent harm and suffering." We can imagine an example of an agent faced with a decision as to whether to tell the truth as to the whereabouts of a woman to a husband intent on killing her weighing this with the second directive mentioned above. A general moral counsel or directive must be weighed and considered in relation to other general principles, and also often admits of more than one method or manner of fulfillment even when no conflict of principle is involved, so

¹⁴Ibid., p. 119.

cannot be considered as absolutely obligatory.

Ladd refers to the term 'supererogation' in the following passage:

In all ethical discourse we find many different degrees of rightness and wrongness ascribed to actions. Certain obligations may not be as demanding as others Some obligations require immediate and undeferable actions, whereas others merely demand occasional fulfillment. Often this difference is conveyed by the use of "obligatory" (or "duty") for the one, and of "right" (or "fit") for the other. On the side of negative prescriptions, there are similar distinctions between 'big' wrongs and 'little' wrongs: for example, mortal and venial sins. The lesser duties have sometimes been called "duties of supererogation."

I shall call those positive prescriptions with a high degree of stringency moral injunctions and those with a lesser degree of stringency, moral counsels.¹⁵

It will be noted that Ladd refers to 'duties of supererogation' but takes away the usual binding force of the word 'duty' by noting that he will refer to duties with a lesser degree of stringency (that is, that we may not demand) as moral counsels. I take it that on Ladd's view, counsels of perfection may be recommended, and he sometimes says "prescribed" (as we have pointed out, others use 'prescribe' to mean 'obligatory') but may not be demanded, regarded as obligatory, or their non-performance held as blameworthy.

On Ladd's reasoning, we could not, it seems, issue an injunction to someone to "Be a saint", although we might counsel someone to "Be a saint." Such counsel would be a "counsel of perfection" but would not have a high degree of stringency; in fact, the degree of stringency would be so low as to make it

¹⁵Ibid., p. 125.

non-obligatory. He says:

It is not necessary to be a saint, but the counsels of perfection tell us how to become one.¹⁶

According to this, it seems that a 'counsel of perfection' prescribes, somewhat like a recipe (but in general terms, whereas recipes are usually specific) how to be a saint. "In any event, it is clear that Ladd does not regard acts of supererogation as obligatory in the sense that they may be required by others, and their non-performance held to be wrong. Illustrations of acts with a high degree of stringency are acts of justice which, he says, are duties which it is wrong not to do. Benevolent acts are not duties but "fit, right, and meet to be done."

Ladd claims that if all moral prescriptions are negative (including disguised prohibitions; i.e. those prescriptions which may be stated in a positive form but are reducible to negative prescriptions) then the law of exhaustiveness acquires some plausibility. But if there are genuine positive prescriptions (general directives which are non-reducible to negative prescriptions) then the law of exhaustiveness does not hold. Because there are such things as counsels of perfection, and directives of benevolence which are a part of our moral code, and since these are a part of what he calls genuine positive prescriptions, then the law of exhaustiveness does not hold. That is, we cannot classify every act as necessarily either obligatory, wrong, or morally indifferent.

Ladd outlines an attempt to save the law of exhaustiveness which consists, in brief, of the following. A right act may be one which allows of alternatives. For example, assuming

¹⁶Ibid., p. 125.

that there is an absolute obligation to give to charity, then it would be right to give to projects A or B or C, etc. By following the procedure of listing all possible alternatives it might be possible to reduce all prescriptions (including counsels) to prohibitions, and thus retain the law of exhaustiveness.¹⁷ (For example, "Don't fail to do A or B or C or D, etc.") However, Ladd argues against this attempt to try to save the law of exhaustiveness. First, it would have the consequence of greatly complicating an analysis of the many varieties of positive prescriptions. To give a complete reduction would require that every alternative action in a certain context be listed, and that the context itself be rigorously defined. Second, provided such a task could be accomplished, it would not correspond to the normal way we think about positively prescribed acts. For example, when we think that a certain act is right or fitting we are not usually thinking of this act as a member of a class of alternative acts, one of which is obligatory. He thinks such a reduction would be artificial in the extreme. Third, such a reduction fails to account for the characteristic variety of positive prescriptions, those in which an action is morally desirable, but never obligatory, and not even a member of a class of obligatory actions. In addition, he thinks it does not explain why it is morally desirable to do a greater number of right acts. That is, in the command above, to do A, or B, or C, or D, etc.--to do any one of these would fulfill the obligation. But we would usually judge that one who did several (in his example, who gave to more than one of the charities)

¹⁷Ibid., p. 127.

would be counted as better than one who gave to only one.

There is another extreme he warns us about. If we consider only positive qualities we might be led to adopt the policy of moral preferableness. This flows from the attempt to define everything in a positive way, so that no act is really 'wrong,' but is only less preferable than some alternative act. The net result of the view that a 'wrong action' is one that is less morally preferable than some alternative action is the substitution of the law of the excluded middle for the law of exhaustiveness. This leads to a further reduction of ethical categories to only two: to the view that every action is either right, or wrong, and that there are no indifferent acts, a view which he calls "ethical Puritanism." Ladd argues against both of these extremes.

We have seen that by treating either positive or negative prescriptions as the basic type of prescription to which the other may be reduced, we are led to either of two extremes entailing the law of the excluded middle on the one hand, or the law of exhaustiveness on the other.

. . . if we wish to make such a reduction, we can choose only between holding that every action is either a duty or wrong, and holding that every action is either a duty, or wrong, or indifferent. Neither of these extremes accords with common sense, which recognizes both positive and negative prescriptive qualities, and, in addition, degrees of both.¹⁸

Ladd's analysis seems to support the need for a morality which combines two elements: one having to do with injunctions or prohibitions which are specific and stringent, and the other having to do with something else, whether one calls it ideals, or general directives, or counsels of perfection or benevolence.

¹⁸Ibid., pp. 129-130.

In addition, Ladd's criticism of the "law of exhaustiveness" supports Urmson's criticism of the traditional three-fold classification of ethical acts, since the law of exhaustiveness is just the claim that all ethical acts can be subsumed under categories referring to actions as obligatory, wrong, or morally indifferent. So Ladd's analysis seems to lend strong support to Urmson's thesis.

CHAPTER III

CONTEMPORARY DISCUSSIONS OF THE PROBLEM OF SUPEREROGATION

I. CHISHOLM'S EXPANSION OF THE TRADITIONAL CATEGORIES

I shall now consider some contemporary articles which discuss the problem of supererogation for ethical theory. Roderick M. Chisholm agrees with Urmson that the traditional three-fold classification is inadequate, but proposes a scheme with an even larger expansion of categories.¹ "Concerning the category of supererogation, Chisholm agrees with Urmson that this category includes acts which are both permitted and non-obligatory, and yet not morally indifferent. He says:

Etymologically, the term 'supererogatory' suggests that which is 'over and above what is called for'; hence those acts which are 'over and above the call of duty' might properly be called 'supererogatory'. But let us think of supererogatory, more generally, as that which it is good, but not obligatory, to do. Some of the great deeds of saints and heroes were thus supererogatory: these deeds were not obligatory, they were not forbidden, and they were not² morally indifferent since they were good things to do. "

While Chisholm recognizes saintliness and heroism as supererogatory, that is, non-obligatory well-doing, he does not want to identify this category with saintliness or heroism since there are examples of small favors which may be classed as non-obligatory well-doing, but cannot be called saintly or heroic.

¹Roderick M. Chisholm, "Supererogation and Offence - A Conceptual Scheme for Ethics," Ratio, Vol. 5 (1963); pp. 1-14.

²Ibid., p. 3.

Chisholm sets out to show what supererogation is not by contrasting four acts:

1. keeping one's promise to return a book;
2. sacrificing one's life in the performance of duty;
3. conferring a small favor by lending a book;
4. sacrificing one's life in a non-obligatory rescue.

In these acts, 1 and 2 are duties, 3 and 4 are supererogatory. Chisholm calls 1 and 3 "trifling," 2 and 4 "heroic and magnificent." This being so, he concludes that the difference between supererogation and duty cannot be described by saying acts of supererogation are necessarily more praiseworthy, or of greater merit, or better in overall consequences, than are acts of duty. In fact, if we contrast the man of 2 (who sacrificed his life in the performance of duty) with the man of 3 (who conferred a small favor by lending a book), then 2 seems more praiseworthy. Such comparisons show that, since sometimes acts of duty seem more praiseworthy than acts of supererogation, we cannot use degree of praiseworthiness as a criterion to mark the difference between supererogation and duty.

Several possibilities are considered by Chisholm to determine how supererogation differs from duty. First, he considers that acts of supererogation may be more praiseworthy than acts of duty, but rejects this in view of the discussion of the four acts mentioned above. Next Chisholm considers that the difference between supererogation and duty can be described by saying that supererogation, unlike duty, implies certain virtues in the agent. He rejects this possibility on the grounds that the saint

or hero may share traits of character with the man who confines good deeds to acts of duty. Chisholm's third possibility to try to mark a difference between supererogation and duty concerns a reference to Mill's distinction between perfect and imperfect obligations. According to Mill:

. . . duties of perfect obligation are those duties in virtue of which a correlative right resides in some person or persons; duties of imperfect obligation are those which do not give birth to any right.³

Chisholm's example is as follows: If I have more than my share of the goods of the world, and am obligated to surrender my surplus to "x", and only to "x", then "x" has a right which is correlative with my obligation, and the obligation is thus a "perfect" one. Suppose I have an "imperfect" obligation to surrender a part of my goods, and I pick "y" to receive the surplus. Chisholm thinks that since I was not obliged to pick "y", I may be tempted to feel I performed an act of non-obligatory well-doing, or of supererogation. But such an inference would be wrong, Chisholm thinks. He thinks that we may state general directives of benevolence in the form "Don't fail to give part of your surplus goods to x, or y, or z, etc." That is, Chisholm assumes that general positive prescriptions are reducible to negative prescriptions by enumerating all possible conditions of fulfillment in the prescription. I agree with Ladd that such a procedure is not feasible.⁴ However, it is nevertheless true that an imperfect

³J. S. Mill, Utilitarianism, Ch. 5, pp. 305.

⁴see Ch. II, p. 28 of this thesis for summary of Ladd's argument on this point.

obligation remains an obligation (though one vaguely specified), so as Chisholm holds, the category of supererogatory imperfect duties and supererogatory actions are not identical, since supererogatory acts are not duties. These three attempts at giving the defining characteristic of supererogatory acts having failed, Chisholm summarizes the category of supererogation in this way:

The status of supererogation might be summarized in this way. If I seek advice, concerning an act which would be supererogatory, and ask "Shall I do this?," I may well be told, "You ought to, but you don't have to"-- it is advisable, but not obligatory.⁵

In summary, Chisholm does not think one can mark the category of supererogation as being more praiseworthy, implying more virtue in the agent, or by calling it an "imperfect obligation". Yet it is still with us as well-doing, and is non-obligatory, and has both trifling, and heroic and magnificent illustrations.

Chisholm proposes a category of "offense," which is the complementary of the class of supererogation, for he thinks that if there is such a thing as 'non-obligatory well-doing', then it is plausible to suppose there is also such a thing as 'permissive ill-doing'. This category we are not concerned with specifically, but it is interesting to note that, as supererogation contains acts which are trifling, or saintly and heroic,

⁵Roderick M. Chisholm, op. cit., p. 5.

this proposed category of offence contains acts which are trifling or diabolical. In a later article Chisholm revises his category of "offence." However, in the later article Chisholm does not revise his explanation of the category of supererogation, but reaffirms it as follows:

There are acts, sometimes called acts of "supererogation," which include, but are not restricted to, the great deeds of saints and heroes, and which are such that we can say of them: "You ought to perform them, but you don't have to." These include little acts of kindness and small favors which, like the more magnificent deeds, go beyond the call of duty. We might describe them as acts of "non-obligatory well-doing."⁶

Chisholm regards acts of supererogation as optional but not morally indifferent.

Let us now turn to a consideration of the scheme which Chisholm proposes as his suggested revision of the three-fold scheme. In constructing his nine-place conceptual scheme, he makes use of the terms 'good', 'bad', and 'neutral' as applied to actions only (not, he emphasizes, to agents, or to consequences of actions). This is Chisholm's proposal for an expansion of the ethical categories. The letters 'g', 'b', and 'n' respectively stand for 'good', 'bad', and 'neither good nor bad' ('neutral'); they are paired in such a way that the first member of each pair refers to performance, the second to non-performance of acts.

⁶Roderick M. Chisholm, "The Ethics of Requirement," American Philosophical Quarterly, Vol. 1, No. 2, April 1964, p. 152.

Chisholm's list is as follows:⁷

1. b, b Totally offensive
2. b, n Offence of commission
3. b, g Forbidden
4. n, b Offence of omission
5. n, n Totally indifferent
6. n, g Supererogatory omission
7. g, b Obligatory
8. g, n Supererogatory commission
9. g, g Totally supererogatory

There seem to be several difficulties with Chisholm's proposal above. First of all, what could be a possible illustration of the category 9, which is "Totally Supererogatory"? He says "those things which it would be good to do and also good not to do--are totally supererogatory."⁸ For the moment let us disregard the contradiction involved here, and notice what Chisholm says would exemplify this category.

A strict utilitarianism, or ethics of consequence, would require us to say that, if there were an act such that its performance would increase the amount of value in the world and such that its non-performance would increase the amount of value in the world by exactly the same amount, then that act would be "totally supererogatory," as defined.⁹

In this illustration it is necessary to consider consequences of these imaginary acts, which is in line with utilitarian procedures. But if we rule out a consideration of consequences,

⁷Roderick M. Chisholm, "Supererogation and Offence - A Conceptual Scheme for Ethics," Ratio, Vol. 5 (1963) p. 12.

⁸Ibid., p. 11.

⁹Ibid., p. 11.

it seems that category 9 is a self-contradiction. For, how could it be possible for an act considered in itself, without regard to consequences, to have both its performance as well as its non-performance rated good? Also, it seems clear in his category 1 that an act, considered in itself without regard to consequences, cannot have its non-performance rated as bad if its performance is rated as bad. Such inconsistencies make both categories 1 and 9 self-contradictory for anyone but a utilitarian.

According to Chisholm, utilitarianism in its strictest form could find instances of the odd-numbered lines: i.e. 1, 3, 5, 7, and 9. If line 5 is eliminated because a strict utilitarian view assumes that good or ill will result from the most trivial act, and if we agree with Chisholm in eliminating lines 2, 4, 6, and 8, this leaves utilitarianism with only lines 3, 7, 1 and 9 as possibilities. Since acts falling in category 1 would surely be forbidden, and acts falling in category 9 would be obligatory, this leaves utilitarianism with only the forbidden and the obligatory. While Chisholm does not recognize this about utilitarianism, he does so state this result with regard to Kant's system. He says that a rigorous moral system such as Kant's might allow for only lines 3 and 7; that is, those acts whose performance is bad and whose non-performance is good (category of "forbidden"), and those acts whose performance is good and whose non-performance is bad (category of "obligatory").

In summary, Chisholm proposes a new conceptual scheme, seemingly with nine categories, each rated as to performance and non-performance. At first glance this seems to be more inclusive than Urmson's proposal to enlarge the present three-place scheme to include four categories. But if we look more closely at Chisholm's final conclusions in his article, it seems that he himself eliminates some of the lines in his scheme, or combines some of them, for in the end he says, in concluding his article:

The obligatory is that which it is good to do and bad not to do; the forbidden is that which it is obligatory not to do; the permitted is that which it is not forbidden to do. We may say, if we like, that those acts which are neither obligatory nor forbidden are optional. The indifferent, however, is that which it is neither good nor bad to do and neither good nor bad not to do. The supererogatory is that which is good but not obligatory to do and the offensive that which is bad but not forbidden.¹⁰

To examine the terms which Chisholm stresses above, obligatory is obviously line 7 of his scheme; forbidden is obviously line 3 of his scheme; indifferent is obviously line 5 of his scheme; supererogatory seems to be line 8 combined with line 6; offense seems to be line 2 combined with line 4 of the scheme. His line 1 is either omitted or included along with lines 2 and 4 in his category of "offence". His line 9 is either omitted or included along with lines 6 and 8 in the category of "super-erogation." So Chisholm has not presented us with nine ethical

¹⁰Ibid., p. 14.

categories as it seemed at first he intended to do.

The difference in the positions of Urmson and Chisholm as to categories is not, as first it seemed, that Urmson proposed four and Chisholm proposed nine, each sub-divided. For Chisholm's categories boil down to five in the end. Chisholm and Urmson agree on four categories: obligatory, forbidden, indifferent and supererogatory. Chisholm proposes the category of "offence" as the complementary of the category of supererogation, but as "offence" is later revised by Chisholm, and since both Chisholm and Urmson agree on the category of supererogation, we shall not analyze "offence."

In Chisholm's final listing (see last quotation above) he has listed "optional" and "permitted", which have no place on his original nine-place scheme. We can let this pass, perhaps, assuming that he may include these terms as partial descriptions relating to some of the other categories. For example, acts in the category of offence could be considered "permitted" or "optional". And acts in the category of supererogation could be considered "permitted" or "optional".

There is another difficulty with Chisholm's scheme. He says explicitly that it applies to classifying acts. The expressions "That would be a good thing to do" or "That would be a bad thing to do" are, he says "applied to actions and not to agents or to consequences of actions."¹¹ It seems to me that actions may be of two kinds: those which can be

¹¹Ibid., p. 10.

specified, and recognized as completed or not completed at a given time. But there are other 'actions' which are of an entirely different variety. They cannot be recognized as completed at any given time, although some of their requirements may have been completed, or partially completed. Such 'actions' are not specifiable in explicit terms in the way in which the first type are specifiable. To illustrate, let us first consider an example of an action fulfilling a duty of the first kind. It may be the duty of a wife and mother to prepare an evening meal for her family. When a certain time of day comes, we can determine whether or not she has performed this duty, or failed to perform it. In another example of the same kind of specifiable duty, it may be the duty of a student to turn in a term paper of a certain required number of pages by a certain date. When that date comes, it can be determined if the student did or did not perform the action which fulfilled this duty. For the time being, let us assume that the quality of the meal prepared by the woman, and the quality of the term paper submitted by the student were satisfactory to those concerned. The woman and the student can be said to have performed their duties in these particular instances.

There are other 'actions' which may be specified (in a rather vague way), claimed to be of moral value, and whose failure to meet is censured, but which differ in this important respect: they cannot be recognized as completed at any given time, and they may contain recognized failures as well as successes, which failures do not to any great degree, affect the overall evaluation of the 'action'. For example, we might

issue the imperative "be a good student", or "be a good mother". A good student may, in fact, sometimes be late in turning in a term paper. He may fail in doing this--a recognized duty in his role as a student, and yet perform other actions such that he could be classified as a superior student, one who ranks as excellent because of attributes of interest, hard work, originality in thought, and who scores high on exams. A woman may prepare a nutritious meal which her family on a particular night will regard as delicious, and yet be a poor mother in other important respects. Or, she may be a rather poor cook, yet, in other ways, so excel as a mother as to cancel out this failure in cooking skill. There may be a wide diversity of opinion as to what it takes to be a good student, or a good mother, and great difficulty in reaching agreement as to what would count as meeting this requirement. Whatever list of requirements we might draw up, we could not at any given time say that they had been completed in the sense that nothing else was needed to make a judgment. Of course, if a whole role of life were completed, perhaps at that time a judgment could be made. But in other roles there is no completion. The role of mother lasts as long as one's children live. The role of citizen lasts as long as one is a citizen. The role of a saint presumably lasts as long as one lives.

It is clear that Chisholm is considering acts of the first kind I described: acts which can be judged as either performed or as not performed at a given time. Thus his scheme, even if expanded in one sense (and we seriously questioned that he does propose an expansion of categories to a nine-place scheme) is

restricted in another sense. For if we must rate according to performance of act or non-performance of an act, then this leaves us with a large category or class of 'actions' which cannot be judged as to performance or non-performance which we are thus unable to evaluate on Chisholm's scheme.

What shall we conclude about the Chisholm article? While Chisholm offers a conceptual scheme which seems to have nine categories, the nine collapse into five (if we disregard his addition of the words 'optional' and 'permitted', which may refer descriptively to some of his proposed categories) and the only difference in Chisholm's position as regards Urmson's on this point of number of categories is Chisholm's addition of the category of "offence", which is later revised by him. The main contribution of the Chisholm article, in my opinion, is his detailed analysis of examples to show that the element of degree of praiseworthiness alone does not mark the distinction between supererogation and duty.

It seems that Urmson and Chisholm agree that the category of supererogation is described by the terms 'non-obligatory well-doing'. Neither of them hold that supererogation may be explained by consideration of imperfect duties, a view which is perhaps held by the next author we shall consider, J. N. Findlay.

II. FINDLAY'S DISTINCTION BETWEEN HORTATORY AND OBLIGATORY DUTIES

J. N. Findlay's discussion of duty and moral value has relevance for our interests in this paper in several ways.¹² Findlay is not so interested as Urmson and Chisholm in moral categories qua categories, and states that the notions and attitudes he discusses are linked together "by flexible relations of kinship, rather than by axioms and rules."¹³ Nevertheless, Findlay sees the task of ethics, as does Urmson, as having to do with two areas, both of which are important. Findlay stresses both (1) basic duties which are necessary for the maintenance of a minimum order in society, and (2) ideals of excellence." General directives which commend this second area are referred to by Findlay as 'hortatory' and the prescriptions or exhortations to this type of action as being 'hortatory oughts'. The word 'duty' is not always used in the same sense by Findlay; e.g. he speaks of 'hortatory duties', but the non-fulfillment of these is not blameworthy. We shall examine Findlay's views in more detail to see what contributions they make to our problem which are not made by Urmson and Chisholm. First, we shall seek to show where he is in agreement with them, and also note one important difference. Also, we shall note that Findlay does seek to present us with some guidelines where these two areas of morality may conflict with each other, a task not undertaken by Urmson and not considered by Chisholm in the articles considered herein.

¹²J. N. Findlay, Values and Intentions, chapter 8, pp. 332-394.

¹³Ibid., p. 394.

For Findlay, the word 'ought' overlaps with words like 'good', 'right', as well as with the more solemn locutions like 'duty' and 'obligation'.¹⁴ That is, when we note some desirable objective which we wish to be realized, we may say that such a thing or condition 'ought to be', meaning that it would be well, desirable, or a good objective from someone's viewpoint. We also say things like "you 'ought' to do x" when we mean that it is an obligatory and binding duty and must be done. Because we use 'ought' in both instances, some 'oughts' are not full 'oughts' or imperatives which hold regardless of circumstances, but may be called "imperfect oughts", which, he says, hold only under the proviso that no other overriding 'oughts' can be cited against them. Because he considers such "imperfect oughts" as extremely important, Findlay wishes to refer to them by such terms as 'imperatives', 'duties', and 'obligations'. He seems to feel that application of these terms calls attention to the importance of their referents. We cannot, however, speak of a categorical ought without taking account of all relevant features "in the factual and value-landscape."¹⁵ The term 'hortatory ought' is introduced by Findlay to apply to the category of imperfect obligation. 'Hortatory oughts' present certain objectives in a winning or enticing light. Of these we may say that their fulfillment is good, while their non-fulfillment, as such, is indifferent. In contrast to these are 'minatory oughts', whose fulfillment,

¹⁴Ibid., p. 334.

¹⁵Ibid., p. 337.

as such, is indifferent, but whose non-fulfillment is bad. For example, there is a minatory imperative not to inflict suffering on others.¹⁶ If we comply with this imperative by not going around torturing people, we have fulfilled this minatory imperative, and its fulfillment as such is indifferent. That is, we are not praised for not torturing people. But if we fail to fulfill it, this is bad. To go about inflicting suffering on others is the non-fulfillment of the minatory imperative, and is blameworthy. Concerning the contrast between these two types of imperatives, Findlay says:

In general, the value of an objective corresponds to a hortatory imperative to realize it, whereas the disvalue of an objective¹⁷ corresponds to a minatory imperative to "keep off" it.

With these distinctions in mind, Findlay concludes that what a man 'ought' to do falls into two quite different segments: (1) a restricted area consisting of what he is warned off from omitting by minatory imperatives, and (2) a much wider area consisting of the things whose omission he is not warned off, but which he is encouraged by hortatory imperatives to do. Thus, a man's duties may be of either of these two types, or of a third type, which he calls "obligatory." In the special sense in which he is using 'obligatory' here, it seems that obligatory duties are binding because of profound understandings among persons; that is, by a role, relationship, or commitment such as a promise, we have an obligatory duty which is owed to another person.¹⁸

To summarize, it seems that Findlay's minatory imperatives have to do with the establishment of a basic minimum below

¹⁶Ibid., p. 339.

¹⁷Ibid., p. 340.

¹⁸Ibid., p. 342.

which we may not fall without blame, but which to meet is not to gain praise. This seems to correspond with Urmson's idea that it is one task of ethics to establish such a minimum and to demand that it be met, and censure those who do not meet it. Findlay's hortatory oughts have to do with the realization of those objectives which are good and desirable and worthy, but are not "categorical duties", so this seems to correspond to Urmson's category of supererogation. Findlay's area of obligatory duties I assume to be just the category of obligation which Urmson and Chisholm recognize, since to fulfill these is praiseworthy, and not to fulfill them is blameworthy.

Findlay's position seems to be that there are two areas of moral worth, one having to do with compliance with requirements to maintain a minimal standard of basic happiness in society, a structure which one may change or build upon, and another area having to do with such things as the production of good, beauty, excellence, etc. as one may be able and as it does not interfere with the first area. Urmson said that a life without saints and heroes would only be impoverished, but a life without maintenance of a basic standard would be nasty, brutish, and short. So, as Urmson does not wish to exalt the supererogatory to the neglect of the basic standard, neither does Findlay wish to exalt the hortatory to the neglect of the minatory.

For we may be led to seek merit in doing the uncalled for, handsome, remotely generous thing, in preference to the humdrum duty which is urgent, inglorious, and lies close at hand. And to do the uncalled for, handsome,

generous thing in such circumstances is to exalt the hortatory above the minatory, instead of letting the former, as its nature demands, supplement the latter non-competitively: such inversion, violating a basic minatory imperative, cancels all merit.¹⁹

In the above quotation, and other statements, Findlay goes beyond Urmson's task, which is pointing up the inadequacy of the tripartite ethical scheme and suggesting that a new category is needed, and presents some guidelines in the event that directives of one category of 'oughts' conflict with directives of the other type of 'oughts'. Again, Findlay says:

What we call basic happiness plainly comes first in urgency, if only because its alternative is no abstract possibility of indifference . . . but a peculiarly laming type of frustration and misery, and because no higher type of welfare can be erected except on such a basis.²⁰

Urmson and Findlay both want to make the categorical demands of duty within the realm of possibility for most men. As we have seen, Urmson thinks we cannot promote a minimum moral code which would be obviously out of the reach of most men. Findlay, in addition to consideration of the factor of the power of most men to comply, wishes to go a bit further and bring in also their personal beliefs, wishes, and interests,

¹⁹Ibid., pp. 390-391.

²⁰Ibid., p. 356.

as well as what is likely to succeed.

If we . . . raise the issue of self and others, it would appear, contrary to what is usually held, that we are more urgently to be exhorted to pursue our own welfare, and that of those near to us, than the welfare of remote persons, if only because we more strongly wish to do the former, and are more likely to succeed ²¹ in increasing welfare by this course than by any other.

One might wonder if needed reforms in behalf of others would ever come about following this advice. Findlay seems to think so, for some people have a special call and ability for such tasks. For those who seem to have an ability for such difficult activities, tasks of reform involving abnormal risk may, indeed, be a minatory duty, and binding upon them. That such tasks may be considered a minatory duty for a minority can be seen in this passage:

As things are, the difficult duty of expunging remote evils is minatory and stringent only for those to whom it represents an invincible vocation, the true reformers, whose zeal adds sweetness to the universe. . . ²²

On Findlay's view, for all people it is a minatory imperative not to inflict injustice on others. But for some people, the true reformers, it may be a minatory imperative to seek to remove injustices. For most of us, however, the imperative to remove injustices is hortatory. Part of the justification for

²¹ Ibid., p. 355.

²² Ibid., p. 361.

this view is explained in this passage:

. . . in uprooting evils of whose source we have but a faint understanding, we are liable to uproot much that is good, and ourselves to create much evil and injustice. Whereas to produce the good things for which we have a vocation, and which others expect of us, is, on account of its comparative ease and freedom from adventitious evil, almost a minatory, not a hortatory 'ought', for which reason it will take precedence over duty to expunge remote evils.²³

However, we should not think Findlay would eliminate all tasks involving great difficulty. The value of difficulty and noble sacrifice is made clear in these comments by Findlay:

Difficulty and resistance . . . necessarily entail frustration and pain, which is therefore an essential element in the highest forms of good. This last proposition may be said to be the most important discovery of the Christian religion, and its unique²⁴ contribution to the appeasement and betterment of men.

It could be inferred that this is an indirect reference to the saints and heroes of the Christian faith who provide us with examples of the category of supererogation. If so, then Findlay seems to support the position that actions such as saintly or heroic actions that involve a great element of sacrifice must be of a non-obligatory nature, for he thinks that if profound pain is to exercise its cathartic and stimulating power it must be undertaken in complete voluntariness and not imposed from without. "

Let us summarize Findlay's comparison of hortatory and minatory imperatives. It is only to a small extent a duty for us to remove injustices, and then mainly a hortatory duty,

²³ Ibid., p. 361.

²⁴ Ibid., p. 358.

to which other hortatory duties (such as that of pursuing art) may take precedence. However, the avoidance of inflicting injustice is mandatory and stringent. Some, such as true reformers, may have a minatory imperative to resist injustice on behalf of others. Those who do engage in such tasks need special ability so that they do not destroy good while removing injustices. It is possible to work from a moderately unequal framework to one more equal, but not readily from a shapeless ideal nebula to a definite social framework. That basic duties have preference is shown by this comment:

Respect for existing law and usage is essentially the more minatory demand, while pressure towards ²⁵greater equalization is essentially more hortatory.

Findlay, as well as Urmson, believes that basic duties must be given preference or priority. Since it is usually possible to state basic rules specifically, and since this is an important task, this has led ethics to a special concern for and orientation with rules. Ethical theory in recent years has been greatly concerned with which rules of conduct can be justified and how. Urmson, in noting the category of supererogation, begins to move away from an exclusive consideration and concern with rules. Findlay, in presenting hortatory oughts as ideals which cannot be contained in rules, recognizes that "the ethics of rule" is narrow. Nevertheless, both of these writers give a certain preference to rules in that rules are given priority in ethical considerations as opposed to acts of supererogation or hortatory oughts.

Now I should like to point out what seems to be an important difference between the view of Urmson and that of Findlay. The traditional ethical theories of Kant and Mill,

²⁵Ibid., p. 362.

possibly would attempt to account for instances of supererogation by counting these as instances of the performance of 'imperfect duties.' This, in essence, is Findlay's position. That is, Findlay may be thought of as conceiving of a 'duty-scale' with minatory duties at the bottom, providing a broad base; these duties are determinate, and a right resides in society to demand compliance regardless of our commitment. Next are obligatory duties, which are duties of perfect obligation; i.e. a right resides in another person or group to require performance on the basis of some prior understanding or commitment. At the top of the 'duty-scale' are hortatory duties, which are characterized by being indeterminate; these correspond to duties of imperfect obligation; that is, no right resides in another to require them of us, and, while productive of good, they are not obligatory. Although Kant, Mill, and Findlay might view instances of supererogation as examples of the performance of imperfect duties, Urmson and Chisholm do not agree that supererogation can be accounted for by the term 'imperfect duty'. Both Urmson and Chisholm refer to supererogation as non-obligatory, and think one criterion for this category is that it consists of actions which are not duties. Whereas Findlay does not object to referring to hortatory oughts as 'imperfect duties' (and in fact, thinks use of the term 'duty' gives them added importance, while use of the term 'hortatory' shows their non-obligatory nature) neither Urmson nor Chisholm want to use the term 'duty' in connection with supererogation. Because supererogation differs from duty, they hold we cannot call these non-obligatory actions 'duties' in any sense. In the next section we shall consider the views of another author who wants to make a complete separation between duty and non-duty.

III. FEINBERG'S CONCEPTION OF A WIDER THAN RULE MORALITY

Joel Feinberg argues that to take the usual three-fold division of ethical categories, that is, duties which are obligatory, actions which are permissible but not required, and actions which are wrong and prohibited, and to enlarge it to include a fourth category, labeled "in excess of duty" will not do at all.²⁶ To explain why, he points out that many institutions have rules which allow persons to accumulate extra points or credit by oversubscribing their assigned quotas. But saintly and heroic actions cannot be understood on the model of institutional oversubscriptions. If we take supererogation in the exclusive sense of "oversubscription" we commit the error of accepting jural laws and institutional 'house-rules' as models for the understanding of all counsels of wisdom and all forms of human worth. Feinberg says we cannot treat what are essentially non-institutional facts as if they were some kind of special institutional facts. This amounts to blowing up 'duty' to include 'non-duty'. He thinks we cannot interpret counsels of wisdom and the word 'ought' on the model of prohibitory rules and the word 'duty', and cannot treat non-duties (whether simple favors or heroic self-denials) on the model of institutional over-subscriptions.

Let us take his first simple illustration of a non-duty. There are some actions which it would be desirable for a person to do, and which it might be said that he 'ought' to

²⁶ Joel Feinberg, "Supererogation and Rules," Ethics, Vol. 71, (1960-1961) pp. 276-287.

do, even though they are actions he is under no obligation and has no duty to do. For example, if a stranger asks Jones for a match, and Jones refuses, we may reproach Jones for his uncivil treatment of the stranger. But Jones might reply in the following way:

. . . surely I was under no obligation to give a match to that man . . . He had no claim on me; he has no authority to command any performance from me; I don't owe him anything. It may be nice to do favors for people; but a favor, by definition, is nothing that we are legally or morally required to do. I am an honorable man. In this instance I did not fail to honor a commitment; neither did I fail to discharge an obligation, moral or legal; nor did I break any rule, of man or God. You have, therefore, no right to reproach me.²⁷

Someone might argue that God commands us to do favors for one another, but Feinberg claims that would be to regard such actions as obligatory, and it is logically contradictory for one and the same act to be both required and freely given, both a duty and a favor. It seems then, from Feinberg's view, and from a logical point of view, that a favor is a non-duty. It is clear, he thinks, that there are meritorious acts (e.g. favors) which are not the performance of duty, for not all good deeds are requitals or repayments or fulfillments of bargains.

All duties and obligations share the common character of being required, and can be incurred in three ways; namely, (1) duties of obedience required by law and commands; (2) tasks connected with station or roles in life; and (3) actions to which we voluntarily submit by making promises, appointments, etc. Liability for failure to perform is an essential part

²⁷Ibid., p. 278.

of what we mean by 'duty'. In general, the law requires citizens to discharge their legal duties or else face up to the unpleasant legal consequences. And in the "house rules" of non-jural institutions, there are certain consequences which follow from failure to meet the requirements of the rules.

The word 'ought' differs from the word 'duty'. 'Ought' has several jobs. One use of the word 'ought' is to prescribe or give advice. Feinberg says: "When the word 'ought' occurs in a sentence which gives advice, we can call it the 'ought of final judgment, all things considered.'"²⁸ To tell any person, in a given situation, what he 'ought' to do is very difficult, for it is necessary to have a wide knowledge of all his duties and commitments incurred in any or all of the three ways he mentions, and there may be conflicts among these duties. To tell one what he 'ought' to do, is to tell him the one best thing to do, even though there are several incompatible things he has an obligation to do. For Feinberg, the area to which 'ought' applies is wider than the area of any one particular duty. For him, "ought to do" cannot be synonymous with "have a duty to do" or "have an obligation to do" because sometimes, all things considered, people ought to or have to renounce some of their obligations. That is, considering various obligations, some of which may be in conflict with each other, one may decide the best thing to do in a given situation is to renounce some of his lesser obligations in order to perform some which have higher priority. Feinberg thus agrees with

²⁸Ibid., p. 278.

Findlay on the point that the use of 'ought' is broader than its connection with the words 'duty' or 'obligation'.

Such phrases as "going beyond the limits of duty," and "exceeding the demands of duty" used by Urmson are ambiguous, and Feinberg attempts to clear up this ambiguity by defining and contrasting these terms: oversubscription, favors, and acts of supererogation. Words like "above", "beyond", "more than", and other phrases such as those mentioned above, can have a quantitative interpretation which Feinberg illustrates as follows. A janitor has a duty to spend eight hours cleaning, but he may work ten hours for eight hours pay. Duty required his working eight, so, in a clear sense, he "did more" than duty required. In his other example, a patriotic taxpayer may owe \$100 but pay \$200, intending the excess as a gift to the government. Examples of this type Feinberg calls "oversubscription," since one meets the requirement of duty, then "oversubscribes" it.

But the phrases and words which Urmson uses repeatedly can be given an interpretation which is not quantitative in nature. A favor can be, but it is not always the performance of a duty plus more of the same. Often it is an action where none is required rather than a contribution of more than is required. Some favors which are not oversubscription may be quite simple, such as offering a stranger a match. Others cannot be described as "mere favors;" for example, if one should spend three long hard days away from one's own work helping a friend paint his house, it would seem an understatement to describe that performance as a "mere favor."

Further, claims Feinberg:

Still other actions in the service of others are, like favors, meritorious and not required by duty, and yet so profoundly different from the mere offering of a match, that we would not call them favors at all, and for roughly the same kind of reason that we would not call a giant redwood a sapling.²⁹

Regarding Urmson's example of the heroic doctor who volunteers to go to a plague-stricken village to treat patients there, it seems to Feinberg that the doctor has no specific duty to travel one step toward the plague-ridden city, since his duty as a doctor is to continue to treat the patients who constitute his own practice. We might ask, "In what way does the doctor's act 'exceed duty'?" It seems to Feinberg the excessive element is sacrifice. This doctor is making a probable sacrifice to perform a meritorious non-duty. According to Feinberg:

The sacrificial element in supererogatory actions then does not necessarily exceed that in the performance of a duty; what it exceeds is the sacrifice normally involved in the doing of a duty.³⁰

The element of sacrifice which is involved in a saintly or heroic action (and which under certain circumstances can be involved in dutiful actions but is not normally so involved) does not exist in the performance of simple favors to anything like the same degree. Feinberg mentions two necessary

²⁹Ibid., p. 280.

³⁰Ibid., p. 280.

conditions for an action being referred to as "beyond duty" in the second sense he marks; that is, the sense which is not oversubscription. First, it is not itself a duty. Second, it exceeds, in the sacrifice it seems likely to require, that normally involved in the performance of duties. That these necessary conditions are not sufficient can be shown by reference to Feinberg's example of a greedy adventurer who may set off into the jungle determined to brave all dangers in order to find treasure. Such an adventurer is certainly not merely doing his duty, nor engaged in "duty-plus", and we don't count his adventure as having "moral worth". From this, and other examples, Feinberg states a third necessary condition of an act which exceeds duty in the second sense: praiseworthiness, or, in Urmson's phrase, "moral worth." So Feinberg defines a supererogatory act as a "meritorious, abnormally risky non-duty."³¹

Now we come to an important criticism by Feinberg of Urmson, summarized as follows. Urmson assumes that, in distinguishing duties and "more than duties" he is classifying actions according to their "moral worth." His view is that there are several ways in which an act can acquire moral worth, positive or negative. If it does what is wrong or prohibited, it has negative worth; if it does what is obligatory or required, it achieves positive merit; and if it goes "beyond duty" in the manner of saintly and heroic actions, then also it acquires moral worth, though not necessarily more merit than some

³¹Ibid., p. 281.

obligatory actions, which can be very demanding indeed. Now, when we examine Urmson's examples of actions in excess of duty (the heroic doctor), we find, says Feinberg "that instead of acquiring worth by being saintly or heroic, they are not correctly called 'saintly' or 'heroic' unless they are already worthy or meritorious on some other ground."³² That other ground cannot be their requiredness, for they are non-duties and thus cannot be required.

From this Feinberg concludes that Urmson's addition of actions in excess of duty to the traditional classification of prohibited, permissible, and obligatory actions does little, if anything, to make it more adequate as a classification of actions from the point of view of moral worth. Further, Feinberg claims that a more radical point is suggested by the examples used: that moral worth has no necessary connection with any of the categories in Urmson's expanded classification. Duties may be performed accidentally, or from evil motives; forbidden actions can be done by error or from high motives. Meritorious super-risky non-duties have only one proper pigeon-hole in such a scale. They are not duties; they are not derelictions; they are not oversubscriptions. They are simply "permitted;" but it is not their character qua "permitted" which makes them morally worthy.

The main point of the preceding discussion seems to be that supererogation may be interpreted in two ways: (1) quantitatively (as "oversubscription"), or (2) as a meritorious

³²Ibid., p. 281.

abnormally risky non-duty. Considering supererogation in the second sense, the question of what makes a non-dutiful act meritorious has not been answered.

Next, Feinberg explores the complex of concepts connected with the two types of supererogation. The "institutional complex" (connected with "oversubscription" or "duty-plus") consists of first, essentially jural or institutionally connected rules which enjoin, permit, and prohibit, and thus confer duties and obligations; and second, other rules which prescribe procedures for determining merits and demerits. In organizations in which behavior is in part governed by such rules and regulations, one can acquire merit in two ways: by consistent performance of duty, and by accumulating "bonus-points," by doing "duty-plus." One can incur demerits by complete disobedience of the regulations, and also by failing by some measurable amount to come up to the requirements of duty as specified. Under some rules, one can store up assets on his account to guard against unexpected expenditures of credit. A truly worthy office-holder keeps a meritorious work record. The most deserving of all, through accumulation of "surplus" credits, become liable to rewards.

In contrast to this is what he calls the "non-legal-like, non-institutional complex." This involves a different conception of personal merit and a distinctly different sort of rule. We are often concerned with a person's merit or worth "all things considered," and not merely in respect to this or that job or role, skill or function. Final worth as a man is not

simply some computable function of one's various work records and accounts, and cannot be completely identified with the virtue of obedience. In Feinberg's words:

A "good man all things considered" is not simply the man who is good at doing his duties and accumulating points . . . He will also be a man with a hearty and subtle sense of humor, tact and social sensitivity, warmth, hardiness, and perhaps a redeeming sense of his own absurdity.

In making a final appraisal of a man, we must not only compare his mutually comparable talents and records, but also parts of his character and history which are mutually incommensurable.³³

We cannot, he says, total up a man's final score in respect to excellence.

To know one's duties, one need not consider "all things," but only the orders of a boss, the conditions of employment, voluntary commitments, social roles, and civil law.³⁴ Duties such as these may be "looked up"; that is, checked on in the various legal or institutional manuals, or checked with appropriate social customs in a particular area. Now if two or more duties of this type conflict, and one wishes to know what the one thing is which he ought to do, he cannot look that up so easily. The appropriate settling of conflicting obligations involves using counsels of wisdom and consideration and weighing of all the things involved. There are no superrules for applying counsels of wisdom, and no very reliable rules either

³³ Ibid., p. 283.

³⁴ Feinberg does not think duty is always or even often onerous, or that calls of duty are engaged in a perpetual internal cold war with inclination. Rather, it is his view that performances of duties are more often than not routine, habitual, even pleasant activities.

for comparing incommensurable virtues and vices or for getting from sound counsels of wisdom down to a wise piece of singular advice. Feinberg comments that "the better part of wisdom is a kind of knack or flair which cannot be bottled up in simple formulas."³⁵

When we use the word 'ought' in statements of generalized advice ("you ought to be kind," etc.) there is no harm in calling such statements rules if we notice that these rules do not enjoin, prohibit, and confer obligations and duties. Perhaps it would be better if we named these statements "maxims," or "precepts," or "counsels of wisdom" or "rules of advice," but the important thing to notice is that they are not injunctions or commands. In other words, when we find the word 'ought' used in connection with counsels of wisdom or rules of advice, it does not carry the same implication as when 'ought' is used in connection with concepts of the legal and institutional type. To put it another way, the word 'ought' is often used where no duty follows from it, according to Feinberg.

In Part IV of his article, Feinberg points out that writers have taken three positions with regard to what constitutes "the facts of morality."³⁶ Some identify the moral with the legal-like, especially with the concept of duty, and then distinguish it from the wider genus of "values." Some identify the moral realm with what Feinberg calls the non-jural, non-institutional complex--a man's moral worth is his worth "all things considered." Some treat morality as a genus with legal-like and non-legal-like species.

³⁵ Joel Feinberg, *op. cit.*, p. 283.

³⁶ *Ibid.*, p. 284.

Feinberg thinks this is a verbal problem which is hopelessly tangled but insists that the two realms he points out must be distinct, whichever, if either, is to be called the distinctively "moral" realm. Accordingly, he does not agree that the main task of moral philosophers is to catalogue the duties of men. For this is too simple if we confine ourselves to the specialized roles, and when we turn to the duties of man qua man, they turn out to be those acts of beneficence, service, and gratitude whose names derive their sense by being contrasted with duty.³⁷ Perhaps it is Feinberg's point that one task of ethics is to consider what the virtues of a "good man" might be. At one time this was done in ethics. We shall note a contemporary view concerning the desirability of a re-emphasis upon "virtue" in ethical theory when we consider the article by Pincoffs in the last chapter of this thesis.³⁸ It is Pincoffs' view that ethics has been overly concerned with rules and meta-ethics, and this "rule-orientation" has caused the neglect of the "virtue-orientation" which ethics has traditionally had.

It is Feinberg's claim that the concept of supererogation itself sometimes contributes to conceptual confusion, especially

³⁷ Joel Feinberg, op. cit. pp. 287-285.

³⁸ Edmund L. Pincoffs, "Some Prolegomena to a Theory of Moral Education" (paper read at Philosophy Colloquium, Rice University, Houston, Texas, October 4, 1968).

if we take it to mean "oversubscription," and if we take institutional models too seriously. If final human worth is something one can accumulate and hoard through oversubscription, then the distinction between Urmsen's heroic doctor and the brave but greedy adventurer begins to blur. Imagine a second doctor who, like the other, tends the sick in a distant plague-stricken city, but who does it for personal gain. The adventurer risks life and limb for gold; this doctor, for surplus units of human worth. In this case Feinberg thinks we would actually be inclined to place the second doctor in the category with the brave gold-seeker; but since he does exactly the same thing as the genuinely heroic doctor, if we judged on actions alone we would have to put the two doctors together in the same category. Feinberg thinks human worth is a reflection of what one is, not a simple function of what one does.

A further difficulty if one understands supererogation on the oversubscription model is this: one's duties will change as he accumulates points. If a person approaches the end of his moral career with a large balance of moral credits, then he can "afford" to incur a few debits in his remaining years. A few debits will lower his surplus a bit, but he may have plenty to spare. The man whose moral budget is just balanced must do his duty to be saved; but in his shoes the man with surplus credits does not really have to do the same. The aging roue may find himself in such a position that he needs to perform one last tremendous oversubscription so as not to finish in the red. What may be supererogatory for Urmsen's heroic doctor may be mandatory for the aging sinner.

Such peculiarities as these reflect the inadequacy of the jural and institutional models for personal merit and point to a dimension of human worth which is not measured by any kind of institutional work record. I shall later claim that such a dimension is exemplified, personified, particularized, by particular people. It would be odd if this were some abstract dimension. If certain people did not, so to speak, illuminate this realm for us, we should wonder if such a realm was a reality, or a possibility for any human being.

In summary, the import of Feinberg's article for our problem is this. He argues that to say one 'ought' to do something is to say it is a good thing to do, but it is not to say that it can be required. Therefore, there are 'oughts'--good things to recommend, which cannot be required. Since such actions cannot be required, they are not duties and cannot be properly placed in an ethical category called "above and beyond duty." It may be that Feinberg envisions Urmson's fourth category as identical with Findlay's hortatory-ought category, at the top of a 'duty-scale.' Feinberg clearly rejects the grouping together of meritorious non-binding 'duties' and calling them 'duties of imperfect obligation'.³⁹ This device, he says, blurs the distinction it is meant to explicate. As we have seen, neither Chisholm nor Urmson wish to count supererogation as 'imperfect duty' on any sort of duty scale, but to consider it as non-obligatory well-doing. Evidently Feinberg thinks that to put such actions in another category, even though referred to as a category of non-obligatory actions, would contribute to the present overemphasis upon rules, so he rejects

³⁹Joel Feinberg, op. cit., p. 285.

Urmson's expansion of the three-fold scheme to a four-fold scheme as not the proper solution to the problem posed by supererogation. Such a solution, he feels, takes rule-like or legal-like models as a guide for understanding counsels of virtue or excellence. This is an error, for these things are qualities and cannot be measured quantitatively on some sort of a work record.

We shall see that Feinberg's rejection of a rule-oriented ethics supports Pincoffs' view. If we accept a wider-than-rule orientation for ethical theory, does this mean a rejection of any concern with rules? The writers we have considered thus far do not think so. But one writer considers this a possibility, and we shall next examine his views to see whether an acceptance of a wider-than-rule morality may lead to a rejection of rules altogether.

IV. CAN THERE BE A MORALITY WITHOUT RULES?

Neil Cooper argues for a broader sense of morality than is contained in the concept of rule-keeping, but goes further than all of the other authors do, and argues that it is possible for moralities to be either wholly or partly rule-free.⁴⁰

Rules are sometimes regarded either as being the whole of a morality or at any rate as being essential to it. As a result, even so-called "above rule moralities" are interpreted . . . as in some way necessarily involving rules. But if, as I shall argue in the first part of my paper, moralities are possible which are either partly or wholly rule-free, then rules are neither the whole nor the heart of a morality. . .⁴¹

⁴⁰ Neil Cooper, "Rules and Morality," The Aristotelian Society, Suppl. Vol. 33, (1959), pp. 159-172.

⁴¹ Ibid., p. 161.

A great deal turns on the word 'partly'. For, if Cooper wishes to hold that moralities may be partially rule-free; i.e. that rules do not tell the whole story of morality, then Cooper seems to be in accord with the views previously considered herein. But I shall claim that Cooper does not make the case for his contention that a morality can be wholly rule-free.

Cooper says that there are two senses of 'morality': a wider, broader sense than is contained in rules, and a narrower sense, which is also a legitimate use. However, he goes on to argue that the second sense may be a result of our own moral outlook which has generated an analytical myopia. So this feature of including rules, which seems to stand out as central or essential, may not really be essential after all. He wants to retain the use of 'moral' in its first sense, the wider sense, which he calls the "unconstricted" sense. Furthermore, he thinks that if we accept this unconstricted sense, it follows that there are no moral concepts which one has to accept, including the concept of 'rule.'

One assumption Cooper makes seems questionable. He says:

The concept of the moral "ought" . . . carries with it a form of language, the language of moral rules.⁴²

Here it seems Cooper is claiming that use of the moral 'ought' is necessarily connected with moral rules. It will be recalled that Feinberg did not agree with this. Feinberg thinks we use the word 'ought' in statements of generalized advice, and that while we may call such statements rules, we must notice that these 'rules' do not enjoin, prohibit, and confer obligations and duties, so would better be called "maxims" or "counsels of

⁴²Ibid., pp. 160-161.

wisdom." Used in this sense marked by Feinberg, 'ought' does not carry the same implication as it does when used in connection with concepts of the legal and institutional complex. But then Cooper comes to a conclusion similar to that of Feinberg on the use of the term 'ought'. Cooper holds that there are acts of supererogation which we acclaim as good, and which we use the term 'ought' in connection with, which are different from categorical duties. It seems Cooper begins with the idea that the moral 'ought' is connected with rules, but then works away from this by pointing out things such as supererogation. The question is whether or not he can work out a morality, or a moral language with no concept of 'rule'. He says:

If I am right, there are portions of moral language which are neither part of nor parasitic upon the language of rules.⁴³

Again, if we stress the word 'portion', Cooper is not disagreeing with our other authors. For the quoted sentence above seems to set forth the same point that Feinberg makes in insisting upon two distinct complexes of terms. That is, Cooper's portion having to do with rules is akin to Feinberg's legal-like terms, and the portion Cooper mentions which is neither part of nor parasitic upon the language of rules is akin to Feinberg's non-legal-like complex of terms.

⁴³Ibid., p. 161.

First of all, let us see how Cooper defines the term 'supererogation':

There are certain actions and classes of actions which some people have regarded as going beyond their duty, obligations and what they morally ought to do. I shall call such actions "works of supererogation" or "supererogatory actions" . . . ⁴⁴

This definition is certainly abbreviated, and some of the articles just considered in this chapter of my thesis have drawn much finer distinctions. However, let us go on to the positions set out by Cooper as possibilities for philosophers with regard to supererogation.

Those who believe that there are works of supererogation I shall call "supererogationists" and their opponents "anti-supererogationists". Both parties to this dispute have striven to keep some sort of correlation or tie-up between "good" and "ought", but none of these attempts, I suggest, achieves its purpose. ⁴⁵

As we shall see, Cooper will presently divide the supererogationists into two types: moderate and radical. First, however, let us consider the description he gives of the anti-supererogationist. Cooper uses this term to refer to one who holds that acts of supererogation (so-called) are logically impossible.

⁴⁴ Ibid., p. 161.

⁴⁵ Ibid., p. 161.

An anti-supererogationist asserts that "acting beyond obligation" is the same as "acting contrary to obligation." But this statement would not hold concerning supererogation in Feinberg's sense of oversubscription, or for his sense of the non-duty type of supererogation. Performing a non-duty such as a favor does not seem to be contrary to duty. However, Godwin, whom Cooper calls the most radical of the anti-supererogationists, says that "it is impossible to confer upon any man a favour; I can only do him a right."⁴⁴ The procedure for the anti-supererogationist is this: from the premise that if I commend an action, I must--to be consistent--be prepared to recommend it, the inference is drawn that, if I commend an action and call it 'good', I must be prepared to recommend that people perform the action and to say that they ought to do it. And if I recommend that people perform the action, I must--in order to be consistent--be prepared to condemn their failure to perform it. This reasoning makes acts of supererogation logically impossible. Thus, on this view, there can be no such acts as "acts of supererogation."

Cooper, in criticizing the anti-supererogationists, states that their inference is not valid because the word 'recommend' is ambiguous. He thinks there is a difference between recommending an action and recommending that someone perform the action. For example, he points out that a professor may advise his students that a number of lectures are worthy and thus commend or recommend them. However, some of the lectures may

⁴⁶ Neil Cooper, op. cit., p. 162, citing W. Godwin, Political Justice, II, ii.

take place simultaneously. So he cannot sensibly recommend that they go to all the lectures. His advice to them is commendatory recommendation; he commends all the lectures, but does not prescribe which ones the students choose. Or a professor may commend or recommend a number of books, knowing that the students cannot read all those on his list. Such examples show that 'recommend' has at least two senses. When this confusion regarding the two senses of 'recommend' is cleared up, Cooper thinks that logical anti-supererogationism loses its appeal.

Now Cooper divides supererogationists into two types: radical and moderate. He notes that we sometimes think it is unreasonable to require the performance of certain very difficult or exacting acts. We rebut the assumption that such acts are obligatory by saying they are "too difficult" or "practically impossible". The radical supererogationist will not allow such a rebuttal. He reasons that we cannot suppose acts of supererogation are not obligatory just because they are not within everyone's power. The fact that they may not be in everyone's power is not relevant to whether or not they are obligatory. For actions may be obligatory even though they are not within the power of everyone to perform. So, Cooper says:

The radical supererogationist holds that if one morally ought to perform an action or class of actions, a plea of "practical impossibility" is not allowable."⁴⁷

Next Cooper describes the class of philosophers which he calls "moderate supererogationists." This position holds that a plea of practical impossibility does not defeat 'ought' altogether, but reduces it from a "really ought" to an "ideally

⁴⁷Neil Cooper, op. cit., p. 164.

ought." On this view we should not blame people for not doing what they ideally ought to do because there are some good actions which people cannot reasonably be required to perform. . Such a view has the following consequences:

But if this is the meaning of "ideally ought", it has lost its prescriptive force and is at best "counter-factually prescriptive." This is the price the moderate supererogationist or anybody else has to pay if he wishes to preserve a logically necessary tie-up between "good" and "ought".⁴⁸

Cooper's point seems to be that if good implies ought, and the moderate supererogationist is right, then ought can't imply prescriptive. Thus the use of the word 'ought' is not always connected with rules.

It is Cooper's claim that the supererogationist must employ rule-free words, some of which he coins to express the tension between the two parts of his morality. Such words as "above-rule" and "higher morality" are pointed to as examples which the supererogationist needs in addition to such general words as 'good' or 'heroic'. Urmson, Feinberg, and Findlay all want to employ rule-free words, or to disconnect certain words which they need from their rule-associations. Feinberg does not want such words to be modeled on rule-language, so he proposes a radical separation of rule-morality from non-rule morality. Findlay wants to use the rule-associated word 'duty'

⁴⁸ Neil Cooper, op. cit., p. 164.

preceded by his word 'hortatory' to mean praiseworthy but optional and non-obligatory. Since all these authors believe that acts of supererogation are logically possible, this removes them from the ranks of anti-supererogationists. Since they all believe that 'ought' can refer to acts which are non-obligatory under certain circumstances, this puts them in the ranks of moderate supererogationists, according to Cooper.

In summary, regarding the first part of Cooper's article, I think he makes an important contribution by calling to our attention the difference between commendatory recommendation and prescriptive recommendation, and that this adds to the case for thinking that "rules are not necessarily the whole of a morality." But he next tries to show that the presence of rules is not even a logically essential feature of a morality. I claim that he does not succeed in establishing this second point.

In order to illustrate a morality which he calls "a pure supererogatory morality" Cooper supposes a Community of Holy Wills, defined, not in the Kantian way, but relativistically, as a community of people whose inclinations are in natural harmony with what they regard, or would regard if they reflected, as morally obligatory, as moral duty, as what they morally ought to do. Yet, he says, the concept of duty disappears as soon as the Holy Wills understand the nature of their community. (This seems to raise the question as to whether their inclinations are 'natural' or must become understood in a certain way and then that way understood as 'natural'.)

But let us go on with his explanation.⁴⁹ The word 'ought' will not appear in teaching patterns. If it is mentioned, the "Holy-Will-in-the-Street just will not know what 'ought' means. In teaching patterns of behavior, such expressions as 'good' and 'better' and even the imperative will be used, but the imperative is "far less 'imperative' than the word 'ought'." (For example, the imperative statement "Do A rather than B" might be made, but this is not a rule for nothing counts as 'violation' or 'disobedience'.) According to Cooper, disagreement on moral questions is possible among Holy-Wills, for they do not all praise the same behavior. Two types of moral reformers arise in such a community, says Cooper. First, the superficial reformer, who advocates different views from those of the majority as to what is to be praised. Second, there are the radical reformers, who will attack the whole basis of the community, "advocating . . . that the concept of Duty, long fallen into disuse, should be reinstated."⁵⁰ (These radical reformers think that the Holy-Wills are not so holy as they think.)

⁴⁹Ibid., p. 166-168.

⁵⁰Ibid., p. 167.

Some of the objections as I see them to this part of Cooper's view are as follows. First of all, this is an imaginary situation. From such a supposed situation of his imagination he can draw a logical possibility, but not a practical one, given our situation. Secondly, there are contradictions in the situation he supposes as he describes it. For example, if members of this community don't all praise the same behavior, then surely A, in doing what he thinks best, might violate what B thinks best. Then A couldn't be doing what is regarded (by B) as what morally ought to be done. So there would be the possibility of disagreement on moral questions and we wouldn't have the community of holy wills as described by Cooper.

Another major objection, it seems to me, is this. In describing his second type of reformer, he states that this class of reformers will argue for the concept of duty. As duty is associated with obligations and rules, it does not seem consistent for him to say that this community is, in all its deliberations, morally indifferent with respect to obligation, which is one of his claims.

In describing this community, Cooper says that inclinations are in natural harmony with duty. So his first statement concerning his completely rule-free morality employs

a rule-oriented term to explain it. It could be argued that these Holy-Wills (a) automatically do their duty without knowing that such a concept as 'duty-in-its-rule-oriented-sense' exists, or (b) naturally do what is best, and what is best coincides with what would be their duty if they reflected on it. If (a) is claimed, it seems there really is no morality here, for morality usually means an understanding of issues and making correct or good or desirable choices. If no choices are involved, if all action is automatic, then is it a true morality? If (b) is claimed, the concept of 'duty' (a rule-oriented word and concept) is employed either implicitly or explicitly and the proposed morality is not wholly rule-free.

R. Edgley argues also that Cooper's community of Holy-Wills is not completely devoid of the concept of 'rule.' He asks these pertinent questions:

Do they then not use the concept of duty, though they have it? Or do they not even have this concept, though they could have it? At least, it seems, though the concept would not apply to their actual conduct, it would apply to their conceivable conduct. Even the morality of the Holy Wills might thus be said essentially to contain rules.⁵¹

Cooper states that there can be imperatives in this community, which seems odd, for 'imperative' does seem in that complex of terms which we associate with rules. Cooper argues that when we utter the imperative statement "Do A rather than B", we can't call this statement a rule because nothing counts as disobedience. It could be argued by a critic that if

⁵¹R. Edgley, "Rules and Morality," The Aristotelian Society, Suppl. Vol. 33 (1959), p. 174.

nothing counts as disobedience, then there are no real imperatives. It is odd that he wishes to bring imperatives into his supposedly completely rule-free situation, and it seems the reason for this is that some things are better than others. But couldn't this be expressed just as well by saying: "A is better than B" and then letting the "natural inclination" of the person in this community take it from there? Cooper says a critic might claim that his ruleless morality is a sham because all its maxims are ill-disguised rules, and that he admits this when he speaks of his Holy Wills being able to teach their morality by means of the imperative mood. His reply to this type of criticism is that to say that a morality can be taught by means of imperatives is not to say either that it can only be taught by means of imperatives or that a morality can be so taught in all its aspects. Then he says: "Neither rules nor maxims are, it seems, the whole story."⁵² This remark seems to indicate an admission on his part that rules as well as maxims (or counsels of perfection) have a part in his supposed community. And I do not think his explanation of how imperatives are only a part in his community covers my criticism. I argue that imperatives and rules are a part, but only a part, of morality. He is supposed to be describing a community which has and needs no rules. But in his descriptions, he describes imperatives as having some part in this community. In the reply to his possible critics, he is replying to a critic who objects to any reference to imperatives. But I know of no such critics.

⁵²Neil Cooper, op. cit., p. 168.

It seems Cooper does not make the case for a pure supererogationist morality which is absolutely rule-free. As a counter-example, a case comes to mind of a real--not imaginary--community which suggests that even in a community of holy-wills motivated by love there will be a need to formulate some rules. The small group of disciples whom St. Francis of Assisi gathered around him formed a community and it is usually conceded that their wills were very holy in that they took the vow of poverty and dedicated their lives to the service of others. In this small community of holy-wills some rules did exist. Even though motivated by love and dedicated to the service of others, they found it useful, for example, to assign certain corners in their beggars' hut to certain members for the sake of convenience, although each would just as soon have had one corner as another. Other examples could be cited of so-called holy-communities which formulated rules of procedure and instruction. We know of no communities which did not have rules of some kind. Of course there have been holy men such as hermits who lived alone who perhaps did not find rules necessary.

Cooper's other argument for claiming that a morality may exist in which rules are wholly non-necessary and non-existent is the case of moral nihilism. Certainly moral nihilism is not concerned with rules, but there seems to be a question of whether or not it is a morality. It seems to me that moral nihilism lacks the major requirement Cooper himself states is logically essential to any morality: the concept

of moral importance. Cooper states that the concept of moral importance (though not its acceptance) is logically essential to any morality. Cooper admits that the moral nihilist rejects the concept of importance in all its dimensions. But he argues that the moral nihilist has the concept of moral importance, and having the concept qualifies the nihilist as a moralist even though he doesn't accept the concept.⁵³ I agree with Edgley that Cooper's argument to establish moral nihilism as a morality is unconvincing.⁵⁴

My conclusion is that Cooper fails to make the case for dismissing rules completely in the imaginary example of the Community of Holy Wills. In addition, even if he made the case logically, this would not necessarily be relevant or helpful from a practical point of view, given the human situation. Cooper also fails to make his case by citing moral nihilism, for while this position dismisses rules, it cannot in a meaningful sense, be said to constitute a morality.

To my knowledge, Cooper is the only current philosopher who holds that from an acceptance of the concept of supererogation it follows that there is possible a morality which has no relation whatever to rules. Since he does not make the case for this claim, I shall discuss this possibility no

⁵³Ibid., pp. 171-172.

⁵⁴R. Edgley, op. cit. pp. 174-176.

further, but return to the consideration of the category of supererogation, not as the only category of concern to ethics, but as one of the important categories for ethical concern. In the next chapter, I shall examine the Kantian and the Utilitarian theories to see whether or not they can account for acts of supererogation.

CHAPTER IV.

THE KANTIAN AND UTILITARIAN INTERPRETATIONS OF SUPEREROGATORY ACTS

I. UNIVERSALIZABILITY AND IMPERFECT DUTIES IN KANT'S ETHICS

We shall consider whether or not Kant's ethical theory can account for acts of supererogation, whether such acts are taken in the sense of oversubscription (duty-plus-more-of-the-same) or of non-duty, whether simple favors or saintly and/or heroic acts. Kant's view, it is well-known, rejects consideration of results in the determination of moral worth, and Kant's positive test to show moral worth is the universalizability of the act's maxim. There are two possible interpretations of Kant's theory, or two meanings which can be given to his dictum: "Act only according to that maxim by which you can at the same time will that it should become a universal law."¹ I shall try to show that on either interpretation Kant's theory cannot account for acts of supererogation.

One interpretation of Kant's meaning is that all acts whose maxims are universalizable are duties.² On this view,

¹Immanuel Kant, Foundations of the Metaphysics of Morals, p. 39.

²W. K. Frankena, Ethics, p. 25.

if the maxim of an act of supererogation is universalizable, then such an act becomes a duty in Kant's system. But this is contrary to Urmson's thesis which we support that acts of supererogation are not duties.

Let us consider whether such a conclusion follows when we consider supererogation in all of the senses mentioned above, taking the sense of oversubscription first. To universalize the maxim recommending oversubscription would be to create a policy something like: "it is always your duty to do more than duty requires." Certainly this seems to involve us in contradictions. While Urmson does not theoretically commit himself to an acceptance of acts of supererogation in the sense of oversubscription, some of his examples tend to suggest this sense; e.g. his comments regarding 'first mile' and 'second mile' could lead us to think that subscription might be the 'first mile' and oversubscription might be related to the 'second mile'. On this understanding, if duty is equivalent to a first mile obligation, and if the second mile is defined as beyond the first mile, then the second mile is therefore beyond duty. We are still presented with the contradiction involved in the policy of "it is always your duty to do more than your duty," which might be expressed as follows: "it is always your (overall) duty to do more than your (first mile) duty, so it is your duty to get into the second mile." However long or short we take the second mile to be, it is, on this view, interpreted to be our duty. And if we consider acts of supererogation as 'second mile' duties, then, again, they are duties, and this is contrary to our thesis.

Now consider supererogation in the sense of favors. To give moral worth to favors, we would have to make them categorical imperatives: "Do favors!" But to do this would make what we now call a favor a duty, and a favor is, by definition, a non-duty. The logical contradiction involved is unacceptable. (Perhaps we could justify "Do favors" as a hypothetical imperative. That is, prefaced by an 'if' clause such as "if you want to be kind," "if you want to make friends," etc. But to justify favors by making them a hypothetical imperative would give them no moral worth in Kant's system.)

Now consider supererogation in the sense of saintly and/or heroic actions. Can we universalize the maxim "Be a saint" or "Be a hero"? If so, this makes these actions duties in Kant's system, and this is contrary to our hypothesis that such actions are not duties. (On Kant's view, we cannot consider results in determining moral worth. If Kant accepted a view that the overall results of sainthood were good, they could be called 'good' only in an instrumental way, as means to an end, and not 'good' intrinsically.) It is difficult to see how we might universalize a maxim about sainthood. However, if universalizable, such acts become duties and are thus no longer acts of supererogation. On the other hand, if it turns out that such a maxim cannot be universalized, then such actions would no longer be duties and would no longer have moral worth on Kant's view. And this is contrary to our hypothesis that saintly actions have moral worth. So, either way, our thesis that Kant cannot account for acts of supererogation in his ethical system is supported.

Let us notice some of the difficulties connected with an attempt to universalize a maxim concerning sainthood. A maxim is universalizable if the agent can consistently will that everybody adopt the maxim as his maxim. The words 'consistently will' are interpreted to mean that the agent might will that the policy or maxim become a universal law of nature. Perhaps it might seem at first that one could consistently will that sainthood become a universal law of nature. But it does not seem that this maxim is possible for everyone, which is one of Kant's additional stipulations. It is generally conceded that saintly and heroic acts of sacrifice are beyond the physical possibilities of some, if not a majority of human beings. We thus encounter difficulty in trying to universalize a maxim about sainthood.

The interpretation of Kant we have been considering is that it is our duty to perform all universalizable acts. But Brandt claims this interpretation of Kant is in error, and that Kant's view is not at all that it is our duty to perform all such acts.³ Brandt claims that Kant's view is rather that we are enjoined not to perform acts that are not universalizable. On this second interpretation of Kant there are still difficulties in trying to account for acts of supererogation.

With the second interpretation, it is not our duty to do all acts of supererogation, and therefore it seems we have managed to get around the objection that Kant would make all such acts duties. On this view acts of supererogation are

³Richard B. Brandt, Ethical Theory, p. 30.

taken to be permissible; that is, their performance is not enjoined, but it is not forbidden. But, as Urmson has pointed out, this does not do justice to acts of supererogation for it does not differentiate acts of supererogation with moral worth from acts of moral indifference such as "the lead of this or that card at bridge." While acts of supererogation are permitted in the sense of being neither enjoined nor forbidden, the word 'permitted' has another sense which means 'indifferent', and acts of supererogation are not indifferent but have moral worth.

Is there any attempt by Kant to account for such actions as we now call acts of supererogation? It might be claimed that Kant makes an allowance for such actions in his distinction between perfect and imperfect duties. Kant says: "By a perfect duty I here understand a duty which permits no exception."⁴ He gives four examples as illustrations of categorical imperatives, as follows: (1) a perfect duty to myself: not to commit suicide; (2) a perfect duty to others: not to make promises I do not intend to keep; (3) an imperfect duty to myself: to cultivate my talents or gifts; (4) an imperfect duty to others: to render aid to those in need. It might be held that in stating perfect duties which admit of no exceptions Kant is telling us what not to do, and that in stating imperfect duties (where the right does not reside in others to make demands on us as in the case of perfect duties) Kant gives us general directives as to our own self-development and the rendering of aid to others.

⁴Ibid., p. 39.

Since 'imperfect duties' are sometimes identified with 'acts of supererogation', let us examine Kant's examples of imperfect duties further. Regarding his third example above, Kant thinks one cannot will it a universal maxim that one's gifts be neglected, for "as a rational being, he necessarily wills that all his faculties should be developed, inasmuch as they are given to him for all sorts of possible purposes."⁵ According to this, if one finds in himself a 'talent' for acts of saintliness or heroism, or for doing favors, it is incumbent upon him to develop or cultivate this, so this self-development becomes an actual duty. His discussion of a broad, meritorious duty to oneself seems to mean that we could state as an imperative: "If you have a talent for sainthood (or heroism), then do it."⁶ However, following this he states again that duty can be expressed only in categorical imperatives, and not at all in hypothetical ones. And, in the following passage, he states that such a subjective principle as consideration of particular talents, while giving a personal maxim, cannot give a universal law:

. . . duty is practical unconditional necessity of action; it must, therefore, hold for all rational beings . . . and only for that reason can it be a law for all human wills. Whatever is derived from the particular natural situation of man as such, or from certain feelings and propensities, or even from a particular tendency of the human reason which might not hold necessarily for the will of every rational being . . . can give a maxim valid for

⁵Ibid., p. 41.

⁶Some do not wish to talk of 'duties' to oneself; they consider duties as something one owes to others.

us but not a law; that is, it can give a subjective principle by which we might act only if we have the propensity and inclination, but not an objective principle by which we would be directed to act even if all our propensity, inclination, and natural tendency were opposed to it.⁷

This seems to make it clear that we cannot derive universal and binding duties according to talents and abilities men may or may not possess.

Kant's fourth example refers to helping others, and he thinks we must see that to universalize a maxim to not render aid to others in need could not be subjectively willed, for we all realize we might someday be the one in need and would not wish to preclude our reception of aid from some source. Such examples as this lead us to believe that perhaps the Frankena interpretation of Kant is correct. That is, that Kant wanted not only to tell us what acts were forbidden, but to give us some positive directives. "Render aid to others" seems a positive directive; but, we have shown that if such a maxim is universalized, then it is a duty and thus not a supererogatory act. Can we get around this objection by calling such things 'imperfect duties'? Let us examine this further.

Kant attempts to describe two major types of imperatives: (1) hypothetical imperatives, which may have instrumental worth, but not moral worth, and (2) categorical imperatives, which alone have moral worth. Under his discussion of categorical imperatives, he discusses two kinds of imperatives.

⁷Kant, op. cit., p. 43.

Imperatives may be conceived in two ways, he says. First, as conformity to law by actions--a conformity which is similar to a natural order, permitting of no exceptions, and second, as "the prerogative of rational beings as such."⁸ According to this, it seems that Kant allows for choice (prerogative) of a rational being in selecting those imperfect duties which have to do with developing one's own perfection and rendering aid to others. These duties of the second type, which may be called imperatives, may be understood in the sense of being non-absolute, contingent, or broadly meritorious, and differ from the narrower meritorious duties by not being specifiable in the way the negative duties are specifiable; e.g. "don't steal," "don't lie," "don't commit suicide," etc. In such prerogatives, as contrasted to instances of perfect duties (which are stated specifically and admit of no exceptions or qualifications) perhaps Kant comes close to a concession to what we now refer to as the category of supererogation: morally worthy actions with some element of option in them, the element of option making them non-obligatory when obligatory is understood in its strongest sense. To bring in two senses of duty, only one sense of which admits of no exceptions, is to change our concept of duty, and seems a somewhat drastic modification of Kant's system."

Perhaps it would be enlightening to consider Kant's system in the light of the terminology suggested by Ladd. Kant's system certainly generates negative prescriptions

⁸ Ibid., p. 50.

such as "don't commit adultery," "don't steal," etc. and positive prescriptions which can be reduced to negative prescriptions, such as "tell the truth", "keep promises", etc. On the other hand, it also contains general directives such as "help others" and "develop your own talents". These general directives are examples of true positive prescriptions of the type that it is not feasible to reduce to negative prescriptions as shown by Ladd. If we take these true positive prescriptions into consideration, then, by Ladd's reasoning, the three-fold ethical scheme is not adequate for Kantian ethics.

In summary, can Kantian ethics account for acts of supererogation? If universalizable, they become duties and are no longer acts of supererogation. If not universalizable, they are not duties but then no longer have moral worth, so cannot be said to be acts of supererogation. What about the possibility of counting acts of supererogation as imperfect duties? If they are considered as imperfect duties which give general positive directives, then the three-place ethical scheme in effect becomes a four-place scheme, for the two types of duties are so different it does not do to put them both in a single category.

II. THE UTILITY OF SUPEREROGATORY ACTS

We shall now consider whether or not utilitarianism, the ethical theory proposed by John Stuart Mill, can account for acts of supererogation.⁹ An act, on utilitarian principles, is obligatory if no other act open to the agent would produce more pleasure. The act productive of the greatest balance of pleasure over pain (or good over evil) is right to do and is obligatory. That is, right actions are obligatory, and a right action is that most productive of pleasure (or good). Acts of supererogation pose a problem for utilitarianism because of the following dilemma. Either supererogatory acts are productive of more utility than other possible acts or they are not. If they are, then they are presumably duties, which is contrary to the hypothesis that they are not obligatory. If they are not, then they are presumably not meritorious, or of moral worth, which is contrary to the hypothesis that they are meritorious.

The proposal might be made to classify acts of supererogation as 'imperfect duties', for Mill does draw a distinction between perfect duties and imperfect duties. I shall claim that, with this modification, utilitarianism requires an extension of the three-fold classification. That is, the three-part system has no way of dealing with a distinction between two different types of duties for it has only one duty category. It would be misleading to place in this category both perfect and imperfect duties where the distinction between these is that some imperfect duties are not obligatory.

⁹ John Stuart Mill, Utilitarianism.

We shall now consider whether or not the tendency saintly lives and acts have to augment the happiness of the community is greater than any tendency they may have to diminish it. A critic might claim that saintly acts are of concern to religion, but are not related to the balance of pleasure over pain in the world; that is, that they are unrelated to the utility, or happiness principle. If this were true it might be possible to classify them as 'permissible'. But if they can be shown to be productive of utility, then they have moral worth on utilitarian grounds and are thus obligatory and the dilemma posed above will hold. I shall now try to show that saintly acts have utility, or contribute to the balance of happiness over unhappiness in the world, by using arguments resulting from investigations by a sociologist and a psychologist.

P. Sorokin has made a very exhaustive sociological study of sainthood, and it is his claim that:

. . . there are periods when the greatest need of humanity is ethical creativity at its noblest, wisest, and best.

An exuberant blossoming of ethical creativity seems to be the most desperate need of humanity today. Mankind will survive if there are no great scientific or philosophic or artistic or technical achievements during the next 100 years. But this survival becomes doubtful if the egotism of individuals and groups remains undiminished; if it is not transcended by a creative love as Agape and as Eros--love as a dynamic force effectively transfiguring individuals, ennobling social institutions, inspiring culture, and making the whole world a warm, friendly, and beautiful cosmos.¹⁰

¹⁰P. Sorokin, Altruistic Love, p. v.

So Sorokin sees the need, if civilization is to survive, let alone flourish, for a new ethical creativity, and it is his claim that saints are creative geniuses in the field of ethics. He argues that we have overemphasized our study and analysis of sub-social types, and have neglected our study of opposite types: those contributing not just a "normal" share to the good of society, or contributing to the ills of society by being sub-social types, but those he calls "altruistic types." He gives saints as examples of altruistic types of persons. He says:

Strange as it may seem, we know little about the altruistic person. We have studied the negative types of human beings sufficiently--the criminal, the insane, the sinning, the stupid, and the selfish. But we have neglected the investigation of positive types of homo-sapiens--the creative genius, the saint, the "good neighbor." We know a great deal about the general characteristics of the subsocial types. But we know precious little of the general or typical properties of creative persons.¹¹

It is his claim then that we must now--in response to the great need for altruistic persons--rectify this overemphasis on sub-social types, and by scientific study try to learn how the types of people who contribute greatly to the overall happiness over unhappiness in the world have been produced, presumably that we may cultivate more of such types of persons. Sorokin's recommendation is:

A scientific study of positive types of social phenomena is a necessary antidote to that of negative types of our cultural, social, and personal world. The moral effect alone fully justifies a further investigation of persons and groups of good will and good deeds.¹²

¹¹Ibid., p. vi.

¹²Ibid., p. 87.

His book is one attempt to meet this need for the analysis of altruistic persons, and I call attention to his words 'the moral effect' in the above quotation to indicate again that Sorokin's testimony as a sociologist is that saints (as well as good neighbors--his other concern of analysis) have moral worth. Of course, such persons do not bring total harmony to their surroundings. All altruistic actions and persons, he notes, have generated social antagonisms and conflicts. Nevertheless, he concludes that they have a real social function which more than balances the conflicts they arouse. In addition, he does not think such conflict is inevitable.

The social function of the saints . . . consists of being a living incarnation of the highest goodness, love, and spirituality of a given society. The saints are creative heroes in the field of moral values and they set a visible example for imitation. . . . the bulk of the saints are masters and creators of "love-energy", which they generate in large quantities of the purest quality. Without these masters of "love-production" society is bound to suffer greatly from a catastrophic abundance of deadly hatred and strife. Whatever the form in which these masters of "love-production" appear, be it religious or non-religious, a minimum of such apostles of unselfishness is as necessary for any creative and happy society as is a minimum of experts in the production of vital material goods. The concrete forms of love of these saintly apostles change, but their substance remains perennial and immortal: no society can live a long, happy, and creative life without the heroes of love and spirituality.¹³

It seems that Sorokin is assuming a utilitarian criterion; i.e. the happiness of society as a whole, and is claiming that saints or saintly types are as necessary as production of material goods to the support, continuance, and flourishing

¹³Ibid., pp. 197-198.

of such a society. As he speaks of "a minimum" of such types, there is no evidence that Sorokin wants to make sainthood a universal requirement.

We now turn to a psychologist, William James, who made an analysis of the attributes of saints by a detailed consideration of "case histories" of saints.¹⁴ He finds some of their attributes to be virtuous but, when carried to the extreme, to be vices. For example, James lists four virtues of saints as devoutness, purity, asceticism, and charity. The virtue of religious devoutness can turn into the vice of fanaticism, and can lead to unjust and unethical persecution in the name of religion. The virtue of purity can lead to a restriction of sexual energy which, if universalized, would be the end of the human race. The virtue of asceticism, or self-discipline, can lead to cruel self-destruction which James cannot recommend. (He suggests more acceptable means of satisfying this psychological desire for stringent discipline.) An excess of charity may, he says, preserve the unfit and breed beggars. Since it seems that an excess of devoutness may harm others, an excess of purity may harm the human race, and an excess of asceticism may cause one to do harm to one's own person, one wonders why James does not conclude that saints do more harm than good, or produce greater balance of pain than pleasure in the world, and counsel against sainthood. But this is not his conclusion. We find him recommending sainthood--to any who can achieve it--because of the overall utility for the community. He says:

¹⁴William James, The Varieties of Religious Experience, p. 207-291.

The saints . . . may, with their extravagances of human tenderness, be prophetic. Nay, innumerable times they have proved themselves prophetic. Treating those whom they met, in spite of the past, in spite of all appearances, as worthy, they have stimulated them to be worthy, miraculously transformed them by their radiant example and by the challenge of their expectation.

From this point of view we may admit the human charity which we find in all the saints, and the great excess of it which we find in some saints, to be a genuinely creative social force. . . . The saints are authors, "auctores", increasers, of goodness. The potentialities of development in human souls are unfathomable. So many who seemed irretrievably hardened have in point of fact been softened, converted, regenerated, in ways that amazed the subjects even more than they surprised the spectators, that we never can be sure in advance of any man that his salvation by the way of love is hopeless. . . . The saints, with their extravagance of human tenderness, are the great torchbearers of this belief, the tip of the wedge, the clearers of the darkness. Like the single drops which sparkle in the sun as they are flung far ahead of the advancing edge of a wave-crest or of a flood, they show the way and are forerunners. The world is not yet with them, so they often seem in the midst of the world's affairs to be preposterous. Yet they are impregnators of the world, vivifiers and animators of potentialities of goodness which but for them would lie forever dormant.

. . . If things are ever to move upward, someone must be ready to take the first step, and assume the risk of it.¹⁵

James' conclusion and recommendation is "be a saint if you can," but it is risky business, must be completely voluntary, and such a standard must not be imposed on anyone from without.

¹⁵Ibid., p. 277.

A sociologist and a psychologist, each of wide repute in his field, have concluded after lengthy investigation and an examination of the drawbacks and the advantages of sainthood, that saints contribute to the balance of pleasure over pain in the world. We cite this as evidence that sainthood satisfies the utilitarian criterion.

Mill is sometimes interpreted as an act-utilitarian, sometimes as a rule-utilitarian. An act-utilitarian would consider each individual act on its own merit, as to whether or not it was productive of utility. If we interpret Mill as an act-utilitarian, then on this view it seems that acts usually considered supererogatory, at least in some cases, are obligatory for the agent. If we interpret Mill as a rule-utilitarian, then his view is that we may make moral rules on the basis that such rules may be justified by an appeal to the principle of utility. Could Mill approve a moral rule such as "Be a saint," or "Perform acts of supererogation"? It would seem so, as Mill is concerned with those classes of actions which promote general utility. If so, these would be moral rules and actions falling under them would be obligatory. If saintly acts are productive of the greatest balance of pleasure over pain, then they become obligatory, which is contrary to our thesis that they are not. And this is the case for either an act or a rule utilitarian.

A utilitarian might try to accommodate supererogatory acts by distinguishing two types of duties, duties of perfect obligation, and duties of imperfect obligation. Duties of perfect obligation are those in virtue of which a correlative right to

demand their fulfillment resides in some person or persons. Duties of imperfect obligation are those which do not give birth to any right in another to demand fulfillment.¹⁶

Perfect duties are specifiable and determinate. Imperfect duties are indeterminate in that we have a certain latitude with respect to the manner in which we fulfill them. Imperfect duties, says Mill, are:

those in which, though the act is obligatory, the particular occasions of performing it are left to our choice; as in the case of charity or beneficence, which we are indeed bound to practise, but not towards any definite person, nor at any prescribed time.¹⁷

Here it seems that Mill is making a concession to the right of some latitude on the part of rational moral agents, but notice that he still holds that the imperfect duty of beneficence to be obligatory. With the qualifications made, however, in describing imperfect duties it seems that, in Ladd's terminology, these are true positive prescriptions, and thus impossible to subsume under a three-part ethical system of classification. Such a three-part system has only one duty category, and it is misleading to place both perfect and imperfect duties in the same category since

¹⁶ John Stuart Mill, Utilitarianism, p. 305.

¹⁷ Ibid., p. 305.

this would blur an important distinction between these two types of duties. For example, as the occasion of the performance of the imperfect duty of beneficence is left to the choice of the moral agent, he may not be held blameworthy by anyone for not performing such a 'duty' on a particular occasion in the same way that he is held blameworthy for failure to perform a specifiable (perfect) duty on a particular occasion.

To summarize, it seems that saintly actions, which are examples of the category of supererogation, do satisfy the utility principle. In Mill's system, this makes them obligatory, contrary to our hypothesis that they are not obligatory and their non-performance is not blameworthy. If they are considered as 'imperfect duties', it is still not satisfactory to place them in the same category with perfect duties, because we may not censure their non-performance as we may censure the non-performance of perfect duties. Therefore, in distinguishing imperfect duties, one is actually recognizing another category, namely, actions which are praiseworthy but not obligatory.

CHAPTER V

THE SIGNIFICANCE OF SUPEREROGATION FOR ETHICAL THEORY

I. SUPEREROGATION AND RULE-ORIENTED ETHICS

What is the upshot of all this, and what implications, if any, does supererogation have for current problems in ethical theory? I shall suggest there is a relation between the proposed new category of 'supererogation', and the abandonment of the present rule-orientation in ethical theory which has been proposed by Pincoffs.¹

If the three-fold system is adequate, then perhaps we do not need to go beyond rules, because each of its two categories which have moral worth (positive or negative) cover actions which can be prescribed in terms of rules; i.e. specific rules which set forth dutiful acts, and forbidden acts. But the three-fold system has been shown to be inadequate by showing that there are acts of moral worth it cannot accommodate. Urmson has proposed a new category in which we may subsume acts of supererogation. Such acts cannot be adequately explicated by formal and specific rules, for rules are connected with duties, and this new category consists in non dutiful acts. It seems,

¹Edmund L. Pincoffs, "Some Prolegomena to a Theory of Moral Education."

then, that this category must be clarified for us by something other than rules, which might turn out to be either ideals of conduct, and/or ideals of character.

An examination of the relevant parts of the systems of Kant and Mill revealed that both of them recognized to some extent such a need by their designation of a certain class of general directives as 'imperfect duties'. So it seems that both Kant and Mill, as well as contemporary philosophers, recognize some moral directives which are extremely difficult to express in terms of negative rules or prohibitions. A rule-oriented ethics seems mainly to concern itself with negative prohibitions, or with positive prescriptions which are reducible to them, so if we have established that ethics contains, or should contain, general moral directives or true positive prescriptions, then it strongly suggests that ethics needs to go beyond an exclusive concern with rules which can be clearly and specifically stated. To try to correct these difficulties by sub-dividing the 'duty' category into perfect and imperfect duties is not acceptable for several reasons. First, to do this is really to create a new category to handle imperfect duties, which are significantly different from perfect duties, so is, in effect, to do implicitly what Urmson wants to do explicitly: to create a fourth category. Furthermore, to so sub-divide the 'duty' category might suggest a type of duty scale with imperfect duties at the top. Such a picture is very misleading for it seems to imply something which we

have shown to be false; namely, that imperfect duties are more praiseworthy when performed than perfect duties, and, if this is taken to be the case it may suggest, falsely, that imperfect duties are more basic than perfect duties. Such a sub-division of the duty category would commit the error Feinberg points out of modeling our concepts concerning all counsels of wisdom on the duty-model. Even Findlay, who might accept such a scale, and does not object to trying to explain his 'hortatory ideals' in terms of imperfect duties, does object to an exclusive rule-orientation. He is critical of an "ethics of rule" as too narrow. So all of the above mentioned authors advocate a pulling away from the exclusive concern with rules.

The problem arises as to how this may be done. One possibility has been pointed out by Pincoffs, and I shall suggest that while his solution has merit, there is one distinct drawback to his suggestion, which is that ethical philosophy return to its historical virtue-orientation.² I shall suggest an alternate or an additional way in which ethics could go beyond a narrow rule-orientation by using saintly lives as illustrations of ideals of conduct, and/or ideals of character. This suggestion also has certain drawbacks, but I think there are ways around these problems and shall explain what they might be.

²Ibid., pp. 15-19.

Let us now examine the main points of Pincoffs' paper. What he ultimately wants to know as a philosopher of education is what kind of public moral education, if any, is justifiable and what kind is not. Pincoffs' claim is that normative ethics as it is presently discussed is less than useful to the moral educator. He says:

It is a fundamental and almost universal presupposition of Normative Ethics as it is practiced today that the business of Ethics is with "problems," i.e. problematic³ situations in which it is difficult to know what to do.

Pincoffs' claim is that philosophers today, as a matter of course, assume that the addressee of their normative writings is "the moral agent" who is in some kind of quandary and concerned with what decision he should make. Such a fixation on decision, he says, is of relatively recent origin, for in the history of philosophy such men as Socrates and Plato have concerned themselves with excellence of character, and with the good for man, that is, with what man should be rather than with what man should do. Pincoffs traces the recent concern with decisions and with doing to the influence of Kant and his categorical imperative, with its stress upon actions. Kant's concern is with the kinds of reasons on which one may and may not act to retain status as a moral agent. So the center of gravity shifts, in Kant, from (1) what kind of person one should be, to (2) what one should do, and from there to (3) how (on what grounds) one should make decisions. Thus the emphasis has been evolving from a

³Ibid., p. 6.

concern with excellence of character (in historical writings), an emphasis which Pincoffs refers to as virtue-oriented, to an emphasis upon proper rules of action for decision-making adeptness, an emphasis which he refers to as rule-orientation. The latter method, as he points out, addresses itself to the moral agent in a moral quandary. But, says Pincoffs:

The aim of moral education might be in part just to help an individual toward a life in which he⁴ is not continually bogged down in moral quandaries.

While he thinks the moral individual must be sensitive to the sometimes conflicting claims which are made upon him, he also should learn when and when not to become involved, and when he should avoid the occasion of perplexity. Moral educators should encourage a moral sensitivity (which will mean some conflicts which the less sensitive person will not have), should discourage moral recklessness which brings problems which might be sensibly avoided, and should attempt to avert a pathological fixation on problems. Pincoffs does not advocate an abandonment of rules altogether, for he recognizes the necessity of rules, and especially of teaching rules to the young. He claims that ethics has been overly concerned with this part of its task to the exclusion of pointing to virtues and excellence of character, a task which formerly had an important place in philosophy.

The moral educator has two tasks: (1) to recommend beliefs or principles and inculcate habits which can themselves be justified on moral grounds, and (2) to train moral

⁴Ibid., p. 7.

agents who are not willing to rest on principles supplied to them by another person but will themselves generate the principles appropriate to their life-circumstances. The second is necessary because a genuinely moral agent is characterized not by automation, but by freedom. In his teaching task, the educator can offer two sorts of prescriptions, namely, those concerning how to make and justify moral decisions, and those concerning the sort of character it is morally necessary or desirable to have. Pincoffs claims that moral philosophy has recently slighted the latter topic, or even ignored it completely, in favor of the former.

Such is the brief history of the development of the present rule-orientation of ethical theory, and of the need of the moral educator for normative ethics to be something more than merely rule-oriented. What is Pincoffs' proposal in response to this need? He suggests a return to a virtue-orientation, to a "virtue ethics."⁵ The task of moral education is the cultivation of virtue, and the term 'virtue' is used to refer to certain attributable dispositional characteristics, and to refer approvingly.⁶ If we refer approvingly, then we ought to be able to give some justification or reasons for our approval, reasons which will have a more or less wide appeal, though not necessarily a universal appeal or acceptance. So the next question is when we are justified in regarding a disposition as a virtue. And this is the beginning of the normative task of ethics.

⁵Ibid., p. 15.

⁶Ibid., p. 17.

Pincoffs takes it that he has set the stage, so to speak, to show what the needs are, which must be known before we can set about to fill them. To sum up, he believes that moral education must include the inculcation in early years of a minimal code of behavior, and that the code required by our precarious common life can be formulated just as the minimal code for drivers can be formulated. But he believes this should not be our sole concern, for surely more than a minimum code is necessary for the commonweal. Thus he calls for return to an emphasis upon codes of virtues, which are open-ended in a way that minimal codes are not.

The minimal code specifies, typically, what we may not do. The code of virtues sets certain not-vary-well-defined ideals toward which we may strive.

From a practical point of view, some virtues may be impossible to teach, he thinks, but there may be others which are not; and, in any case, it behooves us to determine what are a "minimum set of virtues." Such a minimum set, Pincoffs thinks, are those virtues without which communities cannot exist.

I agree with Pincoffs' general line of thought in this article, and I hope that my paper has supported both the necessity for some rule-orientation, and also the inadequacy of a completely rule-oriented ethics.

⁷Ibid., p. 18-19.

II. SAINTS AS MORAL PARADIGMS

Pincoffs' recommendation is that ethics must balance rule-orientation by a virtue-orientation, and this means a return to an emphasis on ideals. I fear such a return may seem too abstract for modern minds which tend to be somewhat skeptical in their approach. Abstract ideals are hard for youth to grasp. The disadvantage of Pincoffs' proposal, as I see it, is more a practical one than a theoretical one. I, too, have argued for lifting up ideals, and think part of the attraction of their abstractness is the freedom which moral agents are allowed in filling in the details. But I think we need not be limited to merely presenting virtues as abstract ideals in our teaching tasks, and I should like to propose that there is a way in which we can present concrete illustrations of certain virtues. We can point to real persons such as saints and heroes to illustrate our ideals. I am fully aware that, on Moore's view, this is to descend to particular cases, a descent which he regarded very critically. For it is generally held that ethical theory must stress generality, and pointing to particular saints or heroes might be thought to violate this requirement of ethics, as well as to commit the fallacy of hasty generalization. But there may be a way around these objections so that philosophers could commend saints as ideals which it would be good, but non-obligatory, to imitate.

Perhaps it is not possible for philosophers to accept any one saint as an ideal--in fact, I think it is not. But I

suggest that ethical philosophers can distinguish within the class of all saints a particular type of saint which they can both commend as having moral worth and recommend as an ideal type to be imitated. Perhaps the type will provide the generality which is required, and the illustration of this type by particular people who actually lived in the human condition will provide the specific example so desirable for teaching purposes. Every teacher knows the value of a concrete example to illustrate a point. There are two ways in which saints and saintly lives can be useful in illustrating ideals. They could be used to illustrate either ideals of conduct, and/or ideals of character. If these two areas could be separated, someone might claim that if we use the type of saint I shall call "working saints" to illustrate ideals of conduct or actions, we are really not moving away from rules but only explicating our rules by giving ideal examples. But I think it is difficult to separate the actions of the "working saints" from their character, and that ethics needs to consider both paradigms of ethical action and paradigms of character attributes which we can commend to others. Presenting ideals of character seems to correspond with Pincoffs' stress on virtues. For the moment, let us look at these two possibilities as if they could be separated. First, we will consider presenting saints to illustrate ideals of conduct.

I have mentioned that certain saintly actions in behalf of others help to mark off a particular type of

saint, a type which philosophers may be able to point to as offering a paradigm principle. I now wish to explain this further. Sorokin points out and analyzes four routes to sainthood, which he says are the following: (1) eremitic retirement, (2) wanderer or pilgrim, (3) special environment such as monastery or school, and (4) working in and through society, in spite of all obstacles and temptations. It is his claim that in recent history the secular method (which is fourth in the list above) of attaining sainthood has increased. He says:

We seem to look for saints less and less in monasteries and convents, among the pilgrims and wandering penitents, and more and more in the sinful world of society where the prospective saints must live and act.⁸

The class of saints would include those following all four routes mentioned by Sorokin, and representatives from each group may hold dispositional attributes in common, such as a creative faith and love, and the ability to overcome frustrations. I think it could be shown that while ethical philosophers might commend such virtues in all types of saints, they could recommend the actions of those taking the fourth route. We cannot undertake such a task in the concluding pages of this paper, but we can suggest why we think this could be done.

⁸P. Sorokin, op. cit., p. 173. Sorokin's study considered 3,090 units (saints or persons). The percentages of this number of units, by routes named above were: (1) 9.4%, (2) 13.1%, (3) 31.1%, (4) 46.4%.

It seems obvious that there would be serious objections by Kantians and Utilitarians to recommending actions of the type which are in keeping with taking the first three routes to sainthood. For example, what Sorokin calls eremitic retirement would be exemplified by the hermit or ascetic type. And Mill's comment with reference to "the ascetic mounted on his pillar" is: "He may be an inspiring proof of what men can do, but assuredly not an example of what they should."⁹ As another example, it seems that Kantians would hardly be able to universalize a maxim willing that all become beggars, for that would leave no one to beg from. St. Francis was a very successful beggar because many in the world of his day had much in the way of worldly goods which they were moved to contribute to Francis and his group of disciples, who had themselves taken the vow of poverty, for the purpose of rendering aid to the poor whom Francis and his group served. While it is hard to see how Kantians or Utilitarians could recommend eremitic retirement from the world or wandering about the world as a pilgrim or beggar, it does seem that they could approve and recommend the type of actions of those taking the fourth route to sainthood, that is, working in and through society for its improvement. Such types of actions, it seems, should be approved and recommended by moralists of any persuasion, whether Kantians or Utilitarians.

⁹John Stuart Mill, Utilitarianism, p. 267.

We shall now consider briefly the idea that saints might be used to illustrate ideals of character. It might be that saints can help define some of the virtues or dispositional attributes we wish to illustrate. (Pincoffs points out that normative ethics since G. E. Moore has been directed to an intense concern with 'definitions' and how they may be justified. To Moore the most fundamental question in all ethics was how 'good' is to be defined. Moore, in fact, held that it is impossible to give a verbal definition of 'good'. Perhaps we could say that the saints--some of them at least--give, not a verbal definition of 'good', but give a vital definition of 'good' by their very lives. They might be said to have lived a definition of good.) What are some of the attributes of saints we could commend? We shall first look at some of the attributes which have been suggested as distinguishing saints.

Self-denial is often given as an attribute of sainthood. But while all the saints denied something, all did not deny the same thing. For example, St. Anthony of the Desert denied the world, developed solitude; St. Augustine denied sex, developed the intellect; St. Francis of Assisi denied wealth, developed poverty; St. Theresa denied exclusive pre-occupation with ecstatic experiences and developed administrative ability.¹⁰ St. Ignatius of Loyola denied his will,

¹⁰Rene Fulop-Miller, The Saints That Moved the World.

yet developed what he took to be God's will. So if we take self-denial to be an attribute, its object must be left open. If someone wished to imitate saints, he could perhaps determine that self-denial was a necessity, but he could not determine from research outside himself what to deny.

Sometimes it is proposed that the distinguishing characteristic of saints is 'holiness'. This criterion is proposed by Leckie.¹¹ However, aside from the fact that this is a religious or theological term, it is too vague for us to consider it a sufficient criterion, for we still need to know what it means. It seems that Leckie is closer to pinning down a common denominator when he finds that the saints were creators, not destroyers, who were motivated by love rather than hate. As the result of a summer research course of trying to determine the attributes of saints, I found that the saints seemed to be characterized by love, no fear of death, ability to turn frustrations into "stepping stones," faith in a higher order, and concern for the reform of the present order. Often it is considered that what they had in common was faith, but we must note that it was an unusual type of faith. The type of faith the saints had worked through love and expressed itself in loving action in behalf of others. It

¹¹Robert Leckie, These Are My Heroes.

will be noticed that already we are back to discussing actions, for words like 'creators' and 'reformers' are words which connote actions. This is why I think it is probably impossible to separate saintly character from saintly actions, especially in the fourth type of saint which we are considering. The energetic faith of the working saints expressed itself in a life lived out in loving works. Such works were many and varied, ranging from establishment of schools and intellectual achievements, to social reform and works of mercy in medical endeavors.

All of these saints, whatever the varied field of endeavor their works took, were able to attract others in their endeavors. What was the source of their lively works and their fascination for their fellows? One might almost say their lives were love stories--they had a passionate love affair going with God, which was revealed in a life lived among men. If faith was a common element of their lives, as we have seen, it was a faith which worked through and expressed itself through love. As we have noted, faith may use other methods to produce the state of affairs its proponents take to be desirable. The saints used love--not love as a shallow emotion, but love as a principle of work and action. Our present world seems to be in need of emphasizing or more fully accepting this principle by which to work and act.

The saints were often reformers, but their method of reform was unusual. Today a reformer is likely to give a criticism of the institution he wishes to change, and lay

out a program which he tries to persuade others to accept and help him implement. (Some reformers are not nearly so reasonable. It has recently become popular with some to merely try to destroy institutions instead of reforming them.) The saints, on the other hand, seemed to begin with reforming themselves, and in the process attracted to themselves followers who, under their leadership, became a small community. (St. Anthony of the Desert is a notable exception in one sense here, but as Sorokin points out, hermit saints have disappeared.) The impact of the small community then was felt on the larger structure of the community, and the reforms exemplified in the small group often radiated into a larger area. One might say they developed a living alternative, or succeeded in an alternative way of living. This alternative then became a sort of 'live option' to the larger group. Ideals which are verbally described, no matter how attractive an alternative, or better way they may seem to the group, are not considered live options; i.e. real possibilities. They are admired as preferable, but not practical.

Such vital or creative love may be among those virtues which Pincoffs thinks cannot be taught. (Someone has remarked that these are more 'caught' than taught, in the way that one catches a disease: by being exposed to it.) Nevertheless, it seems to me that ethical philosophers may point to such virtues as desirable, and may lift them up as ideals, both in the abstract, and in concrete instances, and may give good reasons for referring to them approvingly.

In summary, I want to claim that (1) ethical philosophers may refer approvingly not only to virtues in the abstract, but to concrete illustrations of them in particular people called saints, who have a certain virtue in a degree far above the norm, and (2) in illustrating ideals of conduct or action ethical philosophers may refer to a particular type of saint (the "working saint") more approvingly, with more reasonable justification, than to other types of saints. This does not go into the question of whether or not religious bodies could refer with equal approval to all types of saints.

In summary, I think I have supported Urmson's thesis that the three-fold ethical classification is inadequate, and that correction of this by either addition of a category of supererogation, as Urmson suggests, or by a division of the 'duty' category into two parts, perfect and imperfect duties, suggests that ethics must correct its present over-emphasis upon a too narrow conception of rules. To establish these points has been the main purpose of this paper. I cited Pincoffs' paper to show a current concern in philosophy with the problem of rule-orientation. To give a complete solution to the problem

of how to correct this present overemphasis is beyond the scope of this paper. However, I have suggested presenting saints, in particular "working saints" as paradigms of action and virtue. I agree with Pincoffs that ethics is or should be concerned with character as well as actions. But the main import of my paper has been to establish that Urmson is correct in his thesis that the three-fold scheme is inadequate, and that his proposed category of supererogation calls our attention to the fact that a cataloguing of basic duties, while important, is not the sole task of ethical theory. This thesis is supported, I think, by every author cited herein. How other ethical theorists will attack this wider task remains to be seen.

BIBLIOGRAPHY

BIBLIOGRAPHY

1. Collected Essays

Urmson, J. O. "Saints and Heroes," Essays in Moral Philosophy.
A. I. Melden, editor. Seattle: University of Washington
Press, 1958.

2. Books

Brandt, Richard B. Ethical Theory. Englewood Cliffs, N. J.:
Prentice-Hall, Inc., 1959.

Findlay, R. N. Values and Intentions. New York: The MacMillan
Company, 1961.

Frankena, W. K. Ethics. Third Printing; Englewood Cliffs, N. J.:
Foundation of Philosophy Series, Prentice-Hall, July 1964.

Fulop-Miller, Rene. The Saints That Moved the World. Trans.
Alexander Gode and Erika Fulop-Miller. First Edition;
New York: Collier Books, 1962.

James, William. The Varieties of Religious Experience. Fourth
Printing; New York: The New American Library of World
Literature, Inc., Mentor Books, 1964.

Kant, Immanuel. Foundations of the Metaphysics of Morals.
Trans. Lewis White Beck. New York: The Library of Liberal
Arts, The Bobbs-Merrill Co. Inc. 1959.

Ladd, John. The Structure of a Moral Code. Cambridge: Harvard
University Press, 1957.

Leckie, Robert. These Are My Heroes. New York: Random House,
1964.

Mill, John Stuart. Utilitarianism. New York: Meridian Books,
The World Publishing Company, 1962.

Sorokin, P. Altruistic Love. Boston: Beacon Press, 1950.

3. Periodicals

Chisholm, Roderick M. "Supererogation and Offence - A Conceptual Scheme for Ethics." Ratio, Vol. 5, 1963, pp. 1-14.

Chisholm, Roderick M. "The Ethics of Requirement", American Philosophical Quarterly, Vol. 1, April 1964, p. 147-153.

Chopra, Yogendra, "Professor Urmson on 'Saints and Heroes'", Philosophy, Vol. 38, 1963, pp. 160-166.

Cooper, Neil. "Rules and Morality," The Aristotelian Society, Suppl. Vol. 33, 1959, pp. 159-172.

Edgley, R. "Rules and Morality," The Aristotelian Society, Suppl. Vol. 33, 1959, pp. 173-194.

Feinberg, Joel. "Supererogation and Rules." Ethics, Vol. 71, 1960-1961, pp. 276-288.

4. Unpublished Materials

Pincoffs, Edmund L. "Some Prolegomena to a Theory of Moral Education." Paper read at Philosophy Colloquium, Rice University, Houston, Texas, October 4, 1968.