Philosophische Zeitschrift der Kant-Gesellschaft
71. Jahrgang · Heft 3 · 1980

In Verbindung mit Ingeborg Heidemann
und unter Mitwirkung von L. W. Beck, Rochester · Y. Belaval, Paris · O. F. Bollnow, Tübingen
D. P. Dryer, Toronto · H.-G. Gadamer, Heidelberg · H. Glockner †, Braunschweig · F. Grayeff,
London · F. Kaulbach, Münster · R. Klibansky, Montreal · L. Landgrebe, Köln · G. Lehmann,
Berlin · R. Malter, Mainz · R. M. Martin, Boston · E. Ortigues, Rennes · H. Plessner, Zürich
P. Ricoeur, Paris · P. A. Schilpp, Carbondale · G. Schischkoff, München · G. Schrader,
New Haven · Th. M. Seebohm, University Park/Pennsylvania · J. R. Silber, Boston · H. J. de
Vleeschauwer, Pretoria · H. Wagner, Bonn · W. H. Walsh, Edinburgh

herausgegeben von
Gerhard Funke und Joachim Kopper

Sonderdruck

Walter de Gruyter · Berlin · New York
Beyond the Call of Duty in Kant's Ethics

by D. Heyd, Jerusalem

I. The Problem

Moral philosophy, though much concerned with the notion of duty, has paid only little attention to the small yet significant category of actions that "go beyond the call of duty". Apart from Roman Catholic ethics, which coined a special term for this category – supererogation, moral philosophers have hardly recognized the special status of these highly meritorious acts. In many respects, Kant is no exception to this description. Throughout his ethical writings no use of the term "supererogation" is made and no systematic discussion of the idea of acts beyond duty can be found.

Yet, unlike other theories (such as Aristotelian Eudemonistic ethics), to which the notion of supererogation is totally alien, Kant cannot just ignore the possibility of supererogatory behaviour. Supererogation is typically a deontological concept. It can be defined only in correlation with the concept of duty. Moreover, any definition of duty must take into account the limits of duty and hence take a position regarding that which lies beyond these limits.

A careful reading of Kant's ethical works shows that he is indeed aware of the problem of supererogation. Taking the concept of duty as the corner-stone of his ethical theory, Kant must recognize – at least "meta-ethically" – the relevance and logical possibility of supererogation. On the other hand, it seems that the notion of duty according to Kant exhausts the whole realm of moral value, and hence that there is no room for actions that transcend duty. That is to say, Kant tends to reject the value of supererogation on the basis of normative considerations.

Yet, Kantian ethics falls short of the rigidly deontological image it has often been associated with, and consequently cannot be labelled as anti-supererogationist. Some of Kant's writings hint at a more conciliatory approach to 'non-obligatory yet morally good and virtuous acts'. But to see that, one must go beyond the Groundwork and the Critique and consider the later work *The Metaphysic of Morals* and the earlier *Lectures on Ethics*. For Kant himself considers the former two as "preparatory" works, paving the way to the "systematic" *Metaphysic*. The preparatory works are more abstract and formal in nature;


II. The Rigorous Theory: The Denial of Supererogation

An action that is neither commanded nor forbidden is merely permissible... An action of this kind is called morally indifferent.

Kant seems to be committed to what Urton calls the threefold classification of actions from the point of view of moral worth, and if that is the case, then his theory is open to Urton's criticism as "inadequate". It is inadequate because it does not allow for supererogatory acts, that is acts that are permissible yet not morally indifferent. Furthermore, in the passage that follows the assertion quoted above Kant even questions the very existence of a category of morally indifferent actions, which raises the possibility of a bare twofold classification of actions (the obligatory and the forbidden). Although Kant seems to reject such a rigid classification as characterizing the "fantastically virtuous" man "who admits nothing morally indifferent" (this is the moral pedant), this does not in itself weaken his denial of supererogation on the basis of a rigorous threefold division.

Given this deontic conceptual framework, how does Kant deal with actions which we would call supererogatory? Kant's rigorous theory is basically anti-supererogationist, and accordingly he employs the first strategy, viz. reduction to duty, to deal with the deviating case of supererogation. If we look at the features characterizing a moral act according to Kant, we can list at least three important conditions:

1) Obligatoriness: The moral act is never optional. There is a necessity in moral action, which for human-beings (having inclinations besides reason) means a duty, an impera

2 *Metaphysic*, pp. 21-2/Ak. 223.


4 *Metaphysic*, p. 71/Ak. 409.
The moral act is therefore always performed in obedience to a binding command or re

(2) Universalizability: An act is tested for its morality by the final and supreme test of
he universalizability of the maxim according to which it is performed or chosen.

(3) Duty as a motive: An act is moral if and only if its motive is moral, which for Kant
means that it is done for the sake of duty and out of reverence for the moral law. The
morality of the act does not consist in its purpose or its results, but solely in the formal princi
ple of volition which governs the act.

Do these conditions exclude supererogatory acts from the realm of morality? Condition
(1) is by definition incompatible with supererogation. It implies that failure to per
form a moral act is reprehensible. But supererogation refers to the class of acts that are op
ional, i.e. those the omission of which is not considered wrong or punishable. Further-
more, the morality of supererogation claims that the special value of certain virtuous acts
lies in their being optional, that is in the liberty of the agent to choose not to do them.
Volunteering is an example of a type of action, which, due to condition (1) cannot and does
not have moral value in Kant’s eyes, although it is highly regarded by supererogationists.

Applying condition (2) to supererogation is more problematic. The two ‘sub-tests’ of
the categorical imperative (based on the universalizability test) are: (a) can the relevant maxim
be conceived as a universal law without contradiction; (b) can it be willed as such a
law without contradiction. The first sub-test (which is applied ‘negatively’ by Kant) does
do not concern supererogation, since a world in which everybody sticks strictly to his duties
and does nothing beyond them is conceivable without contradiction. It may very well be
a world which would lack some moral values and worth, but it can still be consistently
imagined. A ‘positive’ application of this sub-test to supererogatory actions does not yield
a contradiction either (we can easily imagine a world in which everyone acts on certain
maxims of supererogation), and consequently we are led to the conclusion that such
supererogatory maxims and actions are morally indifferent. Yet, if there are supererogatory
maxims which logically cannot be universalized (e.g. a maxim urging me always to do more than others), then it seems that supererogatory maxims are contrary to morality,
rather than just indifferent to it.

As for the second sub-test, it is more difficult to say whether it applies to supererogation,
because it is not exactly clear what Kant means by a contradiction in the will. How-
ever, it seems clear that one can without contradiction will a world in which at least some
supererogatory maxims have normative force. One may be quite content to live in a

world in which one neither receives charity from others nor is asked to give to charity.
Generally, the universalizability test seems not to apply to supererogation because it tests
particular actions in a ‘negative’ way alone (an act is a moral duty if we cannot conceive or
will without contradiction the universalization of the maxim of its negation). But
supererogatory action is based on a positive definition of what is good and virtuous to do,
rather than on a duty to avoid performing forbidden acts. The agent of a heroic act does
not justify his action by the universalizability principle. On the contrary, he may regard
his action as his ‘personal’ duty or his own individual ideal.

The third condition, that of the moral motive, cannot easily be applied to supererogation.
Perhaps this is due to the fact that it invites even more criticism (than the two preceding
conditions) as a condition of moral conduct in general, independently of supererogation.
The problem is that even if we take Kant’s side and admit that only morally moti-
vated acts have moral value, how are we to apply this condition to supererogation? Kant
says that acting for the sake of duty is the only moral motive. But can a supererogatory act
be performed for the sake of duty in the sense of respect to a universally binding law? The
agent may speak of a ‘subjective duty’ (e.g. to realise certain personal ideals), or a feeling
that he had to do the act; but this is exactly what Kant wants to avoid in his definition of
‘moral’. Furthermore, the idea of non-obligatory good action requires that the result (or
at least the intended result) of the act be of a certain nature, e.g. achieve more good than is
demanded by duty. But unlike condition (3), which is formal, this condition is ‘material’.
Kant himself suspects that ‘super-meritorious’ acts are performed for the sake of pleasure,
praise, merit and are therefore incompatible with (3). He insists that

... actions ... done with great sacrifice and merely for the sake of duty may be praised as noble
and sublime deeds, yet only in so far as there are clues which suggest that they were done wholly out
of respect for duty and not from around feelings.

Although the restriction imposed by condition (3) on moral action in general is contro-
versial, it is especially problematic with regard to supererogation. We can try to ful-
fill our duties ‘for the sake of duty’, but when we come to surpass the requirements of duty,
can we still be described as acting for duty’s sake? In most cases supererogatory acts are
done from ‘aroused feelings’, like love of a friend, of humanity or of God, and not (as
Kant unfairly suspects) out of ‘vain self-love’ or ‘to pride ourselves on our meritorious
worth’. Supererogatory action is often the outcome of ‘a spontaneous inclination’ or
an ‘endeavour unbidden but gladly undertaken’, which for Kant are motives characteristic
of moral fanaticism. Most people would not agree with Kant’s denunciation of volun-
teering as a conceited contempt of duty. Kant’s anti-supererogationism is expressed by
his rejection of there being any moral value in actions ‘to which we think we need no

---

8 It is noteworthy that Kant mentions (Groundwork, p. 82/Ak. 418) the Scholastic distinction be-

9 Between conscientia and praecuncta; but unlike Medieval philosophy (e.g. Thomas Aquinas), which

10 Uses this distinction as the basis of the concept of supererogation, Kant uses it to clarify the differ-

ence between the prudential and the moral. 'Conscientia', thus, have no moral status; their value is

merely 'empirical'.

11 Groundwork, pp. 85-6/Ak. 424.

12 This is implied by Kant’s own analysis of his fourth example (mutual help) illustrating the application

of the categorical imperative.

8 The ‘positive’ application of this sub-test works on similar lines to the ‘positive’ application of the

first sub-test. That is to say, one may will without contradiction a world in which ‘supereroga-

tory norms’ are universally required.

9 Critique, p. 192/Ak. 85. Cf. p. 191/Ak. 84.

10 Ibid., p. 189/Ak. 82.
command". Nevertheless, Kant is justified in his warning against moral self-indulgence which is often a by-product of supererogation, but seldom a by-product of action which is recognized both by society and by the agent as obligatory. It is true that psychologically reverence for the law makes us humble and restrains the "empirical" feelings of moral conviction. But this does not justify the repudiation of the moral value of supererogation (or volunteering) in general.11

But if the three conditions for the morality of actions do not leave place for supererogation, what does Kant mean by "noble and sublime deeds" or by "supererogatory acts"? I think that Kant's answer would be formulated in terms of overcoming obstacles and of self-restraint. "Virtue is the strength of man's maxims in fulfilling his duty."12 The supererogatory act is especially praiseworthy not because of its content, result, or relation to duty, but due to the difficult circumstances in which it is performed. In a way this is a test for the morality of obligatory action in general, for according to Kant the moral act is performed despite inclinations to do the contrary. So we can see that faced with the problem of supererogation, Kant uses the strategy of reducing the deviating cases to suit his rigorous theory. Supererogatory acts are either moral in the same sense as all other moral acts, or do not carry any moral worth whatsoever.

For all actions which are praiseworthy, if we only search (e.g. apply the two strategies) we shall find a law of duty which commands and does not leave us to choose what may be agreeable to our propensity.13

Similarly,

One need only reflect a little to find an indebtedness which the venerated hero has in some way incurred to the human race... which will prevent the thought of duty from being repressed by the self-complacent imagination of merit.14

In his later writings, confronted by problems involved in the application of the categorical imperative, Kant becomes aware of the difficulties in applying the strategy of reduction. This compels him to employ the second strategy viz. the extension of the concept of duty. That in turn allows him to draw distinctions within the sphere of duty which either make the reduction of the supererogatory to the obligatory more plausible, or even make the supererogatory a possible ethical category.

11 Cf. Lectures, p. 193. Kindness of heart and charitable feelings are inclinations which should be inculcated only if they are subordinated to principles. Otherwise they encourage "unregulated conduct" which is morally worthless.

12 Metaphysics, p. 54/Ak. 394; Cf. p. 38/Ak. 380 and p. 42/Ak. 384: Virtue is logically opposed to moral weakness.

13 Critique, p. 192/Ak. 85.

14 Ibid., p. 252/Ak. 155 (note). Cf. Lectures, p. 195, where charity is "reduced" to a duty that entails a corresponding right of the beneficiary.

15 Metaphysics, p. 39/Ak. 381.

16 Ibid., p. 41/Ak. 383.

17 p. 256/Ak. 159.
omission is no less wrong and reprehensible than of any other obligatory act. Kant adds that if "someone does more in the way of duty than the law can compel him to do, his action is meritorious:" Although it may again sound as if it implies a recognition of supererogation, this statement merely characterizes "the meritorious" (in contrast to 'the due') as that which can only be 'internally' enforced, but not as the mark of supererogation. The 'meritorious' action reflects on the virtue (strength of will) of the agent who does not require any external threat in order to be moral.

By that distinction between juridical duties and duties of virtue Kant widens the scope of the concept of duty (the second strategy), and consequently makes it apparently easier to reduce supererogatory acts to acts of duty (the first strategy). This is a more refined way of expressing an anti-supernaturalism view than that contained in the more rigorous formulations of the theory that were discussed in the previous section. It recognizes the moral value of the allegedly supererogatory acts, but does so only on the condition that in the final analysis they be treated as obligatory. Unlike the rigorous theory of duty, which either disregards or simply denies the moral status of supererogation, the more libertarian theory faces the deontic problem raised by these acts and tries to solve it by a combination of the two strategies.

Although no rights of 'exercising compulsion' correspond to duties of virtue, these duties entail a "right in the sense of a moral title". This general statement lies at the foundation of the Kantian reduction. We can take as an illustrative example the distinction between charity and justice. Although the two seem to be distinguished from each other in terms of the existence or absence of corresponding rights, as well as in terms of the distinction between needs and rights, they are gradually "assimilated" — mainly by reducing the former to the latter. This is based on the following line of argument: if everybody in the world acted according to the principles of justice without exception, there would be no misery (for sickness and misfortune). In such an ideal world there would be no need for benevolence, charity or any other 'supernatural' acts. But as human nature is such that the violation of justice is inevitable, "Providence has implanted in our bosoms the instinct of benevolence to be the source of actions by which we restore what we have unjustly procured". Everyone is personally responsible for injustice — either by directly violating other people's rights or by his very membership in a morally imperfect society. The inevitable conclusion is that charity (and beneficence) is "a duty we owe to mankind and that in the last analysis it is a question of right". From an intuitively correct distinction between justice and charity (supererogation) Kant leads us to the final step of the reduction: "Even charity... is an act of duty imposed upon us by the rights of others and the debt we owe to them".

Justifying charity and supererogatory action in general on the grounds of one's membership in an unjust social order is an interesting suggestion. Though charitable action can never be formulated as a definite duty, it ought nevertheless to be treated as obligatory in the sense that those who suffer injustice have a right to be 'compensated' for it by those who (invariably) stand to gain from the moral defects of our social organizations.

Nevertheless, I think that Kant is mistaken in this reduction of ('supererogatory') benevolence to (obligatory) justice. First, the need for charity and benevolence quite often arises in circumstances of "sickness and misfortune", which Kant admits are not due to the injustice or to the defects of our social organizations and hence cannot create a right to compensation. In that respect supererogatory behaviour cannot ever be considered an indirect duty. Secondly, Kant's assumption that in an ideally just society there would be no need for charity and benevolence can in no way be justified. For even in a world in which everyone gets his share and is happy with it, there are often good reasons for people to sacrifice part of their own good for the sake of others (friends, family, leaders and even strangers who happen to have less). For those people, generosity in itself is a value that must be expressed in action. There is, of course, a certain element of moral gratuitousness in such acts which for Kant is a reason for either denying their moral value or for reducing them to duty. But I find it hard both to deny their moral value (as they certainly bring about moral good and manifest moral strength) or to treat them as obligatory. In other words, such acts are clearly and irreducibly supererogatory.

The only way that is left open for Kant to maintain the validity of this reduction is to say that such a personal sacrifice (in an ideally just world) is a violation of one's duties to oneself. For Kant, this category of moral duties is no less important and binding than our duties towards others, and he can thus claim that any genuine example of supererogatory action (i.e., which cannot be reduced to any kind of other-regarding duty) is in the final analysis still contrary to duty (of the agent to himself). Such a 'strategy' is employed by Kant in his discussion of the meritorious act of saving other people from a shipwreck at the cost of one's own life. But even if we ignore the general problem of the status of self-regarding duties, we can easily imagine supererogatory actions which do not involve a violation of any duty to oneself (for instance, forgiveness). It may be natural to criticize an extremely generous act of beneficence as a form of vice (self-indulgent prodigality), but it can hardly be viewed as a violation of duty (except in some extreme cases).

18 Metaphysic, p. 27/Ak. 227.
19 Metaphysic, p. 40/Ak. 383.
20 Or in the words of the Lectures (p. 191) "duties of good-will, or beneficence" vs. "duties of indebtedness or justice".
21 Lectures, pp. 194-5. For a very similar statement of the argument, see pp. 235-6.
Some of the statements and distinctions in the ‘wider’ theory show that Kant was less acclimated in his attitude towards supererogatory acts than suggested in the previous sections. Nowhere in his theory does Kant recognize it as a distinct and valuable class of moral actions, yet he does sometimes leave room for moral acts which are not strictly obligatory. The meaning of ‘duty’ is extended in a way which makes the anti-supererogationist assertions seem merely to be paying lip-service to the original rigorous theory. But although my present claim is based on a debatable interpretation, no reader of Kant can fail to feel the oscillation between pure deontology and the recognition of a sphere beyond duty.

The crucial distinction for our purpose is the following:

Ethical duties are of wide obligation, whereas juridical duties are of narrow obligation. If one action alone, the former prescribe maxims, a fact that explains the ‘latitude for free choice’... the law cannot specify precisely what and how much one’s actions should be toward the obligatory end.

A similar distinction between narrow (rigorous) and wider (meritorious) duty is suggested in the Groundwork. The narrow duty is decided by the first sub-test of the deontological imperative, while the wider duty can only be determined on the basis of the second sub-test. The narrow type of duty is ‘rigorous’ because it ‘allows no exception in its interest of inclination’, and hence is perfect. The wider duty allows for some exception, and is therefore imperfect. The relation between the scope of duty and its ‘degree of effect’ is explicitly expressed by the following passage:

As the duty is wider, so man’s obligation to action is more imperfect; but the closer to narrow (Law) he brings the maxim of observing this duty (in his attitude of will), so much more perfect his virtuous action.

In other words, the more perfectly one fulfills one’s imperfect duty, the more virtuous or is. And Kant goes a step further towards recognizing supererogation:

Metaphysics, p. 49/ Ak. 390.

This distinction between ‘ethical’ and ‘juridical’ duties is slightly inconsistent with that presented in the Introduction to the Metaphysics (pp. 16-7/Ak. 219) and with the mention of them in the previous section (Metaphysics, p. 41/Ak. 383). In both these passages the distinction is based on the motive of the action (the law itself versus other motives) or on the source of its ‘authority’ (internal versus external) rather than on the scope or degree of specificity of the obligation (wide versus narrow) as it is here. This explains why only the version of the distinction between ‘ethical’ and ‘juridical’ quoted above lends itself to a supererogatory interpretation.

Metaphysics, p. 49/ Ak. 390.

p. 87/Ak. 424.

Metaphysics, p. 49/Ak. 390.

Imperfect duties, accordingly, are only duties of virtue. To fulfill them is merit (=+a); but to transgress them is not so much guilt (=−a) as rather mere lack of moral worth (=0), unless the agent makes it his principle not to submit to these duties.

All these quotations from the Metaphysics (and even that from the Groundwork) imply at least the logical possibility of supererogation. For Kant is fully aware that the distinction between wide and narrow, imperfect and perfect duties, entails a certain ‘play-room for free choice’, a certain extent of inevitable indeterminacy in the moral law which leaves us free (in the sense of ‘liberty’) to make our moral decisions. And together with that element of option and the ‘subjective’ interpretation of the imperfect moral duty, the notion of merit is introduced. This is clearly typical of supererogatory action, which is held to be meritorious and virtuous though its omission is not wrong or held to be a ‘vice’. The symmetrical relation of commission of an obligatory action, which is right, and omission of that action, which is wrong, applies only to perfect duties. And as this feature of symmetry is a salient criterion for the distinction between moral duty and supererogation, we can interpret ‘imperfect duties’ to be of a supererogatory nature.

Kant of course strictly qualifies this interpretation of ‘imperfect duties’. First of all, the wider and imperfect duty is still a duty. The distinction between the strictly obligatory and the optional lies within the sphere of duty. Secondly, we are free to choose only the amount, extent and circumstances in which the actions that fulfill the imperfect duty are to be performed. It is only the mode of application of the obligatory principle of action (the maxim) that is left to our free choice. Thirdly, although the way in which the imperfect duty is performed is not defined by the duty itself (indeterminacy), it is determined by other maxims (or duties). The only permission one has is to limit one obligatory maxim by another, for instance the general love of one’s neighbour by the love of one’s parents.

Still, even in the light of these qualifications, our interpretation cannot be wholly dismissed. Much depends on the way we understand the nature of imperfect duties. If x and y are both actions which equally fulfill a certain imperfect duty D, then it is true that we may perform either x or y, and that this decision is itself morally indifferent. The play-room of choice involved in this decision does not imply any recognition of supererogation, especially if it is Kant states—the choice of x rather than y may be guided by another maxim, or by a sub-duty of D. But although Kant says nothing about it, there is the possibility of doing both x and y. And doing so is clearly meritorious and praiseworthy, though by no means obligatory. To take Kant’s own example, although we may limit our concern for other people if a member of our family is in urgent need of our help, it is sometimes possible to respond to both requests for help and so behave supererogatorily. Despite his tendency to a reductivist elimination of supererogatory acts, Kant must admit that there are cases in which our freedom to pursue one course of action is not limited by ‘other maxims’ (in the same way as our freedom to sacrifice our

---

29 Ibid.
30 Ibid.
good for the sake of others is not always limited by duties to ourselves). To sum up: taken disjunctively, particular acts that fulfill an imperfect duty involve a morally neutral free-supererogation, since there is a certain extent of fulfilling an imperfect duty beyond which interpretation in Kant's writings, there is also support for the disjunctive one, especially in the use of the concept of virtue and merit in relation to imperfect duties, and in the admission of degrees of conformity with those duties.

Yet, in spite of the supererogatory element involved in acting in accordance with imperfect duty, Kant never adopts a fully supererogationist view. Making other people's happiness our own ends is a duty, the omission of which is no less blameworthy than the breaking of a promise. In other words, there is no play-room for freedom of choice with regard to taking a whole class of actions as our duty. If we make it "a principle not to submit to these duties", we are guilty of a moral offence. Even if Kant is justified in his belief that helping others achieve their own ends (happiness) is our duty, we can surely hink of certain maxims whose very adoption is supererogatory, i.e. whole classes of morally valuable acts which cannot be required. The saint is a person who not only fulfills his imperfect duties to a supererogatory extent, but also adopts certain ends (or maxims) which are altogether non-obligatory. Kant only recognizes supererogation in a secondary sense - viz. the class of actions which are not in themselves perfectly (judicially) obligatory, although their omission is generally criticized (e.g. acts of help when no risk or sacrifice is involved). But saintly and heroic acts which are perhaps the most typical examples of supererogation (being both non-obligatory and entailing no blame in the case of omission) seem to have no place in his ethics.

In contrast with Kant's example of charity which, by being reduced to justice, served to illustrate his anti-supererogationism, the discussion of honours (versus honesty) reveals that respect to accept some sort of supererogatory action. "Honour is not merit", because it is the minimum of morality, the lack of which is a vice; whereas

For a man to be worthy of positive honour his actions must be meritorious, they must involve one that is strictly required of him.

We do not deserve honour on account merely of living honestly. We are honourable if we do more than that is strictly required of us. This particular example is cited by Kant as a possible principle of ethics (to be contrasted with principles of legal obligation), his is clearly the language of supererogation. The supererogatory interpretation of honour is supported by that a-symmetrical relation of the positive value of action as opposed to the 'neutral' (rather than negative) value of forbearance, which does not hold in the case of honesty. Kant also adds that "a country where honesty is held in high regard is in a bad state", for it shows that honesty is rare there. Such a society regards the performance of strict duties as something which deserves praise although in fact it does not deserve it at all. Kant's correct perception implies that although society cannot force its members to act honourably (or supererogatory), and although individual persons cannot be blamed for not acting so, the general absence of such actions means that such a society is morally defective. Generally the ideal of honour is significantly at variance with the "hymn for duty" and the idealization of the sheer reverence for the moral law. Kant seems to be aware that abiding by the demands of the law is insufficient for achieving moral worth. The self-respect of a person is dependent on the option of acting beyond what is strictly demanded.

An even more striking defence of the value of 'supererogatory' behaviour can be found in the Metaphysic:

Would it not be better for the welfare of the world in general if human morality were limited to juridical duties and these were fulfilled with the utmost conscientiousness, while benevolence were considered morally indifferent? It is not easy to see what effect this would have on man's happiness. But at least a great moral ornament, love of man, would then be missing from the world. Accordingly, benevolence is required for its own sake, in order to present the world in its full perfection as a beautiful moral whole, even if we do not take into account the advantage it brings...

Gratitude is generally the mark of supererogation, for it means an acknowledgement of the gratuitous, supererogatory nature of the act for which one is grateful. It is therefore interesting to see how Kant is driven to recognize the supererogatory nature of benevolence in the course of his discussion of gratitude. Although from the point of view of the agent, the benevolent act should always be regarded as a duty, as something owed to the beneficiary (or to humanity as a whole), things look different from the point of view of the recipient. The duty of gratitude arises from the fact that "a favour is a debt which can never be extinguished. For even if I repay my benefactor tenfold, I am still not even with him, because he has done me a kindness which he did not owe". This incongruity of the two points of view makes Kant's position unclear. For when he says that the benefactor "must not give the recipient the impression that [the favour] is a debt to be repaid", does he mean that acts of beneficence should be performed as if they were duties, or that they really are - in the final analysis - obligatory? And if they are duties, or even just made to appear so, why must the beneficiary be grateful? Is it only due to the pragmatic reason that " ingratitude decreases generosity", or does it also represent a belief in the gratuit-

---

34 Kant however clearly warns against substituting meritorious acts for strictly obligatory acts. One deserves praise only for virtuous acts which one has performed after discharging one's 'legal obligations'.
35 Lectures, pp. 426–7/Ak. 458.
36 Lectures, pp. 222.
37 Metaphysic, pp. 115–6/Ak. 448–9.
38 As suggested by the Lectures (loc. cit.); and cf. Metaphysic p. 123/Ak. 455.
V. Supererogation as an Educational Ideal

Supererogation is usually regarded as having a special educational value. Apart from urging about good consequences, the heroic act is valued as a model, as an example that all be imitated by everyone who is capable of doing so. And if the supererogatory act exceptionally difficult and involves risk and sacrifice, it is set up as an ideal of perfection which should regulate our moral conduct. This, in effect, is the idea behind military aids. They are given both as a token of appreciation and as an educational act. Public ceremonial acts of recognition are therefore inseparable from society’s reaction to glorious acts. Finally, such exceptionally good acts are believed to strengthen the ideal self-respect and honour of the community and to make its members proud of theircity. Kant however is suspicious of the educational value of supererogation.

The reason for this misgiving lies in Kant’s fear of non-moral motives producing acts which appear to be highly moral. The pursuit of merit is regarded as a ‘pathological’ intuition. People are attracted by the fact that supererogation is not restricted by obedience to the moral law. But this is exactly the educational danger. Men should be taught the moral worth of an act derives from a ‘submissive disposition’. A duty can be carried out in any noble or magnanimous act, and it is that element of the act — rather than its — which should be emphasized. Kant also fears that setting up supererogatory acts as an ideal may lead one to treat one’s duties as petty and insignificant, and consequently to the abandonment of everyday responsibility. Furthermore, Kant believes that matter of empirical fact the influence of duty on our minds is more definite and penetrating than that of merit.

VI. A Possible Interpretation

The examination of Kant’s view of supererogation leaves us confused. Having considered the remarks and relevant ideas in his writings, it is hard to suggest a consistent and systematic interpretation. It seems that Kant deals with the problem of acts beyond duty once from the point of view of his rigorous theory, elsewhere from the point of view of his concept of virtue (the extended theory), and sometimes from the standpoint of moral education. Though Kant is never concerned with a theory of supererogation, I think that he is aware of the problematic existence of supererogatory acts, of the inner tension between a deontological theory and a morality of virtue, and of his own oscillation between total rejection and partial recognition of the moral significance of such acts.

Despite the inconsistencies in Kant’s attitude (which are partly explained by the different nature of the “preparatory” and the “systematic” writings), a possible interpretation, i.e., a reconstruction, which could make Kant’s view more plausible, may be suggested. Kant speaks of duty in two senses: the formal and the material. Duty as a form of our behaviour (the formal principle of moral conduct) is the motive-condition of all moral actions. All moral conduct is based on respect for the law, the performance of duty for duty’s sake, and the doing of good in accordance with principles rather than out of inclination. But the concept of duty is also propounded as the content of our moral acts, i.e., what we ought to do (rather than how, or with what motive).

Ibid., p. 192/Ak. 85.
Ibid., pp. 192, 252/Ak. 86, 154–5.
A typical example of the formal aspect of duty can be found in the poetic passage in the *Critique*.

Duty is treated there as freedom, as the capacity of man to act according to autonomously legislated laws, as "something which elevates man above himself", and as demanding submission yet not by means of threat but through reverence for the law. In that sense, there is no place for supererogatory action. One cannot go beyond duty in that sense and still be moral. There cannot be any "excess" in the pure moral motive of our conduct. Even benevolent action — if it is to be morally praiseworthy — must not spring from "love [which] is good-will from inclination", but rather be founded on principles. The allegedly supererogatory acts have moral value only if they are motivated by duty, and that is why the benefactor for example is expected to treat his acts as duties. On the other hand, when Kant speaks of doing more than is strictly required as a condition of attaining honour and merit, he clearly refers to the material sense of "duty". This concept refers to what can be demanded of a person (mainly to be determined by other people's rights). This is a "minimum morality", and being so, it can, and sometimes even should, be surpassed. One can certainly do good to others beyond that which is required as one's duty. But such acts should always be tested by the formal conditions of moral acts. And that compels Kant to regard actions which surpass the "minimum required" as still being a kind of duty. For that purpose he extends the concept of duty to include also those supererogatory acts. Indeterminacy of (imperfect) duty is introduced as a means of subordinating supererogatory acts to the formal condition of morality.

In terms of the distinction between legality and morality, my interpretation has the following consequences: from a "formal" point of view the moral ("ethical") duty differs from the legal ("juridical") one in its authority ("internal" vs. "external"), yet not in its content. From the "material" point of view they differ in their content too (maximal vs. minimal amount of good required). This explains why Kantian morality can sometimes be seen as "legalistic", while at other times it seems utterly opposed to the spirit of legal rules.

This interpretation is supported by an important passage in the *Metaphysic*, which tries to solve the problem of the nature of the duty to adopt the "moral point of view". There is a distinction between a duty of virtue (which corresponds to an end) and an obligation of virtue. There are many duties of virtue but only one obligation of virtue, "one virtuous attitude of will, as the subjective ground determining us to fulfill our duty. This ethical obligation extends over juridical duties too...". Thus, duties of virtue allow for supererogation because people may attempt to get closer to an (ideal) end. But the obligation of virtue is fully determined by the moral law, and is common both to juridical and to ethical duties. In this case one cannot do better than that which is required of one. One is either acting morally or non-morally.

The suggested interpretation of Kant's attitude also explains his extremely negative view of supererogation when it is used for educational purposes. For although some actions are surely meritorious by being more than the 'amount' required, they should

nevertheless be represented as arising out of the sense of duty. Although people may be encouraged to transcend their duty (in the material sense), they should always regard it as part of their duty (in the formal sense). This 'gap' between the objective judgement (concerning the content of the moral act) and the subjective judgement of the agent (concerning the source of value of that same act) is partly bridged by the indeterminacy allowed within the extended scope of duty.

But even if it is true that Kant leaves some room for supererogation, no theory of that concept is offered by him, let alone clear criteria for distinguishing the supererogatory from the obligatory. There is only one and rather vague suggestion for such a criterion. In *Metaphysic* Kant says that the merit of one's action is related proportionally to the degree of risk and self-sacrifice involved, and the degree of "moral obstacle (duty)" by which we are bound. The more of the former and the less of the latter, the greater the merit of the act.

Finally I would like to make a few remarks on another, slightly different interpretation of Kant's view of supererogation. After showing that Kant allows for both morally indifferent and morally permissible acts in his theory, Eisenberg proceeds to question the status of supererogatory (and offensive) acts, and rightly holds that this depends on the way in which we understand the distinction between perfect and imperfect duty. Eisenberg interprets the distinction in terms of 'indeterminacy', and consequently argues that there is a *continuum* of wider and narrower duties, a continuum which extends to include what is usually called supererogation.

But having offered an alternative interpretation of the distinction between perfect and imperfect duties (section IV), I cannot in principle accept the 'continuum thesis'. Despite some flaws and inconsistencies in the formulation of the Kantian distinction, the distinction itself is basically clear-cut. I disagree with Eisenberg's contention that perfect duties allow for similar 'exceptions' as imperfect duties.

In the context of supererogation this implies that only imperfect duties can be fulfilled to a greater extent than is necessary: one can help others more than is required, but cannot repay more than one owes, since paying more than is owed is perhaps supererogatory but not by way of fulfilling 'more' of the perfect duty in question. This explains why only imperfect duties admit degrees of fulfilment, and hence open the way to supererogatory conduct.

Eisenberg finds it hard to resolve the inconsistency between the point of view of the agent, who takes his act of beneficence as a duty and the point of view of the beneficiary, who — having no rights over the act — must consider it as supererogatory. But if my interpretation in terms of the formal vs. the material senses of duty is accepted, then the inconsistency can be resolved. For the duty of the benefactor is duty in the formal sense,
while the gratuitous element of the beneficent act (from the point of view of the beneficiary) is to be understood in material terms.

The continuum thesis leads Eisenberg to an analogy between the Kantian theory and Findlay’s distinction between ‘minatory’ and ‘hortatory’ duties. This I find misleading, because although it is true that Findlay’s distinction implies a continuum of degrees of imperative force, this is by no means true of Kant. Imperfect duties are themselves no less obligatory than perfect duties (degrees of “moral obstacles” are only allowed within the particular actions which fulfil a certain imperfect duty). Furthermore, actions which are the minimum required in fulfilment of imperfect duties are no less binding than actions meeting a perfect obligation. And as for those actions which are beyond that minimum, they can clearly be regarded – in terms of our reconstruction – as supererogatory. They are of no imperative necessity whatsoever. Those Kantian statements which question the existence of such acts are anti-supерerogationist, i. e. try to reduce the supererogatory to the obligatory. But in both cases Kant does not seem to take the line suggested by the ‘continuum thesis’ and adopted by Findlay.

But beyond the controversy over the reading of Kant on the subject of supererogation, it seems that the treatment of supererogatory acts is an important test for a moral theory, especially of a deontological type. In that respect Kant’s ethics is defective both where it tries to avoid the problem altogether as well as in places where it offers half-way and only partial solutions.

---