Can Kant Accommodate Supererogation? *
Supererogation and Duty in Immanuel Kant’s Ethical Framework

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I.

“Supererogation is the technical term for the class of actions that go ‘beyond the call of duty’” (Heyd 2002, 1).\(^1\) Intuitively, common sense recognizes supererogation: oftentimes people “engage in praiseworthy behavior where they do more than they have to do, morally speaking” (McNamara 2004, 1).\(^2\) These supererogatory actions, “good, but not obligatory, to do” (Chisholm 1963, 5), customarily exemplify human beings at their very best.\(^3\) J.O. Urmson, in his seminal article “Saints and Heroes,” characterized these laudable actions with his example of a doctor “who, no differently situated from countless other doctors in other places, volunteers to join the depleted medical forces” (Urmson 1958, 62) of a plague-ridden city. Contemporarily, those who volunteer for the nonprofit organization, Doctors Without Borders, would appear to frequently perform supererogatory actions when those individuals strive to deliver “emergency aid to victims of armed conflict, epidemics, and natural and man-made disasters, and to others who lack health care due to social or geographical isolation.”\(^4\) Locally, the University of New Hampshire’s own student organization, Students Without Borders, would also appear to be committed to the performance of

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\(^1\) Also wrote David Heyd: “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” (Heyd 1980, 308).

\(^2\) In addition, it would do well to note McNamara’s definition of supererogation in his article “Making Room for Going Beyond the Call” in Mind: “The concept I have in mind might be better expressed simply by ‘action beyond morality’s call,’ or perhaps more revealingly as ‘exceeding the minimum that morality demands’” (McNamara 1996, 105). (I question the usefulness of both of these first two footnotes.)

\(^3\) In Beyond the Call of Duty: Supererogation, Obligation, and Offence, Gregory Mellema provides a definition of supererogation which “can be identified by its possession of three characteristics. First, it is an act whose performance fulfills no moral duty or obligation. Second, it is an act whose performance is morally praiseworthy or meritorious. Third, it is an act whose omission is not morally blameworthy” (Mellema 1991, 3).

supererogatory actions. Recently, members of the group returned from Santisuk, Thailand, where they focused on establishing a better waste management system in the village, in addition to erecting some type of canal system. Instinctively, the commendable actions of Doctors Without Borders, Students Without Borders, and myriad others, go ‘beyond the call of duty.’ Nevertheless, and counterintuitively, traditional ethical theories and theorists “have only rarely discussed this category of actions directly and systematically” (Heyd 2002, 1). Or, when they have endorsed particular theories, ethical theorists not only make no attempt to account for supererogation, but their theories appear incompatible with even the possibility of any such acts being truly supererogatory.5

The term supererogation “derives from the Latin verb supererogare,” meaning “to overspend or spend in addition” (Mellema 1991, 14). In the account of the Good Samaritan parable, the Samaritan requests that the innkeeper tend the wounded roadside victim and promises to subsequently return and reimburse the innkeeper for the costs of his necessary services. Admittedly, it would seem that the Samaritan performs a supererogatory action: in rescuing the victim from the road and ensuring his care by his appeal to the innkeeper, the Samaritan, morally speaking, executes a praiseworthy action, which is more than he is obligated to do. He could have simply informed the

5 Nonetheless, it should be noted that not all philosophers agree that “supererogatory actions comprise a non-empty deontic category” (Hale 1991, 273). In her article “Against Supererogation” in the American Philosophical Quarterly, Susan Hale argues that “(almost) all purported supererogatory actions are morally required” (Hale 1991, 273) on the basis that one can never “do more than is necessary to fulfill the requirements of even very onerous imperfect duties” (Hale 1991, 278). For Hale, while the concept of imperfect duty is “sufficiently broad and indeterminate” (Hale 1991, 278) so as to function as one’s ideal standard for “morally worthy action” (Hale 1991, 278), even the best moral agent could “never fully attain” (Hale 1991, 278) or exhaust the demands of imperfect duty. Even so, it must be questioned of Hale whether someone can have a duty – for example, an imperfect duty of beneficence – which he/she cannot completely fulfill? Does not one have an imperfect duty of beneficence because such duty is able to be fulfilled, so much so that one is morally blameworthy for not fulfilling his/her duty? If an agent’s duty surpasses his/her human ability, then are those omissions of fulfilling the duty morally forbidden?

6 Wrote Gregory Mellema: “This verb can be found in the Vulgate account of the Good Samaritan parable (Luke 10:35): ‘He tooke forth two pence, and gave to the host, and said, ‘Have care of him, and whatsoever thou shalt supererogate, I at my return will repay thee’ ’” (Mellema 1991, 14).
local authorities of the victim on the roadside. Nonetheless, with the exception of the Roman Catholic tradition, “which gave rise to the concept of supererogation” (Heyd 2002, 1), “the history of supererogation in non-religious ethical theory is very recent, starting only in 1958 with J. O. Urmson’s” (Heyd 2002, 1) aforementioned article. In fact, moral “philosophy, though much concerned with the notion of duty, has paid little attention to the small yet significant category of actions that ‘go beyond the call of duty’” (Heyd 1980, 1). This is not to say that the concept of supererogation is any less important for its lack of philosophical attention. On the contrary, the indispensable status of supererogation in ethical thought is paramount “in exposing deep problems about the nature of duty and its limits, the relationship between duty and value, the role of ideals and excuses in ethical judgment, and the connection between actions and virtue” (Heyd 2002, 1).

The works of many ethical theorists have failed to go beyond their conceptual frameworks and acknowledge the philosophical significance of supererogation. Even Immanuel Kant—who, alongside Aristotle and John Stuart Mill, is certainly one of the three most prominent ethical theorists in the Western tradition—has fallen prey to the criticism that his ethical framework cannot consistently accommodate the moral category of supererogation. It has been argued that Kant’s ethical theory inflates moral duty, or moral obligation, to such an extent that the category of supererogation is subsumed under the concept of duty. Wrote Marcia Baron in her article “Kantian Ethics and Supererogation”: some “believe that his [Kant’s] theory asks too much, demanding total

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7 Admittedly, this is actually a somewhat contentious case. Some philosophers believe—for example Bernard Gert—that if you are uniquely situated and in a position to help another in desperate circumstances, at little cost to yourself, you are required to do so.

8 “Immanuel Kant is one of the most influential philosophers in the history of Western philosophy. His contributions to metaphysics, epistemology, ethics, and aesthetics have had a profound impact on almost every philosophical movement that followed him” (McCormick 2001, 1). In fact, Kant’s philosophical influence extends so prodigiously that many contemporary philosophers label themselves as “Kantians” or “neo-Kantians.” In addition, and more recently, Kant has influenced the social and political philosopher John Rawls, arguably the most important political philosopher of the Twentieth Century, whose *A Theory of Justice* rejuvenated social contract thought.
devotion to morality and treating everything worth doing (and perhaps more) as a duty” (Baron 1987, 238).\textsuperscript{9,10} If this critique of Kant’s theoretical framework holds, then, in our previous examples, the doctors of Doctors Without Borders are morally \textit{required} to deliver emergency aid around the globe, the students of Students Without Borders were morally \textit{obligated} to aid those less fortunate in Thailand this past January, and the Good Samaritan was fulfilling his moral \textit{duty} when he rescued the victim of the roadside robbery. In all three cases, doing anything less in response would have been a morally blameworthy violation of their obligations. Intuitively, part of the reason that the actions of these aforesaid people appear morally praiseworthy is precisely because their actions ‘go beyond the call of duty’: common sense recognizes that these people did more good than was required of them.

\textsuperscript{9} Heyd levels a similar critique against Kant in his article “Beyond the Call of Duty in Kant’s Ethics” in \textit{Kant Studien}: “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” (Heyd 1980, 308).

\textsuperscript{10} Although she does not deny “that there are acts that can be labeled ‘supererogatory’” (Baron 1987, 241), Baron argues “against the thesis that any ethical theory that does not recognize a special category of the supererogatory is \textit{ipso facto} flawed, and suggest that Kant’s treatment of the category of acts that contemporary ethicists speak of as supererogatory may well be preferable to the supererogationist approach” (Baron 1987, 238-239). For Baron, Kant’s twofold concern that, first, duty would be weakened by the “romantic enthusiasm” (Baron 1987, 246) of heroic, supererogatory acts and that, second, one’s moral requirements would possibly be substituted for the performance of supererogatory acts, influences her deemphasizing of the category of the supererogatory within Kant’s ethical framework. According to Baron, Kant could still “pay due regard” (Baron 1987, 259) to agents who deserve special recognition by focusing on the moral status of an agent’s “character” (Baron 1987, 259) rather than the moral status of an agent’s action. Nonetheless, even Baron notes two forcefully objectionable effects of her proposal to locate Kant’s due regard for special acknowledgement of someone who “does far more to fulfill an imperfect duty than do many others” (Baron 1987, 258) by praising such agent’s character: one, the “thing that talk of virtue and imperfect duty does not capture is the bare fact that the act is beyond duty” (Baron 1987, 262); and two, the “only instances in which it won’t work to shift from speaking of supererogatory acts to great character is when the act is out of character” (Baron 1998, 65). Moreover, Baron, in her article “Imperfect Duties and Supererogatory Acts” in \textit{Jarbuch fur Recht und Ethik}, confesses that it “is often point out that some remarkable actions are not ‘in character’ and that it therefore will not work to recognize their [certain agents] greatness by recognizing the excellence of the agent” (Baron, 1998, 63).
Therefore, we may have an acute dilemma for the ethical framework of Immanuel Kant.\textsuperscript{11} If Kant conflates supererogation with one’s moral duty, Kant’s theory may be marked as “severely impoverished” (Baron 1987, 238). On the other hand, there may be some philosophical approach to salvaging Kant’s ethical framework by exposing that his theory can in fact take the concept of supererogation into account after all, even if he himself might not have intended it to do so.

Ultimately, the intent and function of this paper is to demonstrate that Immanuel Kant’s ethical framework can accommodate supererogation within the context of an agent going beyond the call of imperfect duty. Nonetheless, it should be noted at the outset that the works of Immanuel Kant do not contain one completely consistent and coherent line of thought, especially in regards to the moral category of the supererogatory which “is conspicuously absent from the table of moral categories of freedom in his \textit{Critique of Practical Reason}” (Timmermann 2005, 10).\textsuperscript{12} Moreover, according to Baron, in Kant’s ethical framework there exists “no clear line of demarcation between what I must do, morally, and what is nice but morally optional” (Baron 1987, 249). To think that I find myself appropriately versed in Kantian exegesis is a folly bordering on stupidity.

\textsuperscript{11} It should be noted that although the moral category of the supererogatory “raises fundamental problems” (McCarty 1989, 43) for the ethical framework of Immanuel Kant, Richard McCarty, in his article “The Limits of Kantian Duty” in the \textit{American Philosophical Quarterly}, endeavors to provide a “satisfactory non-moral account of supererogation” (McCarty 1989, 43). For McCarty, the “quasi-moral” status of Kantian sublimity, an aesthetic category closely related to morality through its stimulation of moral feeling” (McCarty 1989, 49) accommodates the category of the supererogatory because of the effect of supererogatory acts on the “moral sensibilities” (McCarty 1989, 49) of “disinterested observers” (McCarty 1989, 48) with appropriate “sensitivities and attitudes” (McCarty 1989, 49). Nevertheless, it should be briefly noted that supererogatory acts are indeed moral acts – rather than “non-moral” or “quasi-moral” – and therefore that a non-moral account of supererogation would seem counterintuitive. It should also be noted that it would seem counterintuitive for certain acts to qualify as supererogatory because of the consequences of these acts on certain observers and the incitement of “moral feeling” (McCarty 1989, 49). According to McCarty’s proposal there could be two identical acts, all else being equal, one of which would be deemed supererogatory because of its stirring effect on “disinterested observers” (McCarty 1989, 48) and one of which would not be deemed supererogatory because no “disinterested observers” (McCarty 1989, 48) witnessed the said act. Intuitively, common sense recognizes that what makes certain acts qualify as supererogatory has more to do with the fact that some acts go “beyond the call of duty” (Heyd 2002, 1) and less, or even little to do, with the effects of these acts on observers.

\textsuperscript{12} In his article “Good but Not Required? – Assessing the Demands of Kantian Ethics” in the \textit{Journal of Moral Philosophy}, Timmermann continues: “In the few passages in which the notion of supererogation is actually mentioned Kant dismisses the idea of grand and noble deeds as high-flown emotional nonsense” (Timmermann 2005, 10).
Therefore, this paper finds itself thoroughly dependent on various other people that, like Friedrich Nietzsche, have studied Kant “with especial predilection” (Williams 1991, 202): Kant, the most prominent philosopher within the Western philosophical tradition.

II.

According to Immanuel Kant, all humans have access to metaphysical truth, a truth that surpasses all human life. For Kant, metaphysical truth can be accessed by people with the help of reason, which can release them from personal prejudices, as the truth can sometimes be contrary to one’s individual preferences. Something is metaphysically true, according to Kant, irrespective of the consequences, and because humans have access to this metaphysical truth, human beings are ends in and of themselves.

In Kant’s opinion, the only unqualified good thing in this universe that is good without qualification is “a good will,” which “seems to constitute the indispensable condition of our very worthiness to be happy” (Kant 2002, 257), and “its usefulness or fruitlessness can neither add to, nor subtract from, this value” (Kant 2002, 258). A good will is a characteristic of any rational being that chooses to act upon what is morally obligatory and to avoid what is morally impermissible. For any action to consist of positive moral worth, it must be done exclusively for the sake of duty, and not be provoked by some private predilection. Any action done from duty uncovers its moral worth through the maxim under which the agent acts, or the categorical moral demand on all rational agents.

Kant’s first categorical imperative states that an action is permissible, under a certain maxim, if and only if the action’s maxim is “universalizable.” That is, an action is permissible if and only if an agent could constantly and reliably will that the generalized form of the maxim functioned like a
natural law which would ecumenically regulate the behavior of all rational creatures. Kant’s second categorical imperative, or his “practical imperative,” also endeavors to regulate the behavior of all rational creatures: “the practical imperative will therefore be as follows: Act in such a way that you always treat humanity, whether in your own persons or in the person of any other, never simply as a means, but always at the same time as an end” (Kant 2002, 274). Kant provides this example to exemplify his practical imperative: take a specified action, or non-action, such as relentlessly failing to help others when they find themselves in dire need. The maxim of that action is that I have the opportunity to help unfortunate others at no great personal cost, but since there exists no chance of personal gain for myself, I will not help those deprived and disadvantaged by possibly giving them my old jacket or some loose change. The generalized form of that maxim, when universalized, is that if anyone has the opportunity to help unfortunate others at no great personal cost to themselves, and there exists no chance of personal gain for themselves, they will not help those deprived and disadvantaged. If that generalized maxim became a law of nature, Kant would affirm that the law of nature ultimately fails because it, in turn, fails to recognize the worth of all rational creatures, creatures who are ends in and of themselves and should never be considered merely as means.

III.

In his article “From the Forbidden to the Supererogatory: The Basic Ethical Categories in Kant’s Tugendlehre,” published in 1966, Paul Eisenberg argues that just as J.O. Urmson and Roderick Chisholm have stated that “many traditional ethical theories are insufficiently rich in the number of basic categories that they allow for” (Eisenberg 1966, 255), so too does Kant’s ethical

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13 The *Tugendlehre* is Kant’s *Doctrine of Virtue*, the second part of his *Metaphysic of Morals.*
framework fall prey to a similar critique.\textsuperscript{15} For Eisenberg, there exist six fundamental moral categories to be distinguished and dealt with by a given ethical system: “the obligatory (= right 1), the forbidden, the permissible and justifiable (= right 2), the indifferent, the supererogatory, and the offensive” (Eisenberg 1966, 255).\textsuperscript{16} Because Kant, in the \textit{Tugendlehre}, presents an ethical continuum that “ranges from genuine duties to (mere) good deeds and, finally, saintly and heroic acts of supererogation, although Kant calls this entire range the range of duty” (Eisenberg 1966, 262), Eisenberg charges Kant with failing “to keep to those ordinary understandings of the term ‘duty’” (Eisenberg 1966, 268), thus conflating the moral category of the supererogatory with the moral category of the obligatory.

Nonetheless, since Eisenberg does believe that Kant can accommodate the moral category of the offensive, he also believes that Kant is only a slight amendment away from housing all six moral categories within his ethical framework. For Eisenberg, Kant’s “distinction between guilt and simple lack of merit or between the \textit{vitium} [vice] and the \textit{peccatum} [lack of virtue] seems to correspond to Chisholm’s distinction between the forbidden and the offensive, respectively (Eisenberg 1966, 265). Eisenberg finds that Kant can allow for the category of minor offences in light of arbitrary exceptions to imperfect duties: exceptions that could not be considered

\textsuperscript{15} Wrote Eisenberg: “Urmson … asserts that Kant has no room in his ethics for the concept of supererogation, but is limited to the inadequate threefold classification of actions into the morally obligatory, the morally forbidden, and the morally permissible,” while “… Chisholm maintains that Kant allows for only two categories of actions – he obligatory and the forbidden” (Eisenberg 1966, 255).

\textsuperscript{16} These categories are filled out as: A. the forbidden is that which one has no [moral] right to do; B. the obligatory is that which one has no right not to do; C. the permissible and justifiable is that which one has a right to do or not to do within the area of morality, the area of (greater or less) moral concern; D. the indifferent is outside the area of morality; E. the offensive is what one has a right to do or not to do, but which is bad to do or bad not to do; and F. the supererogatory is what has a right to do or not to do, but which is good to do or good not to do (Eisenberg 1966, 256). It should be noted that no one of these terms is subordinate to any of the others. It should also be noted that Eisenburg’s category of the permissible and justifiable includes only morally interesting cases – that is, cases of moral significance.
permissible and justifiable, but must be judged as constituting “permissible ill doing” (Eisenberg 1996, 266). For Eisenberg, Kant could easily leave a place for duty-plus\(^{18}\) by maintaining, with regard to such genuine (imperfect) duties as showing gratitude to one’s benefactors and helping others in distress, that there are various minimal extents to which these duties must be fulfilled, and that any action beyond these minima is supererogatory (duty-plus). (Eisenberg 1966, 268)

Therefore, according to Eisenberg, Kant could locate the moral category of the supererogatory within the prospect of going beyond the call of imperfect duty. For example, say an agent had two options for fulfilling the imperfect duty of beneficence. It is possible to perform both options, but either alternative will satisfy the imperfect duty and the choice between them is itself morally indifferent. Is it not possible that the agent could carry out both options in this instance, and therefore go beyond what he or she was required to do? Doing so would clearly be praiseworthy and laudable, but would by no means be morally mandatory. For Eisenberg, this possibility of doing more than the minimal necessities of an imperfect duty serves to accommodate the moral category of the supererogatory within Kant’s ethical framework.

Even so, it would do well to note of the effects of Eisenberg’s modification to the Kantian framework. By endeavoring to locate the moral category of the supererogatory within the concept of imperfect duty, the moral category of the offensive would be logically excluded. As aforementioned, Eisenberg considers offences to be exceptions to imperfect duties which amount to “permissible ill doing” (Eisenberg 1966, 266). Since the omission of an offence is never morally

\(^{17}\) It should be noted that in his *Beyond the Call of Duty: Supererogation, Obligation, and Offence*, Gregory Mellema characterizes offences as “acts whose performance is morally blameworthy, though not morally forbidden, and whose omission is not morally praiseworthy” (Mellema 1991, 181).

\(^{18}\) Wrote Eisenberg: “There are two sorts of supererogatory action – what Joel Feinberg calls ‘duty-plus’ (doing more than is strictly one’s duty) and ‘meritorious non-duty’ (doing a good deed that is other than any demanded by duty) – and for both of these Kant in fact leaves no adequate room in his ethical theory as developed in the *Tugendlehre*” (Eisenberg 1966, 268).
praiseworthy, it would not be morally commendable to perform the imperfect duty which would be blameworthy to skip. Therefore, the performance of an imperfect duty could never be considered supererogatory because supererogatory actions are always morally praiseworthy when performed. How then can Eisenberg allow for the concept of imperfect duty to constitute the possibility of both offences and supererogatory actions? It seems that Eisenberg must choose which moral category he would like Kant’s ethical framework to accommodate, as it cannot logically accommodate both.

Moreover, although Eisenberg argues that Kant, amongst others, enacted the “error of treating as duties certain things which are properly classified as supererogatory” (Eisenberg 1966, 267), it is unclear whether Kant’s ethical framework, prior to Eisenberg’s amendment and revision, does not already support Eisenberg’s conception of the surpassing of imperfect duty accommodating the moral category of the supererogatory.

IV.

In his article “Beyond the Call of Duty in Kant’s Ethics,” published in 1980, David Heyd argues that although in Kant’s “ethical writings no use of the term ‘supererogation’ is made and no systematic discussion of the idea of acts beyond the call of duty can be found” (Heyd 1980, 308), Kant can accommodate the moral category of the supererogatory by means of imperfect duties which “admit degrees of fulfillment” (Heyd 1980, 323). For Heyd, even though Kant implicitly utilizes “two complementary strategies for solving the abovementioned tension: reducing the supererogatory to the obligatory, and extending the meaning and scope of the concept of duty” (Heyd 1980, 309), Kant, pace Eisenberg, does allow for the prospect of going beyond the call of
imperfect duty within his ethical framework, especially when an agent performs two actions, each of which would fulfill some imperfect duty on its own. Wrote Heyd,

although Kant says nothing about it, there is the possibility of doing both x and y [when faced with a decision to do either x or 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. … To sum up: taken disjunctively, particular acts that fulfill an imperfect duty involve a morally neutral freedom of choice. But taken conjunctively, they involve the concept of supererogation, since there is a certain extent of fulfilling an imperfect duty beyond which one’s actions become supererogatory. (Heyd 1980, 317-318)

Therefore, according to Heyd, the concept of imperfect duty can be interpreted to be of a “supererogatory nature” (Heyd 1980, 317). For Heyd, the belief that the nonperformance of an imperfect duty is not wrong,¹⁹ coupled with the “subjective’ interpretation of the imperfect moral duty” (Heyd 1980, 317), leads him to this conclusion. Nonetheless, Heyd’s conclusion must be qualified in light of Eisenberg’s aforementioned article, in which Eisenberg reasons that imperfect duties must be performed at least some of the time, and thus, conversely, if one never performed an action in accordance with one’s imperfect duty – for example, of beneficence – one would be in the wrong.²⁰ For example, say an agent has rationally adopted the imperfect duty of beneficence and, weekly, has the option to donate twenty dollars to the local soup kitchen. Every week the agent says that he/she will donate the money the next week when he/she has more time. Eventually, the agent must donate the twenty dollars or he/she will have failed to perform his/her imperfect duty: this

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¹⁹ Heyd infers this statement from Kant’s passage in the *Metaphysic of Morals*: “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” (Quoted in Heyd 1980, 317).

²⁰ Thomas Hill also confirms this sentiment in his article “Kant on Imperfect Duties and Supererogation” in *Kant Studien*: “Anyone, however, who sincerely adopts such a [guiding] principle will act accordingly, at least sometimes, if he gets a chance. For example, if a person with the usual abilities and opportunities did nothing to promote the happiness of others, he would thereby show that he did not really adopt a maxim of beneficence” (Hill 1971, 58).
nonperformance of the imperfect duty would be morally wrong and would even call into question
the fact of whether or not the agent rationally adopted the imperfect duty in the first place.

Nevertheless, ultimately the concept of imperfect duty does allow for the possibility of
supererogatory action, although in a limited sense. The aforesaid agent could have easily donated
twenty dollars each week to the soup kitchen for a whole year or a number of years. Nonetheless, it
is important to note one morally interesting aspect of the supererogatory actions which Kant can
accommodate within his ethical framework. According to Heyd, there exist three primary features
which characterize a moral act for Kant: (1) that an act is obligatory, or never morally optional, and
is always performed in obedience to a binding command; (2) that an act, or maxim of an action, can
be universalized\(^{21}\) – the final and supreme test of an act's morality; and (3) that an act is moral if
done for the sake of duty and out of reverence for the moral law (Heyd 1980, 309-310). Although
some agents speak of a “subjective duty” (Heyd 1980, 311) when performing purported
supererogatory actions, Heyd poses a significant and disconcerting question in regards to
supererogatory acts and moral responsibility: “can a supererogatory act be performed for the sake
of duty in the sense of respect to a universally binding law” (Heyd 1980, 311)?

In what sense can actions “which surpass the ‘minimum’ required” (Heyd 1980, 322) still be
regarded as supererogatory if Kant’s third criterion for a moral act is that such act be done for the
sake of duty and out of reverence for the moral law? Intuitively, not all supererogatory actions are
done out of a deference for duty or the moral law: some supererogatory actions are “the outcome
of a ‘spontaneous inclination’ or ‘an endeavour unbidden but gladly undertaken’” (Heyd 1980, 311).

\(^{21}\) Wrote Heyd: “The two ‘sub-tests’ of the categorical imperative (based on the universalizability test) are: (a) can the
relevant maxim be \textit{conceived as} a universal law without contradiction; (b) can it be \textit{willed} without contradiction” (Heyd
1980, 310).
In his article “Kant on Imperfect Duties and Supererogation,” published in 1971, Thomas Hill argues that Kant “has a place in his moral scheme for supererogatory actions” (Hill 1971, 55) and that “Kant’s ethics is less rigoristic than commonly thought” (Hill 1971, 55). For Hill, Kant’s ethical framework can accommodate the moral category of the supererogatory within the “principles of wider imperfect duty” (Hill 1971, 71) – for example, beneficence and self-improvement – which, unlike the principles of perfect duty or imperfect duty, allow the latitude or “freedom to choose to do x or not on a given occasion, as one pleases, even though one knows that x is the sort of act that falls under the principle, provided that one is ready to perform act of that sort on some other occasions” (Hill 1971, 61). According to Hill, for Kant a supererogatory act, “as a subclass of acts which fulfill the principles of wider imperfect duty” (Hill 1971, 71), must possess the following characteristics:

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22 The following is Hill’s division of principles into types which correspond, more or less, to Kant’s categories of perfect duty, the widest imperfect duty, ethical duty, and juridical duty: “(1) P principles are principles of the form ‘Whenever C, one ought to do (or avoid) x’ or ‘One ought never to do (or avoid) x when C.’ (2) WTP principles are principles of the from ‘Sometimes when C one ought to do (or avoid) x.’ (x might be ‘something which promotes the end e.’) (3) E principles are principles of the form ‘… and sometimes one ought to do (or avoid) this from a motive a duty,’ where the blank is filled with some P or WTP principle. (4) J principles are P principles such that someone has a right to compel persons to comply with the principle. That is, the principle is the sort of principle which a person could be compelled to follow, someone A is not prohibited by valid P principles from coercing a person to comply, and when A attempts to compel a person to comply then everyone else is required by valid P principles not to interfere” (Hill 1971, 66). It should also be noted that “(5) A principle is a morally valid principle if and only if it is derivable from, or is warranted in some way by, a supreme moral principle, the Categorical Imperative. (6) The system of principles will be consistent in the following senses. First, the principles will be formally consistent. … Second, valid P principles will not give conflicting directions for a particular situation. … Third, WTP principles must satisfy the condition that no valid principle will ever commend that is prohibited by valid P principles or discourage what is required by valid P principles. Thus, in effect, every valid WTP principle will include in its conditions, C, the rider ‘(when) not contrary to valid P principles’ (Hill 1971, 66-67).

23 For Hill, every “principle will allow some latitude of the sorts (a) and (b), but some principles (namely, the ‘Always’ and ‘Never’ types) allow no latitude in the third sense, (c)” (Hill 1971, 62). It should be noted that the principles of wider imperfect duty allow latitude in these senses: “(a) room for judgment in deciding whether or not a given principle is relevant to a particular situation, and (b) freedom to choose various ways of satisfying a principle in a particular situation once we decide that principle applies,” as well as “(c) freedom to choose to do x or not on a given occasion, as one pleases, even though one knows that x is the sort of act that falls under the principle, provided that one is ready to perform act of that sort on some other occasions” (Hill 1971, 61).
(a) is of the sort commended by a principle of wider imperfect duty, (b) is motivated by a sense of duty (or, perhaps, for moral reasons), (c) is neither forbidden nor required by another more stringent duty (i.e. it does not fall under valid P principles), (d) there is at least one alternative that is neither forbidden by more stringent duty nor commended by other principles of wider duty, and (e) is done by agent who has adopted the relevant principle of wider imperfect duty and has often and continually acted on that principle. (Hill 1971, 71)

For example, say the aforesaid agent has rationally adopted the wide imperfect duty of beneficence and, weekly, has donated twenty dollars to the soup kitchen for a whole year, thus confirming the agent’s commitment to the wide imperfect duty of beneficence. During the week of Christmas this agent has the additional option of donating twenty-five dollars to the soup kitchen so that a new refrigerator can be installed to replace the dysfunctional machine that stopped working for the coordinators of the soup kitchen some weeks ago. When faced the “possibility of doing both x and y” (Heyd 1980, 317), he/she both contributes the usual, weekly, twenty dollars as well as the twenty-five dollars towards the purchase of the refrigerator. Both of the agent’s acts were “done for the sake of duty and out of reverence for the moral law” (Heyd 1980, 310), and the additional donation, when evaluated in the context of the concurrent regular donation, intuitively qualifies as a supererogatory action.

Although he/she clearly did not have an imperfect duty of beneficence calling on him/her to contribute the supplementary twenty-five dollars towards the purchase of the refrigerator, the agent “mistakenly thinks that it is his duty” (Hill 1971, 74) to donate the extra twenty-five dollars. According to Hill, although “Kant was preoccupied with duty in much of his ethical thinking” (Hill 1971, 74) and “his main point, surely, was that moral worth depends upon one’s disposition to live by whatever demands and ideals are implicit in a rational, moral life” (Hill 1971, 74), even Hill acknowledges, within Kant’s ethical framework, one reason that an act finds moral worth if such act
is “done for the sake of duty and out of reverence for the moral law (Heyd 1980, 310). For Hill, interestingly enough, in the aforesaid example, the agent “can do something supererogatory only if” (Hill 1971, 74) he/she is mistaken or confused about his/her duties. Although an agent can respect the motivation of duty and moral considerations in light of the moral law, it is only by donating the twenty-five dollars towards the purchase of the refrigerator for the sake of duty that such act has moral worth, and ultimately, qualifies as a supererogatory action, although mistakenly identified by the agent as fulfilling the imperfect duty of beneficence.

VI.

In his article “The Impossibility of Supererogation in Kant’s Moral Theory,” published in 1999, Daniel Guevara argues that “Kant resists any account of moral motivation (moral worth-giving motivation) that does not make the motive out to be respect for the law or proper regard for duty” (Guevara 1999, 607). For Guevara, Kant’s ethical framework finds itself virtually “discredited” (Guevara 1999, 595) as the moral worth of supererogatory acts “could not wholly consist in their being done from respect for the moral law” (Guevara 1999, 594). According to Guevara, if Kant “makes moral worth consist in the motive of duty, proper regard for duty” (Guevara 1999, 597), then the paradigm supererogatory acts of Doctors Without Borders and Students Without Borders “will have to be such that they are done from the motive of duty, which is an awkward consequence” (Guevara 1999, 597).

Nonetheless, although it is an “awkward consequence” (Guevara 1999, 597) of Kant’s ethical framework that supererogatory actions will be performed by agents who will consider their actions to be morally required of them as the fulfillment of imperfect duties, can Kant’s theory be
“discredited” (Guevara 1999, 595) if he can accommodate supererogation, albeit in an interesting manner? Consider the following passage from J.O. Urmson’s “Saints and Heroes”:

We clearly have here [in the case of a soldier launching himself on a grenade] a case of a moral action, a heroic action, which cannot be subsumed under the classification [the simple trichotomy of duties, permissible but not required actions, and wrong actions] whose inadequacy we are exposing. But someone may not be happy with this conclusion, and for more respectable reasons than a desire to save the traditional doctrine. He may reason as follows: in so far as that soldier had time to feel or think at all, he presumably felt that he ought to do that deed; he considered it the proper thing to do; he, if no one else, might have reproached himself for failing to do his duty if he had shirked the deed. So, it may be argued, if an act presents itself to us in the way this act may be supposed to have presented itself to this soldier, then it is our duty to do it; we have no option. (Urmson 1958, 63-64)

Urmson concluded that

it seems clear that there is no action, however quixotic, heroic, or saintly, which the agent may not regard himself as obliged to perform, as much as he may feel himself obliged to tell the truth and to keep his promises. 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 not even for himself as a piece of objective reporting, 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. (Urmson 1958, 64).

At this juncture, Guevara, in addition to many others, believes we may have a moral conundrum: instinctively, we want to classify the action of the soldier who leaps upon the grenade as a supererogatory action, while at the same time holding that the solider must be mistaken in his/her belief regarding his/her moral duties. Or, in the more specific case or the aforesaid agent that donates twenty-five dollars towards the purchase of the refrigerator for the sake of duty although such agent already adequately fulfilled his/her imperfect duty of beneficence, intuitively, we want to classify the agent’s action as supererogatory while at the same time holding that he/she must be mistaken in his/her belief regarding his/her imperfect duties. Although these examples contain the
“awkward consequence” (Guevara 1999, 597) of agents mistaken in their beliefs in regards to their duties, Kant’s ethical framework, notwithstanding, can accommodate the moral category of supererogation: the aforesaid agent that, when faced the “possibility of doing both x and y” (Heyd 1980, 317) in regards to his/her imperfect duties, contributes both the usual twenty dollars per week as well as the twenty-five dollars towards the purchase of the refrigerator from “the sake of duty and out of reverence for the moral law” (Heyd 1980, 310). The agent might be mistaken in regards to the fulfillment of his/her imperfect duties, but the additional donation, when evaluated in the context of the concurrent regular donation, positively qualifies as a supererogatory action. The agent may not be fully rational, according to Kant’s standard, but his/her action still went ‘beyond the call of duty.’


