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This is a thesis submitted for the degree of Master of Arts of the Australian National University.

Title: Supererogation: Definitions, Features and Characteristics

Submitted by Jon J. Scott

December, 1989.
I certify that this thesis is all my own work and that all sources used have been acknowledged.

Signed  
Jon J. Scott

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Introduction

The object of this thesis is to determine if and how it makes sense to exceed one's duty or to perform acts above or beyond what one is required to do as matters of duty. In philosophical terms therefore, this thesis will study the definitions, features and characteristics of supererogation.

In the president's address to the 1984 meeting of the Canadian Philosophical Association, Kai Nielsen reviewed the main trends of post-war philosophical inquiry from Wittgenstein onwards and concluded that philosophical studies were justifiable: (a) if they were "tolerably clear," (b) if there were good grounds for believing them, and (c) if true, whether they are important, "particularly for giving us a grip on who we are, were and who we are to become" (Nielsen, 1985, p.10).

The issue addressed in this thesis is whether the concept of supererogation, as it is used in contemporary philosophical discussion is a valid one, and whether it has any importance for our life in the world as moral agents. Part One of this thesis puts forward a "tolerably clear" account of what is meant by supererogation by explaining how philosophers have traditionally dealt with the issue and how it has been debated and researched in recent years. The variety of reasons advanced by philosophers who advocate its relevance, utility and significance to ethical theory will be examined and the importance of the distinction between perfect and imperfect duties to the question of supererogation will be studied. It will be shown that supererogation is compatible with neo-Aristotelianism, modern Christian theology and contemporary contract theory. Part Two analyses arguments for the case against supererogation as held by Kant and most utilitarians. In Part Three the impact of supererogation upon the classification of moral actions is reviewed. In addition, it is shown how supererogation can be correctly positioned in political contexts. Part Three concludes with a reassessment of definitional issues identified in Part One. The purpose of this thesis is to show that supererogation is possible and meaningful as a classification of moral acts but that the definitions of it as proposed by supererogationist writers need
improvements.

It should be noted from the outset that the study of supererogation has been neglected by modern philosophy for some time, but was recently revived, primarily by Urmson's article on "Saints and Heroes" which appeared in 1958. Since then, an active discussion has taken place in the literature, as proponents of supererogation attempt to carry their case over the objections of many other philosophers, principally utilitarians and defenders of the Kantian tradition. Because the issues discussed in this thesis remain under continuing study by philosophers of many different traditions, it must be admitted that the present work represents an attempt to arrest for the purposes of description, definition and analysis a broadening current of thought which is currently under active development.
PART ONE
THE CASE FOR SUPEREROGATION

Chapter One presents the case for supererogation. It begins by discussing some of the background to the issue in medieval philosophical and theological interpretations of the parable of the good Samaritan, and how the issue came to be repositioned in contemporary Anglo-American philosophical discourse by Urmson. This is followed by a detailed account of two major attempts to define supererogatory acts in terms of the properties of the acts themselves, such as voluntariness and goodness, in terms of the general motivation of the agent, the effects upon moral agents and the reactions of others to those who perform supererogatory acts. This part of the paper will examine closely the supererogationist views of Schumaker and Heyd. Because of their prominence as proponents of supererogation, their views will be referred to throughout this thesis. These comprehensive accounts are then contrasted with other less systematic attempts at definition. In addition to presenting an analysis of supererogatory paradigms in general, the chapter examines two supererogatory paradigms - volunteering and forgiveness.

Chapter Two situates the question of supererogation within the often overlooked and certainly neglected distinction between perfect and imperfect duties. The development of the distinction in the work of the modern natural law philosophers, principally Grotius, Pufendorf and Hutcheson, is reviewed and then an evaluation is made of some contemporary attempts to deal with the distinction. The focus in this chapter is two-fold; a. to determine how supererogation relates to orthodox concepts of moral obligation and b. to show how it differs from duties of imperfect obligation.

Chapter Three reviews those moral theories which are broadly compatible with supererogationist accounts of moral experience. An assessment is made of the contributions of neo-Aristotelian writers on this question, principally MacIntyre and Hursthouse. The views of modern theologians, including Tillich, Berdayev, Bultmann, Barth, Bonhoeffer and
Küng are also examined to see how the theme of supererogation is treated in their writings. Part One concludes with an account of how the concept of supererogation has been placed in the service of modern contract theory by Richards and how this approach contrasts with the views of John Rawls.
Chapter One
Definitions of Supererogation

Synopsis

In presenting the case for supererogation, this chapter will show how the concept has been rehabilitated from theological discussion and repositioned in the body of modern philosophical discussion by Urmson in terms of what can be done after one has done one's duty. The views of two principal supererogationist writers - Millard Schumaker and David Heyd - will be reviewed in some detail, showing how Heyd's theory develops issues which were first expressed by Schumaker.

The chapter outlines the very considerable appeal of Heyd's argument that supererogatory actions have the distinguishing features that they are: 1. neither obligatory nor forbidden; 2. that their omission is not wrong and does not deserve any criticism; 3. that they are morally good by virtue of their intended consequences and also by virtue of their intrinsic value; and 4. that they were done voluntarily for the sake of the good of someone else, and are thus meritorious. At the same time as the useful features of this definition are defended, difficulties with it are noted, particularly the avoidance of any reference to personal effort, cost or risk, and the relationship of the theory of supererogation to the activities of groups in society, in other words to politics. It will be shown that there are good reasons for adjusting Heyd's definition on these points, as well as on some other issues which could benefit by additional clarification. The contributions of other writers, principally Feinberg, to the question of definition of supererogation is acknowledged. The chapter then develops an account of two supererogatory paradigms - volunteering and forgiveness. Volunteering is discussed in terms of the importance of accepting responsibility for the vulnerable and in terms of personal cost and
commitment. Forgiveness is analysed in terms of (a) repudiating resentment, 
(b) the restorative value of acts of forgiveness, and (c) mercy. The chapter 
concludes with a discussion as to whether the two characteristic paradigms of 
supererogation satisfy Heyd's definition of supererogatory acts.

Supererogation as a Moral Fact

Proponents of supererogation, or supererogationists as they are known, 
contend that there exists a category of moral actions, termed supererogatory, 
which involve people doing things above and beyond the call of duty. 
Supererogation is the general term used to refer to these acts, and their 
classification as moral phenomena. The study of supererogation in the context 
of modern moral philosophy is a relatively recent phenomenon; there is 
considerable current philosophical work being done on the subject and one 
recent contribution actually links the resurgence of interest in supererogation 
with the rise in North America and Europe of the upwardly mobile 
professional class (yuppies), who, it is said, are believed to prize personal 
freedom and release from restrictions of conventional notions of duty more so 
than other generations or social classes (see Baron, p. 249). Although 
philosophers have maintained that it is vital to establish first what is meant by 
duty before attempting to determine if or how it can be exceeded, 
supererogationists contend that there is a general understanding that acts of 
supererogation, that is, acts which are above or beyond what is generally 
accepted as duties, do occur, although perhaps not as frequently as generally 
believed. Those acts which are most commonly recognised as supererogatory 
are those which reflect heroic or saintly characters.

The archetypal act of supererogation is to be found in the parable of the 
good Samaritan (Lk 10:30-37). Reference to supererogation did not lie in the 
attention which the Samaritan gave to the man who had fallen among thieves, 
by attending to his urgent needs, by tending his wounds and taking him to an 
inn, but rather in taking care of his longer term needs by paying the inn-keeper 
a sum of money and promising to pay more if necessary to ensure his welfare. 
The origin of the term therefore relates to the use of the Latin verb
"supererogare" in the Vulgate version of Lk 10:35. The good Samaritan showed compassion by helping the man in various ways, after which he gave some money to the innkeeper, saying, "take care of him, and whatsoever thou spendest more, when I come again, I will repay thee." The Latin text reads: "Curam illius habe: et quocumque supererogaveris, ego cum rediero reddam tibi." The good Samaritan, of course, did more than his duty. Perhaps he did more than his duty just by stopping to attend to the injured man in the first place.

Christ, argued the medieval philosophers, performed the most perfect act of supererogation in giving his life for all mankind. Medieval theological and philosophical writing was concerned about the "works of supererogation" i.e. humility, chastity and obedience which the New Catholic Encyclopedia describes as "virtuous acts surpassing what is required by duty or obligation."

Thomas Aquinas noted that whereas God commands certain things, he merely counsels others. The "Evangelical Counsels" of poverty, chastity and obedience are not necessary for salvation; they are works of supererogation. Aquinas also noted that in addition to the confession of faith, there are other works "which are not necessarily in accordance with or contrary to faith working through love. Works of this kind are not enjoined or forbidden in the New Law in its primitive form, but they are left by the lawgiver Christ, to the individual, according to his responsibility for others." (Summa Theologiae, I,II,108,1). He adds that "the Lord fulfilled the precepts of the old law"..., " by adding some further counsels of perfection; this may be seen from the passage in Matthew, where he says to someone who claims to have observed the precepts of the old law; you lack one thing. If you wish to be perfect, go and sell all you have, etc " (ibid, 107). Aquinas notes in several points in these passages that the "old law" is related to the "new law" as imperfection to perfection.

In their attacks on the practice of selling indulgences, the reformers of the 16th century were obliged to attack the doctrine of supererogation which served the church as a sort of bank of virtue, guaranteeing the value of the indulgences. The effectiveness of the attack did not deal as heavy a blow to the actual practice of the evangelical counsels as it did to the theological doctrine
of supererogation. But Roman Catholic theologians have not abandoned the
defence of indulgences (for a modern account, see Rahner, 1983), although
some Catholic voices have called for a renewal of the doctrine of
supererogation. This is for example the viewpoint of J. Hennessey who wrote
the article on "works of supererogation" in the New Catholic Encyclopedia
referred to above.

The theological argument has come to be repositioned in philosophical
terms as an inquiry into whether or not there exist morally valuable acts which
it is not one's duty to perform. Such acts would be non-compulsory, voluntary
expressions of care or concern, and bring a benefit to individuals. Those
advancing the case for supererogation base their case upon its existence as a fact
of moral life and claim that it has been traditionally overlooked by
philosophers because it is hard to fit into the study of ethics generally, which
has been primarily concerned with things that people "ought" to do. But acts
which lie 'above and beyond' duty can hardly be considered as things we
"ought" to do in the same sense that we "ought" to do things which are generally
considered matters of duty.

Urmson's 1958 article on "Saints and Heroes" sparked off contemporary
discussion of supererogation in the context of modern ethical enquiry. In this
paper, Urmson claims that the existence of saints and heroes was well known to
modern moral philosophers, but that these facts and the implications flowing
from them were neglected in their general systematic accounts of morality. It
is Urmson's contention, for example, that Kant's theory of moral obligation
cannot consistently account for these facts and that other more contemporary
writers have largely ignored the issue. Saints and heroes certainly do appear to
have existed in the past, and many suspect that they do in today's world as well.
In a recent article on "Saints" in the Journal of Philosophy, Robert Merrihew
Adams refers specifically to Albert Schweitzer, Gandhi, Martin Luther King,
jr and Mother Teresa. More pertinently, however, it is argued by some
philosophers who favour a supererogationist point of view that it is common
knowledge that kindnesses of various types and degrees are more than morality
requires, and cannot be expected let alone demanded, but yet have a vital role to
play in maintaining the structures of society from collapsing into sterile
enactments of duty and interpretations of law. Under such an interpretation, supererogation is not only reserved for saints and heroes, but has a much broader application.

In the process of determining how the case for supererogation has been established and defended in modern philosophy, the work of Urmson will be reviewed, together with that of two philosophers who have supported Urmson's claim that neither a duty-based or deontological ethical system, such as that developed by Kant, nor the consequentialist theories of utilitarianism can account for all ethical qualities revealed by experience, especially those supererogatory actions which appear to be beyond duty in some way. This study of modern supererogationist theory will be concentrated on the work of Millard Schumaker and David Heyd, both of whom have actively developed the theme originally set forth by Urmson. The discussion which follows will determine what it is they contend classical theorizing has omitted, and why it is important to rectify this omission. The approaches of other supererogationist writers will be reviewed in relation to their contributions to the essential supererogationist position set forth by Schumaker and Heyd.

Urmson's "Saints and Heroes"

Firstly, let us recall what was so significant about Urmson's 1958 paper on "Saints and Heroes." Urmson holds that moral philosophers tend to discern only three types of action from the point of view of moral worth, i.e., actions that are obligatory, permissible or wrong. He maintains that this division, widely accepted by philosophers is "inadequate to the facts of morality" (Urmson, p. 201). Urmson argues that actions of saints and heroes cannot be accommodated within the standard tripartite account of moral actions generally. He deems that a person may be called a saint "if he does actions which are far beyond the limit of his duty, whether by control of contrary inclinations and interest, or without effort; parallel to this we may call a person a hero if he does actions that are far beyond the bounds of his duty, whether by control of natural fear or without effort" (ibid, p.201). Urmson argues that it is obvious that a soldier who smothers a live hand-grenade with his own body to
... protect the lives of his comrades has acted far beyond the bounds of his duty, even if he may have perceived his action at the time as a duty. "Subjectively, we may say, at the time of the action, the deed presented itself as a duty, but it was not a duty," (ibid, p. 203) for if he were to have survived the deed, "only a modesty so excessive as to appear false could make him say 'I only did my duty', for we know, and he knows, that he has done more than duty requires" (ibid, p.204). But even if the soldier did consider his action a duty for himself at the time, Urmson argues that there is a most important difference here between such actions and those duties which are obligatory for everyone, under all circumstances. Urmson's argument does not rest with heroism and saintliness, however: disinterested kindliness and generosity are clearly more than basic duty requires, and yet hardly qualify for the "high titles" of "saintly or heroic" (see ibid, p. 204). By drawing attention to the most conspicuous cases of supererogation, however, namely heroism and saintliness, Urmson purports to show that a whole realm of actions lies outside the basic trichotomy, and outside the purview of most ethical theories.

These "higher flights of morality," (ibid, p. 211) Urmson argues, can be accounted for by establishing a basic moral code which will be valid for all people in all circumstances, and must not be too far beyond the capacity of ordinary people on ordinary occasions. Urmson contends that there is no theoretical niche for the facts before us in traditional deontological theory. "A line," he says, "must be drawn between what we can expect and demand from others and what we can merely hope for and receive with gratitude when we get it; duty falls on one side of this line, and acts with moral value on the other, and rightly so" (ibid, p.213). Urmson is not arguing here that duties lack moral value, only that there are acts which have moral value which lie somewhere above or beyond the constraints of any duty-based system. He further suggests that duties are "best considered as basic requirements to be universally demanded as providing the only tolerable basis of social life" (ibid, p.215). This is often said, it should be noted, of "justice" in contrast to "virtue" or "benevolence," a matter which will be examined in detail in Chapter Two.

Urmson's contention that the threefold classification of moral actions is inadequate to account for all categories of moral action is opposed by both

At this point in the exposition of Urmson's theory, however, it is worthwhile noting that his views have given rise to a lively contemporary controversy. The issue is reviewed in detail in Chapter Eight but is briefly outlined here for the purpose of clarification. Elizabeth M. Pybus, representing a neo-Kantian viewpoint has claimed that the view that there is a realm of moral aspiration beyond duty (or obligation) should be resisted. Pybus explains that the action of commending those who perform heroic or saintly acts places aspirations and ideals outside morality altogether. In commending such actions, we are really praising the dispositions to perform these actions, or more specifically, particular virtues: this does not imply that everyone should emulate such actions, but it does appear to preserve the classical trichotomy of moral actions.

Patricia M. McGoldrick defends Urmson against Pybus' criticism by arguing that heroic actions cannot be emulated as a matter of obligation and cannot therefore be considered duties. She maintains that Pybus rightly sees that any ideal which is thought of as morally praiseworthy must be thought of as worthy of aspiration, but that it is wrong to contend that aspiration in itself constitutes a duty. McGoldrick advances the view that actions which she holds to be supererogatory acts such as genuine acts of gift-giving, are inspired by "something like benevolence and love" (McGoldrick, 1984, p.527). Saints and heroes, she contends, in support of Urmson, voluntarily relinquish their right to personal aspirations in order to promote the well-being of others, but stand under no obligation to do so.

Utilitarians have also found plenty to criticise in Urmson's attempt to establish a fourth category of moral acts; a determined defence of the classical trichotomy was prepared by Christopher New. A number of supererogationist writers, particularly Heyd and Peterfreund, support Urmson, however, as will be seen in Chapter Five.

It is noteworthy that Urmson's basic contention, namely that the classical trichotomy could not account for all moral actions was anticipated the year before by another philosopher working in an entirely different context. John
Ladd, in his anthropologically-oriented study of the moral code of the Navajo Indians, notes that the customary classification of moral acts within an ethical system into those which are obligatory, wrong or "indifferent," i.e., not permissible, applies only to negative prescriptions. "If you are collecting money for the Red Feather campaign, you could hardly claim that giving to the campaign was either obligatory, wrong or indifferent. Obviously it is somewhere in between being obligatory and indifferent. But there are other acts which it is right to do, but not wrong not to do" (Ladd, p.127). Ladd's comments are useful, but apply with diminished force if his statement of the basic trichotomy of moral actions is adjusted so as to replace the 'indifferent' with the 'permissible', which is in any case, the more conventional formulation, and the one employed by Kant. Collecting for the community chest or the Red Feather campaign is clearly permissible, in a way that it is not indifferent, at least not to the recipients of the benefaction. But is it not also a duty of a certain type of public-spirited citizen? Is it not also then in some sense obligatory? In this way, Ladd's comments are germane to the issue because they draw attention to the peculiar status of acts of supererogation - in that they appear to lie somewhere in the zone of permissible actions, but are closely related to obligatory actions. Heyd makes much of this relationship, although it is not without its disadvantages, as will be seen. Before considering the contributions of Heyd in detail however, it is appropriate to review the work of Willard Schumaker, who anticipated much of Heyd's work, and on whose conclusions, particularly his definition of supererogation, Heyd developed much of his own exposition of the case in favour of the validity and meaningfulness of the concept of supererogation.

Millard Schumaker

Schumaker argues that there are many actions which go beyond duty, that they are everywhere observable in everyday life, and that their existence can only be accounted for in terms of supererogation. Reviewing the great array of anti-supererogationist opinion as diverse as that of the classical utilitarians, the American instrumentalists and Kant himself, Schumaker notes that "it is
important that we not forget that despite the opinion of the philosophers, our ordinary language continues to offer good reason for accepting the legitimacy of the concept of supererogation, at least where that word refers merely to the doing of more than one's duty requires: it is a stubborn fact that the concept of supererogation (but certainly not the word!) and concepts implying it are in frequent use in moral talk" (Schumaker, 1977, p.7). Schumaker's conception of supererogation is a very large one indeed. He thinks that Urmson deformed the development of supererogationist theory by concentrating on egregious acts of supererogation when so many other examples of it lie much closer to hand. Many everyday acts of kindness are supererogatory paradigms for Schumaker. He says that the common use of expressions such as "you ought to but you don't have to" are prima facie indications of supererogatory actions, and that they are to be justified by the fact that "so many people on so many occasions judge certain modes of behaviour to go beyond obligation" (ibid).

Schumaker is the first contemporary philosopher in the Anglo-American tradition to have attempted a comprehensive definition of supererogation which is not a classification reducible to the primitive terms of deontic logic. The classical triad can be precisely defined using one subject, or operator, together with the categories of obligation ("shall") and permission ("may") and their negation. Supererogation, as it will be explained, involves other categories including an assessment of motivation, as well as actual behaviour.

Schumaker's formal definition is as follows:

Supererogation = \text{df.} \text{ "acts the performance of which are conjunctively (1) neither forbidden nor required by morality, (2) good, and (3) done primarily for the sake of someone other than the agent" (ibid,p.11).}

a. supererogatory paradigms

Supererogatory acts are therefore intentionally altruistic. Schumaker gives little explanation of his definition, arguing that "to demonstrate that the concept of supererogation is in itself logically unobjectionable is not yet to assure that it is a real possibility" (ibid, p.16). Schumaker sets out to demonstrate the possibility of supererogation by describing what he terms varieties of supererogation which, he claims " imply supererogation in the
sense that it would be inconsistent to accept them as legitimate concepts while refusing to accept supererogation as a legitimate concept" (ibid, p. 17). The varieties of supererogation are concepts which are "commonly enough employed in moral discourse on a pre-philosophic level to make it highly unlikely that they are not instantiated " (ibid). Using as a typically supererogatory act the doing of favours, he lists these varieties of supererogation as : giving gifts, making donations, offering bonuses, tips and gratuities, sacrificing for others, volunteering, almsgiving and charities, generosities, grace and periods of grace, forgiving offences, pardoning, and being merciful.

Schumaker provides an interesting analysis of "doing a favour." He sees the idea of doing favours as "a sort of paradigm of supererogatory acts" (ibid). It is, he says, an important moral fact that people do favours for each other but that it is incoherent to say that it is their duty to do so. Although favours may be requested in certain circumstances, they can never be demanded: to do so would be an 'impertinence'. While it is correct to say that we have a right to demand our rights, it is also true to say that we can demand only our rights, since it is always permitted to reject a demand on the ground that the demander has no right. "What we receive as favour and what we receive as our due seem to differ in this way: on the one hand, we are always permitted but usually not required to demand our rights: on the other hand, we are usually permitted to request favours, but it is morally impossible ever rightly to demand them " (ibid). It is quite simply impossible to demand a favour according to Schumaker, because no one ever has a duty to do them. Schumaker stresses that the concept of supererogation as employed by the ordinary man (i.e., the philosopher off-duty) is both possible and actual. He does not make the "strong claim" that the doing of favours cannot be understood in a non-supererogatory way, but rather makes the "weaker" but more significant claim that "our present concept of doing favours lends itself naturally to a supererogatory ethic, and to no other" (ibid, p.19).

As Schumaker suggests, a clever philosopher might be able to reconstruct the idea of doing favours such that it does not imply supererogation. One notable non-philosophic account is given by Tom Wolfe in his novel "The
Bonfire of the Vanities" in this way: "everything in the criminal justice system in New York... operates on favours... Everybody does favours for everybody else. Every chance they get, they make deposits in the favour bank... a deposit in the favour bank is not a quid pro quo. It's saving up for a rainy day...if you've been making your regular deposits in the favor bank, then you're in a position to make contracts, that's what they call big favours, contracts" (Wolfe, p.384-5). There is quite a body of sociological evidence to support the view that business ethics in general are influenced by this idea, as indeed are primitive societies which transfer goods largely through institutionalised favours and customary gift-giving, sometimes on quite a broad scale, as was the practice of Indian tribes in British Columbia until the last century. But institutionalised favours or gift-giving practices, common as they may be, are not genuine favours because, as Schumaker notes, they fail to satisfy the third condition of his definition, namely that they are done primarily for the sake of someone other than the agent.

Schumaker finds support for his view of favours by quoting the definition of "favor" given in the American College Dictionary as "a kind act, something done out of good-will rather from justice or remuneration" (Schumaker, 1970, p.71). This somewhat awkward entry is perhaps best considered together with the concise Oxford entry which defines "favour" as "friendly regard, goodwill" and "kindness beyond what is due."

Schumaker notes that all the other varieties of supererogation are, like favours, neither forbidden nor required by morality, good, and done primarily for the sake of someone other than the agent. What is true about favours is, he notes, also applicable to gift-giving. Of course, some gifts can be given and indeed often are, as investments, in which case they lose their significance as moral acts. No typical moral reaction is occasioned by gifts of a transactional nature, and none is expected, but Schumaker claims, as do other supererogationists, that the appropriate and conventional response to genuine acts of supererogation is gratitude. The implications of this assertion will be seen in Chapter Seven where the general notion of gratitude will be discussed in detail.

Schumaker's extended discussion of several other types of supererogation
including making donations, offering bonuses, tips and gratuities, generosities, and almsgiving largely indicate that the underlying reasons for such behaviour are so similar as to be considered as additional instances of doing favours on a different or perhaps larger scale. Donations are voluntary contributions, in contrast to taxes, levies and dues. Bonuses are something extra and as such cannot be required. Recapitulating the discussion of Urmson regarding Christ's example of "walking the extra mile" (Mt 5:41), Schumaker states that bonuses, like donations and other gifts are very often laudable, but only in so far as they remain extras; they cannot be rightly required performances. The institutional context in which bonuses are normally granted in no way defeats their supererogatory nature. Tips and gratuities highlight the essentially voluntary aspect of supererogatory behaviour. The fact that the tip depends on the inclination of the one who is contemplating giving it means that it would be quite useless to speak of a duty to tip. Schumaker accepts that where there exists an "imperfect duty" to leave, say, a fifteen percent tip, and, incidentally an imperfect right to receive one, it is incorrect to speak of an act of supererogation in such a case. However, Schumaker extends the example to a diner who is pleased with the service he receives and gives a tip of twenty percent: "in this case, the extra five percent is gratuitous in the classical sense and hence supererogatory" (ibid, p. 21). This is a precarious argument and needs considerable refinement if only because it obliges Schumaker to discriminate between various degrees of goodness and thus institute a calculus of supererogatory values for moral actions. Schumaker provides little explanation of what he means by imperfect duties and seems to feel that his argument needs further development in this respect. The whole complex of issues respecting perfect and imperfect duties will be studied in the following chapter.

Almsgiving presents some special difficulties to an unconditional supererogatory approach, because it can indeed be said that the poor have some sort of a right to relief from their condition, and that this right is to some extent balanced by a duty to provide for the poor and needy. Schumaker says that the "duty" aspect of caring for the destitute is, in today's world, very largely an institutional matter and that taxes paid to provide such relief are in fact best
considered as "duties." What is supererogatory about almsgiving is that that the almsgiver is not the one who is duty-bound to provide assistance where the institutional system of providing for the poor fails, or is non-functional. "The genuine almsgiver goes beyond his duty by taking upon himself an obligation which properly belongs to another.... Almsgiving is a kind of gratuitous attempt at equity, and it is supererogatory not because it is equitable but because it is gratuitous" (ibid, p.23). Schumaker adds that gratitude is also the appropriate response to the receipt of alms.

Generosities, he says, are characterised by a "formal fact" that they always exceed one's fair share. Since it is self-contradictory to say that one is required by duty to give more than one's share, one can have no duty to extend generosities.

To the above examples of what one could easily term "trivial" examples of supererogation, especially bonuses, tips and grauities, there are others which carry a much increased potential for personal cost and risk and which appear to be more substantial cases of supererogation. These are the paradigms of sacrificing for others and volunteering. The remaining categories - grace and periods of grace, forgiving offences, pardoning and being merciful involve a considerably lesser degree of personal cost or risk than sacrificing or volunteering. Schumaker's account of sacrificing for others seems to anticipate only relatively benign instances of sacrifice, as when parents forgo personal spending to provide a university education for their children, and so forth, and his depiction of volunteering is deficient in several regards. Schumaker chooses his illustration from World War II movies in which "a tough sergeant assembles his men and said, 'I want three volunteers', and then pointing to three men added, 'you, you and you.'" A more complete account of volunteering as a supererogatory paradigm is offered later in this Chapter. But sacrificing for others and volunteering is hardly characterised by such insubstantial explanations: sacrifice of the nature outlined by Schumaker is in fact considered by many as a type of recognised responsibility of parenthood, in any case. Heyd treats these issues with considerably more sympathy for the meaning and commitment underlying any type of self-sacrifice for a group of other people, particularly for those who may be unknown to the moral agent.
b. triviality and effort

The difficulty with Schumaker's account therefore, is that he has overlooked the question of extreme sacrifice, i.e., self-sacrifice leading in some cases to ruin or death itself. Schumaker's concern with trivial aspects of supererogation, while it may well be an attempt to over-compensate for what he considers to be an unnecessarily exclusive account of heroism and saintliness in Urmson's theory, renders Schumaker's analysis inadequate in accounting for effort, sacrifice and self-sacrifice. Schumaker simply rejects the idea that supererogatory acts require some exercise of effort or personal cost or risk on the part of the moral agent, stating that all moral actions, however minor, require a degree of effort and that it is otiose to insist on effort as a defining characteristic. It is relevant to note that Schumaker does not even acknowledge heroism and saintliness as supererogatory paradigms. The issue is an important one, not only because it is a truism that all human activities require the expenditure of some manner of effort, but that supererogatory acts are particularly costly in this regard, and that such costs must be borne, together with attendant risks of personal accident or danger, by the moral agent himself. Only in this way is it possible to account satisfactorily for the higher-cost forms of supererogation, such as sacrifice and volunteering. Because of the importance of this issue, the question of personal cost and risk will be reexamined in the concluding chapter. At this point in the exposition of the argument, it is interesting to recall that Urmson addressed the issue of cost or effort by saying that saints display abnormal self-control by resisting desire and self-interest and that heroes exercise abnormal self-control by resisting fear and the natural desire of self-preservation. He says that a person can be called a saint if he does actions that are far beyond his duty, whether by control of contrary inclinations and self-interest, or without effort, and that a hero performs analogous actions by control of natural fear or without effort. But it is surely a curious observation to say that saints and heroes actually perform such acts without effort, as it seems hard to understand how any effort, let alone none at all, is put into such acts unless the person making such an observation were actually a saint or hero himself. Urmson can be corrected therefore
to hold that such acts appear to be performed without an outward show of effort. Urmson concludes that we can call a person a saint if he does actions that are far beyond his duty, whether by control of contrary inclinations and self-interest, or without effort, and that a hero performs analogous actions whether by control of natural fear or without effort.

Schumaker's remaining supererogatory paradigms can be divided into those that have essentially institutional implications and application such as periods of grace, pardoning and showing mercy, on the one hand, and those of more personal concern, such as grace and forgiveness on the other. He demonstrates that pardoning and showing mercy are linked to forgiveness through their relevance to legal traditions. Schumaker states that forgiving offences is a major element in Christian morality and is also one of the most important varieties of supererogation. He says that forgiveness is difficult to account for outside a supererogationist interpretation of moral experience. Schumaker acknowledges that there is a "duty" for Christians to forgive offences in fulfillment of Christ's words to forgive "seventy times seven" times, but adds that no Christian would be comfortable not forgiving the 491st time. Even the Great Commandment, Schumaker interprets as a counsel, rather than a duty. A full analysis of the supererogatory paradigms of forgiveness, pardoning and showing mercy concludes this chapter.

Schumaker finds grace most applicable in a theological context. Grace, he says, means "favour"-"in saving man God does man a favour": men are saved in the Christian tradition by the "grace" of God, because they do not merit it and have no right to salvation. He adduces the support of Kant for the supererogatory nature of grace by noting that Kant accepted the distinction that grace was separate from duty in a fundamental way: "I freely grant that by very reason of the dignity of the idea of duty I am unable to associate grace with it. For the idea of duty involves absolute necessity of which grace stands in direct contradiction" (Immanuel Kant, Religion within the Limits of Reason Alone, 19n, quoted in Schumaker 1977, p. 24). But Schumaker is mistaken in this contention. The word in the original text rendered by the term "grace" in English is not "Gnade" (i.e., godly grace) but rather "Anmut" (i.e., worldly grace, in the sense of gracefulness.)
Schumaker's account of the varieties of supererogation is helpful in understanding the wider background on which supererogatory action is possible. As noted, Schumaker believes they actually take place more often than is generally appreciated by moral philosophers, and incurs the criticism that, by making the possibility of supererogation more accessible, it is also trivialised to a certain extent. He anticipates some of this criticism by conceding that many ostensible supererogatory acts may well be legitimately described in non-supererogatory language, but rests his case by claiming that a "significant residue" of acts remain which cannot be adequately described except by means of concepts implying the existence of completely voluntary acts of altruism. While benevolence has indeed been accounted for by philosophers in non-supererogatory contexts, Schumaker contends that it lends itself "naturally and properly" only to a supererogatory ethic. He argues that the essential feature of benevolence is an inward disposition towards generosity. Generosity motivates us to do many things which are our duties, but also motivates us to perform acts which are not duties. Together with many philosophers, including Kant, Schumaker notes that one is not generous if one is not also just. But he also holds, as do neo-Aristotelian writers, that benevolence is an habitual disposition to do good to others, to perform acts of kindliness, and that it is, at least partly, a matter of character. Many acts of benevolence, like generosity, will be acts conformable to duties and others will be beyond duty, beyond the claims of justice. The just act, he states, traditionally has been considered an act prompted by the rights of others, whereas the generous or benevolent act goes beyond the rights of others.

Schumaker concludes his defence of the concept by pointing to the moral facts of the case: it is a fact that people do perform supererogatory acts and that to deny this would require some counter-intuitive analysis of our concepts of what it means to do favours, give gifts, make donations, offer bonuses, tips and gratuities, sacrificing, volunteering, almsgiving and charities, generosities, grace and periods of grace, forgiving offences, pardoning and being merciful. Supererogation is possible, in other words, because while we always have a right to our fair share of benefits and can always be rightly forced to accept our fair share of burdens, it is sometimes the case that we actually do take less than
our fair share of the benefits of our common life or voluntarily accept more than our fair share of the burdens: whenever we do so for altruistic reasons, says Schumaker, we are acting supererogatorily.

David Heyd

The second supererogationist writer whose views will be analysed in some detail is David Heyd, whose book entitled simply "Supererogation" was published in 1982. Some of Heyd's work follows upon analysis previously identified in outline by Schumaker and Heyd's work remains the fullest philosophic discussion of the issue available to us, although he is not without his critics, as shall be shown. Heyd is no less concerned than Schumaker to account for the existence of supererogatory acts in the moral universe. He notes that "we usually regard a social organization or a group that does not encourage supererogatory action (let alone that fails to leave room for it) as morally deficient" (Heyd, p.178). But Heyd is also most concerned to accord theoretical legitimacy to the concept of supererogation itself. Heyd's debt to Schumaker is particularly noteworthy in his definition of supererogation which he gives as follows:

An act is supererogatory if and only if:

(1) it is neither obligatory nor forbidden:
(2) its omission is not wrong, and does not deserve sanction or criticism—either formal or informal:
(3) it is morally good, both by nature of its intended consequences and by virtue of its intrinsic value (being beyond duty);
(4) it is done voluntarily for the sake of someone else's good and is thus meritorious.

Note that Heyd is concerned to define supererogatory acts, rather than the abstract category of supererogation which Schumaker professed to define. This permits Heyd more scope to identify nuance and constitutes a more interesting basis for analysis than Schumaker's proposed formulation. Let us examine in greater detail what it is that Heyd is attempting to establish in this definition. Heyd explains that conditions one and two are formulated in weaker
and negative terms and that conditions three and four are stronger, indicating positive features. The important point about the first two conditions, according to Heyd, is that condition one consigns supererogatory acts by implication to the realm of the permissible, and that condition two separates them from permissible acts to become "optional acts." Heyd's treatment of this distinction is less than totally convincing because he admits that "the first condition is logically speaking superfluous because condition two is logically stronger and entails it" (Heyd, p.116). Taken together, however, Heyd maintains that points one and two are both logically self-supporting and necessary conditions to convey the concept that supererogatory acts are "right to do though not wrong not to do" (Heyd, p.117).

Beyond this distinction, however, it is necessary to attribute value to such acts and to describe conditions in the moral agent as well: conditions three and four in Heyd's definition are meant to cover these points. Heyd avoids having to refer to the possibility of supererogatory actions in his definition, hence his logical two-step formulation of conditions one and two, although he readily acknowledges, contrary to Urmson's view, that supererogatory acts are either obligatory, forbidden or permissible (Heyd, p.122). The reason he gives for holding this view is that he is arguing that supererogatory actions are not a sub-set of permissible actions, along with other species of this genus which could include acts which have neutral moral status, or no moral status, or even bad acts whose commission or omission might not be prohibited - a class of actions sometimes referred to as moral offences. Heyd claims that Schumaker's own distinction - that supererogatory acts are neither forbidden nor required - is at once too simple and too sweeping. The permissibility of supererogatory actions "in its pure absolute sense" he says, is necessary to establish at the very outset because supererogatory acts are in no way obligatory. There are no "duties of supererogation" as some philosophers, notably Richards, would have us believe.

The second condition maintains what Heyd terms the "necessity of immunity from critical reaction" (Heyd, p. 125). Because supererogatory acts are not morally binding in any way (condition one), failure to perform them is
totally justifiable: supererogatory acts are optional. Such actions are not merely "non-obligatory well-doings" as Chisholm maintains, rather they are "optional, morally good actions" (Heyd, p.126). Immunity from critical reaction is not necessarily due to the sacrifice or risk involved. It can be easily imagined however, that an unsuccessful daring venture would be subject to some criticism if important resources were expended or avoidable dangers risked through what may have appeared in hind-sight as recklessness, but which would, if the venture had succeeded, likely have appeared and perhaps even been rewarded as praiseworthy or courageous.

Heyd's third condition - that the action is morally good, both by nature of its intended consequences and by virtue of its intrinsic value (beyond duty) - he terms the axiological condition because it is related to the moral value of the action performed. It raises the question as to whether an act may be supererogatory if it produces no benefits or intended good consequences. Supererogatory writers generally respond in the affirmative. Heyd does so by referring to the "intended" good consequences of a supererogatory action (Heyd, p.133). Peterfreund also argues that an action can be supererogatory even if it has no consequences: "there are cases in which the act becomes even more praiseworthy if the consequential possibility of relieving someone's distress is practically nil" (Peterfreund, 1978, p.55). He maintains that an act would be supererogatory in such a case because of the agent's "high-minded motives." "For even if [the moral agent] failed to produce any benefits ... by his performance, we would still admire his noble effort and call it supererogatory" (Peterfreund, 1978, p.55). Heyd justifies the classical Christian examples of "works of supererogation," e.g., celibacy and obedience, as legitimate instances of supererogation on the utilitarian grounds that they promote positive values in indirect fashion and promote the good of others more directly. It is characteristic of supererogatory acts, according to Heyd, that they are intended to be consequential, in contrast to duties, which may not have identifiable consequences (e.g., doing the right thing, being fair, or honouring the requirements of the decalogue). Heyd stoutly resists all reductionist approaches, particularly those which would reduce
supererogatory acts to duties, but acknowledges the delicacy of this operation, in view of his contention that supererogatory acts are correlative and continuous with duty.

The fourth and final condition offered by Heyd is concerned with altruistic intention and personal merit; it introduces the moral agent. Heyd charitably remarks that the only writer to have noticed this point is Schumaker. It is essential that a supererogatory act be directed towards the welfare of others. This altruistic intention he distinguishes from an altruistic motive. Motives or feelings which move us to do acts are diverse in character, he states, following will, and are not invariably virtuous, whereas the altruistic intention to benefit others remains a distinguishing feature of supererogatory acts. Although the motives may be "self-regarding", the intention must be "other-regarding." Now many acts, he notes, are done out of a sense of duty but are in fact supererogatory. The fact that an agent may feel duty-bound to perform an action and not realise, recognise or acknowledge that he has acted supererogatorily, may be simply a case of "moral modesty", as he says. This would apply to Urmson's example of the heroic infantryman, for example. Or, he may take it to be morally obligatory, or at least morally binding, believing it not to be supererogatory. Modesty may add to the praiseworthiness of the action, but it is not a defining characteristic. The possibility that "a moral agent may actually believe his action to be obligatory does not itself exclude it from being supererogatory " (ibid, p. 138).

The last point in Heyd's definition deals with the question of assigning merit. An act is meritorious only if it earns merit for its agent. Merit he sees as distinct from praiseworthiness, in that it is more objectively related to criteria of desert, rather than to contingencies of personal like or dislike, taking into account primarily the act itself and not its motivation. The proper response to supererogatory behaviour is gratitude. Now this second portion of the fourth condition in which he deduces that supererogatory actions are meritorious sounds correct and even innocuous, but there are some important procedural and substantive deficiencies in this step which will be discussed in some detail in Chapter five. By characterising such acts as meritorious, he
stresses the links to the moral agent - who can accumulate "a certain surplus" of moral credit, which may possibly be recognised with reward or praise, although this need not be the case. It is however deserving of gratitude.

Like Schumaker, Heyd posits paradigm cases of supererogatory acts - moral heroism, beneficence, favours, volunteering, supererogatory forbearances, and forgiveness, mercy and pardon. As an "unqualified supererogationist," he presents an account of supererogation which is broadly in harmony with a deontic approach although he also stresses that there are some features which are consistent with an essentially neo-Aristotelian account. He specifically notes that supererogatory actions are situated somewhere between duties and ideals, even though he cautions that supererogation is primarily an attribute of acts or actions, not of persons, traits of character, emotions, intentions or states of affairs. It is nonetheless related to character, as he shows in his analysis of the concept as understood in the Greco-Roman tradition.

Heyd takes particular care to situate supererogation within the context of duty-based moral systems. Supererogation is both correlative and continuous with duty. By correlativeity, he means that supererogatory actions only have meaning in relation to obligatory actions. By continuity, he means that there is a common and continuous scale of values shared by duty and supererogation. Some supererogatory acts are easily adapted to the continuity factor, particularly those which Feinberg has termed "over-subscription," such as contributing much more than one's share, walking the extra mile, and so forth. (See Feinberg, 1964). This formulation seems to be shared by Rawls who notes that "... the moralities of supererogation, those of the saint and the hero, do not contradict the norms of right and justice: they are marked by the willing adoption by the self of aims continuous with these principles but extending beyond what they enjoin." (Rawls, p. 479). Other actions which cannot be considered duties such as acts of mercy, or instances of volunteering, are none the less correlated with duty and their theoretical accountability must be considered to be of a quasi-deontological type. This aspect of Heyd's theory implies acceptance of trivial forms of supererogation.
which are "correlated with" or "continuous with" duty, such as favours, and involves Heyd in some avoidable complexities, as will be shown in Chapter Eight.

Heyd's enthusiastic defence of supererogation has attracted some criticism for its very enthusiasm. Shelley Kagan finds fault with Heyd for what he terms an undisciplined and confused approach to the subject. Kagan claims to have identified eleven separate arguments used by Heyd in favour of supererogation, but that these efforts have "a half-baked quality about them" ... "as though Heyd had desperately grabbed at anything at all that might support his case" (Kagan, p. 170). Heyd's arguments, according to Kagan fail to show that the so-called intrinsic nature of supererogatory acts is anything more than their voluntariness. Elsewhere, he refers to Heyd's defence of supererogation as constituting a "grab-bag approach" (ibid, p. 245) and that Heyd's writing is typical of most writing in this area. "Although few philosophers offer as many arguments as Heyd does, generally the particular arguments are just as weak" (ibid, p. 244-5).

Kagan's views are pertinent. It has previously been noted that Schumaker's account both begins and rests on an interpretation of favours as being supererogatory acts. This is indeed a slim basis on which to build a moral theory which purports to have significant claims about the nature of the classification of moral actions. In Chapter Three it will be shown that the defence of the concept of supererogation is also conducted in "grab-bag" fashion by other writers, particularly Richards, and that it is weakly defended by deontic logicians such as Chisholm, as shown in Chapter Six.

Two types of Supererogation

Because of the influence on the literature of the views of Joel Feinberg on types of supererogatory acts, let us briefly review his contribution in this regard, before also briefly examining the work of Raz on supererogation as "exclusionary permissions". The chapter will conclude with an account of two supererogatory paradigms—volunteering and forgiveness.
Feinberg believes with Urmson and the two major supererogationist writers studied in this paper, Schumaker and Heyd, that the traditional classification of moral actions as obligatory, wrong and permissible, as propounded by Kant and many other philosophers is inadequate to account for heroic and saintly acts. According to Feinberg, traditional philosophy had uncritically accepted institutional or jural "house rules" as models for the understanding of all counsels of wisdom and all forms of human worth. (Feinberg, 1964, p. 276). The error of this approach was to treat non-institutional facts as special institutional facts. Meritorious praiseworthy actions which are not duties at all, he stresses, must be considered separately from extensions or over-achievement in the carrying out of specific duties. Classification of moral actions is a significant issue which will be more closely examined in later chapters. Let us see in greater detail what Feinberg meant by describing two types of supererogation - one based upon what he termed "legal-like" or institutional considerations, and the other on "non-legal-like", non-institutional factors.

In attempting to describe what is meant by "above" or "beyond" duty, Feinberg gives two interpretations. He notes, firstly, that the "institutional" response involves a straightforward quantitative explanation. Someone who works long hours well beyond what is normally expected for the job, without extra pay or other favourable consideration, is going "beyond" his duty. The second sense of supererogation is quite separate from the concept of duty, as in doing a favour. Some favours, especially those which involve sacrifice, "are not only other than duty, but also more than duty." (ibid, p. 279). The basic distinction therefore between types of supererogatory acts is between "oversubscription" or "duty-plus," and what he terms as "meritorious, abnormally risky non-duty." The oversubscription form of supererogation lends itself to institutional contexts, as it involves a distinct way of conceiving merit which is is appropriate to schools, corporations and military units which are governed by rules. The second type of supererogation is free of a rules context, but is fundamentally concerned with a person's merit or worth in general, all things considered; it thus allows individuals to be identified with
specific virtues such as trustworthiness, tact, hardiness, warmth and so forth. But there are no rules, he says, for comparing virtues or vices or counsels of wisdom. Human worth is a reflection of "what one is, not a simple function of what one does," and that in the end, accounting for "final human worth, all things considered" (Ibid, p. 287), is partly a question of character, quite separate from institutional contexts of over-achievement.

Exclusionary Permissions

Raz has provided an intriguing definition of supererogatory acts in terms of what he has described as an "exclusionary permission" (see Raz, 1972). A person may do something even if there are conclusive reasons for him not to do it, provided the person is entitled to disregard these reasons: such is an exclusionary permission. More precisely, it arises in the following way: a person may be permitted to \( O \), despite the existence of an overriding reason for not \( O \)-ing, if there are reasons which entitle him to disregard the reasons for not \( O \)-ing, or that at least to disregard some of them so that those not excluded do not outweigh the reasons for \( O \)-ing. A supererogatory act, according to Raz, is one which one ought to do, but which one has an exclusionary permission not to do. It is a "second order permission". Reasons of one level, he says, may entitle disregarding reasons of another level.

The idea of exclusionary permissions is an interesting one for other areas of moral theory than for supererogation, particularly the relevance to Kierkegaard's discussion of the "theological suspension of the ethical." This refers to God's tempting of Abraham to sacrifice Isaac (Genesis 22) as Kierkegaard describes it in "Fear and Trembling." Kierkegaard's point is that the meta-ethical imposition of God's command to Abraham, while of course justifiable, is unintelligible in ethical terms. The two levels of reasons for doing things in Raz's theory, analogously, introduce a meta-ethical dimension to the issue which Heyd says only defers consideration of the real issue about supererogation addressed by Raz, namely, how can morally good actions be optional.

But Raz's theory is strongly contested by Clark on the basis of the
voluntary nature of supererogatory acts. Applying Raz's exclusionary permission to the case of Urmson's valiant grenadier would yield the result, according to Clark, that the safety and welfare of the other soldiers would presumably be a conclusive reason for the recruit to sacrifice his life, but the pursuit of his own goals would provide a reason exempting him from this sacrifice. Now it may be, continues Clark, that the reasons for doing the act, considered together dispassionately with the exclusionary permission not to perform it would be stronger than the exclusionary permission, in which case it would be wrong not to do the act. The other alternative is that the pursuit of the grenadier's own personal goals would be at least as strong as the other reasons for performing the act, "in which case one could not explain why the act was virtuous" (Clark, p. 31). Clark argues that if it is recognised that supererogation does not involve restricting one's own freedom, but rather in making the benefits of others one's overriding goal, then it is unnecessary to invoke the notion of an exclusionary permission to explain supererogatory acts. In the case of the valiant grenadier, by choosing to subordinate other goals he may have to the goal of saving his comrades, the virtue of his act, together with its voluntary, however unreflective nature obviates the need of a search for reasons to perform it.

Two Supererogatory Paradigms

The following section reviews two supererogatory paradigms - volunteering and forgiveness. The notion of volunteering suggests itself as an apt subject for study partly because, apart from the accounts of Schumaker and Heyd, little has appeared in the literature about it, and also because the discussions of these two writers are surprisingly weakly developed. It is our contention that volunteering is, in many ways, a typical supererogatory paradigm, especially if it is expanded to include the notion of exercising leadership. Both Schumaker and Heyd record that volunteering is a typically supererogatory act. The discussion which follows is therefore designed to strengthen this view. The examination of the supererogatory paradigm of
forgiveness is particularly interesting because it is the only supererogatory paradigm which is essentially an attitude, as opposed to an outward action, such as giving gifts and such like. An analysis of forgiveness, together with supplementary comments on pardoning and mercy shows that the issue has engaged the attention of a number of philosophers in recent times, particularly since the publication of Downie's article entitled simply "Forgiveness" in 1965. The section on forgiveness will consist of an examination of the work of several contemporary writers with a view to determining why Schumaker felt that the question of forgiveness was "crucial" to an adequate explanation of supererogation.

Volunteering

Although both Schumaker and Heyd recognise volunteering as a supererogatory paradigm, they confine their analysis very largely to institutional settings of the type where an individual accepts to do something on behalf of a group and that such actions may involve a personal risk to the moral agent. Schumaker recognises that there is a certain element of compulsion in such cases. Standard examples of this type of supererogatory action appear abundant in military lore and are cited by Urmson as typical of supererogatory actions. They are distinctive because they characteristically involve a high degree of risk with a likelihood of commensurably increased benefits which are at least normally, if not invariably, directly proportional to the degree of risk. But there are other types of volunteering which are no less supererogatory, if the thesis of Schumaker is extended to include volunteer actions in the sense of the voluntary exercise of responsibility, whether or not required by situations of urgency. The entire field of volunteer activity in social and community affairs, for example, can be quite correctly presented as readily accessible fields of supererogatory endeavour. Such actions typically, but not invariably, involve less risk or cost than those drawn from a military framework but also entail correspondingly greater chances of achieving real benefits, if perhaps in lessened quantiative proportion to the higher risk
volunteering of the military variety. More generally, the question of volunteering to take leadership in protecting the interests of those who may be vulnerable to one's actions or those of a group of which one is a member, may be supererogatory.

a. accepting responsibility for the vulnerable

Goodin claims that the idea of protecting the interests of vulnerable people is the principal generator of special responsibilities for beneficent actions. He states the "first principle of individual responsibility" formally as follows: "if A's interests are vulnerable to B's actions, and choices, B has a special responsibility to protect A's interests; the strength of his responsibility depends strictly upon the degree to which B can affect A's interests" (Goodin, p. 118). Goodin states this principle as a matter of justice: vulnerabilities are matched by responsibilities. "Looking at the situation from the point of view of the vulnerable party, we must conclude that those to whom he is most vulnerable should have the heaviest responsibility for protecting his interests. Some people have more or better or exclusive opportunities for inflicting or preventing more or less serious harms. Those to whom a person is relatively more vulnerable have greater responsibilities" (ibid, p. 121).

Two significant points relevant to supererogatory actions emerge from Goodin's discussion: the nature of the responsibility and its agent. To say that someone "has a responsibility" is to imply that something should be done about it: it is obligatory, in other words, to do something. But how much should be done depends on the degree of vulnerability of the recipient of the action. If the vulnerability is an extreme one, then there is a responsibility to employ extreme measures, perhaps even heroic ones, to relieve the degree of vulnerability. But is it obligatory to go to such lengths of self-sacrifice for others? Goodin avoids this issue by stressing the limitation on one's actions to alleviate vulnerability. "As the connection between my actions or choices and their potential injuries becomes increasingly tenuous, my responsibilities in respect of them are also correspondingly attenuated. Thus I have less responsibility for rescuing someone drowning on a distant shore than someone
drowning at my feet." (ibid, p. 122). But it is obvious that the need of the person drowning far away is just as urgent as that of the person drowning at one's feet, and it is also clear that a responsibility exists to do what one can to assist all those who may be drowning. It is the contention of supererogationist writers that the action of accepting greater measures of responsibility than those defined by the expectations of reasonable men (see ibid, p. 122) render such actions supererogatory. Furthermore, it is the act of accepting responsibility when it cannot be required as a matter of duty that constitutes a supererogatory act.

b. personal cost and commitment

The exodus of Vietnamese boat people in 1979 created a situation of great vulnerability with world-wide implications. Some nations, such as Japan could be said to have done their "international duty" in response to this crisis by financing refugee programmes, whereas other states, such as Australia, went a step further by accepting many thousands of refugees as migrants. But some institutions, such as the United Nations High Commissioner for Refugees and Unicef assumed vast responsibilities for the entire refugee and resettlement process. In the end, to be sure, the UNHCR was actually awarded the Nobel Peace Prize for its efforts. But it may easily be argued that, notwithstanding the fine job done by these agencies, it was still in some sense their duty, as relief institutions, to do just exactly what they did. But can the same be said of the individual members of these institutions, who struggled through all manner of difficulties to achieve their life-saving results? Certainly some individuals and small groups such as the West German "Cap Anamur Committee" went still further, to the extent of even mounting rescues at sea of those whose vulnerability was most extreme. Such actions involved risk, personal cost and self-sacrifice to a degree that clearly marked them as supererogatory. None of the "médecins sans frontières" who aided Vietnamese refugees and brought relief to cases of extreme suffering in this way was obliged to undertake such hazardous acts and none of their financial backers had anything but the most indirect responsibility to respond in the way
they did. This example provides a point of departure when the relationship of supererogation to politics is discussed in Chapter Six.

Volunteering of this sort combines elements of the military type with its high degrees of risk and correspondingly higher chances of achieving beneficial results, with the actions of volunteers supporting a social cause or mission which may involve lesser risks, and correspondingly greater likelihood of bringing about good consequences, if in lesser amounts, on the whole. The action of accepting leadership is not *ipso facto* supererogatory. Politicians seek positions of leadership so that they can expand their personal sphere of accountability and realise various ambitions thereby, and other civic leaders do strive to expand the exercise of responsibility in order to achieve still higher public office. Such actions are most often not supererogatory, unless they are taken for the primary reason of benefitting someone other than the moral agent, in this case the civic leader himself. However, when such actions are undertaken freely, and directly in response to the needs and vulnerabilities of others, then they are supererogatory. This is what Schumaker means when he says that they are performed for altruistic reasons.

Heyd also considers the importance of volunteering in the context of showing leadership. He notes that whereas an imperfect duty exists for someone to do a certain number of actions of a certain class, there is no indication as to the person on whom the obligation falls. "A duty which applies disjunctively to a group requires the performance of a particular action, yet fails to specify the individual agent who should undertake it. Thus, volunteering cannot be analysed on the model of over-subscription to duty, doing more of a certain class of actions, but should rather be understood on the model of doing more than is required [i.e., by doing more than one's share according to the verdict of random selection]" (Heyd, p.151).

Volunteers are also distinguished by the degree of personal commitment they bring to various good causes. The volunteer who solicits funds for the Red Feather campaign, to develop Ladd's example, is more committed to the success of the campaign than is a donor who only makes a donation in line with custom or normal expectation. The volunteer commits a measure of his or her
own self-esteem to the cause; when the cause succeeds, the volunteer has reason to feel proud, but there is always a risk that the campaign will slump, that prospective donors will reject charitable overtures and appeals, or perhaps even offer gratuitous offence and insult. There are higher risks, therefore, in volunteering than in other supererogatory paradigms, such as donating, gift-giving, or giving bonuses, tips and gratuities. For this reason, it is more typically supererogatory, because in addition to carrying relatively substantial degrees of both risk and personal cost in terms of time, energy, as well as psychological and financial resources, it is obviously permissible, optional, good in terms of its intended consequences and done principally for the sake of someone other than the moral agent, and meritorious.

One final issue needs to be discussed in this connection - whether volunteering on behalf of non-rational beings, inanimate objects or only partially organic processes, such as climate change, can be considered supererogatory, and if so under what conditions. It is a fact that the actions of campaigners on behalf of animal rights, or conservation of natural resources, such as forests and the like are often considered to be admirable. We may even be grateful for the actions of others who have been active in these and similar fields in the past by for example, developing institutions which promote animal welfare and preserve natural wonders or beauty spots, thus bringing benefits to us in terms of personal or aesthetic enjoyment. Similarly, it can be said that work on our part on behalf of such causes, for example, by ensuring the survival of endangered species of plants or animals, may well be supererogatory, not to be sure, in terms of benefits to inanimate objects or non-rational beings, but in terms of benefits to be enjoyed by future generations of rational beings. In many such cases, there is an incentive to become active in a good cause, that is so strong as to defeat the last condition of a supererogatory act, namely that it be decisively "other-directed." The problem is a current one of considerable importance to many contemporary theorists, not least Peter Singer, and will be discussed again in a wider context in Chapter Seven which deals in greater detail with supererogation and politics.
Forgiveness

Forgiveness is an archetypal variety of supererogation for Schumaker, and is one of the paradigmatic forms of supererogation for Heyd. It is also mentioned in different contexts by theological writers such as Tillich, Berdyaev, Bultmann and Bonhoeffer as a leading indicator of action in the world according to Christ's "law of love." Because of the importance of the subject for theologians, let us begin our discussion of forgiveness with a recent account of it from the point of view of religious ethics. Paul Lauritzen has sketched a paradigmatic case of forgiveness as follows:

1. A injures B thus creating a moral debt between A and B and a breach in the relationship between A and B.
2. this debt is characterized on the one hand, by A's obligation to B to apologize, make restitution, etc., and on the other hand, by B's justified retributive response of resentment.
3. A discharges his obligations to B and seeks forgiveness from B.
4. B relinquishes his right to resentment (thus cancelling the debt) and readjusts his attitudes towards A in line with a relationship of moral equality (thus repairing the breach in the relationship between himself and A) {Lauritzen, p. 144}.

He notes that this model holds for a non-religious analysis of forgiveness, rather than a religious one, for which condition 3 is irrelevant. The distinction between a religious and a non-religious interpretation turns basically on the question as to whether acts of repentance or contrition are necessary for forgiveness. Lauritzen claims that the religious view may be compatible with non-reconciliation of the parties: Christians would hold that B is still expected to discharge the resentment he may feel at A's actions, although it may well be that B could still do this at the same time without abandoning a retributive response, such as expressing indignation. The objects of B's actions would nonetheless be to remove voluntarily his feelings of vindictiveness.
On both the religious and non-religious accounts of forgiveness, however, two steps are observable in the paradigmatic formulation: a. negatively, a remission of attitudes of resentment evoked by the injury, and b. an effort to restore a broken relationship to the status quo ante (see ibid, p. 149-0). In the absence of repentence and contrition, non-religious forgiveness, he contends, is a problematic concept. But it is not objectionable in the context of faith in the absence of repentence, nor is it impossible when there is a change of heart if the injury is a great one. "Both difficulties are met in the belief in the power of God" (ibid, p. 152). It is in this way, however, that the law of love makes religious forgiveness a duty, whereas non-religious forgiveness can rightly be termed supererogatory. The problems faced by theologians in reconciling the duties of Christians with the voluntary nature of supererogatory acts will be examined in Chapter Three.

But forgiveness is not only a subject of concern to modern theologians or philosophers with theological interests. Philosophical writers have generally attempted to clarify what is meant by forgiveness, what sort of moral action it is, and how it is related to similar moral actions. Interest in these issues seems to be of relatively broad concern to contemporary philosophers.

A series of articles in philosophical journals in recent years has dealt with the subject of forgiveness in some detail. Much of the discussion was occasioned by R. S. Downie's 1965 paper in which he distinguishes between forgiveness and pardoning on one hand, and between forgiveness and condonation on the other. Two counter-examples illustrate the difference between forgiveness and condonation. If A says that he will never forgive B for what B did to C (as Australians might never forgive the Nazis for what they did to the Jews), what is really meant is that such actions could never be excused or condoned. But only the party to whom the injury was done has the power to forgive. Similarly, if one were to say "I can never forgive myself", what is normally implied is that an injury was actually done to another person, rather than to oneself. Of course, one might do oneself an intentional injury but it is hard to see how one can ask oneself for forgiveness without suffering at the same time some integral personality damage.
Downie notes that the act of pardoning can only be done by a third party. Historically, the act of pardoning has been a prerogative of the sovereign. Modern democracies generally assign this prerogative to the highest elected officer in the land. A President of the United States, for example, may pardon the offenses of a predecessor for injuries done to others. Pardoning is an official act which remits punishment. When the President issues the pardon through whatever procedure using a construct analogous to "I pardon N", N is thereby pardoned. The words themselves do the trick to disengage legal process pending. But more is required of forgiveness. The words "I forgive you" are not sufficient in and of themselves to effect forgiveness. Some behaviour modification, namely the neutralization of resentment, is required. Downie refers to the agape relationship between persons to resolve the problem. Agape, he describes as "a loving concern for the dignity of persons conceived as ends in themselves". (ibid. p. 133) "The forgiver is required to prevent any barrier remaining permanently between him and the forgivee (at least on his side, for the forgivee may refuse to accept forgiveness) and to renew trust in him. "The attitude of agape becomes the forgiving spirit in a context of injury" (ibid. p. 133).

These comments illustrate the difficulty of explaining how forgiveness can be a moral action when the only act is one internal to the moral agent, namely the neutralisation of resentment and a one-sided but open-ended renewal of trust in the forgivee. Downie's concern to associate forgiveness with the love relationship of agape is flawed by his reference to it as a loving concern for dignity. It is very unlikely that this is what he means to say: rather, the object of loving concern is not dignity but the person who is forgiven.

a. repudiation of resentment

The concern about repudiation of resentment by the forgiver is a steady theme in the literature. As was first observed in relation to Lauritzen's account, two stages are involved - a. repudiation of resentment and b. a positive act of reconciliation restorative of the original relationship. R. J. O'Shaughnessy explains that a traditional "dictionary-based" definition of
forgiveness as the mere remission of punishment is defective in many regards. He notes, however, that it may not be altogether pathological as suggested by Downie for a person to deny himself forgiveness. Since there are actions in others may be virtually impossible to forgive, "there seems to be nothing necessarily pathological in a repentant man's seeing certain past actions of his own in this light" (O'Shaughnessy, p. 334), since he may well be the only person to be able to judge the full extent of his action. P.F. Strawson in his 1962 British Academy Lecture on "Feedom and Resentment" asks what it is to be forgiven; it is, he says, as quoted by O'Shaughnessy, "partly to acknowledge that the attitude displayed in our action was such as might properly be resented; partly to repudiate that action. To forgive is to accept the repudiation, to forswear the resentment". (O'Shaughnessy, p.349)

Joseph Beatty holds that repudiation of resentment is not enough to guarantee that forgiveness has occurred. He claims that the right to feel justifiedly resentful requires an apology. His analysis of the issue turns on the contention that forgiveness has both transitive and intransitive dimensions. Forgiveness can be directly requested and it can be freely given, but it is not a commodity since it requires a change in attitude of the person who forgives. The appeal for forgiveness, he concludes, may be transitive, whereas the actual forgiving may be intransitive. But he goes farther in his analysis to suggest that the complexities of concrete situations involve both offenders and forgivers in recognising that they are seeking forgiveness. "The forgiveness of the initially offended person takes the form of a seeking for forgiveness. This forgiveness is an invitation to the other party to be forgiving. But the other party cannot forgive; he only seeks forgiveness" (Beatty, p.252). As an internal act, repudiation of resentment is probably all that can be demonstrated as aligned with duty. Beatty's appeal, beyond this, for forgiveness to be sought from the offending party because resentment might have been felt is, together with Downie's concern for agape relationships, something which lies beyond deontological analysis. It may, however, be supererogatory.

The logical possibility of forgiveness is examined by Aurel Kolnai (Kolnai, p.105) who attempts to set out the paradox of forgiveness without
reference to the "Christian tinge" to the concept. The paradox lies in the fact that on one hand, forgiveness does fade away into condonation, but on the other is endangered by becoming pointless, i.e. the wrongdoer has by a change of heart and reparation suitably annulled and eliminated his offence. Kolnai explains that historically speaking, biblical phraseology about evil-doing, sinners, sin and the like, seems to take for granted a social medium in which vindictiveness was rampant and people tended to identify it with retribution. But vindictiveness itself is a vice and a vindictive person cannot properly "forgive"; all he can do is to overcome his own vindictiveness. He also notes that French makes no distinction between forgiving and pardoning (the verb "pardonner" serves for both) and that in German, the verb "verzeihen" is used in the sense of excuse, not forgiveness, whereas "vergeben" which really does mean "to forgive" is restricted to a religious context as in "forgive us our trespasses". Kolnai concludes that whereas a change of heart in the person asking for forgiveness is the standard precondition for making forgiveness a quasi-obligation for the forgiver, there is much virtue in "casting one's bread upon the waters" and forgiving without a prerequisite change of heart. Such an attitude of trust in the world, he says, "unless it is vitiated by hare-brained optimism and dangerous irresponsibility, may be looked upon, not to be sure as the starting point and the very basis, but perhaps as the epitome and culmination of morality" (Kolnai, p.105). Interestingly, this attempt to produce an analysis devoid of a "Christian tinge" in the end comes much to resemble Lauritzen's theological analysis outlined above. Offering trust "in advance," notes Kolnai, may increase the objective trustworthiness of the recipient, but a definite risk is involved that the confidence will not be returned. The issue of risk is particularly germane to the nature of supererogatory acts.

b. restorative value

H. J. N. Horsburgh, drawing on the earlier work of Professor Downie, makes what he terms is the usually overlooked observation that forgiveness is in some way restorative (Horsburgh, p. 270), as it is intended to heal a breach.
in a personal relationship. Although a number of writers have discussed the question of time in relation to the act of forgiveness, Horsburgh clarifies the importance of this aspect by noting that forgiveness is a process as much as an action and that it is initiated by a decision to forgive, conjoined with a suppression and gradual extirpation of feelings of resentment. The volitional aspect begins the process which is ended by the elimination of feelings of injury. "Cleansing one's mind of hatred and bitterness is often a lengthy process of self-conquest." (Horsburgh, p. 271) Horsburgh takes issue with Downie's contention that to forgive oneself is to condone some injury that one has inflicted, citing a literary example (Conrad's Lord Jim) to show that self-forgiveness is a meaningful concept after all. He also raises the issues, unaddressed by earlier writers, of "conditional" and "impermanent" forgiveness, and suggests that there are different degrees of forgiveness. Horsburgh argues effectively that the process-nature of forgiveness means that it is often partial, incomplete and even reversible in light of developments in an actual situation. Someone may decide to forgive a person who caused him injury in an automobile accident, but abridge or truncate this decision upon learning, for example, that the same person had had previous convictions for reckless driving. One should, however, like an archer, always aim for complete and final forgiveness, but one may not in fact achieve it on every occasion when one attempts to forgive.

Let us conclude this analysis by confirming the views of these writers that forgiveness is an internal act which requires both a commitment on the part of the forgiver to repudiate resentment, and a willingness to renew trust in a loving spirit. In addition, forgiveness is restorative of personal relationships, but it can be withheld without encountering moral sanction. When it is freely offered without the assurance of a change of heart in the forgivee, it has very great moral value; it is supererogatory.

c. mercy

The matter of mercy, by contrast, seems rather more straightforward, although the supererogatory nature of merciful acts has been demonstrated by recent analysis of this issue. Support for a supererogationist approach to both
forgiveness and mercy, for example, is provided by Alwynne Smart’s account of mercy. Smart bases her analysis on the criminal courts and claims that there are two ways of looking at mercy: (a) arranging the punishment to fit the crime by considering various mitigating circumstances, or (b) benevolently reducing or waiving punishment in accordance with the demands of other obligations. Only the second approach does she consider to be a correct instantiation of mercy. A shorter sentence would be given by a merciful judge, for example, to a person whose more lengthy imprisonment would entail avoidable suffering to members of his family. Both Twambley and H. R. T. Roberts challenge Smart by arguing she has discussed the process of leniency, but not mercy. The criminal courts, where a judge is obliged to set just punishments, is not the place to look for mercy, they argue; better look in the civil courts where a plaintiff may waive his rights to prosecute an offender or better yet, in real life where a husband may show mercy to an unfaithful wife and not exercise his right to seek a divorce.

John Kleinig also stresses that mercy must be viewed primarily in a broad context that can best be described as treating with benevolence those who are in need distress, debt or under threat of some sort, and argues that "whether the claim is one of desert or entitlement does not seem to matter." (Kleinig, p.341) Moreover, the appeal to treat the widow, the fatherless and the destitute with mercy is no more than the appeal to treat them justly.

But Twambley argues that any talk of mercy in terms of duties or quasi-obligations vitiates the essential feature of mercy (and forgiveness) that it is not demanded. He also notes, with Beatty, that an unexamined feature of the phenomenon of forgiveness is the right of the forgiver to feel resentment. When he waives this right, he forgives. A change of heart (metanoia) in the offender is highly relevant in deciding to tender forgiveness; if the offender does not think he has offended, then an offer of forgiveness might be interpreted as an insult. But, even with an offender's metanoia, forgiveness cannot be demanded; there is neither obligation nor duty to forgive, nor to show mercy. Both forgiveness and mercy are gratuitous. "Many highly moral actions are not demanded of one; they are not earned by their recipients, nor are they acts to
which one is bound. Rather, they are gifts, actions freely performed, sacrifices freely made. Eminent among these are the gifts of mercy and forgiveness (Twambley, p. 90).

Schumaker largely concurs with Twambley's account, noting that the exercise of mercy in the criminal courts is probably never supererogatory and that mercy in the legal sense is probably not either, but pardons generally are, as of course are the many examples from everyday life, as in asking a creditor to delay payment dates. Schumaker holds that the actions of creditors to waive their rights in given circumstances, such as inability to pay due to illness or hardship, are instances of supererogatory action.

Let us close this discussion of mercy by a brief consideration of three paradoxes of mercy presented by Andrew Brien in an unpublished paper at the conference of the Australasian Philosophy Association in July, 1989. Brien lists these paradoxes as follows:

Paradox 1: The Paradox of Compatibility
1. Mercy is compatible with justice.
2. Mercy involves treating a person differently from the way they would have been treated if justice had been allowed to take its course. It tempers justice.
3. Justice is treating agents as they should be treated.
4. Since mercy tempers justice, it involves a departure from justice.
5. Therefore, mercy is incompatible with justice.

Paradox 2: The Paradox of Redundancy
1. Mercy is thought to be autonomous from justice and a virtue.
2. Mercy is also thought to be exercised out of a concern for justice.
3. Since mercy involves justly not imposing a burden that the person could receive then it is no more than doing justice.
4. Thus mercy does not exist as an act that is autonomous with respect to justice. Mercy is a part of justice. It is redundant.

Paradox 3: The Paradox of Equal Treatment
1. It is ordinarily thought that mercy is a rational action, optional and that the display of mercy on one occasion creates neither the rational nor moral obligation to perform merciful actions on other similar occasions.

2. Any display of mercy by a rational agent rests upon reasons.

3. Such reasons must be grounded in some characteristic, C, of the case.

4. If C grounds mercy in case A then C will ground mercy in all C-bearing cases.

5. As a matter of consistency and fairness, if mercy is displayed because of C in case A then all other C-bearing cases must rationally and morally be granted mercy.

6. Therefore, mercy once shown commits the merciful agent to performing the merciful action on similar occasions.

Supererogationist writers hold that these paradoxes can be resolved if one considers mercy as a supererogatory act, i.e. not bound as a duty or claimable as a right. In paradox 1 mercy can be considered compatible with justice only if the concept of justice is expanded to include supererogatory actions. But since acts of justice are defined as those which are within the realms of law and duty, and which cannot be claimed as matters of rights, it would be more accurate to interpret mercy as an action beyond the realm of justice, not necessarily incompatible with it, but rather supplementary as well as complementary, to it.

The second paradox is similar to the first in that confusion arises when mercy is considered as a part of justice and to be calculated in terms of laws, duties and rights. But supererogatory acts are by nature above and beyond duty and not accessible to claims of rights. Mercy is not therefore a part of justice on any definition of justice involving rights and duties.

The third paradox is both pertinent and relevant because it posits the challenge of consistency. If acts of mercy are shown at all, should they always be shown for acts of equivalent moral value? This argument addresses the essential character of the voluntariness of a supererogatory act. If consistency of treatment becomes necessary, then it becomes a duty to behave at all times and circumstances in such a fashion as to show mercy. But supererogatory acts are fundamentally optional and voluntary. To require them
as matters of justice in accordance with criteria of duties and rights would negate their supererogatory nature. Supererogatory actions are not obligatory and cannot be made so. Courageous men are not courageous on all occasions where courage is a possible response to challenge and acts of mercy are similarly not available on demand. It is rational, in other words, to display mercy on occasion but no less rational not to display it on other similar occasions.

Are volunteering and forgiveness supererogatory as defined by Heyd?

From these views and discussions, it is possible to construct an account of some virtues which satisfy the criteria of supererogatory paradigms as outlined by Schumaker and Heyd. Obviously there are many cases and instances organized in accordance with an anti-supererogationist approach which would have the effect of frustrating our attempts to find value in the contentions of supererogationist proponents. But let us see whether and how the concepts of volunteering and forgiveness can be accommodated within a general supererogatory framework, using Heyd's definition of a supererogatory act as: (1) neither obligatory nor forbidden, (2) its omission is not wrong and does not deserve sanction or criticism, either formal or informal, (3) it is morally good both by virtue of its (intended consequence) and by virtue of its intrinsic value (being beyond duty), and (4) it is done voluntarily for the sake of someone else's good and is thus meritorious.

The case that volunteering in the sense of willingly accepting leadership responsibilities is supererogatory can be fairly simply stated, although matters are more complex in the case of forgiveness, which is essentially an internal act. Volunteers take responsibilities for the public good where others fail to do so. Their actions are clearly neither obligatory, nor forbidden. It may be that someone should take up such responsibilities, but there is no reason why specifically it should be Jones. It is only that he has volunteered to raise $10,000 to build a bridge for a Zambian village. The locus of responsibility cannot be directed to any given individual. It would not be wrong to volunteer one's
services in this way and Jones, who in real life is a philosophy student, cannot be blamed either by his friends, the University or by Community Aid Abroad for not assuming this responsibility. Certainly the action is good both in terms of its intended and actual consequences. When it is also done voluntarily for the sake of the Zambian villagers, and not merely to encourage admiration of an attractive young worker in the C.A.A. office, then such an action is both meritorious and supererogatory. If Jones also benefits from such an action, by being able to use the bridge himself in some significant way, then a distinction should be made about the public good (which would include the good accruing to Jones) as well as the good done primarily for the Zambian villagers. This feature is an important one in the context of supererogation and will be examined later when considering political aspects of supererogation.

As for forgiveness, matters are less straightforward. In addressing the first criterion, it is clear that forgiveness is not forbidden. It may be uncalled for or out of place in some circumstances, particularly if a given offender refuses to accept that he has committed an injury, but it is hard to imagine how forgiveness as such could be forbidden. Nietzsche held it to be typical of a slave morality and while he might well imagine slaves being repressed, the concept of forbidding forgiveness lacks basic meaning. It is quite another matter, however, as to whether it is required by morality or not. Now it can be said that forgiveness is not a moral requirement in the sense that it is most often described as a gift, freely tendered. But perhaps this is not always the case. Are there not in fact circumstances in which forgiveness is morally required? Can one never demand of a person that he cease being resentful? What about the case of a genuine change of heart in a former felon who has chosen rehabilitation and now begs forgiveness with every ounce of strength? Is it not immoral to deny forgiveness in this case? Is it not incumbent upon the person wronged to accept the judgement of others that the offender is deeply repentant and solemnly dedicated to a new life, and to liquidate the lingering resentment that he may still harbour? Does not the very fact that a change of heart has taken place confront the moral agent with an obligation to match one moral commitment with another? Granted, perhaps not everything can be forgiven over a short period,
but is there not at least a genuine moral requirement to acknowledge metanoia and do the right thing, namely to forgive, sincerely and willingly? Are not Christians obliged to forgive their oppressors even as Christ forgave those who crucified him? Supererogationists reply that forgiveness may be expected but can never be demanded without losing its supererogatory character. If it becomes a duty, in other words, it is no longer a supererogatory act.

Responding to Heyd's second condition, it does clearly appear that acts of forgiveness are freely given and that people cannot properly be criticised for failing to forgive. Now some may think that it is a fault to be unforgiving. Indeed, if one is also ungenerous and impolite as well, there is a much greater chance of being perceived as unforgiving. But if one matches generosity of spirit and action with an open and helpful attitude, then there is much less likelihood of being seen by others as unforgiving. Such actions should not be confused with forgiveness itself.

Regarding point three, can it be said that such an action would be invariably good? Might it not, over the course of time, reconfirm a recidivist in his ways, however sincere his change of heart and appeal for forgiveness might be at the time. Is it a real good for injured parties to know that an offender has been pardoned? In this case the intended consequence would be clear, but its intrinsic value would fail.

Finally, can it be consistently maintained that forgiveness benefits someone other than the moral agent? Beatty argues that the process of forgiveness involves both parties seeking forgiveness, and that there is benefit to the forgiver who needs forgiveness for the resentment he may harbour, as well as to the offender. Can it be denied that the liquidation of resentment in the heart of the forgiver does not in fact benefit him as well? Is there not a need, often urgently felt, to forgive in given circumstances? At this point is there not some doubt as to whether the act of forgiveness is done primarily for the sake of someone other than the moral agent? Can one not, in other words, forgive too soon, in order to clear a conscience oppressed by feelings of resentment?
Supererogationists are not obliged to deny the effect of these considerations. Indeed there may be aspects of some forms of forgiveness (Horsburgh argues that there are different degrees of it) which do involve complications for a strict supererogationist approach consonant with Heyd's definition. Supererogationists would respond, however, that there are many cases in which custom, standard practice and traditional ways of doing things would lend cred to a deontic interpretation of forgiveness. It may be customary for pardons (which Schumaker, for example, holds to be "usually supererogatory") to be extended regularly on the basis of no ethical criteria whatever. Prisoners are regularly pardoned in Thailand, after all, on the King's birthday. There may well be aspects within the process of forgiveness which supererogationists would recognize as bringing some real benefit to a forgiver. More significantly, they may even agree that some types or portions of forgiving actions are in fact required. But it is probably incorrect to contend that such considerations apply to all instances of forgiving actions. Moral blackmail may be used to obtain forgiveness in some cases, real genuine forgiveness at that. But the supererogationist position is that this is not invariably the case and that not all forgiving actions can be explained in this manner. They can all be explained, however, using a supererogatory approach. Let us recall that Kolnai holds that the trust shown by a person who forgives without a change of heart on the part of an offender is the epitome and culmination of morality.

But perhaps he has gone too far. Suppose that Jones spitefully and maliciously destroys Smith's property, and then rapes Smith's daughter, or even Smith herself. Kolnai appears to be saying that Smith should repudiate her feelings of resentment towards Jones, even though she knows that Jones has undergone no change of heart and is prepared to repeat the crime, given the appropriate circumstances. There are two problems here. One is that it would be foolish to enter willingly into such a relationship. The second is that without the risk implicit in the internal act of forgiveness, there is no supererogatory action. Kolnai may not be wrongheaded about this but the judgement as to whether an action is genuinely supererogatory or merely foolish is a fine one, as
will be demonstrated by examining the neo-Aristotelian views about supererogation of Barry Curtis.

Actions such as these are freely given gifts; they involve, according to Kolnai, the cost to forgivers of eliminating their resentment to meaningful relationships. Now it may be objected that it is nonsense to speak of "barriers to meaningful relationships" when what at issue is how to handle a dangerous hoodlum and rapist who only waits for the right opportunity to resume his criminal activities. But forgiveness in this case is neither a requirement nor a moral duty. It is an optional internal act. What criminal would not prefer, given the choice of being forgiven or not, to undergo civil process for his crimes in the knowledge that his victims had already forgiven him? It is in this sense that forgiveness and, by extension, pardoning and mercy are prized so highly. They are restorative of relationships and have undeniable personal worth and value.

In a word, there are adequate reasons for doing them; they are good. They are typically done freely, neither having been required nor forbidden and are primarily other-directed.
Chapter Two
Perfect and Imperfect Duties

Synopsis

This chapter distinguishes between concepts of duty, particularly the differences between perfect and imperfect duties, in light of the relationship between duty on one hand, and supererogation on the other.

Particularly close attention is paid to the conventional distinction between perfect and imperfect duties which was developed by the modern natural law philosophers. The contribution of Pufendorf is acknowledged as being most useful in this regard, but the ways in which Grotius contributed to the elaboration of Pufendorf's account of the distinction will also be explained, as well as the uses to which Hutcheson put the distinction in constructing his doctrine of the moral sense. Perfect duties for these philosophers were those which could be permissibly enforced, i.e. morally permissibly, by a state or by a court of law or by some recognisable civil or military authority. Such permissible enforcement could also take place in a state of nature. Imperfect duties, on the other hand, cannot be so enforced as they essentially concern matters such as individual fairness, generosity or kindness. Typical examples of perfect duties, such as the paying of a personal debt, are examined as well as typical examples of imperfect duties, such as giving of alms or charity. Perfect duties are seen to be related to the "mere existence" of a society, whereas imperfect duties make it a worthwhile place to live and are concerned with its improvement.

The usefulness of this distinction and its relevance to the work of contemporary writers concerned with issues of duties and rights in modern contexts is explained. In particular, it is shown how G.R. Grice preserves the original meaning of the distinction in classical terms although conveying it in different language. The chapter closes with the views of Schumaker and Feinberg who offer some additional insights into the distinction between perfect and imperfect duties which are shown to be basic to an understanding of
how acts can be more than is required by duty, i.e., supererogatory.

Definitions

Although it has not been common to discuss duties and obligations explicitly in terms of the classical categories since the late 19th century, the conceptual presuppositions which underlie these distinctions are still in everyday use. Nonetheless, this general area of ethical inquiry has been the subject of extensive efforts of definition, with some progress but much contention and considerable dispute. Nonetheless, the notion of "duties of perfect and imperfect obligation" - the form of words used by Mill - retain their currency.

What is the basic distinction then between duties of perfect and imperfect obligation, i.e., between perfect and imperfect duties? John S. MacKenzie provides a basic explanation of the difference when he asserts that the original meaning of perfect duties refers to those duties "which can be definitely formulated, and embodied in the laws of a state" (MacKenzie, p. 371). Perfect duties are actions normally expected of all, compliance with which can be enforced, whereas imperfect duties are unspecified, within limits: they are not normally expected of all, certainly not all the time, but are performed at least by some, on at least some occasions. The only example of a duty of imperfect obligation given by Mill was that of making charitable donations. Such duties are obligatory, he holds, although the particular occasions of performing them are left to our choice, "as in the case of charity or beneficence, which we are indeed bound to practise but not toward any definite person, nor at any prescribed time" (Mill, Vol X, "Utilitarianism", p. 61).

Let us now examine the views of the modern natural law philosophers, particularly Grotius and Pufendorf on the question of perfect and imperfect duties, in the expectation that gaining a clear idea of their original employment will permit a greater understanding of the current controversies over principle as well as usage.
Grotius

The medieval natural law philosophers were concerned with reconciling the various contradictory examples offered by nature as guides to moral behaviour. The synthesis of Thomas Aquinas was to combine the "follow nature" approach of the stoics with the teleological system of Aristotle. Post-Reformation theorists approached these issues in various ways. Grotius seems quite eclectic, with references to teleological explanations and the citing of the work of many Catholic scholars. In his major recent study of the natural rights theorists, Tuck claims that Grotius was born into the traditions of humanism, Calvinism and Aristotelianism but that he died under bitter attack for having deserted the latter two, and refers to the process of Grotius' departure from Aristotelianism as "a period of "schizophrenia" (Tuck, p. 79). By contrast, Pufendorf never was associated with the Aristotelian approach and never cited Catholic writers. In Hutcheson's theorizing about man's nature and man's condition, however, there is a return to notions of Aristotelian teleology. At the same time, there are a number of utilitarian notions in Hutcheson, as will be noticed later in this chapter.

Tuck states that the great work of Grotius, the *De Jure Belli ac Pacis* "is Janus-faced, and its two mouths speak the language of both absolutism and liberty" (Tuck, p.79). The controversy developed over what was seen as Grotius' permissive attitude to absolutism in the IBP (I,3, 8 1-2) in contrast to the characteristic Protestant humanist tradition of allowing a high degree of resistance to established authority. Tuck notes that the strong rights theory presented by Grotius, and its accompanying defence of both slavery and absolutism was attributable to the political controversies of the day. Tuck contends that Grotian theory stressed individuality in rights but commonality in the area of obligation, based on the principle of the sociability of man. Tuck's focus is essentially a political one however and he has little of importance to contribute to the position of Grotius as a figure in the development of ethical theory.

In fact, it is largely as an international lawyer and diplomat, rather than as a philosopher or teacher that Grotius is relevant to current study. His
contributions to the development of the ideas of innocent passage and freedom of the seas are germane both to contemporary discussion and policy-making. James Brown Scott notes in his introduction to the Oceana edition of the IBP that Grotius produced a great work "conceived in the practice of the law, born in the law court" which still prevails because of the "extraordinary combination of theory and practice in the exposition of a subject in which most nations are and must be interested if their actions are to be decided by principles and their practical application" (Scott, p. xlii). Grotius was above all concerned about the need to set out guidelines based on the principles of natural law and natural rights which would stabilise peace in Europe. In doing so he laid the way for Pufendorf to show how rights were correlative with duties.

For Grotius, man is a social animal (IBP, Prolegomena 6), as the stoics had claimed. But it is wrong to hold that every animal is impelled by nature to seek only its own good. Some animals, he noted, "do in a way restrain their appetancy for that which is good for themselves alone, to the advantage, now of their offspring, now of other animals of the same species" (IBP, Prolegomena, 6). Similar behaviour is observed in children when they show sympathy for others. Men have been endowed with the faculty of knowing and of acting in accordance with general principles guided by God, and the maintenance of social order consonant with human intelligence is the source of all positive law. Grotius explains that the whole field of law comprises the following: (a) abstaining from that which is another's; (b) restoring to another of anything of his which we may have, together with any gain which we may have received from it; (c) the obligation to fulfill promises; (d) making good a loss incurred through our fault; and (e) inflicting penalties on men according to their deserts. The essence of law, he states, "lies in leaving to another that which belongs to him, or in fulfilling our obligation to him" (IBP, Prolegomena, 10).

Grotius explains at the beginning of his account "what is war? what is law?" ("law" in this case referring to ius) what he means by the nature of personal rights. A right is a "moral quality of a person," making it possible to have or do something lawfully. "When the moral quality is perfect, we call it a facultas, a 'faculty;' when it is not perfect, aptitudo, an 'aptitude' or 'merit.' To the former, in the range of natural things, 'act' corresponds; to the latter 'potency.'
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" (IBP, I,IV). Now faculties, or perfect rights, are divided into powers, property rights and contractual rights. A person has a natural right to that which is his own, i.e. his body and his life: that which cannot be rightfully deprived of him is his suum. Powers are to be distinguished between those over oneself (freedom) and those over others - as a father over children or a master over slaves. The law in question, it is to be noted, is the natural law, not the decision of a court of law.

An aptitude he defines, referring to Aristotle, as "worthiness," adding that the idea of fairness which comes after worthiness is that which is "fitting" or "suitable." Aptitudes are the concern of "distributive" justice and are associated with those virtues which have as their purpose to do good to others, as generosity, compassion and foresight in matters of government" (IBP, I,8,1).

Grotius distinguishes between three basic notions of law. He sees the law firstly as a matter for parties on unequal terms, and secondly for those on equal terms. The third notion is that of the law as a body of rights, including faculties and aptitudes as noted above. But there is also another meaning of the the word law, which refers not only to justice, but also to the other virtues. "We have need of an obligation," he noted, "for counsels and instructions of every sort, which enjoin what is honourable indeed but do not impose an obligation, do not come under the term statute. But conforming to this 'law' is right and in a broader sense is called just." He adds that while Aristotle's division of law into natural law on one hand and volitional or statutory law on the other is best, he also sees value in the distinction made by the Greek-speaking Jews between "duties" of the natural law and "commands" of positive law.

The basic distinction therefore between "perfect duties" as the morally enforceable requirements of the statutes of law, i.e. either positive law or in a state of nature, and those corresponding to the other virtues, and honour which are permissible in a broader sense, is clearly evident. But Grotius strongly cautions us that the law of nature is only divided into obligatory and prohibited actions. "The law of nature is a dictate of right reason, which points out that an act, according as it is or is not in conformity with rational nature, has in it a quality of moral baseness or moral necessity; and that in consequence, such an act is either forbidden or enjoined by the author of nature, God" (IBP, I,10,1).
Now there may be grounds for doubt about whether actions are necessarily good or evil, but this does not concern his basic distinction, or his strong belief in free-standing rights.

Pufendorf

Pufendorf's approach is similar to that of Grotius, particularly on his insistence on the essentially social nature of mankind, but he develops the idea of duty to link it to the idea of right in a manner that would not have appealed to Grotius with his concern for free-standing rights. By correlating rights with duties, Pufendorf shows that any right requires an obligation on the part of someone else. Tuck explains that Pufendorf actually repudiates the classical notion of rights as understood by Grotius "as dominia, as active rights expressing their possessor's sovereignty over his world" (Tuck, p. 160). The correlativity thesis was first outlined in the Elementa Jurisprudentiae Universalis but is also dealt with in Pufendorf's major work, De Jure Naturae et Gentium (III.5.3), as well as in the shorter work summarising ING, De Officio Hominis et Civis.

In the original exposition of the theory in the Elementa, Pufendorf provides a full account of his views about the nature of rights and duties. There he shows that the concepts of obligation are correlated with rights. Although his definition of right as "an active moral power, belonging to a person to receive something from another as a matter of necessity" (Elementa, I, 8) makes no mention of obligation, he accepts that the concept of right (ius) is ambiguous. He distinguishes between perfect rights and duties in the following way: "now right is either perfect or imperfect. He who has infringed upon the former does a wrong which gives the injured party in a human court of law ground for bringing action against the injurer. To this corresponds on the other side perfect obligation in him from whom that which is owed us is to come. As for the correlation of imperfect rights and duties, he states "now it is an imperfect right which is called by some an aptitude {note the reference to Grotius here}, when something is owed some one by another in such wise that if he should deny it, he would indeed be acting unfairly, and yet the injured party
would by no means be receiving a wrong which would furnish him with an action against the injurer; nor would he be able to assert for himself that right, except when necessity does not admit of any other means to secure his safety...In regard to all these things which others owe us on the basis of some imperfect obligation we possess only an aptitude. Thus I am able neither to compel another to do me benefactions nor to bring an action for ingratitude against another, although, in very truth, he is doing wrong who neglects an occasion for doing a benefaction to others, or does not return the favour as best he can in requital for benefactions received" (ibid, I,8,5).

He defines obligation as "an operative moral quality by which some one is bound to furnish, allow or endure something" (Elementa, Definition XIII) and makes distinctions amongst obligations on the basis of their features as follows: 1. congenital (innate) or adventitious (acquired), 2. equal or unequal, universal or particular, public or private, limited or unlimited, 3. perfect or imperfect, 4. permanent or temporary, 5. mutual or non-mutual, perfectly or imperfectly mutual. Throughout this discussion, he is particularly concerned to determine clearly what obligations on the part of rulers of a society are binding upon the individual members, and for what reasons. His concern is essentially therefore with perfectly mutual obligations, i.e. contracts. Let us look at these aspects of his concept of obligation in greater detail.

Innate and acquired obligations are divided according to their origins. As congenital obligations, he states that it is incumbent upon all of us to acknowledge God as the supreme Lord of the universe, to recognise his Rule and observe the laws he has given us, to apply the law of nature in relations with one another and to live a social life. Adventitious or voluntarily acquired obligations are assumed after birth, or they may be enjoined by the authority of a superior, or by law.

In consideration of their subjects, obligations can be equal or unequal (as when a man may owe something to a fellow on one hand or to a superior on the other), unequal (as in man's subjection to God), public or private, or limited (as for example, to a wife, son or servant) or unlimited (as a citizen is bound to a state).

The important distinction between perfect and imperfect duties he situates
according to the "efficacy" which they exert in human society. "[To perfect obligation] in the case of a second person to whom it pertains, corresponds perfect right, whereby he is granted an action against us in a human court of law; [to imperfect obligation], in the case of a second person to whom it pertains, corresponds only an imperfect right, whereby he is not granted an action against us in a human court of law" (Elementa I, 13,3).

Pufendorf goes on to explain that as regards duration, obligations can be perpetual (as our obligations to God) or temporary, as is often the case in respect of adventitious obligations, such as those of the young towards their parents. Interestingly, he cites marriage as an example of a perpetual obligation as long as the essence of the conjugal pact has not been violated. But the essence seems rather one-sided as he defines it as the principle that the husband grants to the wife the right to his body, and the wife to the husband, and she, besides, to no-one else." (ibid, I,13,4). Pufendorf therefore treats husband and wife unequally in marriage. The explanation is no doubt that if he had insisted that the husband is required equally with the wife to be monogamous, then he would have been faced with the objection that the ancient patriarchs could have been in breach of the natural law. According to this doctrine then, polygyny is not against the natural law, although positive law, whether human or divine, may prohibit it.

Mutual obligations require one to furnish the equivalent of that which is owed, whereas non-mutual obligations are not reciprocal. (God provides for our needs and welfare, he notes, but is under no obligation to do so.) All men however are in a situation of mutual obligation with each other. Mutual obligation can be perfectly or imperfectly mutual. They are imperfectly mutual when imperfect duties arise in place of perfect ones, as when citizens have perfect duties towards their prince where he has only imperfect ones towards them. An imperfectly mutual obligation may also arise when one person commits himself to another but does not require the other person to bind himself in the same way.

The distinctions between perfect and imperfect duties are further elaborated in the portions of ING which deal with moral obligation. The most significant are the distinctions he drew between perfect duties of justice and
imperfect duties of fairness, generosity or kindness. The principal references to Pufendorf's treatment of these issues is as follows:

<table>
<thead>
<tr>
<th>Perfect Duties</th>
<th>Imperfect Duties</th>
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</thead>
<tbody>
<tr>
<td>1. justice</td>
<td>equity (ING, I, 2, 8)</td>
</tr>
<tr>
<td>2. civil</td>
<td>natural (ibid, III, 4, 5)</td>
</tr>
<tr>
<td>3. right</td>
<td>properly understood works of humanity and love (ibid, III, 4, 1)</td>
</tr>
<tr>
<td>4. justice</td>
<td>kindness or generosity (ibid)</td>
</tr>
<tr>
<td>5. agreements</td>
<td>charity (ibid)</td>
</tr>
<tr>
<td>6. compensation claimable</td>
<td>no grounds for compensation (ibid)</td>
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Perfect duties have a stronger binding force than imperfect duties; they have priority over imperfect duties because they can be justly enforced by coercion, if necessary. Perfect duties also have a rather narrower extension. In reference to (1) above, Pufendorf states that "justice and equity differ in this respect that a sterner necessity is laid upon the former, for without doubt the duties of other virtues have a wide range than those of justice" (ibid, I, 2, 8). Imperfect duties he views as "a kind of voluntary impulse arising from man's good nature" (ibid, III, 4, 9). He notes elsewhere that duties can be divided into those of justice i.e. perfect duties and those of kindness and generosity. The criteria he fixes for acts of kindness and generosity are that: (a) they bring no harm to anyone; (b) they are not beyond our means; and (c) they be proportionate to the worthiness of the recipient. Together with Grotius, he holds that perfect duties have priority over imperfect ones in the sense that nothing can be generous or kind, unless it is also just. Kindness and generosity, therefore, somehow include the idea of justice within it. He makes it clear that there is an effort of calculation involved in making judgements about (a) and (b) above.
Pufendorf illustrates the idea of perfect duty by the case of promise-making. A perfect duty is contracted for example, "when a man not only declares his will for a future time to perform something for another, but also shows that he gives him a right, whereby the other is fully entitled to demand of him the thing promised" (ibid, III, 5, 7). Imperfect promises, he notes do not give rise to such rights. "We call it an imperfect promise when a man declares his will to do a favour for another at a later time by some sign sufficient to show the necessity of his perceiving in his declaration, that is, he clearly declares his willingness to be obligated, yet in such a way that no right is given the other man to require the thing of him. This is like what happens in the manner of a favour, when the man who receives a kindness is obligated to show a grateful attitude, which, however, his benefactor cannot demand by his own right" (ibid, III, 5, 6). Pufendorf actually gives his version of what a typical imperfect promise would look like as follows: "I have made up my mind in all seriousness to do this or that for you, and I hope that you will take my word for it" (ibid, III, 5, 6); under such terms, he says, the promissor "is obligated to do something, more by the law of veracity than the law of justice, for he was willing to have some obligation laid upon himself, yet he was unwilling to be compelled by the other person to do it. For the spirit of men is so generous that they would rather appear to be brought to perform some duty by the impulse of their own virtue, than by some right of another" (ibid).

Pufendorf ascribes priority to the claims of perfect obligations when they are seen to overlap with duties of imperfect obligation. Interestingly, his approach prefigures some contemporary problems in utilitarian theory, such as those identified by Peter Singer concerning the duty to relieve famine in the third world. Pufendorf rejects the view he attributes to the French philosopher François Connan that it is wrong to restrict the application of the principles of duty in order to leave room for the application of various virtues. Connan, he notes, claims that "it is entirely right to leave something to a man's honesty and liberality," and not to claim and demand everything with the strictness of an obligation, "so as to allow opportunities for...virtues to shine forth in dealings amongst men." Pufendorf counters this view by stating that an ample display of liberality is shown "by offering a man the right to demand of you what you
would perfectly well deny him" (ibid, III, 5, 11), i.e. by converting an imperfect right into a perfect one and in contending that the values of constancy outweigh those which, in allowing for full play of the possible exercise of virtue, neglect the more reliable attractions of the stability of law based upon the fullfillment of perfect duties. He also balances this deontic approach to stress the overall value of the common good, at the expense of individual displays of virtue: "... since so many promises pass between men from their standing in need of each other's assistance, it is more to the interest of human affairs that men keep their word with less attendant praise, than that a greater number of men be deceived by the inconstancy of their fellows" (ibid).

All men are equal, he states, echoing both Grotius and Hobbes, not only because any man can cause the death of any other, but because all men come into the world and leave it in the same manner. Furthermore, men are mutually interdependent; for these reasons, men must be treated by each other as equals, with particular attention paid by all to the rights of individual men. Mutual interdependence naturally demands the exercise of mutual duties. Because not all men are so constituted that they are "willing to do everything with which they can help others out of mere humanity and love, and without assuring themselves of some hope of receiving their equivalent," Pufendorf teaches that duties are naturally divided into works of humanity and love on one hand, and those stemming from "right properly understood, directed by actual justice" or contracted by consent on the other.

As Pufendorf has shown, therefore, when perfect duties arise, so do corresponding rights. But some rights (and duties correlated to them) have priority over other duties because imperfect duties cannot conflict with perfect duties, that is to say, that acts purported to be kind are not kind if they are not also just. Within the state of nature, the only guides to action are force and fraud, but outside it, Pufendorf teaches that rights arise before duties because of man's social nature and the interdependence of human beings. The right of a man to his own life seems to be in some sense the ground of another man's duty not to take it. In other words, the duty not to take a life is secondary to the right to life in the first place. But it is also clear that the existence of a right gives rise to a corresponding duty. Pufendorf notes that there will always be more
rights than duties, however, if only because an offender is in no way obliged to accept the punishment which his sovereign has the right to impose.

Perfect rights and duties deal, in the main, with the "mere existence" of society, where contracts are honoured to the letter but where there is no claim of kindness, or considerations of generosity or gratitude. The contrast is between "esse' and "bene esse." The knowledge of duties he states in "De Officio Hominis et Civis" stems from three principal sources: (a) from the light of reason alone, (b) from positive, i.e., civil law, and (c) from revelation. The first category concerns the general duties of mankind, particularly those which render him "sociable." The second concerns those duties to which one is bound as a subject in a state. The third category deals with the duties of Christians. Duty is for Pufendorf, a human action (officium) precisely in conformity with the laws which impose an obligation (obligatio) on us from any of the three sources. Individuals are perfectly well able to assess for themselves how well they manage to execute their duties.

Some moral actions themselves may be licit or permitted, i.e., neither required nor forbidden, although he restricts the category of permissiveness to "grey areas" only, preferring, to categorise most moral actions as either right or wrong. In this way he diverges very markediy from modern moralists, such as Fishkin, who wish to preserve a healthy proportion of our acts from subjection in any sense to moral judgements. This is the import of Fishkin's "robust zone of indifference" theory. Pufendorf strongly disagrees with efforts to expand the zone of indifference or uncertainty beyond a minimal amount, although he recognises that there are occasions of doubt. He quotes Grotius on the matter as follows: "certainty is not to be found in moral questions in the same degree as in mathematical science... In moral questions, even trifling circumstances alter the substance, and the forms which are the subject of inquiry are wont to have something intermediate, which is of such scope that it approaches now more closely to this, now to that extreme. Thus, it comes about that between what should be done and what it is wrong to do there is a mean, that which is permissible; and this is now closer to the former, now to the latter. Hence, there often comes a moment of doubt, just as when day passes into night, or when cold water slowly becomes warm." (ING, III, 4,1).
At the same time, it is clear that Pufendorf realises that moral action is more complicated than it was assumed to be by Grotius.

Pufendorf notes in OHC that the fundamental principle of natural law is that "everyone must cherish and maintain sociability, so far as in him lie," as Moore translates the relevant passage (op.cit. III,9). Barbeyac's translation is rather clearer on this point: "chacun doit travailler, autant qu'il dépend de lui à procurer et à maintenir le bien de la société humaine en général." This is stated as an imperfect duty, and contrasts with what is termed the first absolute duty of man towards his fellows, which is presented in a negative, perfect fashion: "il ne faut faire du mal à personne." (ibid, VI,1). Adam Smith's comment that such a duty might be fully met "by sitting and doing nothing" (Smith, II,2,1) is apt, and relevant to modern discussion of liability and the relationship of moral value to the violation of rights. In something of a perversion of what the natural law philosophers meant by perfect duty, Jeffrie G. Murphy has even argued that if he refuses to save a drowning child inches from where he is sitting in a lounge chair at the side of a swimming pool, he may be revealed as a piece of "moral slime to be shunned by all decent people," but still has violated no rights on the basis of the principle that strangers have no right to be saved. (see Murphy p. 168).

But Pufendorf also cites another general duty in the perfect form, viz. the requirement to treat all men as equals, although his views on slavery were equivocal. A third duty which has general applicability to all mankind is that everyone should contribute "autant qu'il peut commodément, à l'utilité d'autrui" (OHC, VIII,1). (Note Moore's rendering of this passage as "that every man promote the advantage of another, so far as he conveniently can.")

Scholars generally agree that the modern natural law philosophers were committed to freeing natural law from its previous domination by scholasticism. It is not altogether surprising therefore that there is no mention of supererogation in Pufendorf's discussion of the degrees of moral action and that he would consider so-called supererogatory actions to be types of imperfect duties. But there are passages in his work which would justify the contention that Pufendorf was sympathetic to supererogatory concepts in ways which Kant, for example was not. It will be recalled that Pufendorf's
classification of an imperfect mutual obligation raises the possibility of waiving a personal right. He also notes the connection between the goodness of a moral action, its beauty, and its difficulty in terms which would be readily appreciated by supererogationist writers. "A good action, other things being equal, is more beautiful, the more difficult it is" (Elementa, I,18,14). In addition, his observations regarding merit have much in common with Heyd’s views of its relevance to supererogatory acts. Pufendorf notes that "the foundation and as it were the fountain head of merit is in the performance of a work not owed, or in other words, to receiving which at our hands the other person, for whose sake the deed was done, had no just claim"..."so these things are listed under the designation, not of a reward or premium, but of a gift or gratuitous premium" (ibid, Definition XX,1).

Finally, it should be noted that Pufendorf identified something very close to what supererogationist writers mean by supererogation when he writes of the possibility of a "higher form of humanity" and "rare benevolence" costing money or effort and which, he specifically mentions as being praiseworthy. "A higher form of humanity," he says "is bestowing freely upon another and out of rare benevolence, something costing money or painful effort, designed to meet his needs or win from him some signal advantage. These are called benefits par excellence and they offer the best opportunity to gain praise if only nobility of spirit and precedence duly control them" (OHC,VIII,5). Pufendorf is clearly aware of the strength of such moral acts but is concerned that their over-generous nature might exeed "proper limits" of behaviour. He takes care to point out that such benefactions:

1. do not injure the objects of concern
2. are not greater than our means
3. are proportional to merit
4. are proportional to need
5. are proportional to the different degrees of closeness in the affairs of men
6. are supportive of the independence of the other party, and
7. are given "with cheerful face, readily and with assurance of good-will."

Pufendorf’s views in this passage coincide remarkably with the definition
of supererogatory acts as advanced by Heyd in Chapter One of this thesis, but they also support our view that Heyd's definition, as well as that of Schumaker, neglects the linked issues of cost and effort. It is also interesting that Pufendorf cautions against foolishness (see items 1, 2 and 5 above), a point raised in a modern context by Barry Curtis, as will be noted in Chapter Three. Even more interestingly, Pufendorf states that in response to such acts of rare benevolence and nobility of spirit, gratitude "must be in the mind of the recipient. Thus he shows that the gift was acceptable for him, and for that reason he favours the giver, and seeks an occasion to make an equal or larger return, is so far as he can. For it is not necessary to return precisely the amount of the gift; but often zeal and endeavour satisfy the obligation" (ibid).

Pufendorf recognises no moral category of acts beyond duties in accordance with the law of God, but his comments are particularly relevant to the further explication of the concept of supererogation. The remainder of this thesis will show that some adjustments are needed to the four conditions of Heyd, namely that an act is supererogatory if and only if:

1. it is neither obligatory or forbidden;
2. its omission is not wrong, and does not deserve sanction or criticism - either formal or informal;
3. it is morally good, both by virtue of its intended consequences and by virtue of its intrinsic value (being beyond duty);
4. it is done voluntarily for the sake of someone else's good, and is thus meritorious.

It seems clear that the idea of "money or painful effort" as outlined by Pufendorf is crucial to a comprehensive understanding of the nature of supererogatory acts and that they are characterised both by praiseworthiness and the generation of gratitude in the mind of the recipient, in just the manner suggested by Pufendorf in relation to actions of 'rare benevolence' and 'nobility of spirit.'

Francis Hutcheson

Hutcheson provided some interesting contributions to the distinction
between perfect and imperfect duties by bringing an outlook conditioned by
natural law to a sense of the greater good of mankind, and both of these
conjoined with a conviction that moral judgements were both made possible and
justified by a moral sense. For Hutcheson, perfect duties are "narrower kind
affections" consisting in following the motions of these affections by (a)
performing certain good offices to individuals such as fulfilling a binding
promise, and (b), abstaining from what might hurt them. In addition to such
duties, however, a "higher sense of obligation" can be identified. Rights and
duties of the perfect kind he says, are subject to the just use of compulsion,
whereas imperfect duties are "of more delicate obligation, not admitting
compulsion where our duty must be left to our own sense of prudence and sense
of virtue" (Hutcheson, 1755, II,16,1).

Although Hutcheson's views on perfect and imperfect duties echo those of
Pufendorf, his contention that there are perfect rights of mankind as a whole is
a new idea. Perfect duties are exercised by "mankind, as a system" upon
individuals "to demand such conduct as is necessary for the general good" -
including the right of society to enforce prohibitions against suicide, willful
destruction of property and unjust violence, as well as the positive duty to
procreate. And yet, while mankind as a whole possesses perfect rights, it cannot
exercise them, because to exercise a right is to do something, to act, and only
individuals as moral agents can do so. These general rights of mankind are
perfect rights, but there are other imperfect rights which are "indefinitely due
to mankind" and are left generally to the prudence and virtue of moral agents
themselves. Such imperfect rights are more positive in their nature and force
of application. Hutcheson observes that "the fulfilling or non-violating of
perfect rights argues more for absence of odious vices, rather than any laudable
degree of positive virtue: whereas the matter of praise, and the natural evidence
of high virtue consists in a strict regard to the imperfect right" (ibid:II,16,8).

Imperfect rights belonging to mankind as a whole become imperfect duties
for individual members of society. Among these are the obligation for a moral
agent "to cultivate one's powers of mind and body so as to fit himself for what
offices of goodness and humanity his station may allow, among other things,
and to store his mind with useful knowledge and with the grand maxims which
conduce to a virtuous life; to acquire virtuous habits" (ibid). It is an imperfect duty to show kindness, courtesy and a willingness to oblige and to assist our fellows, where we are not called away by duties of greater importance, and not to irritate others or stir up animosities. We are also obliged to our fellows to diffuse as far as we can the principles of virtue and piety, "to show it to the world that wealth, power or sensual pleasures are not the supreme objects of our pursuit for ourselves" (ibid, II,8). In addition, we are obliged to follow some profession or business subservient to the common good.

Together with the other modern natural law philosophers as well as the ancients, and Kant also, Hutcheson recognises a special or extraordinary category of rights arising from necessity. He appeals to the laws of nature which he says are "inferences which we make by reflecting upon our inward constitution and by reasoning upon human affairs, concerning that conduct which our hearts naturally must approve, as tending either to the general good, or to that of individuals consistently with it" (ibid, II,17,2). It is through this principle of rational necessity that ordinarily immoral actions are justified on behalf of a greater good. Hutcheson cites several examples of what he means by this, advancing several cases which would seem to justify disregarding rights of private property. He cautions against extending such dispensations "further than real necessity extends," and to pay proper compensation as well, even though he posits cases where lives may be taken out of necessity to preserve the common good and where the duty of veracity is superseded if it should lead to terrible results in practice. But just because "all agree that conduct is right which tends to the greatest good" (ibid, II,17,9), and because recognition that some plea of necessity is indisputable, morality is not thereby somehow "shaken loose," as he puts it. The rules of medicine, he notes are not uncertain simply because some diseases have no cure. Similarly, we need not forsake the rules of morality because they may need to be adjusted by necessity. Calculations in such matters are guided by effects both immediate and remote and "when the plea of necessity is only allowed in cases of very great importance, there is little danger that men of virtue will frequently misapply them" (ibid, II,9,2).

a. the moral sense
Basic to Hutcheson's concept of the calculations made by virtuous men is his concept of the moral sense. It distinguishes Hutcheson's theory from his natural law antecedents and from the utilitarians whom he prefigured with his concern about calculating "that action is best which procures the greatest happiness for the greatest numbers." He is indeed credited with the first use of this phrase (see Peach, p.7). His doctrine of the moral sense is outlined on the basis of three basic elements: (i) the perceptions of actions of others known to sense and the tendencies of these actions to cause happiness or misery, (ii) an assessment of the affections i.e., the emotions of the agent, as inferred by reason and (iii) our internal perception of approval or disapproval of the emotional motivation of the agent. The moral sense he defines in his "Inquiry into the Original of our ideas of Beauty and Virtue" as "a determination of our minds to receive amiable or disagreeable Ideas of Actions, when they occur to our Observation, antecedent to any Opinions of Advantage or Loss to redound to ourselves from them" (op. cit., p. 135). The moral sense contains no innate ideas and is totally abstract in its operation, as "we are pleased with a regular Form, or an harmonious composition, without having any Knowledge of Mathematics" (ibid). The moral sense is superior to other senses and constitutes the way in which men determine the goodness of actions. Such goodness is defined in terms of the pleasures we receive in contemplating such actions as cause us to love the agents of such actions (including ourselves when we perform good actions) when such love is disinterested, that is, that no advantage can flow to us by our love of such agents.

Hutcheson notes that the moral sense permits us to distinguish those who serve us out of love or out of constraint, even if the services of each are "equally beneficial or advantageous." The moral sense provides us with a conception of the public good which would never be available to us by basing our judgements on self-interest alone. He adds that while our desire for virtue may be counter-balanced by interest, our sentiment of its beauty cannot; the moral sense, devoid of considerations of self-love or advantage, seeks to determine good from evil, in similar fashion to the manner external senses determine pleasurable or disagreeable properties of objects in relation to their usefulness or hurtfulness to us: "in the same manner {the Author of Nature} has
given us a moral sense to direct our actions, and to give us still nobler 
Pleasures; so that while we are only intending the Good of others, we 
undesignedly promote our own greatest private Good" (p. 135). Reason alone 
is no substitute for the moral sense because "its Processes are too slow, to full of 
Doubt to serve us in every Exigency" (p. 271).

Hutcheson's emphasis on the primacy of the moral sense is similar to Kant's 
insistence on the primacy of the the categorical imperative, with the difference 
that, for Hutcheson, the moral sense is indirectly useful to the purposes of 
moral agents whereas for Kant the categorical imperative is abstracted from all 
consequentialist considerations. In addition, Kant claims that the categorical 
 imperative serves as its own motivation whereas Hutcheson identifies love as 
the fundamental force motivating good actions. Benevolence constitutes a 
universal determination in all men, although it may be present in greater or 
lesser degree.

In the "Inquiry" (published in 1725) Hutcheson also provides an account of 
obligation which is quite different from his idea of duty given in "A System of 
Moral Philosophy" (published in 1755). In the earlier work he divides the idea 
of obligation into two notions - one which flows from approval of actions 
unrelated to our self-interest, and another one which is motivated by 
self-interest. In both cases, we are inwardly displeased when we act contrary to 
it. He adds that if the moral sense be "exceedingly weaken'd" and encumbered 
by selfish passions, only the application of a divine law, with sanctions can 
restore it. But nature will, he says, normally incline men to benevolence. The 
first sense of obligation is the correct use of the term, he notes, whereas the 
second sense is nothing other than constraint.

Hutcheson's account of rights is of particular interest, especially as it 
accords so well with the views of Pufendorf. Perfect rights he says are "of 
such necessity to the publick Good that the universal Violation of them would 
make human Life intolerable" (Inquiry, p. 277). This is similar to Pufendorf's 
notion that perfect duties refer only to the "mere existence" of society. 
Imperfect rights, by contrast are "such as, when universally violated, would not 
necessarily make men miserable" (ibid). Imperfect rights "tend to the 
 improvement and increase of positive Good in any society, but are not
absolutely necessary to prevent universal misery. Perfect rights can be enforced even in a state of nature; their enforcement is "transferred" to magistrates in a civil state. Examples of perfect rights are; (a) our lives, (b) the fruit of our labours, and (c) the performance of others in contracts.

Imperfect rights cannot be enforced because in so doing, men would be "deprived of the greatest Pleasure in Actions of Kindness, Humanity and Gratitude. Examples of imperfect rights are (a) those of the poor towards the charity of the wealthy, (b) those which involve neither trouble nor expense, and (c) gratitude expressed in return for a benefaction. The violation of imperfect rights betrays a sense of self-love which sets aside the positive good of others, whereas the violation of perfect rights betrays such a desire of advancing one's own positive good as "to overcome all compassion towards the misery of others" (ibid, p. 280).

b. external rights
In addition, Hutcheson notes the existence of a third category of rights - "external" rights - which seem in many ways to correspond to the contemporary idea of a moral "offence" i.e. the right to do wrong. An external right is a perfect right to something which may be detrimental to the public interest, but whose employment cannot be denied without entailing more evil than its actual use. Examples given make the distinction rather clearer. As an external right, a wealthy miser can recall a loan to "the most industrious poor tradesman at any time." Hutcheson's point is that the evils of abolishing contract law of course would be much greater than ruining the finances of an impecunious if honest man, however regrettable such a course of action might be. Note that for Hucheson, enforceability of an external right is permissible, but the exercise of this right is nonetheless wrong. But the wrongness of this action does not consist in the consideration that it may be detrimental to the public interest. On the contrary, it is in the public interest that there be such an external right. The wrongness of the action will be attributable to other circumstances. In short, then, an external right for Hutcheson is a perfect right to do wrong. Of course, Hutcheson maintains that no decent person who has such a right would dare to exercise it. Because of the various and contrasting
features of Hutcheson's moral theory, he is difficult to classify. His pronounced utilitarian tendencies, which Mautner has identified as a radical shift from the teaching of Pufendorf, have been already mentioned. But these tendencies are also tempered by his view that all benevolently motivated acts are morally good. The moral sense argument rests upon an explicit recognition of emotion and because of this, some philosophers have grouped him with contemporary emotivists such as Charles Stevenson (see Blackstone, p. 67). Indeed, Blackstone sees that the moral philosophy of Hutcheson "is important, not simply because of his contributions to the utilitarian ethical tradition, but because he broke sharply with the descriptivist metaethical views of his time, formulating a non-descriptivist theory and helping set the stage for the developments now found in contemporary moral philosophy" (Blackstone, p. 81).

Hutcheson's usefulness for our purposes is in further modifying the distinction between perfect rights and duties on one hand and imperfect rights and duties on the other. A definitive account is given in the passage in "A System of Moral Philosophy" wherein he discusses the issue of "how controversies should be decided in natural liberty." "Two sorts of debate may arise: one about the strict point of right, where neither party professes to shew any liberality or gratuitous favour, nor claims it; but each insisting on their perfect or external rights, and embarrassed by some intricacies want the assistance of wise impartial men. The other sort is, where the parties waive their external rights, and are willing to act the human and equitable part as far as their affairs can allow; and leave this to be determined by arbitrators. In cases of this latter sort, arbitrators will find much less difficulty: but in both 'tis necessary that they know the perfect rights and claims of both sides, and all exceptions against them; that in the former sort they may give the perfect or external right; and that in the latter they may discern what equitable indulgence or abatement is to be made to either party. In the debates of strict right they are much more confined in their determinations, and obliged to insist on greater proof; since a defect of full proof may reasonably defeat a claim not founded in humanity and equity. But in the other sort of submissions, the arbitrators have full room to consider every equitable circumstance, and every
reason of humanity. A truly good man who confides in the integrity of the arbitrators will ever agree to submissions of this equitable sort" (Hutcheson, op. cit.; II,8,2).

Let us conclude this description of Hutcheson's account of the distinction between perfect and imperfect duties by quoting from a contribution he made to the London Journal (Nov. 21, 1724) in which he complains about the tendency of moralists and lawyers to confine their work to the realm of perfect and external rights. He writes "as to our Duty toward others, our later Moralists hurry over all other Things till they come to the Doctrine of Rights, and Proper Injuries: and like the Civilians (i.e. experts in civil law) whose only business is to teach how far refractory or knavish Men shou'd be compell'd by Force, they spend all their Reasonings upon Perfect or External Rights. We never hear a generous Sentiment from them further. "Some borrow'd Good, for instance, perish by an accident, which wou'd not have befallen them with the Proprietor. This accident is no way chargeable upon any Negligence in the Borrower. Who shall bear the loss? A generous Lender wou'd think with himself, Am I far wealthier than the borrower? I can more easily bear the loss, The Borrower, in like case of superior Wealth, wou'd reason the same way. If their Wealth was equal, each wou'd bear his share; or an honest Neighbour, if the Loan was gratuitious, would scorn to let any man repent of his having done him a kindness." But Thoughts of this kind never come to into the Heads of many of these Moralists. Mankind are, with them, all resty (i.e.indolent) Villains: Our only Inquiry is, which Side will it be most convenient to compel? This question is indeed very necessary too, because there are bad Men who need Compulsion to their Duty. But may not better Sentiments prevail with a great many? All Men are not incorrigible villains. There are still a great many who can be mov'd with sentiments of Honour and Humanity."

"Shou'd we run over other Matters of Right, " he continues, " we shall find them treated in the same manner. Seldom ever a generous, or manly Sentiment. We only see how far in many Cases the Civil Peace requires that we shou'd force Men to Action: And we see, at the same time, how far we may play the Villain with Impunity, when we can evade their great Foundation of Virtue, viz. the Force of a Penalty. In short, according to the Motto prefix'd to this
essay, 'The avoiding the Prison or the Gallows, appears a sufficient Reward for the Virtue which many of our Systems seems to conspire.'"

G.R. Grice

The importance of the classical distinction continues to be relevant for current discussion. Buchanan provides a recent utilitarian analysis of perfect and imperfect duties, for example. But not all contemporary writers are content to work within the limitations of the classical vocabulary. G.R. Grice has outlined a comprehensive theory of moral judgement on the basis of the distinction between perfect and imperfect duties very similar to that advanced by the modern natural law philosophers but he reworks these categories in terms of what he terms "basic obligation" and "ultra-obligation."

Without even mentioning the terms "perfect and imperfect obligation," Grice's insistence on the legitimacy of his categories of basic and ultra obligation places him squarely in the tradition of the natural law theorists. Like them, he makes no distinction between imperfect duties and supererogatory acts, including supererogatory paradigms within the category of ultra obligations. Grice holds that the concept of obligation is a complex one with several distinguishable modes. The logical difference between basic obligation and ultra obligation is that if A has a basic obligation to do an action X, then B has the right to A's doing X, and vice-versa; whereas, if A has an ultra obligation to do X, B does not have a right to A's doing X; A's ultra obligation to B is to do more for B than he has a right to expect. These remarks are actually more in line with Grotius than Pufendorf, as it was the former who taught that a right gives rise to a perfect obligation and that an imperfect obligation is not based on a right but rather on an "aptitudo" or merit.

A basic obligation, he says, implies a right and is in turn implied by one. An ultra obligation, however, is concerned with the waiving, as opposed to the exercise of a right. Grice says it is essentially a matter of character as much as anything else. As examples of ultra obligations, Grice cites the decision of Albert Schweitzer to forego distinction in the worlds of scholarship and music to become a medical missionary in one of the most remote places on earth. He
also cites the example set by Sir Philip Sidney who, though mortally wounded at
the battle of Zutphen, when offered a drink of water, declined in favour of a
wounded comrade. The ground of such actions, maintains Grice, is not to be
found in any relationship between rights and duties, since the inhabitants of
Lambaréné had no right to medical services, nor did Albert Schweitzer have a
duty to provide them. Grice explains that "the ground of a proposition of ultra
obligation is a proposition whose truth depends upon the character of the man,"
(Grice, p. 36) although he does not offer any suggestion as to what such a
proposition might look like.

In an effort to clarify his thinking, he states that ultra obligation
corresponds to "ethical morality," whereas basic obligation corresponds to
"legal morality." These terms are quite reminiscent of the Kantian categories
developed in the Metaphysics of Morals whereby Kant distinguishes between
the "Theory of Virtue" dealing with matters of ethics and the "Theory of
Justice" which accounts for matters of "natural jurisprudence." The categories
which the natural law philosophers developed to deal with the distinctions
between perfect and imperfect duties might well serve Grice better here than
these ideas of his own, if only because the idea of a non-ethical morality seems
somehow less readily comprehensible than Kant's formulation of the
distinction. Grice notes by way of further explanation that the proposition "A
has a basic obligation to B" is logically equivalent to the proposition "B has a
right against A." This observation reasonably recapitulates the natural law
doctrine that perfect rights are always matched by perfect duties.

But Grice deforms this doctrine by going on to suggest that perfect rights
are somehow transformable into perfect duties. Grice accepts that the
expression "A had a right to act in a certain way is equivalent to saying "A had
an obligation to act in a certain way." He also accepts that there is a basic
obligation of limited beneficence, and claims that we can properly speak of
having a right to expect limited help from one another. Grice is thus, possibly
unwittingly, following Grotius and Pufendorf in their teaching that we are not
to insist upon our rights (in this case, our rights to go about our own affairs and
refrain from offering help) in matters of no great moment, that is, when it is
not very inconvenient to waive such a right. Similarly, Grice says that the
basic obligation of beneficence is not very exacting. It is quite another matter for duties of ultra obligation where there seems to be no natural limit on what can be done. Nonetheless, such happenings are really quite common occurrences: Grice maintains that "many actions which we witness daily, and many more which we can imagine, go far beyond the requirements of limited beneficence; they give more help to others than they are required by right or they give help to others in circumstances in which they have no right to help at all" (ibid, p. 160). This contention assumes that strangers need rights in order to be helped, and seems to attract the same type of criticism directed at Murphy's defence of the view that strangers have no rights to be rescued, in that the burden of responsibility in both cases lies with the moral agent quite independent of his moral decision, that is, in this case, his right, not to exercise it. It is clear from this passage that supererogatory acts would be included in Grice's account of ultra obligations.

Grice draws what he terms an "interesting parallel" between the concept of basic obligation and the Mosaic law on one hand, and the concept of ultra obligation and Christ's ethical teaching, on the other. Grotius also drew this parallel, stating that with specific exceptions, including those instances in which Christ contradicted Jewish law, there cannot be devised any case in which that which was formerly instituted by the law of Moses should not be within the lawful sphere of instituted law. Grotius also held that whatever is commanded by the law of Moses, connected with the virtues which Christ requires from his disciples, that, at least, if not more is due from Christians. Pufendorf, for his part, held that the Decalogue is largely negative because of the original sin of man, but that the New Covenant of Christ opened the path of virtue to all men. Grice says that Christ's teaching is largely comment on the Mosaic law. Christ requires those who would follow him not only to obey the Mosaic law, but also to forego their rights under the law.

Penumbral Justice

Schumaker has offered some additional distinctions between perfect and imperfect duties in an unpublished paper as follows:
<table>
<thead>
<tr>
<th>Perfect</th>
<th>Imperfect</th>
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<tbody>
<tr>
<td>1. realistic</td>
<td>ideal</td>
</tr>
<tr>
<td>2. negative</td>
<td>positive</td>
</tr>
<tr>
<td>3. can be completed</td>
<td>unending process</td>
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<tr>
<td>4. universal</td>
<td>personal</td>
</tr>
<tr>
<td>5. sanctions</td>
<td>no sanctions</td>
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<tr>
<td>6. powers</td>
<td>aptitudes</td>
</tr>
<tr>
<td>7. outer</td>
<td>inner</td>
</tr>
<tr>
<td>8. commands actions</td>
<td>commands ends</td>
</tr>
<tr>
<td>9. are violated</td>
<td>are neglected</td>
</tr>
<tr>
<td>10. are discharged</td>
<td>are honoured</td>
</tr>
<tr>
<td>11. opposite cannot be thought</td>
<td>opposite cannot be willed</td>
</tr>
<tr>
<td>12. formal</td>
<td>material</td>
</tr>
<tr>
<td>13. strict law</td>
<td>equity</td>
</tr>
<tr>
<td>14. commutative justice</td>
<td>distributive justice</td>
</tr>
<tr>
<td>15. absolute rectitude</td>
<td>relative rectitude</td>
</tr>
<tr>
<td>16. innocence</td>
<td>beneficence</td>
</tr>
<tr>
<td>17. primary</td>
<td>secondary</td>
</tr>
<tr>
<td>18. very stringent</td>
<td>not so stringent</td>
</tr>
<tr>
<td>19. justice</td>
<td>love</td>
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</tbody>
</table>

Schumaker's list is interesting from several points of view and reflects distinctions made by many philosophers from the stoics onwards, including Pufendorf. It is noteworthy for example, to see how many points noted by Schumaker coincide with Pufendorf's formulations. Numbers 4, 5, 6, 7, 8, 13, 17, 18, and 19 are all fairly directly dealt with by Pufendorf and a number of other distinctions, particularly in pairs 10, 16 and 17 are consistent with his account. Schumaker's main interest in the dichotomy is to protect the concept of supererogation from those who would reduce it to imperfect duty. He is also concerned about rehabilitating the concept that imperfect rights are mirrored by imperfect duties, with the intention of finding logical space for supererogatory acts as acts of generosity or special virtue which are not coextensive with any imperfect right. Schumaker's arguments therefore, are co-extensive with those of Pufendorf whose doctrine of the correlativity of perfect rights and duties, as well as imperfect rights and duties, is a major feature of his moral theory. Schumaker does propose his own definition of perfect duties echoing MacKenzie, as those which can be specified with precision: all other duties are for him imperfect.
Kindness, as an imperfect duty of Smith, can be expected by Jones as an imperfect right. Jones cannot expect Smith to do him favours or make sacrifices or forgive him, nor can he expect any act of kindness as a matter of imperfect right. Nonetheless, he has an imperfect right to be dealt with thoughtfully, courteously and in an otherwise kindly manner. Schumaker reminds us, in Kantian fashion, that imperfect duties are governed by the same rigorous laws about performance as perfect duties: that is, they are still as obligatory as perfect duties. If imperfect duties are correlated with imperfect rights, then it is no longer necessary or even reasonable to consider the concept of imperfect duty as being external to the concept of justice. Rather, imperfect duty constitutes an important sub-division of justice, according to Schumaker, as is exemplified by continuing attempts of positive law to clarify and describe imperfect rights and duties ever more accurately to the point of precision so that they can be treated as perfect rights and duties in systems of positive law.

The intrinsic scope for personal choice about the exact form and timing of imperfect duties, or in other words, the latitude recognised in their performance, means that praise and blame can only be approximately ascribed to individual actions. For this reason, Schumaker holds that there is a general hesitancy to assign blame for the non-performance of imperfect duties, and why it is that positive law, with the exceptions cited by Feinberg relating to the "bad Samaritan" statutes of some European states, provides so few sanctions for the transgressions of such duties. The problem is exemplified by the generality of the offence. If Jones assaults Smith, then it is clear that Jones has transgressed a perfect duty to refrain from harming another human being. As Pufendorf would say, this would have been an offence against the first absolute duty of man towards his fellows, and Smith, having a perfect right to his suum, enjoys a right of redress according to positive law. If, however, Jones performs actions which Smith finds to be repugnant, Smith would be justified in pressing an imperfect right not to be gratuitously offended by such conduct. (Hutcheson, it will be recalled, made it clear that one has an imperfect right not to be annoyed.) The concept of moral bad taste is a relevant one here; it is for example reasonably clear that no one should be forced to watch pornography, even if, as in the Australian Capital Territory at least, purveyors of
pornography have perfect rights to conduct their unsavory trade. Schumaker's point is that everyone has an imperfect right not to be offended in this way and that imperfect rights are indeed offended when pornography is freely available. Such issues, asserts Schumaker, reflect his contention that the wideness or latitude of the concept of imperfect duties gives them the appearance of non-obligatory benevolence. But this would be a misleading conclusion.

Metaphorically, Schumaker sees the duties of wide, imperfect obligation constituting a penumbra surrounding the perfect duties of strict (narrow) justice. An adequately expressed conception of justice, he claims, must include both the clear reality of justice, strictly defined, as well as its diffused penumbra of imperfect duty. "Penumbral justice," he says, is none the less justice for being "penumbral." This issue is of particular concern to modern contract theorists, as will be shown in Chapter Three. But this line of thought leads Schumaker into an area of philosophical turbulence. While he does want to establish a clear differentiation between imperfect duty and supererogation and presented a very serviceable definition of supererogation to this end, his conviction about penumbral aspects clouds precision in explanation of this issue. Thoughtfulness, to be sure, is an imperfect duty. But just how thoughtful does one need to be in order to supererogate? Only an indistinct answer is possible, he says, concluding that a firm boundary between imperfect duties and supererogatory actions cannot be drawn, if only because the discharge of an imperfect duty may be indistinguishable from a minor supererogatory act. There is, he asserts, common ground between the realms of duty and supererogation, and acts lying within it cannot be convincingly ascribed to one or another category.

Schumaker's account allows for a given moral situation to contain elements of perfect rights and duties, imperfect rights and duties, as well as supererogatory acts. As a waiter in a restaurant, for example, Jones has a perfect duty to serve the meal ordered by Smith, an imperfect duty to do so courteously, and may choose to bend the rules of his trade in his customer's favour, such as recommending the best or freshest dish, rather than the one which he would know is easiest to serve, or by serving him more than was ordered, and the like. At the same time, Jones has a perfect right to be paid
correctly, an imperfect right to be treated with politeness and he may even hope for a tip. Smith, on the other hand, has a perfect right to be served exactly what he ordered, and an imperfect right to be served with courtesy. But he also has a perfect duty to pay for what he ordered, an imperfect duty to treat the waiter with politeness and he has the choice of leaving a generous tip, as well, to be sure as a small tip or none at all. But all such distinctions are approximate only, even for Schumaker, although as noted above, he did at one point venture to calculate what percentage of a tip represented a "supererogatory act." But surely there is no reason to judge whether Smith supererogates by giving a smaller tip, or a large one, or indeed, if he gives a very large tip but treats Smith badly in other ways. Part of Schumaker's difficulty is that the concept of trivial supererogation complicates the drawing of clear distinctions between supererogatory actions and imperfect duties.

Schumaker's difficulty is a real one and a closer look at it will be required in order to clarify what is distinct about supererogatory actions. This is the task which is set for us in Chapter Eight.

Offences: the Bad Samaritan

The question of assigning blame for those who refuse to assist strangers even at little cost to themselves is a matter of concern to legislators, who have not yet developed a common approach to the problem, despite considerable progress in this direction, as well as to philosophers. In traditional philosophical terms, the problem is framed as one of defining a perfect right to help and a perfect duty to provide it. The obligation to provide assistance to others in distress "autant qu'on peut commodément" as Pufendorf phrased the issue (in Barbeyrac's translation), representing the classical humanist approach, is considered a perfect duty. Some modern writers claim that offences, i.e. the category of permissible wrong-doing, such as impoliteness, simple failure to do a good turn when the opportunity presents itself and the like, constitute a legitimate category of moral action. Although the relative values assigned to categories of moral action vary with their urgency and relative importance, it is clear that a strict interpretation of perfect duties in the
sense cited by Murphy constitutes a denial that there is any duty to rescue, on the basis that there is no right to be rescued.

Feinberg, in his study of the moral limits of the criminal law, specifically the juridical aspects of inflicting harm on others, considers this topic under the general rubric of the "bad Samaritan." He notes that some fifteen European states have enacted "bad Samaritan" statutes since Portugal first did so over one hundred years ago. Interestingly none of the English-speaking countries have yet taken such action. A "bad Samaritan" is a person he defines in the following way:

"1. a stranger standing in no 'special relationship' to the endangered party
2. who omits to do something - warn of unperceived peril, undertake rescue, seek aid, notify police, protect against further injury, etc.- for the endangered party,
3. which he could have done without unreasonable cost or risk to himself or others,
4. as a result of which the other party suffers harm, or an increased degree of harm,
5. and for these reasons the omitter is "bad" (morally blameworthy)"
(Feinberg 1984, p.126).

The "bad Samaritan" legislation studied by Feinberg has the aim of threatening a "bad Samaritan" with criminal liability for his failure to prevent harm to others. Certainly the natural law philosophers would have found something to find praiseworthy in "bad Samaritan" legislation of the type described by Feinberg. Grotius, as well as Pufendorf, held the view that one is not justified in insisting upon one's personal rights in refusing to provide satisfaction to others regarding matters which are not very inconvenient to us, as in Christ's example of walking the extra mile with a person who forced us to walk only one. Murphy's view may, in the absence of "bad Samaritan" statutes be legally sound, but of course is not in tune with traditional western attitudes towards such issues. Alan Donagan supports the natural law approach when he recognises that "the duty of beneficence in the Hebrew-Christian tradition is not the indiscriminate and unlimited maximizing of good imposed by utilitarianism. It is the duty to do what one reasonably can, without omitting
any perfect duty." (Donagan, p. 45).

The views of Pufendorf about the correlativity of rights and duties is particularly germane to contemporary discussion of these issues, but modern views are not all coincident on this point. Feinberg has argued, for example, that most duties are coordinated with rights, but not all. The examples of duties which are coordinated with rights are generally perfect ones, although Feinberg does not employ such terminology. He does say that duties of indebtedness, commitment, reparation, need-fulfillment and reciprocation are coordinated with other people's in personam rights. Duties of respect and community membership are necessarily coordinated with other people's in rem rights. Duties of status, obedience and "compelling appropriateness" are not necessarily coordinated with the rights of others.

Feinberg concludes his analysis of rights and duties with an observation summing up his thoughts on the matter which is worth quoting not merely because of its timely relevance to current debate on these issues, but rather because the passage could have been written by Grotius, or Pufendorf, or any of the natural law thinkers. In an effort to condense the import and direction of his inquiry, he says that "a world without loving favours would be cold and dangerous; a world full of kindness, but without universal rights, would be one in which self-respect would be rare and difficult" (Feinberg, 1966, p. 144).
Chapter Three
Theories Compatible with Supererogation

Synopsis

This chapter shows how the concept of supererogation is supported by three current schools of thought in moral philosophy. The contributions of neo-Aristotelian writers, Christian theologians and modern contract theorists are reviewed to this end. Our discussion of the views of supererogation as presented by representative writers of these schools will show that there is a perceptible increase in the relevance of supererogatory concepts as each school is considered in turn. Although supererogatory themes are essentially minor ones for neo-Aristotelian writers, they appear nonetheless relevant to current neo-Aristotelian concerns in moral philosophy. The views of von Wright, MacIntyre and Hursthouse are examined in some detail as well as the significant contribution of one neo-Aristotelian writer (Curtis) who defends the idea that the doctrine of the Golden Mean places a limit on acts of foolishness, but not on acts of supererogation.

The various manners in which contemporary theologians have included the concept into their theories are examined and the attractiveness of the concept of supererogation within the context of Christian teaching is clearly set out, as are a number of difficulties in relating theological statements about supererogation to philosophical accounts of it. To this end, the contributions of Tillich, Berdiaev, Bultmann, Küng and Bonhoeffer are reviewed. The chapter demonstrates that supererogation seems most naturally accommodated within the corpus of Christian teaching although it also reveals that some theologians, especially Bultmann and Bonhoeffer, seem more at ease with the issue than some others. Finally, it is shown how the concept has served the needs of modern contract theorists in their efforts to codify duties of imperfect obligation, as well as acts of supererogation. In this context, the work of Rawls and Richards are examined. Fault will be found with the concern of Richards to establish "duties of supererogation," as an attempt to appropriate the concept of supererogation into the service of a doctrine of contract theory.
Neo-Aristotelianism

In moral philosophy, neo-Aristotelianism has attracted considerable contemporary attention, some of which has developed as a result of the intuitive appeal of the rich vocabulary of the virtues which is often absent from contemporary utilitarian or deontological approaches to moral philosophy, and some of which has arisen out of a sense of frustration about the perceived course of development of moral philosophy generally. Those such as Alasdair MacIntyre, who feel that moral philosophy has become too concerned with deontological systematisation and methodological correctness at the expense of a de-humanised philosophical agenda, have brought a renewed sense of urgency to the philosophical enterprise. G.H. von Wright and Philippa Foot, together with other philosophers including Rosalind Hursthouse, profess to be no less concerned about the overall trends in development of moral philosophy but are less agitated about their perceived outlook for it.

Basic to both approaches however, as noted by Frankena, is H.A. Prichard, whose 1912 article entitled "Does moral philosophy rest on a mistake?" occasioned considerable critical attention. Prichard notes that the lives of people whom we most admire seem to have no dominating concern for matters relating to moral obligation: they are, rather, unconcerned about doing right but are concerned about acting courageously, benevolently or gratefully. "If we turn from moral philosophy to any vivid account of human life and action such as we find in Shakespeare, nothing strikes us more than the comparative remoteness of the discussions of Moral Philosophy from the facts of actual life. Is not this largely because while Moral Philosophy has, quite rightly concentrated its attention on the fact of obligation, in the case of many of those whom we admire most and whose lives are of the greatest interest, the sense of obligation, though it may be an important is not a dominating factor in their lives?" (Prichard, p. 12).

Besides the judgements and standards of moral obligation and goodness, notes Frankena, "we have others of generosity, courage, family feeling, public spirit, etc, and some people live, primarily at least, by these other judgements and standards and are admired even though moral philosophy disparages or
neglects them" (Frankena, 1976, p.150). Frankena sees the problem of underestimating the role and scope of the virtues in modern writing as a major one for contemporary philosophy, claiming that while many recent British and American philosophers accept what might be called the "Negative Part of the Principle of Benevolence,... they deny its Positive Part; in other words, they deny that we have an obligation, even prima facie, to promote another person's good as such" (Frankena, 1970, p. 96).

Similarly, von Wright observes with no little regret that the entire study of virtue has been neglected in modern ethics. He reminds us that the meaning of the Latin word "virtus" is more restricted than its English cognate "virtue" meaning something like "manlihood"(sic) or "prowess" or "valour." The Greek arete is of much wider application, as its primary meaning is of "excellence or goodness of anything whatsoever according to its kind or for its proper purpose" (von Wright, p. 137). He notes that excellence in terms of character and choice in action means that the various virtues are "so many forms of self-control," and relate in the end to the conquest of the passions. These comments echo the classical teaching about virtue. Kant held, for example, that "virtue requires, first of all, control over oneself" (MM, p. 407). von Wright divides virtues into virtuous acts (e.g. courage) and virtuous forbearances (e.g. temperance), as well as into "self-regarding" virtues, such as courage, temperance or industry, and "other-regarding" virtues such as consideration, helpfulness and honesty. He cautions, however, that these two types can be reversed; e.g., courage can be other-regarding as well as self-regarding. Self-regarding virtues, he notes, are largely fulfilled in the sense that individuals will practice as much self-regarding virtue as they appear to possess, although this is not the case with other-regarding virtues.

It is worth recalling that antiquity (Aristotle, Plato, Cicero and St.Ambrose) agreed on the four cardinal virtues - prudence, justice, courage and temperance to which the church added the three "theological" virtues of faith, hope and charity. The transition from one virtue or one set of virtues to another has traditionally been a major issue in Catholic literature, particularly in relation to sainthood. K.V. Truhar who wrote the entry on "heroic virtue" in the New Catholic Encyclopedia, for example, notes that Aristotle's reference...
in the Nichomachean ethics to "superhuman virtue" or "moral virtue on an heroic or godlike scale" (NE 1145A 15-30) had come by the time of the Renaissance to serve as a technical term for the holiness necessary for beatification or canonisation, based largely on an intensification and perfection of the virtue of charity. The basic contention that neo-Aristotelianism is congenial to a theory of supererogation rests on the view that superhuman virtue is recognised by Aristotle and that the actions of heroes, if not perhaps of saints, can be accommodated within his theory.

Alasdair MacIntyre

The challenge to both the Kantian and the utilitarian traditions posed by neo-Aristotelianism is made most clear by Alasdair MacIntyre who questions the entire course of Anglo-American philosophical development by equating the belief that natural or human rights exist with belief in witches and unicorns (MacIntyre, p. 67). By rejecting the concerns which have dominated recent philosophical inquiries into the nature of moral action, MacIntyre signals his intention to replace criteria for making moral decisions with statements about much more general issues, such as, for example, moral character. There is a note of frustration leading to a sense of urgency in MacIntyre's approach. He even co-opts Nietzsche, for example, in support of the contention that the enlightenment project failed to address adequately the question: "what sort of person am I to become?" (MacIntyre, p. 112). The belief that the "truths" about such rights being "self-evident" he rejects on the basis of his contention that there are no self-evident truths. Rejecting both the concept of rights and the idea of utility as bases of moral philosophy, MacIntyre reaches back to more fundamental criteria. "The concept of rights was generated to serve one set of purposes as part of the social invention of the autonomous moral agent; the concept of utility was devised for quite another set of purposes. And both were elaborated in a situation in which substitute artefacts for the concepts of an older and more traditional morality were required, substitutes that had to have a radically innovative character if they were to give even an appearance of performing their new social functions. Hence, when claims invoking rights are
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matched against claims based on some traditional concept of justice, it is not surprising that there is no rational way of deciding which claim is to be given priority or how one is to be weighed against the other. Moral commensurability is itself the product of a particular historical conjunction " (ibid, p. 68).

Quite apart from the seriousness of MacIntyre's charge about rights, his assault on utility goes to the heart of the matter of moral reasoning. Stephen Toulmin presents the conventional contemporary view of this issue when he asserts that "appeal to a single current principle, through the primary test of the rightness of an action cannot... be relied upon as a universal test: where this fails, we are driven back upon our estimate of the probable consequences" (Toulmin, p. 147). For MacIntyre and the neo-Aristotelians, the "primary test" of Toulmin becomes part of the larger issue of the good life for man, his prospering, his flourishing and other matters of character bearing on one's entire life, rather than on fundamental rules of behaviour or action worked out by a calculus of utility or deontic logic. MacIntyre claims that we need to attend to virtues in the first place in order to understand the function of rules, a proposition with which both Aristotle and Nietzsche would agree.

MacIntyre notes that the concept of virtue in Homer is secondary to that of a social role and that for Aristotle, virtue is secondary to "the good life for man conceived as the telos of human action" (ibid, cf NE 1094A and B). He then identifies three stages in the logical development of the concept of virtue: (1) practice, (2) a narrative account of a single human life, and (3) moral tradition. Aristotle himself is very clear on these points, according to MacIntyre. Regarding practice, Aristotle teaches that states of character arise out of individual reactions towards appetites and emotions. "This is why the activities we exhibit must be of a certain kind: it is because the states of character correspond to the differences between these. It makes no small difference then, whether we form habits of one kind or another from our very youth; it makes a very great difference, or rather ALL the difference "(ibid, cf NE 1103B 20-26). Aristotle's account of friendship in Book VIII of the Nicomachean Ethics provides ample insight into MacIntyre's concern for the narrative of a single human life. As for practice becoming habit, and then tradition, Aristotle
quotes Evenus, "I say that habit is but long practice, friend, and this becomes man's nature in the end" (NE 1152A 30-35).

MacIntyre's development of these three stages of the concept of virtue leads him to formulate a partial definition of virtue as an "acquired human quality" which enables one to achieve "goods which are internal to practices" (MacIntyre, p. 178). Virtue leads directly to excellence in terms of achieving justice, courage and honesty, whereas lack of virtue leads away from excellence. These three particular virtues - sustained truthfulness, justice and courage, are isolated by MacIntyre as genuine excellences, which flourish in practices such as medicine, he suggests, or even chess, and that they are quite broadly distributed in societies with very different moral codes. At the same time, MacIntyre explains, somewhat wistfully, that "the possession of virtues may perfectly well hinder us in achieving external goods. ... Yet notoriously the cultivation of truthfulness, justice and courage will often, the world being what it contingently is, bar us from being rich or powerful" (ibid, p. 183). The virtues are, therefore, always something of a stumbling block to comfortable ambition. MacIntyre notes that his account does not require any allegiance to Aristotle's metaphysical biology; it is, rather, 'socially teleological.' But it is in accord with Aristotle's teaching on voluntariness (NE Book III, Chapter 1), the distinction between the intellectual virtues and those of character and the relationship of both to natural abilities and to the passions, as well as the structure of practical reasoning. (ibid, Book III, Chapter 2,3: Book VI, Chapter 5).

MacIntyre also claims that his account follows Aristotle's teaching on happiness (Cf. NE Book X, Chapter 7, 1177A 10-15: "If happiness is activity in accordance with virtue, it is reasonable that it should be in accordance with the highest virtue; and this will be that of the best thing in us"), and that his account "links evaluation and explanation in a characteristically Aristotelian way" (MacIntyre p. 185), by which he means that without accounting for the 'fact' of the virtues, "without allusion to the place that justice and injustice, courage and cowardice play in human life, very little will be genuinely explicable" (ibid, p. 186). MacIntyre insists upon the importance and direct relevance of a teleological approach to the issues of personal and public morality - in the
context of a whole human life. "I have suggested that unless there is a telos which transcends the limited goods of practices by constituting the good of a whole human life, the good of a human life conceived as a unity, it will both be the case that a certain subversive arbitrariness will invade the moral life and that we shall be unable to specify the context of certain virtues adequately" (ibid, p. 189). These two considerations are reinforced by a third factor - that particular virtue recognised by tradition which is based on the wholeness of human life - the virtue of integrity or constancy. Citing Kierkegaard ("purity of heart is to will one thing"), MacIntyre states that "this notion of singleness of purpose in a whole life can have no application unless that of a whole life does" (ibid).

There is a certain desperation, as well as urgency, in the tone of much of MacIntyre's account, as well as considerable alarmism. He states, for example, that what matters at this stage in human development is the construction of "local forms of community within which civility and the intellectual and moral life can be sustained through the new dark ages which are already upon us" (ibid). He also states that barbarians "have been governing us for some time" (ibid, p. 245), but provides no evidence for either assertion, presenting an "all or nothing" approach to social and moral reform in rather uncompromising fashion.

It should be noted that in his haste to dismantle the claims of deontic theorists and utilitarians alike that MacIntyre is led to embrace the views of other less congenial thinkers such as Hume and even Neitzsche who are, as it were, on the side of the virtues, as opposed to rules, as the fundamental principles of morality.

Rosalind Hursthouse

Another proponent of the neo-Aristotelian approach in modern ethical theory, Rosalind Hursthouse, is much more positive about the agenda facing neo-Aristotelianism, seeing the basic question of moral philosophy not to be considered in terms of rightness or wrongness, but rather in the type of question which asks how one is to live well: "how should / ought / must I live in
order to live the best life / flourish / be successful?" (Hursthouse, p. 222). Interestingly, Rawls sees the just society in similar Aristotelian terms: "the collective activity of justice is human flourishing" (Rawls, p. 529). Hursthouse is particularly critical of the limited nature of the vocabulary customarily used by philosophers to describe moral acts. She shares this view with G.E.M. Anscombe whose neo-Aristotelian critique of "consequentialism" (as she terms all utilitarian theory from Sidgwick onwards) in her seminal paper "Modern Moral Philosophy" set in train a considerable body of recent neo-Aristotelian writing. No doubt with the very restricted vocabulary of writers such as Chisholm, W.D. Ross, G.E. Moore and others in mind, Hursthouse notes that the standard characterisation of moral acts as obligatory, permissible or impermissible is unduly and unnecessarily limiting, in contrast to the neo-Aristotelian way of approaching the same issues armed with the full and rich vocabulary associated with the virtues (courage, honesty, generosity, justice, practical wisdom, public-spiritedness, kindness, etc.) (see ibid, p. 220). These are, as Bernard Williams would put it, "thick concepts." The answer Aristotle provides to the question of how one ought to live the best life is of course to "acquire and practise the virtues - courage, justice, benevolence or charity, honesty, fidelity (in the sense of being true to one's word or promise), generosity, kindness, compassion, friendship... i.e. as we might say "you should be a virtuous person" (ibid, p. 225-6). It is simply, she says, a "brute fact (made up of a vastly complex set of other facts) that given that we are as we naturally are, we can only flourish / be happy/ successful by developing those character traits that are called the virtues - courage, justice, benevolence and so on" (ibid, p. 226).

She notes that Aristotle's answer does not work for two types of people: (i) the "successfully non-virtuous", and (ii) "unnatural" human beings, such as hermits. She also records that Aristotle did not in fact believe that his theory had universal applicability, i.e. that all could flourish. Women and slaves were largely excluded from his vision of those who could aspire to eudaimonia, for example. Hursthouse acknowledges the force of all these points explaining in relation to point (i) that she only "believes our side is going to win" (ibid, p. 223) and that as regards point (ii), no other account will be more adequate or
more satisfactory. As regards Aristotle's views about women and slaves, she merely notes that neo-Aristotelianism is in business to make the necessary adjustments.

Hursthouse disposes of utilitarianism with no inconsiderable bluntness. The 'sometimes right - sometimes wrong, according to the consequences' doctrine she sees as essentially encouraging one to act wrongly, and otherwise to yield morally unacceptable conclusions. Killing one person in order to use its organs to save five others, for example, would be condoned by classical utilitarian doctrine, she claims, as a right action, whereas any non-utilitarian would condemn such an act, in advance, as wrong. Utilitarians are prepared, she reminds us, to abandon the principle of the sanctity of life. Some modern utilitarian theorists, such as Peter Singer are even prepared to jettison the sanctity of human life if the quality of such life is of a strictly vegetative kind only. As she says, "only utilitarians would ever think that, quite generally, questions about who to save, or kill, or let die, should always be determined by a head count [other things being equal] (Hursthouse, p. 291). Another major fault she finds with utilitarian theory is the assumption that we can, by our own actions, bring about the happiness of others. "We cannot make other people happy or prevent their suffering" (ibid, p. 285). On her account, the happiness of others can only be brought about by their own practice of virtues, in their own way. The appealing ostensible benevolence inherent in utilitarian theory she finds is very restricted in practice: "it cannot be extended far beyond trying to make it easier for people to be happy " (ibid).

Hursthouse's account of the notion of saintly or heroic acts is of considerable interest if only because Aristotle's doctrine of the Golden Mean argued against excess of moral virtue. But Hursthouse states that we are taught the virtues and the vices against the background of ordinary life. We compare the ordinary with the ordinary, but we also "are struck by the cases in which people do 'rise to the occasion' when we see how much more than the ordinary is called for, and to use their example to highlight the failure of people who do not even behave well when it is easy to do so " (ibid, p. 268). Of course, stories, folk-tales and the mass media all present us with everyday examples of people who "exemplify at least one or two of the virtues or vices in a particularly
full-blooded form" (ibid).

She discerns two forms of saintliness and heroism, but leaves the possibility open that there may be additional ones. One type she identifies comes about through statistically unusual circumstances in which living subject to the constraints and demands of morality calls for unusual amount of sacrifice or effort. We can imagine human rights campaigners in South Africa or Romania as examples here. The second form of such actions she recognises is that which arises in statistically normal circumstances, when ordinary people take extraordinary measures, for instance, to avoid killing, after the example of Albert Schweitzer, or, as she notes unconvincingly, those strict vegetarians known as vegans. She explains that it is very difficult, however to determine when a person is "ordinarily decent", or when one is acting in a saintly or heroic manner, or when ordinarily bad behaviour becomes truly villainous. The distinctions are tricky, she says, because characters and dispositions change (one cannot be heroic every day of the week). Some would be candidates for saintliness or heroism, some may be only well-meaning cranks. But difficult as these distinctions are, we do make them, she says," by distinguishing the reactions people have to the constraints, directives and ideals contained in morality" (ibid p. 267).

Although Hursthouse's account of saintliness and heroism in such a very direct way is especially notable, Heyd holds that the entire structure of Aristotle's work is incommensurable with the idea of any type of supererogation. Supererogatory actions require commitment to goals which are, all too often, extreme ones in Aristotelian terms. Heyd does note, however, that Aristotle is concerned with a number of supererogatory paradigms and that supererogationist proponents can find supererogatory elements present in the work of the classical Greek philosophers.

A Cut-off for Foolishness

One problem which supererogationist writers generally have difficulty in handling is that relating to the beginnings and limits of supererogatory actions: i.e., how high is high - how virtuous does one need to be before one begins to
supererogate and how far can one go on supererogating before such actions become to be considered duties or perhaps other types of moral actions? An interesting neo-Aristotelian aspect to this problem of the boundaries or limits of supererogation has been contributed by Barry Curtis who contends that supererogatory acts lie on a continuum of actions which can be morally required on one hand and, or foolish or unwise on the other. Curtis agrees that a distinguishing feature of supererogatory actions is personal cost or risk. "Acts of supererogation, great or small, usually involve considerable costs and risks for the agent" (Curtis, p. 311). As to the question of 'how much cost or risk,' Curtis states that supererogation begins and ends at the point "where the cost or risk deliberately incurred by the agent is roughly as significant as the moral value of the end" (ibid). Curtis explains that if the cost or risk is of considerably less significance than the end, then the action is morally required, but that if the risk or cost is considerably more significant, then the action is foolish or unwise. Curtis argues that from the "perspective of wisdom," it is possible to resolve such difficult evaluations as whether the risk of one's own death, for example, is worth the lives of one or ten or of one hundred or more individual people. This Olympian perspective is "that point of view from which the claims of morality and considerations of self-interest are evaluated with a view toward deciding what a man ought, all things considered to do" (ibid). Aristotle's teaching that foolish acts of morally inspired self-sacrifice are not good, however noble the motives for such actions may be, is most instructive. Praise, of course, is reserved for a zone of actions encompassing both the categories of supererogatory actions and those which are morally required. But Curtis also notes that while it is possible to make such assessments, they cannot be done with logical precision. An act of heroic sacrifice which might be considered foolish (i.e., in risking one's life to keep a trivial promise) might also be considered supererogatory if it succeeded in preserving a life. At the same time, Curtis recognised that supererogatory acts can become duties, although there is no little uncertainty about how this is possible. "At some point, as the moral value of the end increases, such an action (of supererogation) begins to look like a moral duty. At just what point this happens is not perfectly clear." There are, he says, "no precise formulas
available" (ibid).

The basic difference between the classical accounts and those of contemporary supererogationists is that the ancients were axiological, rather than deontic in their general approach to ethical issues. The classical writers aimed "at a definition of the good man and the good for man, rather than at a formulation of a system of interpersonal principles of just or obligatory action" (Heyd, p. 36). Classical Greek ethics concerned with virtues are more 'self-regarding' than deontological ethics which, by comparison are more 'other-regarding.' Virtue for Aristotle cannot be excelled; any improvement on moderation would be an unacceptable excess of one quality or another. At the same time, supererogatory actions, like those of a virtuous person in the classical model, are performed freely, voluntarily, by personal choice (see NE, Book III, Chapter 2). Heyd finds supererogatory elements in the gift relationships of the ancient world, and in the financing of public projects. "Rich people were expected to contribute to public funds whenever there was a need" (Heyd, p. 39).

Heyd also finds supererogatory elements in Aristotle's distinction between "private justice" and "justice towards others" (see Ethica Eudemia, 1235A), which lies behind Fishkin's account of "special obligations" and "general obligations," which will be dealt with in greater detail in Chapter Seven. In both cases, one distinction applies to family and friends and the other to all other people. Heyd notes that justice towards others as employed by Aristotle is "analogous to the legal concept governing the sphere of claims and counter-claims, rights and duties. It is objective and universal, and is expressed in impersonal laws" (Heyd, p. 44). But Heyd goes on to term private justice, or what is very largely encompassed by what Fishkin has categorised as special obligations, as a metaphorical form of "supererogatory justice."

This explanation is less complete than it might be. The metaphorical sense of supererogatory justice is best interpreted in this case as a zone of "imperfect duty," because Heyd states that private justice allows (indeed recommends) surpassing the requirements of justice in the legal sense. But this is precisely what the natural law philosophers thought to be imperfect duty, as outlined in Chapter Two. The tendency to confuse imperfect duties with supererogatory
acts is a common one, and in Chapter Eight methods will be developed which show that confusion can be avoided. Let us simply conclude from the present discussion that all acts of supererogation can also be considered imperfect duties, but not all imperfect duties are acts of supererogation.

Heyd's account of Aristotle's treatment of equity and justice (NE 1137A and 1138A) reads more into the text on behalf of the supererogationist cause than is justified by a clear interpretation of the distinction between equity and justice. Aristotle states that while both the just and the equitable are good, the equitable is always just and is therefore superior to the just, which is not at the same time equitable. The equitable man, he notes, is "no stickler for his rights in a bad sense, but tends to take less than his share though he has the law on his side." The distinction between justice and equity was perhaps the most significant indicator of perfect duties on one hand and imperfect duties on the other for the natural law philosophers. Heyd is therefore similarly misleading when he claims that Aristotle's account bears some similarity to the relation between supererogation and justice (see Heyd, p. 47).

Finally, Heyd notes that the ancient conception of friendship and noble behaviour contains important supererogatory elements. The issue of friendship is typically Aristotelian, but it is interesting that it has also been approached by a modern writer from a supererogationist point of view. Neera Kapur Badhwar argues that justice is indeed a primary virtue of friendship, but that failure to supererogate in any way may constitute grounds for estrangement. "Failure to forgive or generally to be benevolent may constitute betrayal of friendship even though forgiveness itself is not an obligation" (Badhwar, p. 129). If it is never wrong, says Badhwar, not to supererogate, "what sense can we give to the thought that friends ought to act like friends, when a necessary part of acting like a friend is to be inclined on occasion to supererogate" (ibid, p. 127).

Friendship, as part of "private justice" or "special obligations" requires both perfect duties and imperfect ones. But, in addition, argues Badhwar, more is on occasion required - perhaps a measure of personal engagement or commitment involving self-sacrifice, something at least that goes beyond an imperfect duty to be generous, or courteous, or kind.
Before moving on to consider the contributions of theological writers on the theme of supererogation, let us conclude this section on neo-Aristotelianism and introduce the section on Christian theology with a fresh viewpoint on the issue provided by Annette Baier. In searching for a distinct contribution by women in moral philosophy, she settles on "the concept of mutual trust" (Baier, p. 56) which she says has been oddly neglected in moral theory. The great and influential moral theorists of the modern era, she notes, have taken obligation as the "key and problematic concept" (ibid). Since to be morally obliged or bound to do something is to be unfree, she claims that traditional attention to this notion makes central the question of coercion, of forcing or trying to force someone to act in a particular way. In order to give all such theories coherence and integrity, she claims that they need to be supplemented by considerations relating to care and trust. Love and loyalty demand trust and involve risk; because of this "we must think about the ethics of love" (ibid, p. 58). Despite the language of obligation used by Baier to convey her point, it is clear that she is arguing for increased attention to non-obligatory acts whose consequences are good and which are personally costly. Indeed she praises writers such as MacIntyre and Stocker who hold analogous beliefs as "honorary women."

Baier introduces a new topic which has been considerably developed over the past 5-10 years, namely that of gender differences in ethical outlook and in ethical theories. The general idea of much of this writing is that questions related to notions of justice, obligations, rights, rules and the like are masculine-oriented concepts, whereas feminine concepts about moral philosophy are different. It is not the purpose of this thesis to develop these considerations but it is of interest to record her view that "as Aristotelians and Christians know, there is a lot of morality not covered by the concept of obligation, a lot of very great importance, even for the area where there are obligations" (ibid, p. 56).

Modern Theology

Schumaker contends that Christian ethics is fundamentally, essentially, and radically supererogatory. Christian ethics "consists in part in the claim that it
is a mistake to always insist upon one's rights and that the best and most authentic kind of human life arises out of the willingness to give freely of oneself and one's share without insisting upon equivalent compensation" (Schumaker, 1970, p. 296). He adds that theologians have neglected the doctrine for various reasons since the Reformation. The most obvious issue for Christians seeking a place for supererogation within Christian theory is to reconcile it with the Great Commandment which appears to enjoin love as a duty (John 13:34a - "A new commandment I give unto you, that you love one another"). In addition, they need to avoid the excesses and sterility of Pharisaism, which carries perfect duties as well as imperfect duties in the sense of Feinberg's idea of "duty-plus" to very high levels of attainment indeed. An adequate Christian account of supererogation, therefore, should be able to deal with these two issues. The challenge is a significant one for theologians, however, as these questions are still clouded to some extent by the controversies which gave rise to the Reformation in the first place, if only because Roman Catholic theologians have not relinquished the idea that indulgences have value. An additional problem with the writings of theologians generally is that the language used most often forces terms borrowed from philosophical discourse into new forms quite separate from customary philosophical usage so as to strain the very fabric of communication itself.

Many modern theologians accept the relevance of the concept of supererogation for Christian ethics. Some hold with Schumaker that Christian morality is fundamentally and essentially a supererogatory morality because it is a morality which goes beyond requirements, that it is a mistake to always insist upon one's rights and that the best and most authentic kind of life arises out of the willingness to give freely of oneself and of one's share without insisting on equivalent compensation. This section reviews the work of several modern theologians who see some value in the basic Kantian enterprise in ethics, but who advance well beyond the restrictions and limits of the moral law to posit areas of action on the will exercised by such non-philosophic concepts as spirit, love and grace. Although the views of these thinkers are not presented as philosophical inquiries, they draw greatly upon philosophical insight. Their importance for our purpose is that they account satisfactorily for
supererogatory actions within a context of contemporary ethical theory and practice.

Paul Tillich

Tillich links himself to the ontological tradition in philosophy and claims to find a way for Christian ethics which avoids the twin errors of "graceless formalism" of classical deontic ethics, as well as the "normless relativism" offered by utilitarians and existentialist writers. For Tillich, the moral imperative of the gospels was adequately formulated in philosophical language by Kant (a point also shared by Teale - see Teale, p. 16 and 30), but the difficulties of such an approach are only too obvious, if, as Tillich holds, the moral imperative is considered to be intrinsically religious. The will of God for us, he states, is precisely our essential being, with all its potentialities. The moral imperative, according to Tillich, is therefore an ontological issue; it is "the demand to become actually what one is essentially and therefore potentially" (Tillich, 1964, p. 20). Echoing Kant, Tillich holds that every moral act is an act in which an individual establishes himself or herself as a person. From the status of an object, of neutral ethical value, one moves to acquire genuine subjectivity and "end-in-oneself" status by acting morally in the world. Recalling that the source of ethical demands is specifically religious, Tillich establishes the source of moral demands in love, especially agape, the love of man revealed in relation to God. Love as the animating principle of morality is both absolute and relative; it is the spirit of the law and is contrasted with justice or the letter of the law. In his discussion of justice and love, reminiscent of the distinctions developed by the natural law philosophers regarding the nature of perfect and imperfect duties, Tillich contends that tables of laws will never be adequate to cover a whole ethical situation, let alone the totality of all such situations. "The letter kills," he says, not only because it judges those who cannot fulfill the law, but also because it suppresses the creative potentialities of the unique moment. Love, however, is the ultimate principle of reality and as such, it is always the same, but paradoxically, when it enters a given moral situation, it is always different. "The spirit breaks the
prison of the absolute law" (ibid, p. 43). At the same time, it is impossible to give a definition of love because "there is no higher principle by which it can be defined" (ibid, p. 95).

If the law "kills", as he says, respect for it can hardly be regarded as the motivating moral force. This force is provided by grace. But grace comes in two forms: common grace which works in all realms of life and all human situations and special grace which is bestowed on those who are grasped by the new reality of Jesus Christ. "Where there is grace, there is no command, and no struggle to obey the command. A gift of grace is not produced by one's will or by one's endeavour. One simply receives it."(ibid, p. 61). The Christian message, he stresses, is above all a message of grace.

Tillich relates love to justice through his ontologically-based theories of moral and religious experience. There are, he says, three levels of justice: (i) an intrinsic ontological claim of all beings, (ii) tributive or proportional justice, i.e., positive (distributive) or negative (retributive) as judged on the basis of merit, or desert, all of which are quantifiable and expressible in terms of rights and duties, and (iii) transforming or creative justice, a dynamic and unquantifiable principle which supersedes tributive justice and whose criterion is fulfilment within the unity of universal fulfilment, the religious symbol for which is the Kingdom of God (see Tillich, 1960, p. 62ff).

Not surprisingly, Tillich stresses the importance of forgiveness. He states that the concept of grace contains a polarity between the element of forgiveness, and the element of fulfilment. Forgiveness is something like the impossible as it involves acceptance of the unacceptable. It affirms "yes, in spite of..." Nothing, he notes, seems to contradict the idea of justice more than that of forgiveness, which seems so utterly unjust, by declaring he, who is unjust, just. "But nothing less than this is what has been called the the good news in Christian preaching. And nothing less than this is the fulfilment of justice" (Tillich, 1960, p. 86). Creative justice, as he says, demands that he be accepted who is unacceptable in terms of proportional justice. Mutual forgiveness is the fulfilment of creative justice. Mutual forgiveness is the fulfilment of creative justice, but only God can forgive because in Him alone love and justice are completely united. Without the grace of God to forgive, the ethics of
forgiveness "is delivered to the ambiguities of justice, oscillating between legalism and sentimentality. In the holy community, this ambiguity is conquered" (ibid, p. 121). The law demands, but cannot forgive; it judges but cannot accept. Forgiveness and acceptance "must come from something above the law" (Tillich, 1964, p. 64). The question of moral motivation can be answered only "transmorally", i.e., beyond the law itself.

Nicholas Berdyaev

Berdyaev employs a similar approach to that used by Tillich when discussing the importance of grace. He sees it as standing at a higher level than the law, a different thing from the law (Berdyaev, 1952, p.247). Grace must be, he says, the power which is called upon to resolve the contradiction between freedom and necessity, more exalted than either, emanating from a higher world. Elsewhere (Berdyaev, 1965, p. 79), he states that grace has no universal validity in the logical or juridical sense of the word, but opens up communication of another order - it is just the opposite of the logical and the juridical. Similarly, for Berdyaev and other religious philosophical writers in the existential tradition, the position of love as a source of moral action is of great importance. The law of love, according to Berdyaev, is none other than duty itself - "it is the highest commandment of obedience to love" (ibid, p. 93). In this sense, Berdyaev's account is inadequate in reconciling supereogation with the great Commandment which treats love as a duty. But he recognises a supererogatory paradigm, i.e. forgiveness which he deems an important aspect of the law of love. He cautions us about the difficulty of discoursing rationally on the subject of love as it lies "outside the human race," passing beyond its consciousness. "Love lies in another place of being than that in which the human race lives and orders its existence" (ibid).

It is appropriate at this point in our discussion to note that some of the language and logic of these writers is radically unsatisfactory from a philosophical point of view. Tillich, for example, relies heavily upon philosophic traditions, particularly his preoccupations about being "ontologically" sound, but his concepts so lack clarity of formulation and
direction that his over-all meaning is sometimes obscured. "Love is the ultimate principle of all reality" purports to be a statement about the nature of reality, but reveals more about Tillich's theological intentions than it does about the nature of reality. The tendency towards hyperbole and metaphor ("the letter kills") makes for colourful reading, but is less than adequate as a statement about the social relevance of positive law. Berdyaev presents even greater difficulties of comprehension. If "love lies in another place of being than that in which the human race lives," then it is correct to ask why he introduces it since it can have no possible relevance, or any meaning for human beings. In considering such writings, it may be more useful to take closer account of the objectives and purposes for which they were written, than to the elements which are used to convey the argument. The other theologians who are discussed in this paper are much less unsatisfactory from a philosophical point of view, particularly Rudolf Bultmann, who has some very helpful remarks to offer on the subject before us.

Rudolf Bultmann

Together with Berdyaev, Bultmann also accepts the separateness of religious life from that of the world. He also agrees with the natural law philosophers, and with Kant, that the immediate basic character of the moral demand is negative, in the sense of renouncing worldly temptations and refraining from all evil. But he also maintains that the element of open-endedness in the moral demand is also present from the beginning of the moral requirement since both freedom from sin and exhortation to virtue "stand under the demand for sanctification" (Bultmann, p. 218). The positive sense of abstinence above all comes out in the fact that among all the commandments, the "love commandment" occupies the highest place. The demonstrations of love are none other than the characteristic Christian virtues - mildness, long-suffering, meekness, humility, harmony, compassion, brotherly love, hospitality, mutual help, forgiveness, peace and mercy, etc (ibid, p. 221). Now these various virtues, many of which are specifically supererogatory in nature, have one distinguishing feature, namely, that they all demand the
waiver of selfishness - the waiver of one's own advantage and one's own rights. Bultmann notes that the Christian virtues are in one sense negative requirements, but they are also open-ended in the sense that they have a purely formal character, that is, they do not set up goals of action, do not sketch a program for moulding society, such as going on pilgrimages, or praying five times daily. This point is crucial for Bultmann because of the action of love which "will not tolerate formulated positive determinations if it is not to relapse into law" (ibid, p. 222).

A Christian must be able to judge without a legal statute what God's will demands of him or her at any given moment. Furthermore, the more ethical demands come to be regarded as commandments necessary for life or salvation, and the more conduct is governed by the notion of merit and consideration of judgement according to one's works, the more there develops a striving after perfection. The waiver of self demanded by love in the first place is no longer motivated by interest in one's neighbour, but by interest in one's own salvation. It is at this point that asceticism becomes a temptation and Bultmann goes on to show how some figures of the early church fell into thickets of ascetic practices which involved the establishment of two levels of morality - including one which recognised "meritorious conduct which goes beyond the measure of the required" (ibid, p. 223). At the same time, the Christian tradition maintains strongly that Christian character results from following such simple ethical demands as are or can be made familiar to everyone.

In accordance with the scheme for his ethics, Karl Barth reformulates the question of what one should do as reconciled to God in terms of the reality of love. What is required is that our actions are good. "Love is already in a true sense the doing of the good because it seeks and finds and has the good in God" (Barth, p.453), but is also the the epitome of the obedience to the law of a sinner saved by grace. More than love is not, cannot, be expected. It includes and implies fulfilment of the law. Love is in the most literal sense responsibility and a submission to God and to one's neighbour. There is also a categorical feature of Christian love. We must... we do the good thing when we must; this "must" is Christian love" (ibid, p. 457). At the same time, it is an alien leap into
the void by which, through our own actions, God becomes an object for us. "One can say of neither faith nor hope that it is God. But we can and must say that God is love" (ibid, p.460).

Hans Küng

Küng provides an interesting account of the spiritual antecedents of the doctrine of supererogation in the religious practices of the Pharisees. Pharisaism, according to Küng, is the way of moral compromise (Küng, p. 202ff), but its devotees were known for their piety, at least in an outward sense. They were particularly concerned about the purity regulations and the obligations of tithes. Because the practice of tithing to maintain the priestly tribe of Levi and the temple had faded into desuetude, the Pharisees took it all the more seriously, scrupulously setting aside ten percent of everything, including cooking ingredients. They even voluntarily undertook more than was commanded. The Pharisee mentioned in Luke 18:12 no doubt had fasted two days every week (Mondays and Thursdays) to atone for the sins of the people and punctually observed the three daily calls to prayer, no matter where he happened to be. Such voluntary acts of ultra-scrupulousness came to be accepted in Christian moral theology as works of supererogation: "they were good works not strictly required, but complementary, superfluous, which could be counted against a person's offenses in the great final settlement, so that the scales of God's justice would be weighted on the side of good" (ibid, p. 204).

Now there is also a quite different version of this aspect of the importance of Pharisaic practices which holds that the Pharisees were not particularly given to merely external practices, but that their major fault was that they assumed justification did not require a special grace. The inevitable result of that mistake is that they could acquire the appearance but not the reality of goodness, and thus earn the attribute of hypocrisy, of which Jesus rightly accuses them. Certainly Christ found their attitudes to be a very great hindrance to true piety, leading to error and harm both by way of compromise and hypocrisy. The Pharisaic form of morality within the framework of a given regulation, such as Sabbath observance, contained whole sets upon sets of inlaid
regulations whose effects deliberately obscured the force of the law itself. This elaborate technique of piety later known to Christian scholars as casuistry led directly, according to Kün, to compromise. "In themselves, God's commandments are taken terribly seriously. In fact, people do more than is required or commanded, "(ibid, p. 204) out of apprehension of not doing enough to fulfill the letter of the law. Jesus seemed close to the Pharisees, especially when he tightened the law (Mt 5: 21-22 and Mt 5: 27-28), but was of course considered amazingly lax in mixing with impure elements and in praising the prodigal son at the expense of the good son who stayed at home and who loyally discharged his filial responsibilities. Jesus was not a pious legalist, preached no isolation from the world, no bipartition of morality, no legal fanaticism, no asceticism, and no monastic rule, but rather proclaimed the kingdom of unlimited goodness and unconditional grace, particularly for the abandoned and distressed. The message of Christ was not for a spiritual elite of moralistic over-achievers such as the Pharisees took such pride in presenting themselves, but rather for all people, regardless of their attitudes towards practices of institutional piety. Kün notes that none of the evangelical counsels - poverty, chastity and obedience secured by vows, were practiced by the disciples, although they were known to be considered with some favour by Paul, who nonetheless considered them as simply counsels, not as binding laws.

Dietrich Bonhoeffer

For Bonhoeffer, the Pharisee was like Kant's over-scrupulous person who strewed his path with duties like man-traps and who vainly strove to be "phantastisch Tugendhaft." Bonhoeffer described the Pharisee as an "extremely admirable man who subordinates his entire life to his knowledge of good and evil and is as severe a judge on himself as of his neighbour; " for him, "every moment in life becomes a situation in conflict in which he has to choose between good and evil" (Bonhoeffer, p. 151). As such, the Pharisee, stressed continually on rules of his own fashioning is a man of disunion. But man cannot live simultaneously in reconciliation and disunion, in freedom and under the law, in simplicity and discord. There are no transitions or intermediate stages
here, it is one thing or another (ibid, p.159). Love lies beyond all disunion; it is the revelation of God in Christ. The New Testament, he says, answers the question "what is love" quite unambiguously by pointing solely and entirely to Christ whom the Pharisees saw as a threat to their understanding of the law. Human love, set in motion by divine love he claims to be an "independent, free and autonomous activity of man" (ibid, p.175).

Bonhoeffer views the commandment of God as something that can only be heard in a local and temporal context. In quite a remarkable passage, Bonhöffer asserts that "if God's commandment is not clear, definite and concrete to the last detail, it is not God's commandment" (ibid, p.245); "God makes his commandment heard in a definite historical form" (ibid). The purpose of the commandment lies not in the avoidance of transgression, and not in the torment of ethical conflict and decision, but in "the freely accepted, self-evident life in the church, in marriage, in the family, in work and in the state" (ibid, p. 251). The law is comprised within the commandment, he states, as the ethical is concerned with staking out and defining a place in which man could share in the whole fullness of life, whereas the commandment of God is concerned with this sharing in life itself with its concrete contents and in that liberty of man which these contents render possible in a 'sharing of life.'

Bonhoeffer states the challenge of the gospel in uncompromising terms by explaining the difference between the concepts of "cheap grace" and "costly grace." "Cheap grace" he writes, is "the preaching of forgiveness without requiring repentance, baptism without church discipline, communion without confession, absolution without personal confession. Cheap grace is grace without discipleship, grace without the cross, grace without Jesus Christ, living and incarnate," whereas costly grace is the "kingly rule of Christ," the call of Jesus Christ at which the disciple leaves his nets and follows him. But costly grace is not simply received - it is nothing less than the Incarnation. Bonhoeffer's argument is highly compressed as follows: "costly grace is the gospel which must be sought again and again, the gift which must be asked for, and the door at which a man must knock. Such grace is costly because it calls us to follow and it is grace because it calls us to follow Jesus Christ. It is costly because it costs a man his life and it is grace because it condemns sin and grace
because it justifies the sinner. Above all, it is costly because it cost God the life of his son: "ye were bought at a price" and what has cost God cannot be cheap for us. Above all it is grace because God did not reckon his son two dear a price to pay for our life, but delivered him up for us. Costly grace is the Incarnation of God" (The Cost of Discipleship, p. 47-8).

Bonhoeffer naturally considers that supererogatory action is co-extensive with Christian morality. Renunciation and self-sacrifice are part of the gospel as he explains in his discussion of the beatitudes, particularly the verse dealing with the peacemakers (Blessed are the peacemakers, for they shall be called children of God -Mt 5:9). The peacemakers, he says, renounce all violence and tumult, but such acts lead directly to suffering. Christ's followers "keep the peace by choosing to endure suffering themselves rather than inflict it on others... they renounce all self-assertion, and quietly suffer in the face of hatred and wrong...But nowhere will the peace be more manifest than where they meet the wicked in peace and are ready to suffer at their hands" (ibid, p. 126). The blessedness of the merciful, he notes, resides in the their willingness "to cast away the most priceless treasure of human life, their personal dignity and honour" by sacrificing it to shield all who are enmeshed in the toils of sin and guilt and to take the shame of such people upon themselves.

But Bonhoeffer's strongest statement of the supererogatory nature of Christian ethics arises in the context of his explanation of Christ's teaching about turning the cheek, giving up one's cloak, and walking the extra mile (see Mt: 38-42). Interestingly, Bonhoeffer deals with these concepts in a passage entitled "revenge" whose point of course is to show that Christians joyfully renounce its use, and that the only way of dealing with evil in the world is "to let it run itself to a standstill." The followers of Jesus renounce every personal right. In this way, the gospel is a radical alteration of the Old Testament message of personal rights protected by a divinely-established system of retribution. But according to Jesus, the right way to requite evil "is not to resist it" (ibid, p. 157). "When a Christian meets with injustice, he no longer clings to his rights and defends them at all costs." By not resisting evil, it will come to a standstill. "Resistance merely creates further evil and adds fuel to the flames." But when evil meets no opposition, and encounters no obstacle but
only patient endurance, its sting is drawn, and at last it meets an opponent which is more than its match" ... "Evil becomes a spent force when we put up no resistance" (ibid, p. 158). By willingly renouncing self-defence, the Christian affirms his absolute adherence to Jesus, and his freedom from the tyranny of his own ego... Suffering evil willingly endured is stronger than evil, it spells death to evil" (ibid).

But even this is not enough for Christians: passive endurance of evil is not the hardest part of the gospel message, but the call to renounce revenge and retribution completely by loving one's enemies. "Jesus bids us not only to bear with evil and the evil person patiently, not only to refrain from treating him as he treats us, but actively to engage in heart-felt love towards him" (p. 165). But such love (Love your enemies; bless them that persecute you; do good to them that hate you; pray for them which despitefully use you and persecute you) is costly. It means sacrifice and leads inevitably, he says, to Golgotha. Christians differ from non-believers because of their particularity in this respect. It is this "extraordinary" quality as he terms it, whereby the righteousness of the Pharisees is exceeded. "It is the life described in the beatitudes - the life of the followers of Christ, the light which lights the world, ... the way of self-renunciation, of utter love, of absolute purity, truthfulness and weakness. It is unreserved love for our enemies, for the unloving and the unloved, love for our religious, political and personal adversaries" (ibid, p. 170).

Now, it might be objected that Bonhoeffer's involvement in the conspiracy to kill Hitler hardly constituted an instance of unreserved love for his political enemies and that he denied by his actions that which he professed to believe and taught through his writings. At the same time, it is clear that he has stated the essentially supererogatory nature of Christian ethics very powerfully indeed, in terms which would secure Schumaker's ready endorsement. Bonhoeffer has also identified a feature of supererogatory action mentioned by other supererogationist writers - that it is effective in resolving disputes and conflicts, most notably those in which there is a clear choice between good and evil. By withdrawing the sting of evil, in denying it confrontation at the expense of self-sacrifice and suffering, greater benefits are obtained for others. The costs of such actions, he notes, along with other supererogationist writers,
are high, as they may well lead to the loss of one's own life.

Schumaker stresses the point that Christ found that the Pharisees had done an adequate job of elaborating the requirements and privileges of righteousness in the strict sense. But he notes that the concern of Jesus was on quite a different moral level and that he seemed to be more concerned about pointing out the merits of surrendering one's own rights and volunteering oneself to others. It is in this way that a person's righteousness can exceed that of the Pharisees (Mt 5:20). Other Christian writers have noted that Christ called his followers to live lives distinguished by an excess or overflowing of patience and benevolence well beyond "accepted community standards" (see Mt 5:40-1).

Christian morality is fundamentally and essentially a supererogatory morality for Schumaker - it is a morality which goes beyond requirements. Bultmann and Barth would both agree with Schumaker (although Berdyaev's views differ) that the Great Commandment cannot be understood as a requirement - as soon as it becomes a requirement, it is transformed into a law. But love is beyond and above the law, as Christ teaches. To make love central is at the very least to suggest that people not always stand on their rights. The Great Commandment, therefore, should be seen as a counsel of perfection. Schumaker expresses the relationship between love, law and supererogation in a most instructive manner as follows: "how can a principle which qualifies only as a counsel and not as a moral requirement also be essential? The answer seems to be that this is possible only if the idea of supererogation is itself a central notion in the ethic. And I want to suggest that precisely this is the case in Christian ethics" (Schumaker, 1970, p.294).

Let us conclude this section by referring to an admirable summation of the Christian attitude to the substance of the matter of supererogation given in a recent article by the American theologian Hugh T. Kerr: "most of us cannot walk in Albert Schweitzer's shoes...but we can all express our gratitude for grace received by modest gestures of kindness and gentleness... But all of us need to be exhorted now and then to be kind and attentive to others, to spread around a little cheer and joy, and to give of ourselves as we have been given. The Bible is replete with such simple solicitations, as if in the midst of major doctrines and moral disputes we hear a voice saying: "give grace, give grace" (Kerr, p. 152).
Modern Contract Theory

Contemporary proponents of modern contract theory have brought some important insights to consideration of the problem of supererogation. It is significant that John Rawls does not find it at all necessary or even useful to include supererogation as part of his theory of justice, although he recognises it in several passages in a non-systematic manner "for the sake of completeness." David A.J. Richards advances the cause of supererogation within contract theory by showing how rational contractors in the "original situation" would include principles of supererogation in the agreement on a certain class of 'ultimate standards' which, he proposes, are to govern men as men. He holds that duty alone will not bring about the full extent of justice and that principles of supererogation, of which he proposes several, are essential for that end.

John Rawls

John Rawls, in elaborating his concept of "justice as fairness," notes the rational necessity of guaranteeing the primacy of traditional personal freedoms of liberties in his ideal "original situation," but goes on to demonstrate how social and economic inequalities are to be arranged so that they are to the greatest benefit of the least advantaged, i.e. that the least advantaged are better off in this system than the least advantaged in any alternative system. The original situation parallels the deontic moral universe based on the rights of individuals. Persons are required to do their part as defined by the rules of an institution when two conditions are met: first, that the institution is just (or fair), that is, it satisfies the two principles of justice; and second, when a given individual has voluntarily accepted the benefits of the arrangement or taken advantage of the opportunities it offers to further one's interests. It follows, therefore that because everyone under such a system receives a fair share, supererogatory actions are unnecessary. In outlining the natural duties of individuals, Rawls specifically excludes supererogatory actions, noting that the positive duty of mutual aid requires one to offer help provided that one can do
so without excessive risk or loss to oneself. Supererogation has no place in a system of justice, but it is accorded a place in a "realm beyond justice."

Given that Rawls makes some important claims about his theory of justice in relation to Kant's teaching, it is hardly surprising that he believes supererogation is neither required nor necessary to establish justice. He states that his theory acknowledges Kantian conceptions of autonomy and of the moral law as an expression of our nature as free and equal rational beings; he claims that the principles of justice serve as categorical imperatives in the sense intended by Kant and that the Kantian insistence on the importance of never treating rational beings as anything except ends in themselves is fully respected. In fact, the entire discussion of "ends" in Part Three of "A Theory of Justice" can be interpreted as an effort to map out the territory of a metaphysics of ethics, very much in the Kantian tradition. Rawls accepts, for example, the importance of a theory of the natural order and our place in it as human beings, describing this task as one of those properly belonging to metaphysics which, he says, should identify and systematise the truths decisive for these questions. In addition, his discussion of natural duties parallels Kant's treatment of perfect duties. The importance which Kant assigned to perfect duties to oneself, for example, is echoed in Rawls by his reference to self-esteem (self-respect and a sure confidence in the sense of one's own worth) as "perhaps the most important primary good." The concern of both philosophers with a life of reason is also remarkable: Rawls makes effective use of Royce's concept of a life lived according to a plan, a rather long-term plan, at that, consistent with Kant's teaching.

Rawls posits the original position as an example of how noumenal selves would conduct their affairs in providing a regulatory environment for a just world. By acting in accordance with the principles of the original position, it is unlikely that scoundrels would be considered the moral equals of saints. But from a supererogationist point of view, Rawls' theory is somewhat too ordered, and so carefully balanced that supererogatory actions such as one might expect of a saint are certainly not required, nor even particularly useful. They are, rather, somewhat superfluous in what is otherwise such a well-functioning theoretical universe and Rawls himself admits that it is a "love of mankind,"
rather than a sense of justice, which leads to acts of supererogation. Rawls distinguishes between the "morality of self-command" which fulfills with both ease and grace the requirements of rights and justice and the "love of mankind" which shows itself in advancing the common good in ways that go well beyond our natural duties and obligations, and is manifest by the greater intensity and pervasiveness of the desire to do so. It is not, indeed, a morality for ordinary persons, but is consistent with the demands of justice, surpassing the demands of duty and obligation. There is then, little recognition in Rawls of the ability of each and every individual to supererogate. His talk of "higher-order desire" and "higher-order moral sentiments" makes it difficult to imagine how supererogatory actions cannot be confined to saints and heroes. In his terms, however, supererogation is possible because, while we always have a right to our fair share of benefits and can rightly be forced to accept our fair share of burdens, it is sometimes morally preferable for us to take less than our fair share of the benefits of our common life or to accept more than our fair share of the burdens. Whenever we do so for altruistic reasons, we are acting supererogatorily.

David A.J. Richards

Richards' explanation of the "principles of supererogation" in his major work on contract theory - "A Theory of Reasons for Action," is distinguished by his controversial contention that supererogation is included in the original contract. Working on the basis of Rawls' two-part theory of justice, Richards goes on to derive twelve basic principles, together with a number of supplementary principles to guide contractors in their dealings with each other. He specifically states that rational contractors will "explicitly agree" to a set of supererogatory principles which are to apply to individuals apart from any institutional relationship they may have to one another.

A major difficulty with this view, is that supererogatory principles would seem to lose their optional characteristic if they become part of the agreement between contractors, becoming more and more like imperfect duties or even, if breaches of their occurrence are identified, as perfect duties.
The actual derivation of Richards' principles of supererogation is dependent upon the derivation of principles of duty, fairness and justice and efficiency. A brief review of these points in order to understand what Richards is actually proposing. Richards distinguishes under the heading of "Justice and Efficiency" two overall sets of principles - those governing the principles of justice for a given institution, and those governing justice between generations and institutions. Richards holds, with Rawls, that the first two principles upon which contractors will agree are: (1) the principle that all should enjoy the greatest amount of equal liberty and opportunity, and (2) that any inequalities in the distribution of goods serve only as incentives for the interests of all, increasing the desire-satisfaction of the least advantaged.

The principles of justice between generations and institutions are adequately covered by a formulation which incorporates the Pareto optimality criterion adapted to institutions so that rules governing institutions are not to be changed if a rise in living standards of a typical person in a typical group would lead to lowered life prospects and desire satisfactions for any typical member of another typical group. Richards' model here is the constitution of the United States, together with the various amendments and judicial interpretations of it.

The principle of fairness requires that the burdens and responsibilities of maintaining cooperative institutions are to be shared, and as a supplementary principle, that contractors advance and promote institutions satisfying the principles of justice and efficiency, given that this involves "little cost" to such persons.

The principles of duty are divided into the principles of non-maleficence, mutual aid, consideration and paternalistic guidance, together with a supplementary principle of self-harm. The principle of non-maleficence is stated very much as it was set out by the modern natural law philosophers. Pufendorf, it will be recalled, formulated a principle which is nearly identical to Richards' principle of non-maleficence as the "fundamental principle of natural law" (cf Pufendorf, OHC, Chapter VI, 1). There is to be no cruelty, injury or killing, even of animals, except under specific conditions, according to Richards. The subsidiary principle of compensation requires that adequate amends and support be provided to any one who is hurt or injured in violation
of the principle of non-maleficence and that dependents be compensated in the event of a killing. The principle of mutual aid requires X to relieve Y's pain and injury, or even to intervene to prevent death if X is able to do so at only "slight cost" to himself. A subsidiary principle of gratitude enjoins Y to do something by way of satisfying the desires of X if X does act in accordance with the principle of mutual aid. Richards finds a large employment for gratitude, the typical response to a supererogatory act as noted by supererogationist writers, fixing it initially in his discussion of fairness, and recalling Sidgwick's contention that justice may be viewed as gratitude universalised. There is, says Richards, an obligation to return good which is an important feature of justice, as well as a duty to show it, in the current context.

The remaining principles under the general heading of duty are those of (1) consideration, and (2) paternalistic guidance, together with a supplementary principle of rational self-harm. The principle of consideration simply requires contractors to refrain from unnecessarily annoying or disturbing each other. The principle of paternalistic guidance is also straight-forward enough, as it enjoins contractors where appropriate, to help others to act rationally, "at no great cost." The supplementary principle, however, is rather more controversial, since it provides a justification of suicide. Richards holds that the reason why traditional philosophers always thought suicide immoral was because they had introduced theological concepts into their views of morality. He argues that "rational suicide" will help to secure what he terms a "higher lowest," an expression designed to serve as a value-indicator of desire-satisfaction, but which is otherwise not defined satisfactorily. Richards justifies the claim about the rationality of suicide by stating that contractors will place no proscription on persons (rationally) killing themselves, when this is justified by the prospect of a life of pain, bitterness, loneliness and neglect. This principle, he explains, is a simple consequence of maximizing of the contractors (i.e., choosing the "best worse" or least bad result); contractors secure such a "higher lowest" by permitting rational suicide. But Richards does not explain how the principles of supererogation can be used to alleviate if not eliminate some of the conditions that led to the condition where suicide was perceived as a rational alternative in the first place.
With this basic outline of Richards' theory in place, let us now see how he introduces principles of supererogation which would be naturally agreed upon by rational contractors working their way through the original position. Richards' principles of supererogation are of: (1) civility, (2) mutual respect and mutual love, and (3) beneficence. To the latter he attaches two supplementary principles of (A) mutual kindness, and (B) gratitude. All principles are either categories of praise or blame: the principles of blame, i.e., those which are breached if certain actions are not done, are those of civility, mutual respect and mutual love, mutual kindness and gratitude. The principle of beneficence is a principle of praise: actions taken in accordance with it fall "outside the bailiwick" as he says, of those actions which one can legitimately demand from others, and at least, blame them for omitting.

Richards explains that such "requirements" cannot be made standards of duty, by which he presumably means perfect duty, since coercion to ensure compliance cannot be justified. He holds that to require supererogatory actions as duties would "place too great a burden on people." He accepts Chisholm's definition of the supererogatory as that which it is good to do, but not obligatory to do. Thus, he accepts that ordinary acts of courtesy fit into this category. This is made clear by his statement of the principle of civility which holds that contractors are to observe a minimum level of politeness to others, given that containing idiosyncratic moodiness or ill-will involves only "a minor cost." In substantiating this principle, he notes that friendship is exempted from this description of ordinary social relationships and that the ordinary person typically observes this principle with "little or no cost."

The joint principle of mutual respect recalls Kant's kingdom of ends in no small measure, as the principle calls upon contractors to guide their dealings with others in accord with an equal respect for their mature competence to act morally. Richards notes that "mature competence" to act morally is not equally distributed, but that by accepting the principle, contractors hedge against the possibility of their own personal deficiencies. Richards explains that this principle is particularly aimed at pride, envy and jealousy, adding that it is almost completely derivative from Kant's injunction in the Metaphysics of Morals not to exalt oneself over others. The principle of mutual love, conjoined
with that of mutual respect, exhorts contractors to "show affection" for the characters and personalities of other individuals, because of their acts of duty and supererogation, rather than because of their physical characteristics alone.

The principle of beneficence, the only supererogatory principle of praise, requires a contractor to advance the interests of others if he judges them to be of a higher value than his own, "even if this should require the frustration of his own interests." Under this heading, Richards includes all "supererogatory" acts of commission involving benevolence towards others, all the way from minor kindnesses to the extraordinary actions of saints and heroes. Contractors will abandon the normal practice of adopting a maxim to gamble on beneficence since it is a supererogatory principle of praise; such actions secure the promotion of the interests of others and those performing actions which constitute necessary parts of "personal fulfillment and ideals." It is perfectly rational under such circumstances to frustrate one's own interests. To perform such actions may accord with various explanations of the "duty of beneficence" which is important for utilitarians as much as it is for Christian moralists. The value of the principle of beneficence, according to Richards, lies in the contention that it represents, as it were, the area of "moral grace" where persons may give what others cannot command.

The supplementary principle of mutual kindness simply posits that contractors return favours "at negligible cost" done to them by others under the principle of beneficence. The final principle - the subsidiary principle of gratitude - requires contractors to advance the interests of those persons who have advanced the interests of contractors. Richards states that contractors would agree to the justifiability of quite severe blame in enforcing this principle, short of actual coercion. Again, following Kant, who held gratitude as a sacred duty, i.e., whose violation can destroy the moral incentive of beneficence, Richards states that the importance of this principle should not be underestimated as it underpins many of the moral aspects of love and friendship. He completes his account by adducing a principle continuous with the one requiring gratitude for acts of beneficence, to require gratitude to be shown in return for acts of kindness.

Richards' account is at once sympathetic to the concept of supererogation,
but at times also both ingenious and ingenuous. His account of "showing love" is more inventive than it is philosophically satisfying and his comment that parents have no moral duties to their children after they are "grown up" would be challenged by many, including Shakespeare, Margaret Thatcher and Hazel Hawke, among others. The real value in his approach lies in placing supererogatory actions within the heart of the social contract. Richards has largely succeeded in doing this in regard to the supererogatory principle of praise - i.e. the principle of beneficence, as it is the only principle which would be accepted by unqualified supererogationists as falling squarely within the definition of either Schumaker or Heyd. Heyd, for example, discusses the principle of civility as an aspect of supererogation. But Richards, it is recalled, accepted Chisholm's definition, and was thus obliged to accept everything from acts of kindness to deeds of heroism as supererogatory, with no means of distinguishing within such a broad category the great from the trivial. That there is a better way to make such distinctions will be shown in Chapter Eight.

As noted above, Richards seems to have made supererogation something of a duty. It is a "requirement" as he says, although he disclaims that it has obligatory force. This disclaimer is weakly defended, however. By enclosing such a broad band of moral actions within his definition, and adding the identifying characteristic of the disutility of coercion, Richards has unwittingly included imperfect duties, together with supererogatory acts in his account. All these principles are to greater or lesser degrees "duties"; they are variously referred to by Richards as "requirements," or as actions "incumbent" upon contractors. The formulation of the principles of supererogation is hardly different from that of the principles of duty, i.e., "persons are to guide their behaviour" or "to do" something rather general in nature. Such are the precise characteristics of imperfect duties; they can be specified only rather generally, they cannot be enforced, yet they still have moral force and are incumbent upon moral agents. Furthermore, everything in Richards' scheme, except beneficence, is to obtained variously at "little cost," "slight cost," "minor cost," or at "negligible cost." Qualifications to this effect apply to the general principle of fairness and duty, as well as to the supererogatory principles of civility and mutual kindness.
As genuinely supererogatory by Heyd's definition, therefore, only Richards' principle of beneficence remains. Richards' final characterisation of it as "moral grace" accords well with Schumaker's account of "moral poise." Even so, the highest cost recognised by Richards in all his supererogatory principles, is that of frustration of one's interests in the context of beneficent actions by others. It would seem therefore, that Richards has set his "highest lowest" too low, and that a "high cost" account of supererogation, such as that offered by Peterfreund or McGoldrick presents a more adequate account of the "real cost" of supererogatory actions, in relation to their overall value.
Although supererogationist writers have been particularly active in recent years in their attempts to rehabilitate the notion of supererogation from theological doctrine and to reposition it within the context of modern moral philosophy, their efforts have been made against the current of two major philosophic currents of thought - that of Immanuel Kant, whose deontological approach definitively excludes the notion - and that of utilitarianism which also largely rejects the concept of supererogation. Both Kantians and utilitarians would hold that the concept of supererogation is a context-bound concept, and that "its meaning and occurrence depend upon the theory of obligation which one adopts" (Peterfreund, 1975, p. 153).

The Kantian system, for all its richness and complexity, seems reasonably clear about one point: supererogation has no place in it. Kant repeatedly warns against the excesses of "Schwärmeri," or over-enthusiasm which can lead to fanaticism, arrogance, self-love or superstition, all component parts of what he termed heteronomy of the will. Moreover, he argues comprehensively that the sense of duty is sufficient motivation for any action taken both in accordance with, and on account of, the moral law. The first part of this chapter examines the basis of Kant's claim to exclude the validity of moral concepts, including supererogation, which are inconsistent with the sense of duty and the categorical imperative, and discusses to what extent it is justifiable. The exposition which follows will show, through a systematic account of the relevant passages, that Kant's denial of supererogation is stronger in places and weaker in others, but that by recognising examples of supererogatory paradigms, he has left the way clear for the introduction of concepts which are at least not completely incompatible with his theory, even if Kant himself gave the idea very little currency, and indeed, sometimes appeared to be positively hostile towards it.

Similarly, utilitarianism has been, on the whole, unsympathetic to the concept of supererogation. A few voices have been raised in its defence,
principally by J.S. Mill, and by the newer school of negative utilitarianism but the typical utilitarian approach to supererogation has been to reduce supererogatory acts to duties. Generally speaking, utilitarian approaches to the question of supererogation are marked by thorough-going scepticism, if not out-right rejection. Utilitarians tend to see man as having an all-inclusive duty to produce the maximum good and interpret duty in terms of actions which, among all possible alternatives in a given situation, maximize good in the world. Acts of supererogation, i.e., those which exceed duty are, by implication, logically impossible because no-one can do more than maximize good in the world. The major tendency within utilitarian theory has been to reduce supererogationist claims to statements of duty. Rawls captured this situation nicely when he wrote that "it seems offhand" that utilitarianism cannot account for acts of supererogation. "It would appear that we are bound to perform actions which bring about a greater good for others whatever the cost to ourselves provided that the sum of advantages altogether exceeds that of other acts open to us" (Rawls, p. 117). The contrast is sometimes made between utilitarians, who generally share a relatively clear conception of what constitutes moral obligation, on one hand and with "romantics and daydreamers" preoccupied with the altruistic and courageous deeds of saints and heroes on the other. Peterfreund, for example, explains that "unfortunately, the romantic simply acknowledges such acts in a misty way and the utilitarian merely attempts, by word-games, to conceal them under the rubric of 'duty.' " (Peterfreund, 1978, p.54). Let us begin the case against supererogation by considering the views of the most prominent deontic theorist.
This chapter firstly reviews Kant's argument containing a strong case against supererogation which he presents in the Critique of Practical Reason, especially in Chapter III of the "Analytic of Pure Practical Reason" and the "Methodology of Pure Practical Reason." It should be noted that although Kant never mentions the concept of supererogation, he is concerned throughout with actions and explanations of actions considered by supererogationist writers as supererogatory. The development of the rigorous version of the letter of the moral law as expounded in the "Groundwork" is then reviewed in outline. This discussion of the rigorous statement of the moral law is followed with an examination of those passages in the "Metaphysics of Morals" which are of particular interest in widening his view of morality from the letter to the spirit of the moral law and which are relevant to the discussion of supererogatory themes. In both these sections, additional explanations and supporting material is provided from the "Lectures on Ethics." The chapter concludes by reviewing the question as to the ways in which Kant's reputation as an anti-supererogationist is justified and how it has been challenged by modern Kantian scholars. The exposition finds that the view supported by Urmson, Chisholm and Eisenberg, to the effect that there is no room in Kant's theory for supererogation is substantially sound and, by presenting the views of some contemporary Kantian scholars, shows that there are good reasons to regard Kant's exclusion of supererogation as a significant feature of his ethical system.

Kant's Approach

Kant's work in moral philosophy yields a vast body of analysis which testifies to his endeavour to define a priori principles of morality. Kant was
concerned with moral philosophy from the beginning of his work as a teacher and began lecturing in ethics as early as 1756-7 (see Schilpp, p. 8). He did not publish the Metaphysics of Morals, his major work in "applied ethics" as we would say today, until 1797, at the very end of his active career. Between these limits when Kant was at the height of his powers, he showed himself to be particularly concerned about the major issues in moral philosophy, as is evidenced by the perspective he retains on moral issues in the successive editions of the Critique of Pure Reason (1781 and 1787). Apart from the works mentioned above, Kant's most significant writings on ethics for our purposes are the Groundwork, published in 1785 and the Critique of Practical Reason, published in 1788. In addition, the collection of student notes published under the title of "Lectures on Ethics" provides useful indications of Kant's general thinking on these issues, although given their purpose and method of transmission, they are used in this thesis simply to illustrate or support points made elsewhere in the body of his moral theory. The Lectures on Ethics are variously estimated to date from the period 1775-80 (according to Schilpp, p. 8), 1780 (see Lewis Beck White, p. 14) or 1780-1 (see Gregor, p. xv).

The relationships between the Groundwork, the Critique of Practical Reason and the Metaphysics of Morals have been subjects of considerable scholarly discussion. Duncan, in opposition to a number of Kant scholars who thought the Groundwork to be the first systematic exposition of Kant's ethical theory, contends that the Groundwork was "conceived by Kant as a temporary and limited substitute for a critique of practical reason and that therefore... it is to be read as concerned above all with a discussion of how pure reason can be practical, and with the limits of practical reason" (Duncan, p. 38). Duncan also maintains that Kant's attempt to develop a pure moral philosophy is not to be found in the Groundwork at all, but rather in the Metaphysics of Morals. The relationships between the major works will become clearer as our exposition develops.

The major differences in outlook concern the Groundwork on one hand and the Metaphysics of Morals on the other. The difference between the two accounts is one of emphasis. Kant's rigorous exposition in the Groundwork is
balanced by a more generous approach in the Metaphysics of Morals. Heyd has described the distinction as if Kant set out in the Groundwork and the Critique of Practical Reason to establish the letter of the law, and in the Metaphysics of Morals to capture the spirit of the law. Duncan's work also supports this interpretation, as he cites Paton's comment that Kant's ethics reveal him as the philosopher "not of rigorism, but of humanity. Those who have read the section in the Metaphysics of morals entitled 'The Doctrine of Virtue' will appreciate the justice of this last remark" (Duncan, p.2).

A common thread running through all the ethical writings of Kant is the importance given to the concept of moral decision-making (see CPR, p. 162). In his pre-critical work, he posits the "goodness of the free will" as the foundation of the general principle of morality, a theme elaborated in the Groundwork, where he introduces it in one of the most celebrated passages in modern moral philosophy. The elaboration of the principle of the categorical imperative and how it could be given practical application as presented in the Groundwork and the Critique of Practical Reason was intended to furnish the structural outline to his system. The task of the Metaphysics of Morals is to provide content in a manner consequent upon, and in accordance with, the structure of the theory. This work, together with the Lectures on Ethics, represents Kant's approach to a system of normative ethics. His Critical works in ethics therefore constitute the Groundwork and the Critique of Practical Reason. The system of ethics is divided into a priori knowledge as is found in both the Metaphysics of Morals, and partly, in the Lectures on Ethics, and empirical knowledge to be obtained from the various sciences. Some material in the Lectures on Ethics falls into this latter category.

Although Kant approaches these works with different objectives, they are broadly supplementary. Nonetheless, in some respects, the results are surprising. His Critical works leave no room to account for the character defects of a miser, the arrogance of a scholar, let alone the abasement of self-abuse, although there are clear indications in the Lectures on Ethics that Kant's intentions were pedagogic in part from the beginning and that he is vitally concerned with the matter of character-building, because only through it
is virtue attained. This is a major theme of the Lectures on Ethics, which contains extensive passages on various types of duties to oneself.

Duty Alone

Teale, in his study of Kantian ethics, notes that the pietistic tradition of Kant's background was concerned, like Methodism, with personal perfection in the sense of freedom from sin and a life of good works. He also notes that Kant's earliest formulation of the principles of moral philosophy reflect a concern to strive for perfection. In his early work, the Prize Essay of 1761, Kant argues that the basic ethical principle "do the most perfect deed you can" is the primary, formal ground of all obligation to act and that taken together with the same formulation in a contrary form, i.e., "omit that whereby you hinder the greatest possible perfection," provides the formal basis for all practical philosophy. Teale insists upon the importance of Kant's task in this respect as reformulating the Golden Rule of Christianity (see Teale, p.16 and p.30). and especially in giving effect to the injunction of Christ in Mt 5:48 "to be perfect, even as your Father in heaven is perfect." Kant's theory as later formulated in the categorical imperative shows that he was very concerned, from the outset of his work, to take account of actions which go beyond the ordinary idea of what is prescribed, required or necessary, i.e., those which aim at perfection. They are included in his various formulations of the moral law, most particularly the fundamental law of pure practical reason: "so act that the maxim of your will could always hold at the same time as a principle establishing universal law."

The concern with perfection is also strongly upheld in the Metaphysics of Morals where Kant posits one's own perfection as an obligatory end. We are obliged to perfect our natural powers of the mind (such as reasoning logically), the soul (imagination and memory) and the body (necessary for the pursuit of all rational ends). "Natural perfection is a duty and so an end in itself" (MM, p. 231). But because perfection on all these scores is an inherently unrealisable ideal, and an end of action, there is a degree of latitude in how we pursue these ends.
Now Kant's concern with perfection, as matters beyond that which is prescribed, or required or necessary might well lead one to the belief that Kant recognises in some way the idea of supererogation. But this is not Kant's intention. The arguments which Kant uses to stress the duties of natural perfection are carefully used to promote moral perfection also, but Kant makes a sharp distinction between an action which is taken out of concern for duty (Handlung aus Pflicht) and actions which are merely in accord with duty (pflichtmässige Handlung). Actions which are not "aus Pflicht" may well be motivated by intentions indistinguishable from what he termed heteronomous motives which could easily degenerate into moral enthusiasm or "Schwärmerie." There is no place for supererogatory action in this account. Duties cannot somehow be more than the moral law requires. Non-duties which appear to have been taken out of concern for the moral law but which in fact are only in conformity with it can be betrayed by over-enthusiasm which leads to the perception that nothing is morally indifferent. Such attitudes he describes as ones which turn the sovereignty of virtue into tyranny (see MM, p. 408).

Kant's strongest arguments against supererogation are outlined in Chapter III of the analytic of Pure Practical Reason, entitled "The Incentives of Pure Practical Reason" in the Critique of Practical Reason (CPR). They are further elaborated in Part Two of the "Methodology of Pure Practical Reason." This discussion of the primacy of the categorical imperative as the determining ground of all morality is uncompromising; it admits of no exceptions on the basis of special factors, and is all-encompassing. Let us look more carefully at how Kant's argument unfolds.

Kant reminds us that mere mortals cannot be supposed to have wills incapable of any maxims which conflict with the moral law; their wills are not holy and therefore not capable of perfection, yet the pure moral law is constantly held before the eyes of mortals. "The utmost that finite practical reason can accomplish is to make sure of the unending progress of its maxims towards this model, and of the constancy of the finite rational being in making continual progress" (CPR,p. 32). This, he says, is virtue; it can never be
perfect because it is a naturally acquired faculty.

The autonomy of the will is the sole principle of all moral laws and of all the duties conforming to them; heteronomy of choice he holds to be opposed to the principle of duty and the morality of the will. The action of choice in moral decision-making must therefore be determined by the mere form of the law, with no account of intermediate, supervening factors and no account whatsoever of the consequences of such actions. Only the good will is good in itself, and not because of any of the consequences of any actions of the will. Personal happiness, as a heteronomous factor, is totally unsuitable as a determining ground of the will; when it is made so it results in the direct opposite of morality. Kant distinguishes between counsels of prudence (such as self-love) which merely advise, and the moral law which commands. One cannot really do more than act in accordance with, and on account of it, i.e., act "according to duty, and from duty" (CPR, p. 82). The force of this finding, Kant explains, is practical and simple - it commands unhesitating obedience from everyone. The concept of duty, he says, is readily understandable and will be willingly obeyed by everyone even when it might conflict with inclinations to the contrary. In a less than thoroughly convincing example of his meaning in this connection, Kant states that gamblers who cheat despise themselves when they compare themselves to the moral law, even if they may esteem their actions as taken in accordance with a counsel of prudence, such as self-love.

The categorical imperative is universal, omnipresent, the final criterion of all moral actions and the determining ground of the will in respect of all maxims upon which actions are taken. It is practical, that is, it pertains to moral action, not to theory, and is used by everyone. Duty is basic to all moral sense, including feelings of satisfaction. Nonetheless, such feelings of satisfaction in having taken actions in accordance with the supreme formal principle of the autonomy of the will are to be encouraged. It is in fact a duty, as he says, to establish and cultivate such feelings of satisfaction, which alone deserve to be called the moral feeling. But duty cannot be derived from it; true moral feeling follows from it and is only intelligible in this light. The moral law itself
is given as an absolutely certain fact of which we are all aware without reference to any knowledge acquired by empirical means. It has nothing to do with the enjoyment of life. Respect for the law i.e., the consciousness of free submission of the will to the law, is the sole moral incentive. In his famous apostrophe to duty (CPR, p.86), Kant claims that it is nothing other than personality - i.e., the freedom and independence from the mechanism of nature regarded as a capacity of a being which is subject to special laws (pure practical laws given by its own reason). The moral law is holy, requiring that persons never be used as means unless they are also treated as ends.

The concept of duty is so large, so all-inclusive as to eliminate all other possible motives and grounds of the will to action as valid reasons for acting, such that it would appear that there is no room at all for actions which surpass duty, i.e., actions of a supposedly supererogatory nature. How indeed can it be possible to universalise one's maxim or test its applicability in the Kantian sense, and still find more ethical "room to move?" Moreover, Kant specifically treats the two paradigms of supererogatory actions as discussed in Chapter One, i.e., volunteering and forgiveness, as duties taken out of respect for the categorical imperative. Even acts of love and sympathy, including volunteering, which supererogationist writers generally claim to be supererogatory acts are, for Kant, considered as derivative from subjective principles and hence constitute neither ground nor incentive to act morally. "It is a very beautiful thing," Kant says "to do good to men because of love and a sympathetic good will, or to do justice because of a love of order. But this is not the genuine moral maxim of our conduct... when we presume, like volunteers, to flout with proud conceit the thought of duty and as independent of command, merely to think of our own good pleasure to do something to which we think we need no command" (CPR, p.82). Such woolly thinking or blind actions of doing good do not, he states, stand under the discipline of reason. Duty and obligation, rather, are the only names which we must give to our actions under the law.

Forgiveness, it will be recalled, is a key supererogatory concept for both Schumaker and Heyd, but Kant states very clearly (CPR, p.19) that the
objectivity of the practical laws of reason, i.e., their validity for the will of every rational being means that forgiveness is a duty. Kant states "someone can take as his maxim not to tolerate any unavenged offense and yet see at the same time that this is only his maxim and not a practical law and that, if it is taken as a rule for the will of every rational being, it would be inconsistent with itself." He also notes that the doing of beneficent acts, another paradigm of supererogatory action according to proponents of supererogation, is in accordance with duty, and not therefore somehow above or beyond it.

Kant feels very strongly that temptations to go beyond what is required by the moral law are subjective and heteronomous. One major error he sees is the tendency to ascribe moral value to actions rather than to the reasons motivating them: "the mind is disposed to nothing but blatant moral fanaticism and exaggerated self-conceit by actions as noble, sublime and magnanimous" (ibid). People given to such actions (which could include actions considered supererogatory by supererogationists) are not so much motivated by duty as by considerations relating to their own merit. Motivation is likely to be morally deficient if the agent is moved not by respect for the law but by the desire to achieve merit. Such misplaced dispositions can be pathological, he says, meaning that they are the products of disordered minds. In such a manner of subjective goal-setting, people produce "a shallow, high-flown way of thinking, flattering themselves with spontaneous goodness of heart, neither needing spur nor bridle nor even command, and thereby forgetting their obligation, which they ought to think of rather than their merit" (CPR, p.85). For all actions which are praiseworthy, he continues, we must search until we find a law of duty which commands and "does not leave us to choose what may be agreeable to our propensity" (ibid).

Even sacrifice as a supererogatory paradigm detached from duty is rejected by Kant, who notes further that "certainly actions of others which have been 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 aroused feelings." The original text for "aroused feelings" is actually "Herzensaufwallungen"
which conveys a stronger sense of emotion, (literally "gushings from the heart" or "gushing emotion") than Lewis Beck White's translation.

Kant writes with power and passion (including aroused feelings, one might well add) on this point and there can be little doubt about his meaning. It is a savage attack upon those who would go about doing good according to their own private and subjective conceptions of what constitutes goodness, irrespective of the requirements of the moral law. What such people do may well have moral value, but only as such actions are taken out of respect for the moral law and not merely in accordance with it. The thought of duty, he adds for good measure, strikes down all arrogance as well as vain self-love; it is the supreme life principle of all human morality (ibid, p. 86).

At the end of the Critique of Practical Reason, Kant makes it clear that he wishes to exclude all supererogatory notions from his account of the moral universe. The pure moral motive, which he says is the sole ground of character, can be inculcated in young minds through the use of appropriate teaching methods. The founding and cultivating of genuine moral dispositions, he suggests, can be achieved through the use of Socratic techniques designed to oblige young people to search out the true moral motive in given ethical situations (see CPR, p. 153). Kant gives two examples which clarify his own views about the classification of supererogatory actions. One proposes that virtue is very costly indeed, as he suggests that all manner of suffering and even death itself may lie in the line of duty should, for example, someone have had to hinder Henry VIII in his attempts to rid himself of the innocent but powerless Anne Boleyn. The second example is that of the person whose duty requires him to rescue others from shipwreck, even at the cost of his own life. Kant remarks that the esteem for which we might hold such an action will be weakened by the concept of duty to oneself which, as he says, appears to have been infringed in this particular example.

Kant's contention is that such typically noble or magnanimous actions, however meritorious, or even "super-meritorious" (see CPR, p. 155) they may be, are not to be studied as models for young people. The point is a pedagogical one; it does not concern what one ought to believe, but what one ought to teach
the young. It is rather the influence of moral principles on the individual as the situation develops in danger, risk and complexity which in turn engenders "admiration, marvelling, veneration and the wish to change places with the model of this meritorious action" (CPR p.156). The basic problem is that heroic actions considered in themselves distinct from the moral qualities which led to their accomplishment invariably introduce heteronomous elements such as self-love, or as he says, any "flattering thought of merit." The gradual cultivation of the faculty of reason will lead to interest in the moral law and thus to morally good actions. Every good disposition can be grafted on self-respect, "for the consciousness of freedom is the best, indeed the only, guard that can keep ignoble and corrupting influences from bursting in upon the mind" (CPR, p. 161).

The Letter of the Moral Law

In order to see why Kant felt it necessary to make what is a very strong case against supererogation, it is appropriate to look more closely at his theory as it is presented firstly with "rigorism," to use the terminology of Paton, in the Groundwork, and then with "humanity" in the Metaphysics of Morals. Let us deal now with the essentials of Kant's presentation of his ethical views as he outlined them in the Groundwork. The Kantian moral teaching in this work is described by Heyd as Kant's account of the "letter of the law." Paul Lehman, the American theologian terms it the basis for Kant's theory of "absolutist ethical legalism." (Lehman, p. 124). A more apt description of it is that of "ethical formalism" (see Schilpp, p. 14), because as will be shown later in this chapter, Kant's theory as outlined in the Metaphysics of Morals presents a much less absolutist aspect than Lehman would have us believe.

The categorical imperative can be simply expressed in three different ways, proceeding from the individual, through other people to everyone, i.e., the totality of the system of ends. Firstly, one should apply the reasons upon which moral actions are based "across the board" to see if they can be applied universally, by everyone in similar circumstances: if not, then such reasons
should be discarded and new ones found and tested. Secondly, one should treat other people always as subjects and never as mere objects. Thirdly, because all individuals are completely free, one should treat all people as a free association of equals, or ends in themselves. The principle of morality is situated in the moral agent rather than with qualities inherent in conduct, or goals of conduct, such as goodness or happiness.

Only actions taken out of regard for duty, and not merely in accordance with duty, have genuine moral worth. The fact that the performance of certain moral acts may induce a feeling of happiness is of no consequence whatsoever in determining the moral worth of the action. At the same time, Kant recognises that some people are more inclined by nature to be righteous and at one point in the Lectures in Ethics he professes puzzlement about the development of unpleasant character traits. "It is difficult to explain what gives rise to a cruel disposition" (Lectures on Ethics, p. 223). Actions have moral worth only if they are taken because of a maxim expressing a duty: the moral worth of actions is not (repeat NOT) assessed in terms of the effects of these actions. It is not the outcome of the action that determines its moral value, i.e., the situation which obtains after the action has been taken, that is, whether positive results have been achieved or not which decides moral worth, but rather the reason which gave rise to the action in the first place. Motivation other than through the sense of duty is irrelevant to the value of moral actions. Kant explains this point by showing how reverence or respect for the law is a motivating force. He acknowledges in the Lectures on Ethics that the impulsive ground to action, following Baumgarten, is rectitudiv moralis, and that it has "driving force." Similarly, he argues throughout the Groundwork and the Critique of Practical Reason that duty is its own motivating factor.

The various statements of the categorical imperative which Kant employs are of particular interest. The first statement of the universal principle of morality is to act in ways for which the reasons for doing so could be applied universally. Kant considers the very difficult problem of truthfulness of great importance in this regard, although his treatments of the problem in the Lectures on Ethics and the Metaphysics of Morals vary somewhat from the
logically rigorous presentations of the problem in the Groundwork and the Critique of Practical Reason. Note that because morality is not concerned with the effects of actions, it is a priori. This does not mean that intended consequences are irrelevant for moral agents, only that the moral worth of actions does not depend on the outcome of such actions. Moral principles cannot be confused with empirical reasons for doing things.

Kant distinguishes between those duties directed towards ourselves and those which are directed towards others, as well as acknowledging the classification of perfect and imperfect duties. The latter distinction is important in terms of clarifying the concept of supererogation and will be explored more thoroughly, as Kant develops the theme in the Metaphysics of Morals. Mary Gregor holds that Kant's ethics, in contradistinction to his theory of justice, is "primarily a study of imperfect duties" (Gregor, p. 95), but that he broke from the conventional treatment of perfect and imperfect duties when he realised that, contrary to traditional teaching, some duties to oneself were actually perfect, not imperfect as had been conventionally taught. Kant specifies such perfect duties to oneself in the Metaphysics of Morals as those duties to refrain from suicide, self-abuse, intemperance in relation to man's animal nature, and from lying, avarice and servility in so far as he is a moral being.

By transferring actions from the category of imperfect to perfect duties, the concept of enforceability becomes a problematic one, simply because the core meaning of a perfect duty is that it can be permissibly enforced. Certainly Kant's concern with duties to oneself as outlined so extensively in the Lectures on Ethics, for example, testifies to his concern to strengthen the moral responsibilities of agents for their own moral development, but it is otherwise unclear why Kant felt he needed to transfer certain duties to oneself from the category of imperfect to perfect duty unless he viewed the conventional distinction as somehow "caduque," a conjecture supported by his views regarding latitude in moral action. There is no latitude in recognising and acting on perfect duties to oneself, whereas there is latitude in recognising and acting on perfect duties.
The next formulation requires man to treat his fellows never simply as a means but always also as ends, i.e., as subjects and not only as objects. "Act in such a way that you always treat humanity, whether in your own person or in the person of any other, never simply as a means, but always at the same time as an end" (Groundwork, p. 66). Only rational beings can be ends in themselves, but Kant asserts in the Lectures on Ethics that our duties towards animal nature are analogous to human nature and that our duties towards animals are merely indirect duties towards humanity. As for the rights of inanimate objects, and the rights of future generations, he states that no man ought to mar the beauty of nature, for what he has no use for may still be of use to someone else (ibid, p. 241). All morality essentially returns to our duties towards mankind. In the Metaphysics of Morals, Kant explains how it is that men have duties only to other men (MM, p. 242), noting that the error of amphiboly (i.e., confounding an object of pure understanding with an appearance) occurs if duties are ascribed to men on behalf of minerals, plants or animals.

The final formulation refers to the kingdom of ends which, if adopted by everyone, would, in the words of Warner Wick, "generate a community of free and equal members, each of whom would in the process of realising his own purposes also further the aims of his fellows" (Wick, p. xv). Wick's account however, overlooks the point that furthering the aims of one's fellows may require yielding somewhat in the realisation of one's own purposes. Kant's own formulation, "all maxims as proceeding from our own making of laws ought to harmonise with a possible kingdom of ends as a kingdom of nature" (Groundwork, p. 80) is therefore rather clearer. The reference to a kingdom of nature recalls the universal law of nature which was restated immediately after the initial formulation of the categorical imperative and seems to serve Kant's purpose in showing how the a priori moral law can be made practical. By kingdom, he means "a systematic union of different rational beings under common laws" (ibid, p. 74) and that the kingdom of ends accounts for the whole of his moral universe, of rational beings who establish the law valid for all freely of their own volition and who avoid conflict by treating each other never as objects, but always as subjects. The practical necessity of acting on this
principle, or the objective necessity to act from obligation, he reminds us, is
duty itself. These ends and the principle of their constitution have intrinsic
value, or dignity, quite distinct from the values or prices of things not
considered in themselves, i.e., as objects rather than as subjects. The dignity of
man, he then asserts, "consists precisely in his capacity to make universal law,
although only on condition of being himself also subject to the law he makes"
(Groundwork, p. 87). Wick actually compared the Kantian concept of the
kingdom of ends to a string quartet, but this example only illustrates a portion
of Kant's meaning. Using a musical analogy, one would have to consider an
orchestra as large as all mankind, playing from the same score without a
conductor for a purpose understood by all the musicians.

The Spirit of the Moral Law

This section shows how Kant adjusted the rigorous theoretical foundation
of the teachings of the Groundwork and the Critique of Practical Reason when
he came to consider issues of applied ethical concern, as opposed to
consideration of them from a theoretical a priori viewpoint. Duncan writes
that "we know that Kant intended some day to write a 'Metaphysics of Morals'
which would be an ethical treatise devoted to the examination of the purely a
priori aspect of morality. The idea of a pure a priori moral philosophy had
been in Kant's mind for some time before he wrote the [Groundwork].
Although we have reason to believe that Kant had this idea, he did not actually
publish the Metaphysics of Morals until shortly before his death, and the
published work does not appear to be quite what he had in mind" (Duncan, p.
177). The suggestion that Kant's arguments in the Metaphysics of Morals
represent his understanding of the spirit of the moral law is ascribed to David
Heyd, but it also coincides nicely with the account of both Duncan and Paton as
noted above.

Kant's task in the Metaphysics of Morals is to give substance to the
theoretical structure of principles developed in the Groundwork, defended and
justified in the Critique of Practical Reason. It is, as Lewis White Beck explains
the "goal" of his writing in moral philosophy (Lewis White Beck, p. 18), even though as Gregor states, the work itself is "almost completely ignored" (Gregor, p. xi). The Metaphysics of Morals is neither a critique nor a metaphysic of ethics, but rather what "we would call ethics in ordinary language" (Gregor, p. 3). The work is divided into the Theory of Justice and the Theory of Virtue. These two theories are distinguished from each other by the nature of incentives pertaining to each. The incentive of an ethical law is duty itself; most other incentives derived from inclinations are the province of jurisprudence, i.e. positive law and are hence within the province of the Theory of Justice. Ethical duties as outlined in the Theory of Virtue are internal, but of universal application subject to the categorical imperative; jurisprudence, as explained in the Theory of Justice, is concerned with external laws, not internal ones. The field of ethics is concerned with the pursuit of ends and as such is separate from but logically presupposes the work of jurisprudence. Kant distinguishes between two types of legislation - juridical and ethical, and between the duties appropriate to each - those of justice and virtue.

Kant defines duties of virtue as ends which are at the same time duties and names them as one's own perfection and the happiness of others. He cautions that they cannot be reversed because positing one's own happiness as an end in itself is an empirical principle and can never be regarded as a duty. Happiness may accompany duty but not in the sense of eudaemonia, but only as a peculiar kind of contentment in having discharged one's duty (Groundwork, p. 7, p. 91).

Although Kant's interpretation of the distinction between perfect and imperfect duties in the Lectures on Ethics was largely conventional in the accepted forms presented by Baumgarten, this analysis is greatly transformed in the Metaphysical Principles of Virtue, where Kant outlines the distinction between ethical duties of broad application and juridical duties of strict obligation. The fulfilment of broad duties is a merit, but their transgression is not an offence. Broad duties do not permit exceptions to maxims approved by the categorical imperative, but do allow the modification or limitation of one maxim by another.

Duties of virtue regarding individual perfection and those regarding the
happiness of others are both divided into categories of physical and moral well-being. The duty to promote all our capacities to the fullest is set before us as an end established by reason, but because it allows of broad application, reason cannot prescribe how far one should go in developing individual faculties. Similarly, it is a duty of virtue to sacrifice part of one's welfare for others without any hope of recompense, yet it is impossible to set limits on how much one should do. We are likewise enjoined to cultivate morality within ourselves not merely in terms of legality, but also in its broad application. Our duties to contribute to the happiness of others by promoting their moral well-being is also of broad application as there are no limits within which to care for the moral satisfaction of others. Every man possesses moral feeling, just as consciousness of obligation presupposes it.

As a matter of feeling, love for others cannot be a duty, as is the obligation to benefit mankind according to our capacity to do so. The second great commandment, (love thy neighbour as thyself) therefore, he interprets in the sense of beneficence which will induce a love of mankind. Virtue resides only in the attitude of will which posits universally valid maxims for action; "it is the moral strength of will of a human being in obeying his duty" (MM, p. 405). Although there are indeed duties of virtue, virtue in itself is not a duty because there cannot be a duty to possess it. Virtue is its own reward. (cf. MM, p. 377). Beck notes that without the two poles of sensuous inclination on one hand and pure rational principle on the other, virtue "could not arise" (Beck, p. 227).

Principal among the virtues is the requirement to maintain self-control, regarding which Kant states that its strength "is the mind at rest, with a deliberate and firm resolution to bring its law into practice" (MM, p. 409). But not everything is the subject of virtue or its opposite. Kant specifically leaves room for morally indifferent acts and situations (adiaphora), roundly chiding the over-scrupulous person who denies this classification and who "strews his steps with duties, as with traps" (ibid) and who can thus be accused of "schwärmerische Tugend" or "fantastic virtue" (ibid). This line of thought accords with his attacks in the Lectures on Ethics on the "monkish virtues" which accord roughly with the 'counsels of supererogation.' "Thus fasts and
pilgrimages and penance...are meant to evince man's readiness to what is commanded, but these are merely observances, devoid of moral quality, and they help no-one" (Lectures on Ethics, p. 104). Note that Kant's reference to these practices is in the same tone as Hume's account in his Enquiry Concerning the Principles of Morals in which he places "celibacy, fasting, penance, mortification, self-denial, humility, silence, solitude and the whole train of monkish virtues"... "in the category of vice" (op.cit. p. 219).

Kant explains that ethical duty must be considered broad, since no external laws have relevance and because ethical duties are based on internal laws for maxims, not external laws for actions, as in the case of the doctrine of jurisprudence. Mary Gregor points out that in the Handschriftliche Nachlass, "Vorarbeiten zur die Metaphysik der Sitten" H.N. (23), p. 385) Kant concluded that perfect duties to oneself according to their content do not belong to ethical duties at all, but to legal duties, but that, "in themselves" they belong to the Theory of Virtue (see Gregor, p. 116). In so far, however, as they relate to our "inner juridical duty" and concern prohibitions on our own person, they are to be considered as perfect duties, i.e., we have no latitude in recognising them and acting on them. They are not, however, considered as matters of jurisprudence or indeed of ethical duty, but rather as "derived from the first principle of all duty prior to its differentiation into the special first principle of juridical duty and that of ethical duty and that they therefore belong neither to jurisprudence nor to ethics, but rather to moral philosophy in general " (ibid).

Perfect Duties to Oneself

Kant introduces the concept of perfect duties to oneself by referring to the epistemology of the Critique of Pure Reason to explain how a person should regard himself both as a natural being possessing reason and acting in the world, (homo phenomenon) as well as endowed with internal freedom (homo noumenon). It is as homo noumenon that a man can be obligated to himself. Considerable attention is then given to the vices which stem, according to Kant, from man's animal nature (suicide, self-abuse and intemperance) and to those which arise out of his situation as a moral being (lying, avarice and servility).

His discussion of suicide in the Metaphysics of Morals is remarkably more
flexible than his account of it in the Groundwork, in which the problem is restated as to whether the principle of self-love can become a universal law of nature (Groundwork, p. 53). The absolutist position is also at odds with the casuistical treatment of the theme in his earlier discussion of it in the Lectures on Ethics, where he at least acknowledges one justifiable instance of suicide—the case of Cato. But in the Metaphysics of Morals he cites five other cases which seem to justify suicide under certain circumstances. There are structural difficulties with each example, however, and it seems that the cases as presented by Kant are still very largely intact. Three of the cases are in fact affairs of state, i.e., political questions rather than ethical ones in the strict sense most often used by Kant, and the two others are essentially medical questions regarding mental stability under conditions of extreme stress. Of course, many moral decisions involving "life or death" consequences are indeed taken under conditions of stress and instability. Perhaps Kant is showing respect, in these examples, for the human factor which many critics accuse him of burying under the logical and legal juggernaut of the categorical imperative.

Kant's treatment of self-abuse in the Metaphysics of Morals coincides with his views as set out in the Lectures on Ethics (Lectures on Ethics, p. 162). The frankness of these accounts contrasts markedly with the modesty of the strict accounts of duty given in both the Groundwork and the Critique of Practical Reason. His account of self-abuse, according to Mary Gregor, is particularly notable for the use of the teleological approach to condemn the practice. Kant begins his exposition in the Metaphysics of Morals by noting that sexual love is intended for the preservation of mankind, as a natural end, just as love of life is intended for the preservation of one's person. And yet, he does not use the teleological approach in dealing with either suicide or intemperance. Kant does however, use a teleological approach in describing the function of reason in Chapter One of the Groundwork (K.G.S., P. 395). Gregor also finds of interest in the casuistical questions the contention that the rational end of the sexual instinct is not limited to procreation.

The trilogy of self-abasement is completed by his account of intemperance. It is noteworthy that Kant considers gluttony more blameworthy than drunkenness because of the stimulation of the imagination provided by the
latter. Gregor suggests that Kant's criterion for deriving these perfect duties to oneself as a moral being with an animal nature is that the actions he identifies destroy or impair our natural powers and so our capacity for moral action.

Kant's discussion of perfect duties towards oneself as a moral being deals with the vices of avarice and servility. His discussion of lying is more reminiscent of the rigorous treatment given elsewhere, especially in the Groundwork. Lying he considers the greatest vice of a moral being which does not have to have harmful effects on others to be blameworthy, as is evidenced by "internal" lying or self-deception. Insincerity is a form of unconscientiousness and is also to be censured as it leads to untruthfulness. Unlike his treatment of vices stemming from man's animal nature, Kant offers no real casuistical insight into the problem of truthfulness. This contrasts with the extensive, sensitive treatment of the issue on the Lectures on Ethics where Kant deals with many of the superficial objections raised against his teaching.

Sport is often made of the ultra-candid person to show how Kant's argument is inherently untenable. But in order to preserve a measure of reserve in our dealings with others, Kant states that it is not necessary to wear our conscience on our sleeve or to advertise our faults. "No man, therefore in his true senses is candid...If all men were good, there would be no need for any of us to be reserved; but since they are not, we have to keep the shutters closed" (Lectures on Ethics, p. 224). Kant makes it perfectly clear in "Religion within the Limits of Reason Alone" that sincerity, or speaking the truth is of quite fundamental importance and that its lack "produces nothing but inward hypocrites" (op. cit.p. 178). "O sincerity," apostrophises Kant at the conclusion of this work, "thou Astraea, that hast fled from earth to heaven, how mayst thou (the basis of conscience and hence of all inner religion) be drawn down thence to us again? I can admit, though it is to be much deplored, that candor (in speaking the whole truth which one knows) is not to be found in human nature. But we must be able to demand sincerity (that all that one says be said with truthfulness), and indeed if there were in our nature no predisposition to sincerity, whose cultivation merely is neglected, the human race must needs be, in its own eyes, an object of the deepest contempt" (ibid). But Kant's examples in the Metaphysics of Morals in explanation of this point often seem trivial or
contrived. Many philosophers have criticised the fundamentals of Kant's teaching in this regard, perhaps none so effectively as the modern school of situation ethics.

Paul Lehman, approaching these issues from a Christian viewpoint, cites the position of Dietrich Bonhoeffer regarding truthfulness when he states "the more complex the circumstances of a man's life are, the more responsible he is; and the more difficult it is for him to tell the truth" (Lehman, p. 129). Lehman attacks Kant's ethical "absolutism" on the basis that the categorical imperative, or the "ought" factor, as he terms it, is not the primary ethical reality. Rather, the primary ethical reality is "the human factor, the human indicative, in every situation involving the interrelationships and the decisions of men" (ibid).

It is interesting that the duty of truthfulness is considered in the Lectures on Ethics to be an ethical duty towards others whereas in the Metaphysics of Morals, Kant classifies it as a duty towards oneself. Late in his career, he published a short paper defending his absolutist theory against the French philosopher Benjamin Constant who took issue with Kant's rigoristic approach to truthfulness, and proposed to amend the maxim of truthfulness so as to retain a duty to tell the truth only to those who have a right to hear it. By arguing that a man is responsible for the consequences of lying, but not of telling the truth, Kant concludes that no man has a right to lie, for truth cannot be given to some and denied to others, and also by showing that, if one breaks silence, absolute veracity is an unconditional duty.

This exchange prompted considerable discussion and comment which has continued to the present day. Jules Vuillemin, writing in Kant-Studien in 1982 supports Constant to the extent of suggesting that Kant's argument is valid only for holy wills in a holy society, i.e., where there is no danger of collision of duties, but that in the real world, such collisions do occur and that his system must be adjusted to accommodate such possibilities. Truth can, after all, be spoken out of malice, and anything but the spoken truth may well bring about substantial benefits for many people. Vuillemin suggests a restatement of the second version of the categorical imperative in approximate English but quite un-Kantian language as follows: "Act so that the maxim of thy will can always at the same time hold good as a universal law and thou beware lest another's
Vuillemin's interpretation however overlooks Kant's point that holy wills have no duties (Groundwork, K.G.S., p. 414). The consequences of this point is that Vuillemin would in effect be obliged to defend the idea that Kant's argument is valid only for wills that are under no obligations at all.

Kant's treatment of avarice is also noteworthy, if only because his discussion of this particular personality characteristic is as rich and detailed as Aristotle's description of its opposite, magnificence. It is at this point that Kant deals specifically with supererogatory ideas. He seems to accept the concept of "offence" as a permissible bad act, as contemporary writers such as Chisholm would define it, but does not find any validity to the idea that there may be any moral requirements beyond the fulfilment of duty. In reference to Aristotle's teaching of the Golden Mean, he finds it tautological to contend that one can do too much good and, more revealingly, also says that it is not good to do more or less than is good. One cannot do more than tell the truth: just as there is no sliding scale of vice and virtue, so is there no sliding scale between lying and truthfulness, although there may be one between frankness and reserve. Duties of virtue are of broad latitude in their interpretation and application. He who obeys the principles of virtue does so necessarily in greater or lesser degree as prudence prescribes, and may well thereby commit a fault (peccatum) or, as Chisholm would say, an offence, but does not commit a vice. Perfection is a goal to be sought after, but Kant recognises that its achievement exceeds human powers, introducing nonsense or fancy into the conception of perfect virtue. "For to be much too virtuous, i.e., to adhere too closely to one's duty would be like making a circle much too round, or a straight line much too straight" (MM, p. 433).

It is interesting to note that Kant equates imperfect duties with duties of virtue. "Imperfect duties... are only (duties of virtue). To fulfill them is much merit (meritum = + a; but to transgress them is not so much guilt, demeritum = - a as mere lack of moral worth = 0, unless the agent makes it his principle not to submit to these duties" (MM, p. 410).

Servility is a vice against the dignity of an individual. Humility is unacceptable except in relation to the comparison of one's actions with the
supremacy of the moral law. The fact that man is capable of internal legislation provides a sense of worth (valor), self-esteem and dignity, which in turn inspire self-respect. The humility of comparing oneself with other people in the context of the self-sacrificial nature of supererogatory acts cannot be distinguished in Kant's teaching from means to acquire the favour and regard of other people and as such can be rightly dismissed as exercises in hypocrisy or flattery.

Imperfect Duties to Oneself

Imperfect duties to oneself concern the responsibility to develop individual capabilities and talents of spirit, mind and body. How best to do this, to what degree, and in what measure are all matters of individual rational responsibility and therefore of broad latitude of ethical interpretation and free choice, unlike the strict duty to improve one's moral situation, or "heightening moral perfection" (MM, p. 446). The Pauline appeal (Philippians 4:8) to aspire to praise and virtue is a full, complete and sufficient duty in itself, however much it may be attended by a multitude of virtues of heterogeneous quality.

Apart from duties of perfect obligations, duties to others are all imperfect duties of love in the sense of general love for mankind, or benevolence, which comprises the elements of beneficence, gratitude and sympathetic feeling. They are directly opposed by the corresponding vices of envy, ingratitude and malice. It is a duty, he writes, to be beneficent, i.e., to be helpful to men in need according to one's means, for the sake of their happiness. The duty to help others in need requires no further justification than appeal to the categorical imperative under which the selfish maxim of refusing help would be contradictory to the desire to receive help when the need arose. It is interesting that he views beneficence as a requirement stemming from the injustice of government which systematically fails to guarantee adequate distribution of wealth.

Gratitude, which both Schumaker and Heyd posit as the natural and appropriate response toward acts of supererogation, is cast in quite another light by Kant, who sees the benefactor acting out of general love of mankind, mirrored and matched by the obligation of the recipient who is, in turn, enjoined by duty to express gratitude for the benefit conferred. Gratitude and
philanthropy are two sides of the same coin. Benefits received are not in this case to be treated like favours which imply debts, but are to be accepted as the completion of a morally good deed.

Finally, Kant explains that it is correct to show sympathy for others generally and to share feelings beyond mere dispositions to participate vicariously in positive aesthetic experiences of other people. It is not, however, a duty to share the sufferings of others, for then two or more parties instead of merely one suffer. Such avoidable suffering he roundly condemns as soft-heartedness (Mitleidenschaft) or commiseration, which is to be distinguished from Mitleid, or compassion. This soft-heartedness, it could be argued, on behalf of Schumaker, is precisely that state of mind which gave rise to some of the more trivial varieties of supererogation, and, just possibly, some of the less trivial varieties, in the first place. As a surprising consequence, Kant's form of rational morality requires that people, as a duty, not avoid places where the poor are to be found; indeed, we are, rather, to seek them out (see MM. p.427). The natural feeling of compassion, he says, may be more fully experienced under these conditions and was "placed in us by nature for affecting what the representation of duty might not accomplish for itself " (MM, p. 458). In his discussion of the corresponding vices - envy, ingratitude and malice, he warns against the weak toleration of wrong-doing by others against one's own interests, thereby abandoning one's rights and violating one's duty towards oneself.

Is Kant Anti-supererogationist?

It is clear that Kant's arguments have been considered to be thoroughly anti-supererogationist by supererogationist writers. The foregoing work in this chapter examined the rigorous framework of his theory and his major attempt at applied ethics to determine the strength and origins of his anti-supererogationist views. It was noted that whenever an opportunity arises in the exposition of his theory where it would be appropriate or useful to introduce the concept for the sake of completeness or to avoid some obviously counter-intuitive conclusions, such as those which would impose moral heroism
as a matter of duty, he either rejects the invitation or issues stern admonitions against personal presumption or making individual interpretations of what might be good, i.e., going ahead and undertaking actions which might be "super-meritorious" or presume to reflect a superabundance of virtue. Note was also made as to how in some passages his rejection of supererogatory concepts is vigorous, resolute and in at least one passage, is also done with a show of temperament. It now remains to examine Kant's arguments with a critical purpose, in order to determine whether the contention that his account leaves no place for a concept of supererogation is supported by modern Kantian scholarship. To this end, the views of a number of contemporary writers on Kantian moral philosophy will be reviewed. Heyd's assessment of two ways in which Kant dealt with supererogatory concepts is particularly relevant, as is Robert B. Louden's discussion of the importance of character-formation for Kant. The chapter concludes with an examination of the attempt of T.C. Hall to find a place for supererogation within Kant's theory in light of recent contributions on the theme by Marcia Baron and Richard McCarty.

Heyd states that Kant saw supererogation as a challenge to his system, noting that while he did not adopt Luther's views on the matter, he was, nevertheless, strongly influenced by the Protestant reformers in his denial of supererogation. Heyd notes various references in Kant's works to supererogatory paradigms (for example, forgiveness, sacrifice, volunteering and love), concluding that because of these admissions, Kant is not as rigorous an anti-supererogationist as would initially appear, or at least as he is thought to be by many supererogationist writers. Heyd also recognises, as indicated above, that Kant's views in the Groundwork (published in 1785) and the Critique of Practical Reason (published in 1788) are much more rigorously anti-supererogationist than his treatment of supererogatory themes and concepts in the Lectures on Ethics (ca 1780) and the Metaphysics of Morals (published in 1797). Heyd claims that Kant's solutions to the problem of rendering compatible the claims of reason for law on one hand and the drives of pietism towards perfection on the other, involve him in two separate operations, both of which render supererogation harmless. In one operation, Kant reduces supererogation to duty, as in the unambiguous obligation to defy
a tyrant even at the cost of one's life, and in another operation, he extends the scope and meaning of duty to include supererogatory actions. While these sound like two aspects of the same thing, i.e., expanding the concept of duty at the expense of anything beyond it, Heyd distinguishes them on the basis that the former is more anti-supererogationist than the latter. The former view, as McCarty has expressed it, makes saints and heroes "undistinguishable from a moral viewpoint" (McCarty, p. 43): the latter requires us to perform heroic actions in the line of duty. Both lines of reasoning are present in Kant's theory.

The traditional Kantian teaching, that is, the rigorous theory of the Groundwork and the Critique of Practical Reason is anti-supererogationist, according to Heyd, because the three conditions of moral actions involving (i) obligations, (ii) universalisability, and (iii) duty as a motive, are all separately incompatible with supererogatory actions which must be (i) permissible, (ii) non-universalisable, and (iii) which in fact are done from a variety of motives. Supererogatory actions, notes Heyd, cannot be obligatory; it is a special feature of such actions that they cannot be commanded or required. Nor can they be applied universally; if everyone were to take risks to the point of losing one's life, surely this would be self-contradictory in Kantian terms. As for the motives of supererogatory actions, they can in many cases only be characterised by what Kant terms spontaneous inclinations or other subjective criteria conforming more with what he understands as moral "Schwärmerei" than ethical behaviour. Kant recognises, says Heyd, that super-meritorious actions involve achievement in difficult situations, but Kant teaches that it is always difficult to perform a moral act when opposed by inclinations.

The second method Kant uses to avoid having to deal with the idea of supererogation is to extend the meaning of duty by dividing it into two parts: juridical duties and duties of virtue. Duties of virtue go beyond duties of justice and exclude legal considerations as reasons for either their commission or omission. Neither supererogatory acts nor duties of virtue can be required or commanded externally. But there can be no room for supererogation if it is perceived as involving no duties at all. By thus extending the concept of duty to include most actions which supererogationists would include as paradigms of supererogation, Kant has adopted what Heyd terms a "more refined way of
expressing an anti-supererogationist view - a way which recognises the moral value of allegedly supererogatory acts, but does so only on the condition that in the final analysis they are treated as obligatory" (Heyd, p. 49). Kant, it will be recalled, specifically treats charity as a duty, as well as benevolence, and also holds that if everyone always acted in accordance with the strict principles of justice, there would be no misery apart from illness and misfortune. Even so, of course, some misery would still exist which would allow the duties of virtue to be brought into application.

But Heyd also discerns distinctions in Kant's later writing, particularly in his treatment of wide and narrow obligations in the Metaphysics of Morals, which are at least compatible with supererogationist views. Narrow duties are perfect, whereas wider duties are imperfect and, as noted previously, all supererogatory actions are ostensibly imperfect. But Kant also explains that the closer one brings the maxim of one's wider duty towards the narrow law, so much more perfect is his virtuous action. The more completely, therefore, one fulfils one's imperfect duty, the more virtuous one becomes.

Heyd concludes his discussion by noting that Kant has been unable to resolve the tension between a deontological theory on one hand, and a morality of virtue on the other, and that he oscillated from reluctant recognition to full-scale rejection of supererogatory acts.

This finding is complicated somewhat when it is recalled that Kant also held virtue to be a matter of character. An interesting contemporary interpretation of Kant's views on this issue has been elaborated by Robert B. Louden, who maintains that it is quite incorrect to consider the Kantian system as entirely geared to moral decision-making. There is ample evidence in Kant's works, notes Louden, that Kant valued character very highly indeed, and that his views on the importance of character serve to strengthen the position of "agent ethics" as opposed to "act ethics" in interpreting Kant's moral philosophy. The methodology of the Critique of Practical Reason attests to pedagogic intention and the Lectures on Ethics as well as the Metaphysics of Morals provide significant evidence of the importance placed by Kant on character formation. Interestingly, similar concerns are also shared by modern philosophers both working within a general neo-Kantian framework, such as
John Rawls, and by G.R. Grice who, as noted in Chapter Two, contends in his analytical account of moral obligation that the truth-value of a proposition dealing with what he terms "ultra-obligations" (i.e., those which Kant would include under the heading of imperfect duties, some of which would be considered as supererogatory by Schumaker or Heyd), depends upon the character of the moral agent.

Kant's insistence that the only unqualifiedly good thing is the good will is instructive in this regard. Louden also notices that the references to strength or fortitude of will in the Metaphysics of Morals refer not so much to the ability of accomplishing goals one sets out to achieve, as to the sense of mastery over one's inclinations and constancy of purpose in achieving self-mastery. Louden quotes Kant in his "Idea for a Universal History from a Cosmopolitan Point of View" as saying that "everything good that is not based on a morally good disposition... is nothing but pretence and glittering misery" (Louden, p. 473). This point seems to be supported by the scathing remarks Kant reserves in both the Lectures on Ethics and in Religion Within the Limits of Reason Alone for scoundrels who repent on their deathbeds. Although Kantian virtue is subject to the moral law, Louden contends that the obedience to rules which Kant requires is not to be interpreted in a narrow-minded pharisaic manner but in a broader, classical sense of living a life according to reason. The virtuous agent is one who follows the rules out of respect for the idea of rationally legislated law. But "the rules" which serve as action guides are intended most fundamentally as guides for life as a whole. Furthermore, notes Louden, Kant's teaching in the Metaphysics of Morals that the ends of dutiful actions, i.e., maxims to pursue general, long-term goals, namely one's own perfection and the happiness of others, make clear his underlying concern for moral character.

T.C. Hill has attempted what, in light of the preceding discussion, must be seen as a truly heroic task, namely, to reconcile the view that Kant has quite specifically, not merely incidentally, rejected supererogation with the possibility that supererogatory actions can, in fact, be included in the "subclass of acts which fulfill principles of wider imperfect duty" (Hill, p. 71). Hill argues that the best candidate for a supererogatory act within the Kantian
system would be one which: (a) is commended by the principle of wider imperfect duty; (b) is motivated by a sense of duty (or, perhaps, respect for moral reasons); (c) is neither forbidden nor required by another more stringent duty and there is at least one alternative that is neither forbidden by more stringent duty nor commended by other principles of wider duty, and (d) is done by an agent who has adopted the relevant principle of wider imperfect duty and has often and continually acted on this principle (see Hill, p. 72).

Hill asserts that this formulation shows that it is far less misleading to grant that Kant allows for supererogation than to deny it. Hill produces a trivial example (doing a favour) to support his claim, arguing that a Kantian form of supererogatory action, i.e., one which is non-obligatory but praiseworthy would have the same formal structure as ones proposed by Chisholm or Feinberg, viz, an act good to do but neither good nor bad not to do.

Hill’s thesis is an interesting one for several reasons, not only because it seems to be so inconsistent with our understanding of Kant’s teaching on the subject. Yet Hill has isolated the very points of Kant’s system where supererogatory actions could be included. But it is unlikely that such an interpretation accords with Kant’s own views on the issue. If there is a duty to risk one’s life to rescue shipwrecked souls, then it is hard to see how something beyond such an all-inclusive sense of duty is possible, even if there is no conflict with another duty, such as the duty to preserve one’s own life. As for conflicts between duties, Kant teaches that they are inconceivable. The concept of duty expresses the practical necessity of certain actions, and two conflicting rules cannot both be necessary at the same time: "...if it is our duty to act according to one of these rules, then to act according to the opposite one is not our duty and may even be contrary to duty" (MM, p. 223). Kant admits however that there can be two grounds of obligation... "both present in one agent and in the rule he lays down for himself. In this case, one or another of these grounds is not sufficient to oblige him... and is therefore not a duty" (ibid). But the most serious deficiency with Hill’s argument is that it reduces supererogatory actions to the status of duties.

Marcia Baron also rejects Hill’s reconstruction of Kant’s argument in a recent paper. She concludes that Kant would reject Hill’s formulation because
it would have the effect of romanticising heroic acts, a measure which he explicitly rejects in the Methodology of the Critique of Practical Reason. The notion of duty is weakened by romantic enthusiasm for actions called "noble, magnanimous and meritorious" (CPR, p. 141). If identified with such heroic deeds, morality itself would come to be thought of as "a sort of spectator sport, or as a profession" and would become a matter for those with "a special gift for it, but which would be beyond the reach of most" (Baron, p. 246). This is, of course, antithetical to Kant's teaching that the moral law applies evenly to all, and is within the ability of all.

Baron also claims that a concern with supererogatory acts might lead people to substitute them for dutiful ones, e.g. by "offering some surplus cheese to the poor, rather than to work to alter the conditions that make poverty and inequality social conditions" (ibid, p. 247). She defends Kant against the incursions of supererogationists such as Hill by extrapolating from the relevant Kantian texts to attack the optional nature of supererogatory acts. "It invites what might be called "yuppie" ethics, for it introduces a division, a fence around what "I may choose, as I please," separating it from what I "have to" do. I have done my duty (conceived, following Hill's suggestion, more narrowly than Kant wanted it): now my time, my choices are all mine (except of course, for the constraints of perfect duties) "{ibid, p. 249}. But of course, all this is out of line with Kant's teaching which in no way restricted the notion of duty. Imperfect duties may be of latitudinal application, but they are open-ended in that we all have an imperfect duty to perfect ourselves morally.

Baron concludes that the Kantian analysis is essentially sound and that Kant was right to include supererogatory acts within his category of wide imperfect duties. She also notes, however, that the specific features of supererogatory actions identified by supererogationist writers which are not adequately accounted for under the Kantian rubric of wide imperfect duties are "better captured by evaluation of character than by recognising a special category of actions that go 'beyond' duty" (ibid, p. 262). She does not recommend that the notion of "supererogation" be eliminated from the philosophical vocabulary, if only because without it, exceptional acts can only be accounted for in terms of the character of moral agents, but notes that "everything we want to capture
with the term 'supererogatory' is better captured by talk of imperfect duty and talk of virtue" (ibid).

The most recent contribution to the ongoing debate about Kant's moral theory and supererogation is that of Richard McCarty who agrees with Baron that supererogation is not compatible with Kant's ethical system, but that an analysis of Kant's theory of aesthetics, particularly his concept of the sublime "may confer a quasi-moral status on some actions which are good in a relevant sense, though not morally obligatory" (McCarty, p. 43). McCarty claims that unless we recognise reasonable limits to moral obligation, Kantian virtue is "fantastic, but that admitting such limits entails the possibility of surpassing the limits, of acting beyond the call of duty" (ibid, p. 44). He criticises Hill's approach to the problem as it purports to construct a Kantian theory of supererogation, an inherently fruitless task. Such an enterprise must fail on the basic point that supererogatory actions are not duties, but only duties have moral value in the Kantian system. Hill's second condition (see Hill, p. 72) holds that a possible supererogatory action would have to be "motivated by a sense of duty (or, perhaps, respect for moral reasons)." McCarty contends in straightforward fashion that if an action is an agent's duty, then the action cannot be supererogatory for Kant, or indeed for any proponent of supererogation.

But McCarty notes that acts considered supererogatory by supererogationist writers would be included in the Kantian category of wide imperfect duty. The real problem is to classify actions which surpass the reasonable limits of even wide imperfect obligations, of duties of virtue, a matter which McCarty resolves by concluding that Kant's wide imperfect duties do have indeterminate and surpassable limits, but that acting beyond these limits has no moral worth in Kant's system, because there is no action "aus Pflicht" in such a zone of moral action.

McCarty recognises in Baron's account her suggestion that Kantian ethics can account for the status of saints and heroes by acknowledging their virtues but that her focussing of attention on the character and virtue of moral agents merely relocates the problem of supererogation in Kantian theory, but does not solve it. McCarty states that neither interpretations of wide imperfect duty nor
Kantian virtue provide adequate accounts of heroism and that on this basis, Kant's theory must be recognised as containing a shortcoming which might be strong enough to cause one to reject Kantian ethics altogether. McCarty does not do so however, because, as he notes, Kant recognised "the intuitively evident harmony and mutual support of different realms of value," and that his aesthetic theory which acknowledged the 'sublime' could be extended by analogy to include the 'supererogatory.' But by analyzing Kant's concepts of the sublime, he finds that the distinguishing characteristic is the movement of the mind from finite sensible representation to transcendent reason. But the 'analogy' between moral feelings and the sublime is striking. "In the one case we are humiliated by the law of reason when our selfish inclinations are checked, and in the other case by the sense-defying magnitude and might of nature. Yet immediately, in both cases, we are confronted with the transcendence of the natural world through reason, - in a word, our freedom" (ibid, p. 48). The difference appears to be only that whereas respect for the moral law is combined with an interest in action, the feelings of the sublime are merely contemplative.

The relations between moral feelings and the feelings of the sublime, then, states McCarty, "may not be an analogy at all, but an identity and that the same feeling is stimulated by both the starry heavens above and the moral law within" (ibid). But given the "affective" nature of his proposal, and the appreciation that the uplifting deeds of saints and heroes inspire disinterested admiration and sublime feelings, this account could not be fully justified on moral grounds in Kantian terms. "I suggest that the 'moral status' supererogation enjoys is not Kantian moral worth but, from a Kantian viewpoint, it is the 'quasi -moral' status of Kantian sublimity, an aesthetic category closely related to morality through its stimulation of moral feeling" (ibid, p. 49).

McCarty's contribution confirms that of other philosophers whose views have been cited, with the exception of Hill, who believe that a supererogationist account of Kant's ethics is unwarranted. The suggestion that supererogation is more than simply analogous to sublimity represents a valuable insight into the relations between the major realms of value in Kantian thought, but it obliges scholars of moral philosophy to enquire more closely into Kantian aesthetic
McCarty notes that it is part of Kantian virtue "to know when duty calls, and when it is silent, to gauge the limits of obligation with good judgement. Unless we recognise reasonable limits to moral obligation, Kantian virtue is 'fantastic'" (ibid, p. 44). But Kant's concern about the problem of 'fantastic virtue' was that it arose in the context of a rejection of the morally neutral. It is not so much a case of recognising "reasonable limits on obligation," as it is of determining what is obligatory and what is not. Kant's parallel concern with moral fanaticism was based on the error, to his mind, of mistaking the action itself as the source of moral value, rather than the intention of the action. Kant seems to have been more concerned about countering the former tendency than he was about the latter. This is especially notable in his condemnation of the "shallow, high-flown fantastic way of thinking" which results when well-meaning people confuse merit with obligation (CPR, p.86).

There seems no alternative, therefore to accepting that Kant is anti-supererogationist, and that any attempt to restructure a supererogationist account of morality cannot be successful if it is based on classical deontic theory. Let us complete the case against supererogation, however, by seeing how the issue has been dealt with by utilitarianism.
This chapter shows that the classical utilitarian writers were radically anti-supererogationist in outlook, and that this orientation was generally maintained by later writers in the utilitarian tradition. Confirmation is provided in support of the accepted opinion that utilitarianism is, for the most part, strongly anti-supererogationist in orientation, and that the most effective attacks on supererogationist views are mounted by utilitarians in this light. There is a variety of opinion, however, within utilitarian thought as to how strongly supererogationist views need be opposed. The views of classical utilitarian theorists, such as Godwin and Bentham are examined, particularly in light of their rigorously reductionist treatment of the subject, that is, their tendency to reduce what could be termed supererogatory acts to obligatory ones, i.e. to duties. It is noted that the classical utilitarian theorists are, to a considerable extent, supported by contemporary writers, especially Christopher New and Peter Singer. Other major utilitarian theorists however, such as Mill and Sidgwick, acknowledge the importance of supererogatory acts, at least as such actions would be defined by supererogationist writers, even if they do not recognize a class of supererogatory acts beyond duties. Mill seems partial to the concept in various writings and Sidgwick also treats the issue sympathetically in a number of passages. Mill's views in support of supererogatory themes seem somehow poorly related to the body of his work however, and there is a legitimate doubt that these views can be satisfactorily made to accord with his comprehensive accounts of utilitarianism. Sidgwick's conclusion that, however interesting the subject-matter of supererogation may be, a reductionist approach is required by utilitarianism, is thoroughly discussed. The chapter concludes with a discussion of the claims of negative utilitarianism which seems to allow for a limited type of supererogatory action in the need to alleviate pain and suffering of others.
Radical Anti-supererogationists

The early utilitarians were strongly anti-supererogationist in their outlook. William Godwin, in particular, is cited by one modern writer as a "radical anti-supererogationist" (Cooper, p. 164). Godwin took particular pains to stress that individual happiness is absolutely of the same value for all individuals and that there is therefore no reason to prize one's own happiness over that of anyone else. Drawing upon the intellectual resources of non-conformism and the French Revolution, Godwin strove to establish rational, non-emotional principles of morality. This conviction led him to the controversial conclusion that, faced with a choice of saving Fénélon, Archbishop of Cambray from a fire in his palace, or his valet, he would have saved the archbishop even if the valet had been his own father or brother on the grounds that greater happiness would have resulted in so doing (see Godwin p.70). He does not address the issue of whether Archbishop Fénélon would himself have risked his life to save his own valet. Note that it was apparently believed at the time that Godwin's father, if not his brother, as well, were notorious drunkards. For Godwin the choice was to favour utility at the expense of affection. Opposition to his stand at the time, and later of course, was predictably vigorous. Godwin's approach was comprehensive and sweeping: "the end of virtue is to add to the sum of pleasurable sensation. The beacon and regulator of virtue is impartiality, that we shall not give that exertion to procure the pleasure of an individual, which might have been employed in procuring the pleasure of many individuals" (Godwin 1946 p. 493). Godwin specifically excluded the first and most typical supererogatory paradigm discussed by Schumaker when he stated that "it is impossible to confer upon any man a favour; I can but do him a right " (Godwin II, ii).

Pleasure for Godwin is part of that which makes up the good, which also includes the means by which pleasure is secured. "Evil is a general name, including pain, and the means by which pain is produced" (Godwin p.79). But we are to decide upon their merits in the same way as we would in deciding the merits of inanimate substances. "The turning point is their utility "(ibid p. 83). Although he recognises the importance of moral "capacity" in an interesting
manner, Godwin is perfectly clear about the importance of results. "Intention is of no further value than as it leads to utility." Duty, he says, is "...that mode of application on the part of an individual, which contributes the best possible application of his capacity to the general benefit; duty is uniform and requires of us that best appreciation in every situation that presents itself" (ibid).

Not surprisingly, just as Godwin eliminates all possibility of supererogatory action, by maximizing the strength of duty, he also denies that offenses are possible by showing that it cannot be the duty of anyone to do anything detrimental to the general happiness of all. "There cannot be a more absurd proposition, than that which affirms the right of doing wrong" (ibid, p.88).

Godwin's treatment of certain types of moral actions of interest to supererogatory theorists (sincerity and benevolence) is straight-forward in the utilitarian manner. Sincerity is recommended because "...it's intimately connected with the general dissemination of innocence, energy, intellectual improvement and philanthropy." But sincerity is prized above other virtues because "...once introduced into the manners of mankind, would necessarily bring every other virtue in its train." (ibid p.192). But sincerity itself can be suspended, exceptionally, whenever a manifest evil arises from disclosing the truth.

In a short passage on cooperation, Godwin assesses that quality of supererogation which has the effect of resolving conflict and restoring relationships but rejects it as an operational moral principle because it gives injury to personal development. Since the proper method for hastening the decline of error is to excite every man to think for himself, "...everything that is usually understood by the term cooperation, is, in some degree, an evil.... If I be expected to eat or to work in conjunction with my neighbour, I must be either at a time convenient to me, or to him, or to neither of us. We cannot be reduced to a clock-work uniformity." Hence it follows that "...all supererogatory cooperation is carefully to be avoided" (ibid, p. 301). In its place, Godwin substitutes an idea of managerial improvement--"when we recollect the complicated machines of human contrivance, various sorts of mills, of weaving engines, steam engines, are we not astonished at the
compendium of labour they produce? Who shall say where this species of improvement must stop?" (ibid). Who indeed?

Godwin's call to the judgement, indeed the omnipotence of reason is clear enough, but there are instances when his treatment of it, particularly in relation to feeling, emotion and passion is not as straightforward as is his appeal to rational principles of inquiry. He states in conventional fashion that it is the function of reason to assess actions independent of emotional bindings and that passions cannot be counter-balanced by anything other than passions, but that the requirement of impartiality demands the full exercise of the faculty of reason. At the same time, he argues that "... reason is nothing more than a collation and comparison of various emotions and feelings," (ibid, p.250) even though such feelings cannot be arbitrary or inappropriate to the question at issue.

Hector Monro, in his account of Godwin's moral philosophy, explains how feelings can be used as the basis of moral reasoning provided we have significant knowledge about the way in which we perceive them. Monro gives an example: "I may readily agree that it is a bad thing that millions of Asiatics should be starving and that I ought to do something about it. But in practice I probably won't... But now suppose that an Asiatic comes and starves on my doorstep. It seems reasonable to say that the sight of his suffering touches my emotions as the mere abstract knowledge of them does not" (Monro p. 31-2). Knowledge, he says, becomes perfect when emotion is brought forward to rational consciousness.

Godwin's thorough-going utilitarian approach retains some contemporary favour. Peter Singer has further strengthened this concept of absolute equality of individual needs in such a striking fashion as to even question the very distinction between duty and the virtue of benevolence, which was never questioned by Godwin. Singer contends that "...if it is within our power to prevent something bad from happening, without thereby sacrificing anything of comparable moral importance, we ought, morally, to do it" (Singer, p. 231). Singer rightly notes that the uncontroversial appearance of this principle is deceptive because it could fundamentally change society if acted upon in a reasonably consequential manner. On the basis of impartiality (following
Godwin and expanding on Monro's example), universalizability and equality, Singer argues that we cannot discriminate against some people (e.g. thousands of famine victims in Bangladesh) simply because they may be far away from us, or we from them. Nor does the principle make any distinction between cases "...in which I am the only person who could possibly do anything and cases in which I am just one among millions in the same position" (Singer, p. 232).

Whether few or many people respond to genuine appeals for emergency assistance, the strength of the obligation to do so is in no way lessened.

He rightly notes that this formulation of our moral requirements upsets traditional moral categories. "The traditional distinction between duty and charity cannot be drawn, or at least not in the place we normally draw it." (Singer p. 235) By reducing charity or at least most recognizable forms of it to duties of one kind or another, Singer is then forced to contend that all of us are in some manner obliged to be moral heroes. In fact, he willingly espouses this view, notwithstanding its rather obviously counter-intuitive implications. "It follows that...we ought to give money away rather than spend it on clothes which we do not need to keep us warm. To do so is not charitable or generous. Nor is it the kind of act which philosophers and theologians have called "supererogatory" - an act which it would be good to do, but not wrong not to do. On the contrary, we ought to give money away, and it is wrong not to do so " (Singer p. 235).

Supererogatory paradigms become for Singer matters of duty, although Singer does not claim that there are no charitable acts. In fact, it is less clear that Singer is arguing the philosophical primacy of duty over charity than he is arguing against the notion that an act of charity takes place when a man "...living at the level of affluence which most people in developed nations enjoy gives money to save someone else from starvation" (Singer p. 235). He does not clearly raise the possibility of abolishing the distinction between duty and charity altogether, but does not exclude the case that it may be redrawn elsewhere. He suggests, without supporting argument, that the line might be redrawn, possibly on the criterion of making people happy - i.e. one might have a duty to make other people as happy as possible, but it might not be wrong not to do so.
Singer distinguishes between a relatively weak and a relatively strong statement about preventing suffering. The strong version given above, which he believes is correct, would indeed seem to require us to reduce ourselves to the marginal level of utility in order to provide continued benefit to those who suffer. He even cites Thomas Aquinas in support of this view. But he also provides a weaker version of the principle as follows: "... if it is in our power to prevent something very bad from happening without thereby sacrificing anything morally significant, we ought, morally to do it" (p. 235). Even so, a vigorous application of this principle would, as he clearly recognizes, slow down the consumer society to such a stage as to endanger its very existence. He neglects to mention however, whether any of the suffering thus entailed (as in the decline of the clothing, textile, wool and hide industries, for example) would be attributable to his principle designed to relieve primary suffering. He also seems to imply in his references to clothing, that its only utility is in providing warmth. Certainly his call for action on this score, couched in terms which would normally appeal to philosophers, has attracted considerate attention in contexts unrelated to our current inquiry. Kai Nielsen, for example, pursues the political argument that justice requires extensive redistribution between the North and South, based on the social appreciation of the principle of equality in terms of which Singer would no doubt approve (see Nielsen, 1984, p.185). While Singer accepts conventional supererogatory paradigms, he simply denies they are in any way supererogatory, only that they are obligatory.

Another anti-supererogationist approach is proposed by Christopher New who extends Singer's argument one step further to contend that it is in fact a duty for those who can do so to become saints and heroes. "Have we not all a duty," he asks, "to try to become saints and heroes, i.e. to try to reject the pull of selfishness and fear as much as we can ? " (New, p.181) New defends utilitarianism from Urmson's challenge by reducing the supererogatory to the obligatory in the following way:

A. -It is a fact that we do encourage people to be saintly and heroic.
B. -Why do we do so if we do not think they ought to be so?
C. -If we do think they ought to do so, is it not a duty to do so?
Heyd claims, with considerable credibility, that New's argument is invalid because he uses "ought" in B in the "commendatory" sense, and in C in the "prescriptive" sense, thus committing a logical fallacy through the ambiguous use of terms. Heyd's criticism is valid, I suggest, in the sense that we do encourage people to do things which we do not and cannot demand of them. New's approach has also been rejected by Peterfreund who claims that New's use of the term 'duty' in this way is far too broad, and that by extending duties of benevolence to cover supererogatory actions, he has made duty a "vague and useless concept" (Peterfreund 1976, p. 291). Supererogatory actions are not performed, notes Peterfreund, to promote more good than would result from doing one's duty, but rather to exceed the sacrifice normally involved in the doing of a duty" (Peterfreund, 1976. p. 291). The problem with such theories is not only that they are too vague, but rather that they promise too much. Bernard Williams notes that "the demands of utilitarianism for maximum welfare production are boundless. There is no limit to what a person might be doing to improve the world, except the limits of time and strength" (Williams, p. 77).

Like Godwin, Jeremy Bentham also provides an anti-supererogationist account of moral action. Although Bentham's theory of utility strictly circumscribes the concept of duty so as to exclude supererogatory actions, he nonetheless recognises a considerable variety of supererogatory paradigms in his account of pleasures of reputation and sympathy. In the table of "springs of action" which is reproduced in the 1843 edition (but not in the 1970 edition), of his Introduction to the Principles of Morals and Legislation, Bentham addresses squarely the issues of heroism and saintliness, in a manner which might have surprised those who would support Urmson in his claim that these issues have generally been neglected by philosophers. For Bentham, there are many types of pleasures and pains. Among the former must be included what he terms pleasures of reputation - corresponding to the "interest of the trumpet," as he says, and pleasures of sympathy which correspond to the "interest of the heart." Under the so-called "trumpet" pleasures, he lists "heroicalness" in addition to honour, conscience, probity, honesty, integrity and rectitude. Corresponding to the pleasures of the "heart," he cites kindness,
loving-kindness, tenderness, compassion, sincerity, mercy, forbearance, and kindheartedness among others which he lists under a heading of "eulogistic" usage. Despite explicit recognition of such supererogatory categories, he views their value strictly in terms of their utility in bringing benefits of reputation or sympathy to others. Ethics, he notes, is "the art of directing men's actions to the production of the greatest possible quantity of happiness" (Bentham, Chapter XVII, 2, p. 282). Saintliness he considers an important component of asceticism which he sees as a barrier to the proper understanding of the principle of utility. Both private ethics and legislation have happiness as their end. Private ethics is divided into two parts - those involving duties to oneself and those regarding others. All duties other than self-regarding ones are correlated with rights which are indistinguishable, he says, from "powers." In so far as a person's happiness depends upon his own behaviour, the discharge of that duty is named "prudence." Duties to others are in turn divided into negative and positive approaches. A neighbour's happiness, he observes, "may be consulted in two ways: (a) negatively, i.e. by forbearing to diminish it, and (b), positively, by studying to increase it." (ibid p.205). Negatively, the discharge of such duties is termed "probity"; positively it is termed "beneficence."

But what motivating force do these principles have in everyday life? Bentham explains that the reasons for seeking the welfare of one's neighbour are all to be decided upon by individuals themselves in light of their own personal circumstances, but that there are two main motivating forces: (a) "the purely social motive of sympathy or benevolence," and (b) the "semi-social motives of love of amity and love of reputation." The motive of sympathy will act in accord with his sensibility whereas the other motives will be conditioned by "the strength of his intellectual powers, the firmness and steadiness of the mind, and the characters of the people he has to deal with" (ibid, Chapter XVII, 7).

As for conflicts between the two motives, i.e. whether for example a nobleman ought to recognise a gaming debt of honour to a high-born companion of his amusements or to acknowledge a co-existing claim of benevolence to compensate a humble tradesman, Bentham says they cannot be
simply resolved and "seem to admit of great dispute" (Bentham, Chapter XI, 20). These difficulties in no way affect the strength of his commitment to his principal thesis that all matters affecting human dispositions, such as motives to any action, will be judged good or bad according to their effects in augmenting or diminishing the happiness of the community. Noble motives are therefore of no assistance in determining the worth of a given action.

Now, some supererogationist writers have claimed the contrary. Peterfreund, for example, explains that "noble motives" do indeed lead moral agents to undertake supererogatory acts. The issue of motives and intentions is of considerable interest in this connection. Sidgwick was particularly concerned about it, as shall be shown. Peterfreund gives the following example in support of his contention that motives themselves can be a determining feature of supererogatory actions. Suppose a given doctor has only a list of hypochondriac patients who really need little, if any, of his care. "Suppose further that he desires sincerely to aid some helpless, plague-ridden natives, at great risk to his own life. The duty to his patients might conflict with the act he wishes to do, but the former would pale in significance when compared with the latter. Only a crank would be likely to accuse the doctor of neglecting his duties, if the latter came to the rescue of the natives. Once again, someone might be tempted to argue that his planned action was praiseworthy and supererogatory because more good would result. I maintain that the deed would be supererogatory for an entirely different reason, namely, because of his high-minded motives. For, even if he failed to produce any medical benefits for the natives by his performance, we would still admire his noble effort and call it supererogatory" (Peterfreund, 1978, pp. 54-55).

But not all unqualified supererogationists agree that motives are important aspects of supererogatory actions. Heyd takes issue with Peterfreund by stressing that altruistic intentions mark supererogatory acts, but that motivations as such are best left undisturbed. The motives or feelings which urge one to undertake supererogatory actions "are diverse in character, and not always virtuous. One may act heroically in order to gain fame, to soothe one's conscience (haunted by guilty feelings) or out of moral self-indulgence" (Heyd, p. 137). Schumaker adopts a similar line, on the basis that psychology
has little to report about motivation in this respect, although Heyd claims that research which tried to trace the motives of gentiles who sheltered Jews during the Nazi occupation discovered a wide range of motives.

J.S. Mill

John Stuart Mill's views about supererogation are surprisingly forthcoming on the few occasions when he addresses the issue. Mill states in his critique of Auguste Comte's philosophy that "there is a standard of altruism to which all should be required to come up, and a degree beyond it which is not obligatory but meritorious. It is incumbent upon everyone to restrain the pursuit of his personal objects within the limits consistent with the essential interests of others... If in addition to fulfilling this obligation, persons make the good of others a direct object of disinterested exertions, postponing or sacrificing to it innocent personal indulgences, they deserve gratitude and honour and are fit objects for moral praise." He adds, as did Sidgwick, that there cannot be too much of such activity, as long as one is not compelled to such conduct by external pressures: he stresses that a necessary condition is the spontaneity of such actions.

Comte, according to Mill, had become accustomed to draw most of his ideas of moral cultivation from the discipline of the Catholic Church, and might have done better to have consulted its apologists regarding the quest for unity and systematisation which characterizes Comte's work. Yet it is one of the stock reproaches against Catholicism, he says, that it has two standards of morality, and does not make obligatory the highest injunctions of Christian perfection for all, but only for some. In rejecting this doctrine for a unifying, systematic approach to Comte's moral theory, Mill accuses Comte of having "...taken a leaf out of the book of the despised Protestantism. Like the extreme Calvinists, he requires that all believers shall be saints, and damns them (after his own fashion) if they are not "(Mill, Collected Works, vol. X, p. 337-8). Mill's comments here situate the issue of supererogation for utilitarian theory quite aptly. He notes that "when what was once uncommon virtue becomes common virtue, it comes to be numbered among obligations, while a degree
Mill accepts the conventional distinction between perfect and imperfect duties, equating the claims of justice with perfect duties and those of morality with imperfect duties. The only example of an imperfect duty he advances is the duty of charity but he includes what supererogationists would call supererogatory actions within the framework of imperfect duties. Like Sidgwick, he concurs with the thought that a minimal standard of morality has considerable utility: "as a rule of conduct, to be enforced by moral sanctions, we think no more should be attempted than to prevent people doing harm to others, or omitting to do such good as they have undertaken," by which he means promise-keeping, truth-telling and such like. But Mill adds that "...above this standard there is an unlimited range of moral worth, up to the most exalted heroism, which should be fostered by every positive encouragement, though not converted into an obligation" (ibid, p. 339).

Arguing against primitive utilitarians such as Godwin, Mill tries to show the futility of confounding benevolence and justice, as is done when supererogatory acts are made obligatory: "...if a moralist attempts, as some have done, to make out that mankind generally, though not any given individual, have a right to all the good we can do to them, he at once, by that thesis, includes generosity and beneficence within the category of justice. He is obliged to say, that our utmost exertions are due to our fellow creatures, thus assimilating them to a debt" (ibid, p. 247). Mill makes it clear that those, who, like Singer, would choose to mount an enterprise of similar intent "... will be found to make no distinction between them at all, but to merge all morality in justice" (ibid, p. 248). But Singer's enterprise is not necessarily defeated by Mill's cautionary remarks. It is Singer's point that in situations of great distress affecting very large numbers of people what might have once been considered supererogatory does in fact become a political imperative for the world at large and therefore a matter of justice. Imperfect duties in this way become perfect ones.

Taking note of the open-mindedness of Mill to the whole subject of supererogation, Roger Hancock goes as far as to argue that Mill has in fact
fulfilled Urmson's challenge to account for a class of acts (heroism and saintliness) which are non-obligatory and beneficial. Hancock refers to Mill's private correspondence to demonstrate this thesis. In a letter to George Grote, Mill wrote that utilitarian doctrine is quite in line with the Christian doctrine of loving one's neighbour as oneself, considering that utilitarians would refer not to the feeling or sentiment of love, but of a perfect ethical impartiality between the moral agent and his neighbour. Mill then expresses agreement with the (now lost) views of his correspondent by saying that "they are consistent with recognizing the merit, though not the duty, of making still greater sacrifices of our own less good to the greater good of others, than the general conditions of human happiness render it expedient to describe. This last distinction, which I do not think inconsistent with the expressions about perfection attributed to Christ, the Catholic theologians have recognized, laying down a lower standard of disinterestedness for the world and a higher one for the 'perfect' (the saints); but Protestants in general have considered this a Popish laxity and have maintained that it is the duty of everyone, absolutely to annul his own separate existence" (ibid, p. 762-3). Hancock has indeed indicated an opinion of Mill's which seems to accord less than satisfactorily with standard utilitarian doctrine on benevolence, but it also seems unlikely that Mill intended in this passage to establish a new class of moral actions in addition to the obligatory, the permissible and the prohibited.

H. Sidgwick

Henry Sidgwick thought somewhat more seriously about the problem posed by supererogation to utilitarian theory than Mill appears to have done. Sidgwick was well aware of the difficulties facing utilitarian theory because, as one contemporary writer has described the problem, utilitarians "are forced to categorize many actions as obligatory which would strike most of us as supererogatory" (Sikora, p. 463). Sidgwick recognizes supererogatory paradigms and esteems their value in moral education, particularly, but in the end concludes that it is the task of morality to consider the rendering of them as morally obligatory.
Sidgwick avoided the issue of definition of the basic concepts of "ought" and "right" by claiming that the notions were "too fundamental" to admit of any formal definition (Sidgwick, Methods of Ethics, p. 33), but that the meaning of these concepts would be clarified by their relation to other notions with which they are connected in ordinary thought. Elsewhere he also refrains from defining duty for a similar reason, noting that "...it is too simple to admit of a logical definition" (ibid, p. 587). His discussion of supererogation is largely confined to an elaboration of morality as represented by "intuitionism", a category which is meant to include consideration of moral issues in which discussion of consequences is either partially or wholly excluded. The "intuitionist" does not judge actions by an external standard at all; true morality is then concerned with intentions and motives, that is, with inner states of mind rather than outward actions. All deontic systems, including Christian morality, are included therefore in Sidgwick's discussion of "intuitionism."

Sidgwick distinguishes between motives and intentions on the basis of intended consequences. Motives and intentions can be confused because a motive may be good and the intention bad, or indeed the reverse. Intentions for his analysis are "all the consequences of an act that are foreseen as certain as probable:" (ibid, p.200) judgements of right or wrong strictly relate to intentions, not motives.

Now, supererogatory actions fall into the class of actions which Sidgwick termed "excellences or perfections," to which are also added considerations relating to aesthetic achievement. He refers to "that part of common morality which extends beyond the range of strict duty; that is to the Ideal of character and conduct which in any community is commonly achieved and praised as the sum of Excellences or Perfections" (ibid, p.487). Utilitarianism, he believes, would not find it admissible to hold this view because it would conflict with the utilitarian thesis that it is always wrong and irrational for a man to do anything else than what he believes most conducive to Universal Happiness. Utilitarianism judges "that conduct is right, objectively right which will produce the greatest amount of happiness on the whole " (ibid, p. 407): "universal happiness is the ultimate standard " (ibid, p. 409). Still, he acknowledges that it seems practically expedient on various grounds to retain
this double vision of felicific conduct. It is expedient to do so for two reasons:

A. some excellences are only partly volitional and therefore not directly subject to the requisites of duty, and

B. praiseworthy and admirable conduct, which is more than simply merely right is secondarily reasonable on utilitarian grounds because of the stimulus to moral improvement it provides to others, if only because utilitarian concepts of right conduct are commensurate with a certain average standard of conduct which is, ipso facto, exceeded by excellent actions.

Sidgwick held a very high opinion of actions which would be termed supererogatory by supererogationists. He says that the admiration of virtuous actions should be encouraged because it leads to happiness. "For the recognition of excellence in ourselves, and still more in others, is directly an important source of happiness, as it is commonly attended with a peculiar pleasurable emotion of a highly refined kind: and again, the attractive force of the excellence thus exhibited, the desire of imitation which it arises in others, is a powerful stimulus to right action, which we cannot afford to spare" (ibid, p. 488).

Heyd remarks that Sidgwick's explanation of the point that supererogatory excellences can be secondarily justified in utilitarian theory because of their effects in stimulating emulation or imitation of praiseworthy or admirable behaviour is justifiable only if it could be shown that this kind of utility outweighs that which could be obtained by making such supererogatory acts obligatory. It is possible, after all, that sanctions could be introduced to force people to attain such "excellences" that the general happiness of all would be greater than maintaining a double standard. Heyd also notes that Sidgwick never tested this theory and suggests that he did not do so because he believed that "the secondary utility of non-obligatory conduct was intrinsically better than the primary utility of the overall consequence of that same conduct being obligatory" (Heyd p. 87). But then, as Heyd notes, such an opinion could only be supported by a non-utilitarian argument.

Sidgwick's treatment of the issue of supererogation is sensitive and highly nuanced despite his claim to be drawing only on common sense notions of morality. Let us briefly review Sidgwick's detailed analysis of the issue as he
outsiders it in passages dealing with the distinction between duty and virtue and
the supererogatory paradigm of benevolence.

Sidgwick admits that there are indeed excellent actions which are not
commonly called duties and which are generally judged to be praiseworthy, "as
for a rich man to live very plainly and devote his income to works of public
beneficence." (Sidgwick, p. 218). This would appear to be an undisguised
reference to the story recounted in all three synoptic gospels of the rich young
ruler (see Lk 18:22, also Mt 19: 21 and Mk 10:21). But he stresses that the lines
of distinction "are very doubtfully drawn on either side; for we certainly call a
man virtuous for doing what is strictly his duty when he is under strong
temptation to omit it; and we can hardly deny that it is, in some sense, a man's
strict duty to do whatever action he judges most excellent, so far as it is in his
power" (ibid).

Without providing a definition of duty, he states that it is "equivalent
generally to right conduct, involving a moral impulse" (ibid, p.217). Describing virtue however presents more complexity and difficulty because
some virtues, such as generosity, may be realised in acts which are obviously
wrong and others, such as courage, may be exhibited in wrong acts known by
the agent as such. In the end, however, Sidgwick settles with the description of
virtue as "qualities exhibited in action judged to be right" (ibid).

How is one then to account for the fact that "in judging acts of others, we
commonly recognize that virtuous conduct may go beyond the limit of what we
regard as a person's duty: and even when there seems no doubt that the virtue
beyond duty was within the power of the individual in question?" (ibid,p. 216).
Sidgwick gives two reasons why this may be so. One explanation is that
different degrees of knowledge are involved. Sidgwick notes that he can explain
why he may subscribe a donation to a hospital for example, but that he lacks
knowledge as to why someone else in similar circumstances might refuse to do
so. A second explanation is that we normally praise acts above a given standard
of behaviour and find blameworthy acts below such a standard. But he finds
considerable difficulty with such a method. He observes that the line of
distinction between duty and virtue is vague and continually varying as the level
of morality rises in a community. (It is interesting to note how Sidgwick's
interpretation of social progress and moral improvement corresponds to a similar orientation of Godwin). He stresses the difficulties of establishing a justification for supererogatory acts, noting that "common sense is not prepared to say how far it is right or good that we should sacrifice any worthy aim such as the cultivation of knowledge or any of the fine arts - to the claims of philanthropy or popular affection: there seem to be as generally accepted "intuitional" principles for determining such a choice of alternatives" (ibid).

Virtue, writes Sidgwick in this discussion, has two identifying qualities: it is manifested in voluntary actions and it is linked to emotion. Without will, such excellences could be called "gifts, talents or graces" (ibid, p. 221) but not virtues; without emotion, excellence is lacking - ("the affection, if practical and steady, seems a higher excellence than the most beneficient disposition of the will, as resulting in more excellent acts" (ibid, p.220). He concludes his discussion by offering an account of virtue which could be considered as including supererogatory aspects as qualities attributed to the mind or character of the agent and conceived to be only manifested in feelings and acts; "...but as we only know it through such manifestations, in endeavouring to make precise our conceptions of the particular virtues, {we} were necessarily concerned with the emotions and volitions in which they are manifested. Because even in order to fulfill our duties correctly we are on occasion obliged to act instinctively, we need the benefits of character and disposition shaped by virtue "(ibid).

Sidgwick's discussion of the supererogatory paradigm of benevolence is relevant to our inquiry, particularly as he contrasts it with the requirements of justice. His discussion is reminiscent of the distinction made by the modern natural law philosophers of perfect and imperfect duties. "We commonly treat the spheres of external duty corresponding respectively to each as mutually exclusive, assuming that at any rate the special function of benevolence begins where justice ends" (ibid, p.240). Duties of justice are strictly defined, whereas duties of affection are "indefinite." He accepts that beyond the region of duties, the non-performance of which constitutes a ground for censure, "there seems to be a region of performance where the services rendered cannot properly be claimed as debt, and blame is not felt to be due for their non-performance"
He notes the difficulties such a notion poses to common sense morality, viz. whether services rendered from over and above what strict duty is thought to require is virtuous, and whether affection itself is an excellence worthy of admiration and attainment. The difficulties encountered in such an exercise led Sidgwick to postulate, in a famous passage, a statement of duties which we owe to our fellow men. Sidgwick's list is in its essentials a list of imperfect duties as follows:

Show kindness -
- to parents, children, spouse and kinsmen
- to those who have rendered services and to friends
- to neighbours and fellow countrymen
- to examples of our own race ("more than to black or yellow men")
- to our country
- to all men with whom we may be brought into relation involving "slight services, such as can be rendered without inconvenience"
- to all men who are in distress or urgent need and have a claim for special kindness.

He divides this list into four categories as follows:
1. those not voluntarily chosen - kindred, neighbours.
2. those voluntarily chosen - friends
3. those from whom services are received to whom gratitude is to be shown.
4. those in special need who deserve pity (see ibid, p. 244).

This elaboration of a list of generally accepted, minimally required duties approved by common sense is of particular relevance to utilitarian doctrine which holds that each man ought to consider the happiness of any other as theoretically of equal importance with his own, and only of less importance practically, in so far as he is better able to realise the latter (see ibid, p.250). But there is also a "lower and shallower view" of the services which we are held to be strictly found to reader to our fellow men generally. Note that this view corresponds largely to perfect duties comprising only two components:

1. A negative duty to abstain from harm, and to accept to make due reparations for harm done. (Note that this accords exactly with what Pufendorf
terms "absolute duties" in ING Bk III chap 1,1).

2. A positive duty to render services involving no personal sacrifice, or if so, one of "trifling" importance in relation to the benefits gained. In addition, he adds a minor condition to be "useful to society," recognizing that "manifest drones" might well satisfy points 1 & 2 (Sidgwick, p.251). (Cf. Pufendorf ING, Bk III Chap 1,2 : "...it appears that those who fail to develop themselves by some honest occupation, sin against the law of nature, and are of no use to themselves and a burden to others...") "But beyond this somewhat indefinite limit of perfect Duty extends the Virtue of Benevolence without limit" (Sidgwick, p.251). Excess is not thought possible, he adds as did Mill in doing good to others, unless, notes Sidgwick, it leads us to neglect other perfect duties.

Sidgwick is consistent, in all places where he attempts to deal with supererogatory concepts, to stress the difficulties involved in making clear distinctions. Just how far in excess one need proceed to pass from duty to virtue is left purposefully vague. He does note however, that the concept of "liberality" is helpful in this regard. The proper sphere of liberality lies in fulfilment of the indefinite duties of benevolence but it is also in the "bordergound" or the "grey zone" between Justice and Benevolence. It is distinguished by a readiness to provide full satisfaction of all customary expectations, even when indefinite and uncertain as well as by a willingness to avoid conflict over remuneration by paying more and accepting less than would be governed by custom. Similarly, in discussing the supererogatory paradigm of gratitude, he states that "we do not like too exact a measure of duty; a certain excess falling short of extravagance seems to be what we admire and praise"(ibid, p.258-9). And, he adds, when we try to define the notion of "equal return," obscurity and divergence begin and we are unable to decide or calculate the amounts needed to repay gratitude.

One unusual consequence of utilitarian theory noted by Sidgwick is quite incompatible with accepting a supererogationist approach to moral theory; this is the notice he gives that it may be right to do and privately recommend, under certain circumstances, what it would not be right to advocate openly; "it
may be right to teach openly one sort of persons what it would be wrong to teach to others; it may conceivably be right to do, if it can be done with comparative secrecy what it would be wrong to do in the face of the world and that even if perfect secrecy can be reasonably be expected, what it would be wrong to recommend by private advice or example" (ibid, p. 484). He claims that the need for such an esoteric form of utilitarianism would vanish in an ideal community of enlightened utilitarians who might be able to live by refined and complicated rules that admitted exceptions to everyday practice not permitted to others. Bernard Williams refers to this disagreeable aspect of Sidgwick's theory as "Government House utilitarianism", indicating the suitability of this theory for paternalistic structures of nineteenth century colonialism which were familiar to Sidgwick and his colleagues (see Williams, p. 108-9). Williams adds that Sidgwick himself made explicit that the "utilitarian conclusion would seem to be that the opinion that secrecy may render an action right which would not otherwise be so should itself be kept comparatively secret; and similarly it seems expedient that the doctrine that esoteric morality is expedient should itself be kept esoteric" (Williams, p. 109; Sidgwick, p.382). Such a doctrine of "two-fold" truth has rather less attraction for contemporary moral theorists than it might have for specific patterns of belief but is quite incompatible with a supererogationist point of view for which relatively well-established and commonly accepted standards of conduct are required, as Heyd would say, for purposes of "demarcation."

In the end, despite his obvious recognition of supererogatory principles and sympathetic handling of the implications and challenges they present to classical utilitarian theory, Sidgwick favours a basic reductionist approach, i.e. reducing supererogatory acts to obligatory ones. "On the whole, then, I conclude that while we praise and admire enthusiastic Benevolence and Patriotism, and are touched and charmed by the spontaneous lavish outflow of Gratitude, Friendship and domestic emotions; still what governs us as moralists...is the ascertainment of the right rules of distribution of services and kind acts, in so far as we consider the rendering of these to be morally obligatory." (Sidgwick, p. 245)
As has been shown, the principal difficulty with a basic utilitarian approach is that it is essentially reductionist, i.e., that it reduces what supererogationists would normally term a supererogatory act to an obligatory one, to a duty. The standard objection to this contention, as pointed out above, is that it requires too much. One writer has attempted to show that utilitarianism involves itself in logical contradictions in accounting for such actions. Utilitarianism, it is argued, requires that "if an action is the one among the alternatives open to the agent that will maximize the good, then the agent is obligated to perform the action regardless of the sacrifice involved" (McConnell, p. 36). But McConnell notes that this applies only to heroic or saintly actions, whereas, as some claim, supererogatory acts can also be trifling, (a number of supererogationist writers including Chisholm, Schumaker and Heyd share this view) and that as such, under utilitarian theory, they can actually be wrong. McConnell gives the following example: it is agreed that doing a favour for Jones, such as buying him a book which he would enjoy, would procure, under the circumstances, the best consequences for Jones and at minimal cost to McConnell. But should an opportunity be presented to buy a book for Smith, which he would enjoy less than Jones would enjoy his book, then if McConnell were to buy the book for Smith, rather than the one for Jones, his action would be considered wrong, according to utilitarianism, but counter to the ways we actually talk and behave.

This argument overlooks the pleasure which the gift will bring to the giver himself however and relies upon the viability of the notion of trivial acts of supererogation, a concept which will be questioned in Chapter Eight. Nonetheless, McConnell's point is well taken, as it points up the deficiencies in a strict utilitarian approach.

Negative Utilitarianism

A relatively new school of utilitarian thought -"negative utilitarianism"- is less troubled by the problem of supererogation than the mainstream of classical utilitarian writing. Negative utilitarianism recapitulates a theme of the modern natural law philosophers about the "absolute" duty to avoid hurt by holding that
"the relief of pain takes priority over and has greater urgency than the promotion of pleasure" (Walker, p. 424). Walker argues that classical utilitarianism fails to account for asymmetries in ethics; he claims that our obligations to relieve and avoid causing pain are much more stringent than our obligations to promote and avoid curtailing pleasure. It is a duty to relieve pain whenever we are in a position to do so, but it is much less plausible to argue that we should never miss an opportunity to provide pleasure to others. Heyd holds that negative utilitarianism is the most satisfactory version of utilitarian theory, in that there is room for supererogatory acts both in relieving pain and in contributing to pleasure. Both possibilities are specifically available according to Walker: "sometimes in virtue of a special tie we ought to promote the pleasure of a particular person or group, but often this will have a supererogatory character. By contrast, to relieve and to avoid causing pain is behaviour we tend to take for granted. (When it is supererogatory, this is because of the great effort or sacrifice required)" (ibid, p. 429).

K E. Tranøy expands the relationship between the injunction to maximize pleasure and the injunction to minimize pain by claiming that the latter injunction "is logically prior to the former, that the latter is unrestricted and unconditioned in a way the former is not, and that in case of conflict - which is clearly possible - the injunction to minimize pain should take precedence" (ibid, p. 370). The duty to promote pleasure, he notes, is really "of doubtful standing and is at best subject to a great variety of limiting conditions" (ibid, p. 357). He bases that argument on his analysis of sufficient and necessary conditions for a number of notions such as pleasure and pain, but also life and death, health and illness, benevolence and malevolence, right and wrong, and good and evil. Tranøy contends that in each case, many sufficient conditions can be advanced to account for negative notions such as death, or pain, but that only a series of necessary conditions, not sufficient ones, can be advanced to support the more "positive" notions. We do have, he asserts, "a very dependable knowledge of how to make anyone miserable, as we have near-perfect knowledge of how to kill or inflict disease...But we cannot with any comparable degree of confidence say what will make people happy "(ibid, p.358). He notes that because we know
so much more about pain, the appeal to reduce it is much more forceful for us than calls to increase happiness. Similarly he notes, echoing the modern natural law philosophers, (without acknowledgement, by the way) that the injunction "don't be malevolent" is prior to, more reasonable than and more easily complied with than the injunction "be benevolent" and that a calculus of suffering and pain is possible in a way which a calculus of pleasure and happiness simply is not. It has, after all, been possible to establish procedures in civil societies for dealing with malefactors but no similar system of institutionalized procedures has been attempted to recognize benevolent acts. The largely "negative" prescriptions of the decalogue also reinforce this point. Tranøy concludes that we can make out an excellent case for duty not to be malevolent, but it is doubtful if we can at all be said to have (in the same sense) a duty to be benevolent, if this is to mean more than a duty to reduce suffering, relieve pain and mitigate evils" (ibid, p.363).

Tranøy's analysis does allow scope for supererogatory action: "our very highest praise and admiration are reserved for those who do actions which are, as we sometimes put it - beyond the call of duty - and that would seem to be for those actions which are really good actions."... "We might indeed apply the term "saintly"to one who shows excellence in combining both sympathy with the sufferings of others and unalloyed joy at the happiness of strangers" (ibid, p.365). Tranøy concludes his analysis of asymmetries in ethics by criticising the preoccupation in much of utilitarian theory with the question of rules - only a few of which are obliging or prohibiting. Such an approach overlooks the much greater range of recommendations and advice, warnings and threats, exhortations and requests, prayers and suggestions which also make up the greater portion of the moral universe" (ibid, p. 369). Bernard Williams also supports this comment by claiming that the reductive enterprise has no justification and should disappear. Why should ethics be simple, he asks, as do neo-Aristotelian writers, "using only one or two ethical concepts, such as duty or good state of affairs rather than many?" (Williams, p.17).

Supererogatory Paradigms and the Case Against Supererogation
Let us close Part Two by considering whether either of the two major theories discussed in it deal with the two typically supererogatory paradigms identified in Chapter One, namely volunteering and forgiveness. Volunteering, in all the senses illustrated, is quite clearly permissible and desirable in the Kantian system. It is not near the heart of Kant's system however and is included only as something of an afterthought. In an ideal Kantian universe, there would really be little call for volunteering because, if everyone scrupulously honoured the rights of others and did one's duty under the law, there would be very little occasion to exercise extravagant will power of the sort needed to galvanise a hero into action - in which case he would only be acting in accordance with duty anyway - or to start up some social cause which would be done only out of a general love for mankind, in accordance with the categorical imperative in any case. Nonetheless, volunteers are needed in the Kantian universe, to provide philanthropic assistance when natural disasters occur, as well as to cover those situations in which moral agents fail to do their duty.

On the matter of forgiveness, however, there is some doubt as to whether Kant sees the usefulness of such a concept. If, in the well-regulated Kantian universe, there exists a full and complete exercise of individual freedom, and everyone acts according to his duties and within his rights, then there is really no need of forgiveness at all. Of course, while this holds only for an ideal world which can after all be reconciled with some directness to the real one, as he notes in the essay "On the Old Saw": some form of accommodation must be found to account for evil in the world. Kant does give us an account of this in "Religion within the Limits of Reason Alone", by introducing the notions of atonement and grace. But vicarious atonement is opposed to the doctrine of freedom. "Any notion of forgiveness or absolution ...seems impossible in terms of {Kant's} notion of freedom" (Silver p. cxxxi). "A man has the right to be proud of his virtue. But even God cannot help the guilty individual without violating the moral law. If a man is guilty, it is his own fault, and he must bear the full and non-transferable burden" (ibid). Grace is but a
"capability of receiving" (Religion, p. 70), as when a superior's decree confers a good for which the subordinate possesses nothing except the capability of receiving it. But grace neither implies nor leads to forgiveness. Kant's theory seems deficient in this regard from a supererogationist standpoint.

Similarly, utilitarians are quite favorable to the idea of volunteering, certainly in the institutional sense of volunteering to perform an act which may involve risk to oneself but yet bring substantial benefit to others, particularly a large number of other people. The calculus of utilitarianism would definitely seek to reward such actions so as to facilitate their occurrence. With regard to the other varieties of volunteering, such as taking social leadership, utilitarianism would also generally favour such actions, although the nature of benefits to others may be somewhat less clear.

Regarding the issue of forgiveness, however, there is no clear doctrine, apart from the instrumental value of such actions in reducing tensions and establishing the possibility of working more harmoniously to promote the general good. But forgiveness as such is not seen as obligatory, nor, generally as an act with any particular moral significance. It is of course quite possible to find the concept of forgiveness "useful" without recognising it as a supererogatory act. Most utilitarian theorists have little, if anything, to say about forgiveness, at all.
PART THREE
SUPEREROGATION IN CONTEXT

The concluding part of this thesis returns to issues of definition and elaborates some aspects of supererogation which aid considerably in forming a more complete account of it than that which has been afforded by supererogationist writers so far in our presentation. It has been demonstrated that the issue of the classification of moral actions is particularly relevant to the issue of supererogation. The traditional classification of moral acts as either obligatory, prohibited or permissible has been shown in Parts One and Two to be inadequate to account for acts of supererogation. If such is the case, the classification of moral actions needs to be reviewed. This is the task of Chapter Six in which an analysis is made of the various deficiencies in deontic accounts of classification, including some of those which recognise supererogation as a legitimate moral category. The chapter shows that Frankena's analysis of actions pertaining to both deontic and aretaic categories is the most promising of recent such attempts.

Chapter Seven considers whether it is meaningful to apply supererogatory notions to relations amongst nations. Virtually all the supererogationist writers confine their descriptions of supererogatory actions to the personal actions of individuals. A determination is made as to whether states can perform supererogatory acts, and, if so, how this is possible. Contemporary contributions from political and moral philosophy are examined, and the conclusion is reached that while theoretically possible, there are many more barriers to the performance of supererogatory acts at the level of nation-states than at the inter-personal level. This conclusion is tested by discussing in detail the question as to whether unilateral nuclear disarmament is supererogatory.

In Chapter Eight, analysis of the concept of supererogation is completed by adjusting Heyd's definition in several respects. An additional condition is attached to the effect that supererogatory actions involve personal cost or risk of some sort to the moral agent. This is accomplished by showing how personal cost is justified as a condition of supererogatory acts on the basis that
supererogatory acts engender both gratitude and praiseworthiness, elements which are not always present in the absence of personal cost or risk on the part of the moral agent. The second part of Heyd's last condition that supererogatory acts are "meritorious" is assessed but found to be superflous. The validity of the concept of supererogatory acts is therefore defended in accordance with the following definition:

An act is supererogatory if and only if:

1. it is neither obligatory or forbidden,
2. its omission is not wrong, and does not deserve sanction or criticism - either formal or informal,
3. it is morally good, both by nature of its intended consequences and by virtue of its intrinsic value (being beyond duty),
4. it is done voluntarily for the sake of someone else's good, and
5. it involves personal cost or risk to the moral agent.

In addition, it is demonstrated that supererogatory acts engender gratitude and are meritorious.
Chapter Six
Classification of Moral Acts

Synopsis

Traditionally, philosophers have categorised moral actions as either obligatory, prohibited or permissible. This was the formulation used by Kant and it is in common use today among Kantians and utilitarians alike. Chapter Two noted that the natural law philosophers were generally of the view that most acts could be classified as either obligatory or prohibited and that classification of permissible actions was restricted, as for example, when force of circumstance created an element of doubt as to whether given acts were best considered one or the other, as when day turns to night. This chapter reviews an early attempt at classification - that of Pufendorf, who modelled his classification scheme on the principle that each moral action could be measured in terms of the degrees of intentionality and execution involved in the action.

The chapter also assesses the results of more modern attempts to classify moral actions. In particular, the successive attempts of Chisholm to establish the validity of the concept of both supererogation (as "permissible well-doings") and offences (as "permissible ill-doings") by the methods of deontic logic are examined. Difficulties with Chisholm's proposals are noted. The promising nature of a classification system of moral actions which includes both supererogatory acts and offences, in addition to acts recognised by the traditional trichotomy, is acknowledged. The importance of considerations based on virtue, as well as duty, is assessed and the contributions toward the solution to the problem of classification advanced by Frankena are placed in perspective. Finally, an alternative classification scheme which incorporates the advantages of Frankena's suggestions is advanced.

What these and other philosophers who have attempted similar analyses are doing, is to provide an overview, a guidebook, map or plan of the moral universe. The landscape is dotted with many unusual features however, and no system seems able to account for all phenomena within it. As noted by Grotius,
sometimes discernment is dimmed by poor light. It will be shown that the
classical categorisation of acts as either obligatory, wrong or permissible is
contestable on the grounds that these distinctions hold only for acts of omission,
but not for purposeful, committed actions. John Ladd summarises the issue
nicely as noted above, when he writes that "if you are collecting money for the
Red Feather campaign, you could hardly claim that giving to the campaign was
either obligatory, wrong or indifferent. Obviously, it is somewhere between
being obligatory and indifferent" (Ladd, p. 127).

Pufendorf's Meridians of Intention and Execution

In his early work, the Elementa, Pufendorf attempts an original
classification of moral actions which provides an interesting background to
modern work in this field, if only because deontic theorists use as few
categories as Pufendorf did in accounting for what are in essence, extremely
complex and subtle distinctions. Pufendorf's system of classification takes the
shape of a sphere with God in the centre of the axis between the perpendicular
line connecting the two poles of the sphere with its diameter. Circling the
sphere are two meridians - the "meridian of execution" and the "meridian of
intention." A perfectly good act in accordance with God's law therefore will
coincide with the uppermost pole, i.e., with both the angle of execution and
intention as measured from the mid-point of the sphere, i.e. the position of
God, at their highest point. Now actions which are less than perfectly in accord
with divine law can be assessed objectively insofar as they decline from the
vertical on either or both of the two meridians. An action lying on the equator,
as it were, would represent omission. Pufendorf in fact posits twelve positions
of decline from from the vertical on the meridian of intention from the
omission of an act to its most perfect fulfillment. Similarly, he posits twelve
degrees of decline from the equator to the lower pole to coincide with degrees
of declination towards sin situated figuratively at the lower pole. In order to
measure the goodness of an action, therefore, one needs to measure the radius
of both meridians, i.e. of execution and intention. To illustrate, Pufendorf
provides twenty-four gradations of intention ranging from sin to goodness.
The twelve gradations of good actions calculated from the mid-point on the meridian of intention towards the polar summit he gives as follows:

1. the idea of a good action submitted to the mind
2. the simple approbation of the same as being honourable
3. deliberation whether it should be done here and now
4. inclination to action aroused by some extrinsic violence
5. inclination to action aroused by fear of loss
6. inclination to action aroused by convenience of favoured opportunity
7. inclination to action as something useful, that is to say, for a gain
8. intention partial, languid, and easily responding with a legitimate end, i.e., to render obedience to the law
9. intention partial, united with an impulse
10. intention complete, easily responding, that is, which can be easily changed by setting it before a different object
11. intention full, not easily responding
12. intention full and most firm, which strikes precisely on the polar summit.

Pufendorf also offered a similar classification of actions on the lower scale of intention in twelve stages. The idea that moral actions could be measured by taking the sum of both angles (i.e. of the angle of execution and intention) at the degree of inclination from the vertical as measured by the radius leading to the mid-point of the sphere seemed to exert a strong appeal for Pufendorf, in line with the mathematical orientation of the Elementa, with its system of axioms and definitions, a style of writing moral philosophy which culminated in Spinoza's Ethics which was completed in 1675.

Deontic Analysis

Chisholm actually addressed himself to the logical consequences of the existence of the supererogatory acts on three separate occasions: ("Supererogation and Offense: A Conceptual Scheme for Ethics" Ratio. 5, 1963; "The Ethics of Requirement" A.P.Q.1. 1964; and, "Intrinsic Preferability and the Problem of Supererogation", with Ernest Sosa, Synthese,
In his first article, which dealt in a systematic way with the parallelism between offences and supererogation for the first time in contemporary literature, he constructs a list of nine possible types of moral actions based on the concepts of good, bad and neutral, omission and commission as follows:

<table>
<thead>
<tr>
<th>Performance</th>
<th>Non-performance</th>
<th>Type of Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>bad</td>
<td>totally offensive</td>
</tr>
<tr>
<td>2</td>
<td>bad</td>
<td>offence of commission</td>
</tr>
<tr>
<td>3</td>
<td>bad</td>
<td>forbidden</td>
</tr>
<tr>
<td>4</td>
<td>neutral</td>
<td>offence of omission</td>
</tr>
<tr>
<td>5</td>
<td>neutral</td>
<td>totally indifferent</td>
</tr>
<tr>
<td>6</td>
<td>neutral</td>
<td>supererogatory omission</td>
</tr>
<tr>
<td>7</td>
<td>good</td>
<td>obligatory</td>
</tr>
<tr>
<td>8</td>
<td>good</td>
<td>supererogatory commission</td>
</tr>
<tr>
<td>9</td>
<td>good</td>
<td>totally supererogatory</td>
</tr>
</tbody>
</table>

Under this scheme, the supererogatory is good but not obligatory to do and the offensive that is which is bad but not forbidden (Chisholm, 1963, p.14). Building upon the work of supererogatory writers such as Ladd, Urmson and Feinberg, Chisholm offers in this article a classification of moral concepts which is of great importance to his own later work and to that of Frankena. Chisholm accepts as fact that the three-fold classification is inadequate to account for acts which are at once permitted, non-obligatory and yet not morally indifferent. He admits that in defining supererogatory actions in terms of logical possibilities (Cf. Ladd's formulation as 'acts which it is right to do, but not wrong not to do'), he has distanced himself from the 'etymological' meaning of "above and beyond duty" (Chisholm, 1964, p.3). But he finds that if we consider supererogation to be "non-obligatory well-doing", we cannot identify it solely with acts of saintliness and heroism. Although such acts are supererogatory, so must be other types of acts under this
definition. Chisholm's logical description of supererogatory acts would seem then to deny us any possibility of returning to the 'etymological' meaning of supererogation, on the basis for example, that they are praiseworthy or better in some other way, such as being meritorious. The clearest statement of what Chisholm means by supererogatory acts is 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 favours which, like the more magnificent deeds, go beyond the call of duty. We might describe them as acts of 'non-obligatory well-doing' " (Chisholm, 1964, p.152). Elsewhere, he states that supererogation "encompasses those small favours and acts of courtesy that ordinary men go out of their way to perform" (Chisholm, 1966, p.326). Note that this formulation has ensured that supererogatory acts can include categories of trivial acts, or even acts devoid of moral virtue.

Chisholm completed his examination of the notion of moral offence by arguing in a similar manner that offenses as "permissive ill-doings" are not to be identified with villainous or diabolical acts. But just as supererogatory acts may be trifling or heroic, Chisholm maintains that offensive acts may similarly be trifling or diabolical. Now, the notion of a diabolical act which is still permissible rather than simply prohibitory is a defective one. Chisholm posits the example of the "informer" as an example of an action of this type. Heyd, however dismisses this out of hand as without foundation and as an attempt to preserve a perceived but spurious symmetry by claiming to show the existence of a logically possible but nonetheless nonexistent category of moral acts. The actions of an informer, notes Heyd, are clearly morally wrong and there is no reason to think that they can somehow escape the moral law as Chisholm suggests. "The absence of a counterpart to heroic supererogation is indicative of the general asymmetry of doing good and refraining from evil in respect of duty or 'moral ought' " (Heyd, p. 128).

In addition, Chisholm's schema presents difficulties in distinguishing between acts of imperfect obligation and supererogatory actions. Acts whose performance is good and whose non-performance is neutral could easily apply
to a whole range of imperfect duties. Furthermore, it is not clear how an act whose performance and whose non-performance can be both neutral, and "moral" at the same time.

Chisholm attempted in subsequent papers to correct some of these faults but retained the idea that both "supererogation" and "offences" can be accommodated within a classification of moral actions which recognises both of them as optional but not morally indifferent categories. He concludes his research with the conclusion that the problem of supererogation can be solved with the use of the logical principle of "intrinsic preferability." Chisholm (and Sosa) contend that if supererogatory actions exist, a matter which they do not actually discuss, then the classical three-fold classification of moral actions must be revised to include five categories, namely: the obligatory, whose performance is morally good and non-performance morally bad; the forbidden, whose performance is morally good and non-performance morally good: the indifferent, such that its performance is neither morally good nor morally bad, and whose non-performance is similarly neither morally good nor bad; the supererogatory, whose performance is morally good and whose non-performance is morally bad; and the offensive, whose performance is morally bad and whose non-performance is not morally good.

At this point, Chisholm and Sosa introduce the logic of intrinsic preferability which they claim is an exclusive and exhaustive schema for all value possibilities of any state of affairs as follows;

1. \( Gp \) and \( B-p \) - where a given state of affairs- "p" is either "G"(Good), "B" (Bad), or "N" (Neutral) hence;
2. \( Gp \) and \( N-p \)
3. \( Np \) and \( B-p \)
4. \( Np \) and \( N-p \)
5. \( Np \) and \( G-p \)
6. \( Bp \) and \( N-p \)
7. \( Bp \) and \( G-p \)

Chisholm's account is developed to the point where he claims that his schema can situate all moral actions within it and therefore account satisfactorily for all manner of moral acts in terms of the deontic categories he
chooses to identify. Substituting the seven values of this original calculus with moral values yields seven deontic categories as follows:

1. G(Mp) and B(-Mp) i.e. p is such that its intentional performance is morally good and its intentional non-performance is morally bad, that is, that it is obligatory;

2. G(Mp) and N(-Mp) i.e. p is such that its intentional performance is good and its intentional non-performance morally neutral, that is supererogatory in a positive sense;

3. N(Mp) and B(-Mp) i.e. p is such that its intentional performance is morally neutral and its intentional non-performance morally bad, that is, offensive;

4. N(Mp) and N(-Mp) i.e. p is such that its intentional performance and its intentional non-performance are both morally neutral, and p is morally indifferent;

5. N(Mp) and G(-Mp) i.e. p is such that its intentional performance is morally neutral and its intentional non-performance is morally good, that is, p is supererogatory in the sense of forbearance;

6. B(Mp) and N(-Mp) i.e. p is such that its intentional performance is morally bad and its intentional non-performance morally neutral; performance of p is therefore offensive, but not forbidden; and

7. B(Mp) and G(-Mp) i.e. p is such that its intentional performance is morally bad and its intentional non-performance morally bad; performance of p would be wrong or forbidden. (see Chisholm and Sosa, 1966, p. 329-0).

Now such a classification scheme has considerable attractions, and it avoids the inconsistencies of the first of Chisholm's efforts at categorisation of moral acts which as noted above includes one classification with no members-i.e. the class of permissible villainous or diabolical acts. It also distinguishes usefully between two types of supererogatory acts. But like the first attempt, this classification system is framed entirely without any reference to the moral agent, and does not discriminate between heroic and trifling acts, thereby
treating all supererogatory acts of commission (#2 above) whether of the nature of a common courtesy or an act of a good Samaritan as indistinguishable. Furthermore, and more substantially for the purposes of this inquiry, Chisholm and Sosa fail with this classification to discriminate within the category of obligatory acts between duties of perfect and imperfect obligation.

A number of other useful attempts at classification of moral actions have been made by contemporary writers. One particularly useful scheme advocated by Paul D. Eisenberg reduces the number of categories to: (i) the obligatory, (ii) the forbidden, (iii) the permissible and the justifiable, (iv) the indifferent, (v) the supererogatory, and (vi) the offensive. Eisenberg explicitly recognises the distinction between the two types of actions which are in a broad sense required, i.e. the obligatory and the "permissible and justified," referring to items (i) and (iii) as variations on "right." Eisenberg might have found it more convenient and certainly more in line with classical thinking if he had reclassified these categories simply as perfect and imperfect duties, respectively. Such an amended list would therefore include the following categories: (i) prohibited acts, (ii) offences, (iii) perfect duties, (iv) imperfect duties (v) supererogatory acts and (vi) other permissible morally neutral acts. Now one is justified in raising the question as to whether it is meaningful to refer to "moral" actions which are "morally neutral" and which are in fact not covered by either the categories of imperfect duty or acts of supererogation. In such a case, there is good reason for reducing the classification of moral actions to the first five categories mentioned above. But it must be noted that such considerations are largely based upon strictly deontological factors.

One noteworthy attempt in the literature which does propose to provide a deontic account of the classification of moral actions without recourse to the concept of "moral neutrality " is advanced by Lorenne M. Burchill. She defends Urmson against the attacks of those utilitarians who would force his work back into a trichotomous framework by explaining that the issue can be clarified by examining what it is that moral philosophy is supposed to be about. She argues that moral philosophy quite simply is about what moral agents ought to do. Given then that morally neutral acts have no deontic status, she classifies
moral actions as follows:

1. those which each agent ought to do on each occasion that the opportunity arises, e.g. keeping promises, telling the truth,
2. those which each agent ought to do on some occasions, e.g. acts of charity,
3. those which some agent ought to do on each occasion, e.g. helping someone in distress, and
4. those which some agents ought to do on some occasions, e.g. acts of heroism and sacrifice.

The internal logic of Burchill's account is forceful and her disinclination to deal at all with morally neutral and indifferent acts is also commendable. But there are a number of difficulties with this account, principal among which is that it makes heroism and even sacrifice matters of duty for some moral agents. Supererogationist writers are very protective of the voluntariness and optional nature of supererogatory acts and would regard any attempt to make them matters of obligation as unacceptable as well as counter-intuitive. Burchill's account is, furthermore, unclear about perfect and imperfect duties. Actions in step one of her analysis are clearly perfect duties for the most part, but step two seems to include a mixture of perfect and imperfect duties and step three seems to include a mixture of imperfect duties and supererogatory actions. It should not be overlooked that the typical supererogatory action involved giving assistance to someone in extreme distress. Step four provides only an outline sketch of supererogatory action and cannot really be said to have advanced understanding of supererogation very much at all.

Frankena's Reconciliation of Deontic and Aretaic Categories

Basing our criteria upon deontic criteria alone therefore seems either to lead fairly directly into inconsistencies of various kinds or to involve us in a number of considerations which are not, at least in great measure, congenial to supererogationist views. William K. Frankena challenges the validity of all efforts to classify moral actions on the basis of deontic criteria alone. He states, further, that "moral philosophers have for a long time recognized the existence
and desirability of a fourth category (i.e. in addition to the traditional trichotomy) for they have used aretaic categories as well as deontic ones" (Frankena, 1970, p. 102). The major problem of classification, therefore, turns on the issue of whether or not another morally favourable deontic predicate other than the obligatory is to be recognised. By recognising both deontic and aretaic categories, the conflict is resolved.

Frankena has posited a basic list of five "deontic" categories earlier developed by Chisholm - the obligatory, the forbidden, the supererogatory, the offensive and the indifferent. In addition to this list of duty-based categories, Frankena offers a supplementary list of three "aretaic" categories - the morally good, the morally bad and the morally indifferent. (ibid, p. 104). Frankena states that he advocates an amendment to the classical tripartite classification because he felt he needed to account properly for "a place for acts of benevolence and generosity that go beyond the call of duty" (ibid, p.103). This reason is representative of what can only be termed a "conventionally supererogationist approach" in view of the preceding discussion.

Frankena's explanation of why he included a co-extensive schema of aretaic categories is interesting. He states that he was struck by a footnote in H.A. Prichard's 1912 article "Does Moral Philosophy rest on a Mistake" which was quoted in Chapter Three above, in which Prichard noted that the lives of people whom we most admire seem to have no dominating concern for matters relating to moral obligation: they were unconcerned about doing right, but were concerned about acting courageously, benevolently and gratefully. "Besides the judgements and standards of moral obligation and goodness," notes Frankena, "we have others of generosity, courage, family feeling public spirit, etc and some people live, primarily at least, by these other judgements and standards and are admired even though moral philosophy disparages or neglects them" (ibid, p.150). He sees therefore, that an uncompromising deontic approach of the kind advocated by Chisholm and his colleagues is in need of adjustment so as to accommodate the concerns of virtue such as love, honesty and sincerity. But a virtue ethics is unable to propound any judgements or principles about what is right or wrong from its basic ideals of virtue: " a complete and pure ethics of virtue would tell us, without any
categorical imperative, 'be virtuous, e.g., be courageous, be generous, etc, and then do as you please,' and insist that this is the whole law and the prophets" (ibid, p.154). Both elements are needed therefore, in order to obtain a clear idea of the nature of moral actions.

Frankena's precise formulation of his categories are as follows:

A. Deontic categories
1. what is strictly required or obligatory, duties in the strict sense,
2. what is strictly forbidden or wrong, violations of strict duties,
3. what ought to be done in a wider sense, but is not strictly a duty or obligation, what one has a right not to do,
4. what ought in a wider sense not to be done, but is not strictly forbidden or wrong, e.g. what Chisholm calls offenses,
5. what is deontologically indifferent - not morally required in either the wider or narrower sense, nor morally prohibited in either sense.

B. Aretaic categories
1. what is morally good,
2. what is morally bad,
3. what is aretaically indifferent.

Frankena's two-stage classification has considerable appeal: it accounts for supererogatory acts and offences, and also avoids a number of the disagreeable features of Chisholm's approach as outlined above. Frankena has not created any superfluous categories of moral acts; his aretaic account avoids the trivialisation of supererogatory actions, and he fully takes the moral agent and his dispositions into consideration. Note that Frankena situates supererogation in category A3, i.e. "something that ought to be done in a wider sense, but which is not strictly a duty or obligation, what one has a right not to do." Curiously, he does not consider that B1 also applies to supererogatory acts, although he seems to infer such a contention elsewhere in his paper.

Despite the various attractions of this account, there are a number of obvious difficulties with it. It is, first of all, an insufficient definition of supererogatory acts. Supererogatory acts are too complex to be characterised
with a noun phrase. An adequate account of them requires a more detailed approach of the type attempted by Schumaker and Heyd, for example. It is tempting to think that had Frankena pursued his efforts, he might have concluded that supererogatory actions are also virtuous acts. Secondly, his A3 formulation seems also to include imperfect duties, as well as supererogatory acts, given that the formulation "not strictly" is clearly intended to refer to actions which are not perfect duties.

Finally, it is of note that he still retains the concept of morally neutral acts - his description of them is "deontically and aretaically indifferent" acts. In fact, two of his eight categories describe morally neutral acts. This seems rather unnecessary in light of the view expressed above that the concept of a morally neutral act which is still somehow "moral" is more than simply a puzzle.

An Alternative Classification

It will be recalled that the modern natural law philosophers argued against an extensive zone of moral indifference. In fact, they recognised only a very restricted zone of uncertainty. But the idea that there is an extensive zone of moral neutrality or "deontic and aretaic indifference" finds many modern exponents. James S. Fishkin, for example, contends that "morality" properly speaking, is reserved for special occasions and that "a substantial proportion of any individual's actions fall appropriately within the zone of indifference or permissibly free choice" (Fishkin, 1982, p.23). Fishkin terms this finding "the robust zone of indifference." He claims that a substantial portion of a person's acts fall into his zone of moral indifference, under normal circumstances (normal citizens under normal conditions). This position, together with other aspects of Fishkin's portrayal of the moral universe, will be dealt with in detail in the following chapter. At this point, however, it is worth noting that if actions can be taken without any ethical context whatsoever (e.g., whether one washes the car on Saturday morning or Saturday afternoon), then they are beyond the scope of our enquiry, which is concerned only with the value of moral actions.

But many acts which appear to have no moral significance often do have
moral significance, if not consequence. As Chisholm and others have noted, a simple action such as repaying a loan may appear to have no moral value at all, if we exclude the idea that it is a perfect duty to repay all loans. But such actions can indeed be done in accordance with the letter of the law but not necessarily in accordance with its spirit. If washing a car on Saturday morning rather than Saturday afternoon affects adversely the performance of other duties, such as visiting an invalid relative, then there are important restrictive conditions on the "permissibility" of the action in question. Fishkin contends that "unless by blind luck we always do the right thing anyway, we must be subject to a host of failed obligations of both omission and commission" (ibid). He also claims that sacrificing the "zone of indifference" would oblige us all to be saints. There certainly is a danger of this possibility if we adopt a strict utilitarian approach, such as is advocated by Singer, as was shown previously. But a supererogationist approach does not imply that we should all be saints or heroes. Rather, it does recognise within a rational moral framework that such acts are both possible, that they generate gratitude and are praiseworthy and that the moral universe is largely defined by practices which over time produce tradition in society and virtue in individuals. Our moral actions are not solely taken on the basis of rule determinants, as neo-Kantians and utilitarians would have us believe, but within the context of the integrity or constancy of an individual human life (see MacIntyre, p.25). It is in this context that supererogatory actions are situated.

Of course, many everyday actions in the lives of individuals have little or no moral context, value or significance. It is for this reason that there is good reason to include in a schema of moral action only actions which do have specific and identifiable moral significance. That the network of obligation is very extensive indeed however, is appreciated by Fishkin himself who notes that "it would be difficult to avoid admitting some duties or obligations that any of us could owe to anyone else, including a total stranger" (Fishkin, p.25).

It is noteworthy to recall that the distinctions between some of the levels of moral actions are less than perfectly clear if one takes into account the moral agent rather than merely the consequences of the actions of moral agents. It has also been consistently argued that an adequate system of classification of moral
actions need not include the category of morally neutral or indifferent acts. Such a classification would therefore include only the following categories:

1. prohibited acts
2. offences
3. perfect duties
4. imperfect duties, and
5. supererogatory acts

It would be prudent to allow for a small measure of uncertainty between perfect and imperfect duties and a lesser amount between imperfect duties and supererogatory actions because some individual virtuous actions, such as charity, can be considered as either perfect duties, imperfect duties or acts of supererogation, depending on circumstances. Some supererogatory acts may be interchangeable with imperfect duties and may, in fact, become perfect duties, given variation in various factors such as the urgency of appeals for help, and in consideration of other available options. It would also be appropriate to note a rising scale of praiseworthiness beginning with perfect duties and extending through imperfect duties. While it is probably true that the carrying out of a given perfect duty may be indeed praiseworthy or perhaps even heroic on occasion, imperfect duties are inherently more praiseworthy, in the sense that an amateur athlete who competes successfully against professionals is considered more praiseworthy than professionals who compete successfully against other professionals. Chapter Eight explains how supererogatory acts are, for the most part, worthy of praise.
Chapter Seven
Supererogation and Politics

Synopsis

This chapter considers the vexatious issue as to whether it is meaningful to speak of supererogation at the level of nation-states. The chapter shows that it is not impossible for states to perform acts of supererogation but recognises that there are more difficulties in the way of such actions than there are at the level of inter-personal morality. An examination of the affinities between Locke's idea of prerogative as "doing good without a rule" as contrasted with the concept of supererogation introduces the theme. An assessment is made of realist views of the issue as presented by a selection of modern writers including Stanley Hoffmann, Max Weber, and Arthur Schlesinger jr, as well as Reinhold Niebuhr, all of whom argued that nations are obliged to follow courses determined entirely by their respective interests, whereas individuals (in the words of Niebuhr) are bound by laws of love and sacrifice. Goodin's contention that special responsibilities to protect those in special need can indeed have repercussions at the level of dealings between nation-states is examined and contrasted with Fishkin's exposition of systematic impartial consequentialism.

The case for state altruism is then reviewed; the possibilities of a "samaritan state," are considered, including the idea that the concept of supererogation is possible at the level of nation-states and that it can be discerned in the policies and practices of various state functions, particularly in aid, trade and immigration. The hypothesis is formed that while it is indeed difficult to make such a determination with any degree of confidence, at least the possibility exists that supererogation is not completely incompatible with the practice of statecraft, despite a prevailing air of Machiavellianism surrounding political philosophy as it pertains to the actions of autonomous states. This hypothesis is tested by a detailed analysis of the issue as to whether unilateral nuclear disarmament is supererogatory. The chapter concludes with a discussion of the circumstances under which it would be possible to conceive of
Locke's Idea of Prerogative

Before beginning our discussion of supererogation at the nation-state level however, let us look briefly at an interesting account offered by John Locke about "doing public good without a rule." This is Locke's elaboration of the concept of prerogative. It is not a specifically supererogatory theme, but satisfies the most basic and simplest definition of supererogatory actions offered by Chisholm as acts which are "good but not obligatory" and thereby presents some affinity to the notion of supererogation. It is of interest to note that the notion of supererogation has been described by one modern writer in terms of "moral prerogative" (see Lauritzen). Now it is commonly held that the correct exercise of prerogative is in fact a duty for a wise prince, and that its exercise is not at all an example or even a precursor of supererogation. A good prince, it is argued, would indeed want to exercise his prerogative wisely for the good of the people, thereby fulfilling his duty. On the other hand, the actions of a prince in accordance with his wise exercise of his prerogative may also be seen as beyond duty in accordance with the criteria of supererogatory actions as proposed by Heyd. Such actions may, after all, be optional, intrinsically good and performed voluntarily for the good of others. It should be added that the correct exercise of prerogative also involves a significant risk, an observation made among other authors by Kant. "The right to pardon a criminal (jus aggratiandi) either by mitigating or by entirely remitting punishment is certainly the most slippery {"schlüpfrigste"} of all the rights of the sovereign. By exercising it he can demonstrate the splendour of his majesty and yet thereby wreak injustice {Unrecht} to a high degree" (The Metaphysical Elements of Justice, p. 337). Although Locke saw prerogative in its classical context as a right which could only be exercised by a sovereign, there are some significant supererogatory elements involved in his explanation of the doctrine, such as pardoning and showing mercy as noticed in Chapter One, which shed some light both on what it is that modern contract theorists are attempting to do, and on the nature of supererogation at the level of the...
governments of nation-states. Let us now look more closely at Locke's views on the concept of prerogative.

Although Locke believed that the interests of the people will determine the political actions of its representatives, he made an important exception for his doctrine of prerogative, particularly when exercised by a wise prince, which enabled him to go beyond the application of positive law to realise a specific public good. Locke established the basis upon which men in a state of nature, following reason which is the law of nature, agree together mutually to enter one community, and make one body politic. The "great and chief end" of doing so, he states, is the preservation of their property, i.e., their life, liberty and estate. The first requirement of such a commonwealth is an "established, settled known law received and allowed by common consent to be the standard of right and wrong" (Locke, chapter IX, para. 124). These laws furthermore, "ought to be designed for no other end ultimately but the good of the people" (ibid, para. 142). The legislature which is formed to act for the preservation of the community is the supreme power, but it is at the same time only a fiduciary one and can be forfeited. But how is the good of the people determined? Locke proposes that the over-riding principle of civil government "salus populi lex suprema" has two aspects. Firstly, he states that the legislative body is to decide by popular vote what is to be acknowledged to be of advantage to the society and people in general." In the end, therefore, the interests of the people will determine what it is that the people will decide, on the assumption, (no doubt made by Locke) that "the people" will know what their interests are and that voting procedures can bring them to expression.

But Locke makes allowances for any abuse of the perceived advantage or interest of the people by positing a second category of political power which can be exercised by the sovereign to provide for the public good "in such cases where, depending upon unforeseen and uncertain circumstances, certain and unalterable laws could not safely direct" (ibid, Chapter III, para. 158). This is the faculty of prerogative; "prerogative is nothing but the power of doing public good without a rule" (ibid, Chapter XIV, para. 166). There are, then, two types of civil power which can produce good results - the certified and measured acts of a legislative body and the acts of a prince's prerogative.
There are, he says, "many things which the law can by no means provide for, and those must necessarily be left to the discretion of him that has the executive power in his hands, to be ordered by him as the public good and advantage shall require" (ibid, Chapter XIV, paa. 159). It is, for example, appropriate that the ruler mitigate the severity of the law and pardon some offenders. Sometimes the power of prerogative to act for the public good is done without the prescription of the law and sometimes even against it. Custom has given rulers latitude on the exercise of prerogative, which can be "nothing but the people's permitting their rulers to do several things of their own free choice where the law was silent, and sometimes too against the direct letter of the law" (ibid). Interestingly, he asserts that the history of England attests to the fact that prerogative was always "largest in the hands of our wisest and best princes" (ibid, para. 165). He concludes his discussion of prerogative by stressing that "no judge on earth" can judge when prerogative is being correctly used.

It is perhaps worth mentioning at this point in the discussion that Hume also felt that the rules of justice such as prevail among political societies differed from those determining relations between and amongst men. He notes rather that the morality of nations is "more free" than the morality appropriate to individuals and that the rules of justice apply to princes with less force than they do to the conduct of private persons (see Hume, p. 568). "There is a system of morals calculated for princes, much more free than that which ought to govern private persons" (ibid, p. 567). This system, according to Hume, is justifiable as being in the better interests of all.

Although neither Locke nor Hume have any room in their systems of moral philosophy for supererogatory acts, Locke's account of prerogative is in line with supererogatory accounts of pardoning and showing mercy which was discussed in Chapter One. The structural similarity is basically that the laws give one set of duties, and liberties, and at the "intervention point" of such duties and liberties, that is, when action must be taken, another set of principles or guides to action actually determines what is actually done (e.g., to extend a pardon or show mercy on one hand, or to leave behind a lucrative professional practice to enter public life in times of particular crisis at home.
such as civil disturbance or war) or abroad (such as famine). "Doing public good without a rule" is an apt characterisation of certain types of supererogatory acts, and it is significant that Locke situates it in the context of political, rather than personal, morality. Virtually all the modern supererogationists situate supererogation strictly within the context of personal morality.

Realist Views

Despite Locke's interesting views and their relevance to the theory of supererogation, he is basically concerned with the rights and duties of sovereigns. In order to establish the legitimacy of the notion of supererogation at the level of nation-states, our enquiry should be widened to the extent of first considering the views of those who deny any possibility of it at all. It must be acknowledged that the prospects of actually establishing that nations have duties which surpass an appreciation of their interests are daunting. The entire issue of ethics in politics, let alone international affairs, resembles an intellectual battleground even more than the area of interpersonal ethics. Needless to say, those who claim that states act on the basis of their interests alone and in general behave as if they are in a state of nature, as Hobbes contends, have found it easier to gain a hearing than those who would seek to show that states are bound by obligations other than those fixed by the international equivalent of contracts, that is to say, treaties. Stanley Hoffmann refers to Thucydides' Melian dialogue as instructive in this regard. "The Athenians tell the Melians that in international affairs, the strong do what they can and the weak do what they must, and that, anyhow, discussion of rights is valid only among equals. The Melians insist on talking about right and justice. The Athenians rely that 'expediency goes with security while justice and honour cannot be followed without danger,' and they conquer and kill the Melians' (Hoffmann, p. 11). The classical view that states are motivated by interest only is attributed to Henry Temple (Lord) Palmerston as follows: "we have no eternal allies, and we have no perpetual enemies. Our interests are eternal, and those it is our duty to follow."
International relations, on this view, is the domain of necessity in which the only ends are security and survival. Max Weber puts the distinction in another way, stressing the contrast between an ethic of conviction, or ultimate ends, on one hand, and what he terms the ethics of responsibility, that is, the ethic of politics, on the other. The ethics of responsibility inevitably entails the subjugation of ends to means, sometimes evil means, in order to reach a given end. Weber also holds that all politics entails conflict and that states are the ultimate expression of the values of their peoples for security and survival. There is, therefore, according to Weber, no value within the ethic of responsibility higher than that of the state.

With such an analysis, it seems impossible to identify a place for basic ethical behaviour between or among nations. In addition, statesmen, as opposed to intellectuals, according to De Gaulle, are obliged by their responsibilities to take risks, including moral risks. Hoffmann notes that "if statesmen had behaved in their private life the way they did in order to bring about the unification of Italy - lying, spying, killing - their mothers would not have approved" (ibid, p. 23). Hoffmann goes on to state that the "drama" of international politics is that there is, as of now, "no generally accepted alternative to Machiavellian statecraft" (ibid, p. 24), even though it is unsuitable as a true model for our times, as it is based on the conception of an international condition of more or less continual conflict, if not actual warfare.

The generally understood relationship in contemporary thought between personal morality on one hand and the influence of moral principles in public affairs on the other is one of nearly complete separation. Writing just after the coming to power of the Nazi party in Germany in 1933, R.B. Mowat commented that "the contrast between private morality (the morality of individuals) which is high, and the public morality (the morality of states) which is low, is one of the most amazing things in the world. There is a moral law for the individual and there is no moral law at all for the state. No state recognises any duty, except that to itself. Its own interest is paramount" (Mowat, p.13-14).

With somewhat more understanding of the actual exercise of political power, Arthur Schlesinger jr has explained that politics is a field of human
activity where practical and prudential judgement must have priority over simple moral verdicts. "Saints can be pure," he states, "but statesmen must be responsible. As trustees for others, they must defend interests and compromise principles" (Schlesinger, p. 22). But progress is possible in politics where it is not visible in the context of relations between individual human beings. Although there is no generally accepted code of behaviour among men, there are a number of conventions among nations, (such as the Hague conventions of 1899 and 1907, the Geneva Protocol of 1925, the Geneva Conventions of 1929, and the Charter and Covenant of the United Nations) which do demand near universal respect by sovereign states, even though the Geneva Protocol outlawing the use of chemical weapons has been under some pressure in recent years. These documents both outlaw certain actions which the world order has placed beyond the limits of permissible national and international behaviour and has tentatively addressed the issue of the rights of all men. Schlesinger does not deny that moral considerations are relevant to international relations, but he does contend that "the raw material of foreign affairs is, most of the time, morally neutral or ambiguous" (ibid, p.26). Moral principles have limited but direct use however, he states, not only in cases of last resort, but also in providing input into the assessment of a nation's interests. Referring to principles of personal ethics, he says that "the function of morality is to clarify and civilize conceptions of national interest" (ibid, p. 35).

Essentially, therefore, he supports the position of Reinhold Niebuhr who explained in "Moral Man and Immoral Society" how private morality failed to influence the behaviour of states and whose distress concerning the consequences of this fact matched the despair of other writers such as Mowat. Schlesinger also specifically acknowledges his debt to Niebuhr (ibid, see p. 23). Individuals, according to Niebuhr are endowed by nature with sympathy and consideration, a sense of justice, abilities to control egoism and to prefer the advantages of others to their own, whereas "in every human group there is less reason to guide and to check impulse, less capacity for self-trancendence, less ability to comprehend the needs of others and, therefore, more unrestrained egoism than the individuals who compose the group show in their personal relationships" (Niebuhr, p.xi, xii). To hold that the moral qualities of
individuals can find replication in groups or society at large he holds to be illusory and sentimental views of the age of reason. The basic problem is that "all social cooperation on a larger scale than the most intimate social group requires a measure of coercion. While no state can maintain its unity purely by coercion, neither can it preserve itself without coercion" (ibid, p.3). The exercise of coercion is inevitably controlled by dominant groups who impose their will on minorities, as history has amply demonstrated.

Niebuhr's vision of the future is in line with those views; "it is safe to hazard the prophecy that the dream of perpetual peace and brotherhood for human society is one which will never be fully realized. It is a vision prompted by the conscience and insight of individual man, but incapable of fulfilment by collective man. It is ...possible of approximation but not of realization in actual history" (ibid, p.22). Nations are motivated by self-interest and selfishness, whereas individuals are obliged to obey the law of love and sacrifice. "The paradox of patriotism is that patriotism transmutes individual unselfishness into national egoism" (ibid, p.91). Loyalty towards nation-states becomes an expression of altruistic impulses and leads to such fervent expression that the critical attitudes of an individual towards the nation are almost completely destroyed. Individual acts of heroism, therefore, performed on behalf of nation states have little moral value at all for Niebuhr. While the highest ideal for individuals is unselfishness, the highest ideal of the state must be justice. To obtain justice, the state must "use means such as self-assertion, resistance, coercion and perhaps resentment, which cannot gain the moral sanction of the most sensitive human spirit" (ibid, p. 257). But Niebuhr also argues, as do the modern contract theory philosophers, that the most perfect justice cannot be established if the moral imagination of the individual does not seek to comprehend the needs and interests of his fellows" (ibid, p. 257-8).

Responsibility and Minimal Altruism

Goodin offers a sympathetic account of the rights of those in special need in his contention that there are recognised responsibilities to protect the vulnerabilities of others and that the extended implications of both group
responsibility and individual responsibility have consequences for theories of foreign assistance. His first principle of individual responsibility was outlined when discussing the supererogatory paradigm of volunteering in Chapter One. The "principle of group responsibility" holds that if A's interests are vulnerable to the actions and choices of a group of individuals, either disjunctively or conjunctively, then that group has a special responsibility to (i) organise (formally or informally) and (ii) implement a scheme for coordinated action by members of the group such that A's interests will be protected as well as they can be by that group, consistently with the group's other responsibilities (see Goodin, p. 136). The second principle of individual responsibility holds that if B is a member of a group that is responsible, under the principle of group responsibility, for protecting A's interests, then B has a special responsibility; (i) to see to it, as far as he is able, that the group organises a collective scheme of action such that it protects A's interests as well as it can, consistently with the group's other responsibilities; and (ii) to discharge fully and effectively the responsibilities allocated to him under any such scheme that might be organised, in so far as doing so is consistent with his other moral responsibilities, provided the scheme protects A's interests better than none at all. (see ibid, p. 139).

Goodin acknowledges, with radical utilitarian writers such as Peter Singer, that "it is logically very difficult indeed not to be drawn beyond the welfare state and extend... protection to the needy world-wide"(ibid, p.154). Indeed, the vulnerability model makes an excellent case for systematic international redistributions. In deciding who has primary responsibility to help whom, Goodin suggests two relevant considerations; (i) what sort of assistance the recipient needs and how badly, and (ii) what sort of assistance the donor is capable of giving and at what cost.

Goodin's contribution is useful, but it is not clear whether he is referring in his analysis to a requirement of benevolence, the imperfect duty of charity, or indeed to a supererogatory action. If he has supererogatory actions in mind, then his account strengthens the notion that states can take supererogatory actions. This seems unlikely, however, in view of his general approach which seems to be to affix duties to relationships which conventional morality holds
to be free of them. Acts of supererogation may be acts of particular responsibility, as was noted in the discussion of the supererogatory paradigm of volunteering, but under no circumstances are they duties.

James S. Fishkin's writings favour a rather less pessimistic approach to the application of moral principles to dealings between states than the many authors cited above, who variously incline towards Hobbes or Niebuhr in support of the claim that supererogatory conduct is even less likely amongst nations than morality or even justice. Together with the modern contract theoreticians such as Rawls and Richards, Fishkin's account also recognises the possibility of supererogatory actions of individuals and identifies moral elements in the affairs of nations which appear to transcend the narrow economic or strategic interests of nation states.

Fishkin notes the pervading scepticism that states can be moral, at least in the way individuals take moral action in accordance with and because of moral principles. This is because governments have duties to their citizens to pursue national interests whenever it conflicts with the interests of other countries. Nations are therefore linked together on an ad hoc basis in unstable and transitory arrangements, sharing no common rules of conduct. These considerations yield the conclusion that states play by commonly accepted rules of conduct only when it is in their interests to do so, and are absolved from playing by the rules if one party fails to comply. But, asks Fishkin, is this really any different from the conduct of relations between individuals? Persons do have legitimately differing "moral ends" which may require them to give more attention to their own needs and the degree of compliance by others.

Fishkin recognises three types of moral acts - those he terms indifferent, supererogatory or required, maintaining that any given act must be classifiable as only one type. He also stresses that a large or "robust" percentage of moral acts are "indifferent," i.e., permissible. Perhaps rashly, in order to resolve the problem of famine relief posed by Peter Singer, Fishkin defines supererogatory acts as those we cannot be obliged to perform. Now this is less satisfactory as a definition of supererogatory acts because other factors also determine supererogatory actions, as has been shown, and also because we can only be obliged to perform imperfect duties in a special sense. Imperfect duties
are, after all still duties, and in that sense they can be said to oblige; and yet, they cannot, in another sense, be said to oblige specifically, because they are imperfect. This oversight complicates Fishkin's task of accounting for supererogatory acts distinct from a much larger category of imperfect duties. Fishkin discerns two types of obligations; "general" and "special." An obligation is general, he says, "if it would be unaffected by changing the identity of the agent and the identity of the recipients of any given moral action with those of any other persons" (Fishkin, 1982, p. 27). A special obligation would be changed by identities, as for example, Fishkin would not treat his wife the same way as he would a perfect stranger. General obligations therefore obtain behind the Rawlsian "veil of ignorance," whereas special obligations obtain in front of the veil.

Fishkin claims that his arguments hold only in normal conditions and that general obligations cannot be incrementally extended to attain heroic proportions. Singer's argument that one is obligated to contribute a small amount of money to save a human being from starvation in Africa until one is reduced to poverty can be answered only according to Fishkin by recognising a "cut-off for heroism"- i.e., that certain levels of sacrifice cannot be morally required of any individual" (ibid, p.48). The basic problem of the relationship between private and public morality he sees as one of scale. Normal conditions which demand a large measure of permissible actions may not prevail (e.g. amongst human rights campaigners in South Africa). The increase in calls upon charitable donations inevitably leads to a breakdown in private morality because there is only so much one can do to alleviate the collective distress of mankind. These are the limits of obligation. "Both our moral concepts and concepts of size are unrefined for cases involving a large number of additions or small increments" (ibid, p.87). These problems of scale "are more obvious in a nation state and even more obvious in an interconnected world community" (ibid, p.58).

Fishkin's answer is that a general, broad principle of minimal altruism should have broad appeal along the following lines; if a person knows that he can prevent great harm, such as the loss of a human life, he is morally obligated to do so if the costs to him (and to anyone else) are minor. Fishkin's claim that
such a principle should attract broad appeal is well founded: it has indeed enjoyed broad appeal ever since it was formulated by the modern natural law philosophers. But beyond stating this less than original contribution to understanding of the nature of moral obligation, Fishkin makes little effort to advance resolution of the conflict between private and public morality. In fact, he observes that he is genuinely caught in the dilemma himself and is not advocating any particular solution.

But the ideas of breakdown and incremental overload he states, have important implications for modern political philosophy in that they outline the incompatibility of the two central components of liberalism - impartiality or equal concern and respect for all on one hand, and individualism on the other."Notions of impartiality ... press us towards acceptance of general obligations. Notions of individualism require... limits on the moral demands that can be made of each individual - limits such as the cut-off for heroism and the robust sphere of indifference, without such limits, the sphere of negative liberty, where we can be free from interference to do as we please, would lose its value. There would be no realm of permissible free choice, for that part of our life would be filled up with moral requirements and overwhelming moral demands" (ibid, p.170).

Fishkin's interest in the issue of public vs private morality prompted him in a subsequent paper to posit a single basic paradigm for the revival of liberal political philosophy as expounded by Rawls and Richards, among others, which he calls systematic impartial consequentialism (SIC) and explains as : "(1) states of affairs are evaluated by an impartial procedure granting equal consideration to everyone's interests; (2) first principles ranking those states of affairs are selected by the procedure; (3) the moral requirements specified by the first principles apply to everyone within jurisdiction of the procedure, and (4) the first principles apply without further exceptions or qualifications so as to provide a systematic solution without any recourse to intuitionistic balancing" (Fishkin, 1986,p.1). Fishkin notes that the paradigm has some plausibility at the intra-national level, but that it breaks down completely in the context of inter-state, i.e., international relations, because such relations cannot be systematic. The basic paradigm not only overlooks special obligations in
personal situations, but also on the international level. Although he claims that the basic paradigm requires equal consideration for everyone's interests, it ignores the special obligations one has towards one's country. Such utopian approaches exclude special obligations altogether - disregarding, as he says, the "kind of limits on moral demands we commonly presuppose in Western moral culture" (ibid, p. 4).

State Altruism

Yet other writers have defended the view that there is room, however narrow, for more than simple morality in the affairs of nations. Hoffmann implies that state altruism does exist, although it is "not frequent, nor can it always be commended because, after all, the statesman's duty is to look after the interests of his people" (Hoffmann, p. 40). Kant believed that the affairs of men and nations were certainly analogous and that the same types of moral concerns applied to both. An optimist by nature when dealing with questions concerning the future of mankind, Kant felt that the human species was "progressing steadily in civilisation ... and is also making strides for the better in regard to the moral end of its existence" (On the Old Saw, p. 77; KGS Vol VIII, p. 309). But he was also realistic enough to recognise that the process could be interrupted from time to time. A major source of such interruptions lies in the relationships between or among governments. "Nowhere does human nature appear less lovable than in the relations of whole nations to each other. No state's independence or possessions are even for a moment safe from the others. The will to subjugate another, or encroach upon what belongs to him is always present..." (On the Old Saw, p. 80; KGS, Vol VIII, p. 312). The way out of these problems for Kant is a strengthened version of international law. In an endorsement of internationalism which he termed the "cosmopolitan" view, worthy of record by any international organisation and of commitment by any member state of the United Nations today, he stressed that "the only possible remedy is international law based on public statutes backed by power, statutes to which every state would have to submit in analogy to civil or constitutional law for individuals" (ibid, p. 80; KGS Vol VIII, p.
Kant is not alone in holding such views. Speaking about the outrageous excesses of World War I in an address to the United States Congress in 1917, President Woodrow Wilson explained that the world had arrived at an era when "the same standards of conduct shall be observed among nations as among citizens of civilized states" (Address to Congress, April 3, 1917). But even if it is acknowledged that analogies of dealings between or amongst nation states on one hand, and between or amongst individuals on the other, are possible, it is quite another matter to contend that nations supererogate. Yet it is obvious that nations do make sacrifices for others and do deny themselves rights which they could have exercised with complete justification. Most often, however, it is the case that such actions are taken for the longer term benefit of the nation engaging in such apparently supererogatory actions and that they are not performed out of a desire to bring principal benefit to another nation, and thus fail the fourth condition of Heyd's definition, viz, that supererogatory actions are done voluntarily for the sake of someone else's good.

Several types of actions in the interrelationships of nations, however, do suggest themselves as possible instances of "political supererogation." These are (a) development assistance; (b) trade, and; (c) immigration. Bearing in mind that of all problems in political theory, those of "international distributive justice are by far the most troublesome" (Hoffmann, p. 141), let us consider the special problems of each, as well as the opportunities which may be present within them for nations to act in a supererogatory manner.

Most foreign aid programmes proposed by governments are in fact approved by electorates in contemporary times because they serve a mixture of humanitarian, political and economic objectives. In many cases, the commencement of a specific foreign aid programme is animated by an altruistic motivation of an unfocussed, general nature, such as to realise humanitarian benefits of some sort or to alleviate the sufferings occasioned by war, famine or other misfortune. These motives are usually, perhaps inevitably, conjoined by considerations of national interest, either in a narrow sense of increasing exports or in a broader sense of improving a general condition of misery so as to obviate yet more dangerous evils of political or
economic destabilisation, takeover by radical or extreme elements and the like. The motivation of fear is a very strong one of course, and it cannot be denied that fear of eventual retribution or revenge by the 'have not' nations over the 'haves' serves as a background to a number of such relationships, such as that between the United States and Mexico, for example.

An interesting account of the aid giving process is provided by Keith Spicer who examines the idea of the "samaritan state" in his study of Canadian international development assistance programmes. He finds that Canadian foreign aid was perceived by Canadians from its origins as having moral value, as well as political and economic justification. The moral reason for helping developing nations is, he says, essentially conceived in humanitarian terms. Popular support for aid policies seems strongly dependent upon the humanitarian argument. Spicer asserts that "... the Canadian people appear to support aid overwhelmingly, and largely for moral or idealistic reasons" (Spicer, p.5). Elected representatives responding to these wishes are quick to support the traditional values of Christian charity and philanthropy. But Spicer points out that philanthropy is but a "fickle and confused policy stimulant, derived exclusively from the personal conscience. Love for mankind is a virtue of the human heart, an emotion which can stir only individuals - never bureaucracies or institutions. Governments exist only to promote the public good; and as a result, they must act purely in the selfish interest of the state they serve" (ibid, p.11). Rejecting the notion that a "samaritan state" is possible, Spicer contends that "altruism" as foreign policy is a misnomer, even if sometimes the fruits of policy are increasingly beneficial to foreigners. Spicer then rejects humanitarianism as an objective of Canadian policy, both despite the fact that individual voters tend to see humanitarianism as a legitimate goal of policy as well as a sufficient motivation to action, and notwithstanding the observation that politicians and ministers are prepared to justify foreign aid programs on this basis alone. Governments, he says, must make hard choices in the rational interests of their peoples. "The satisfaction of charitable aims can be tasted only by human beings, for it is in their hearts that such feelings are born and only there that pity can find its catharsis" (ibid).

Of course, voters, and even government ministers, are human beings and it
may well be that both do accept a measure of satisfaction when aid programmes are implemented, improved or supplemented on humanitarian grounds alone, quite apart from the benefits which may or may not accrue to the donor government itself. The process by which such activities are transformed from ends in themselves to means for the attainment of specific political or economic ends seems to be the same one whereby the goodwill of a single human being is imperfectly matched by the goodwill of others. The institutionalisation of these feelings, desires and motivations into concrete policy seems inevitably to entail a loss of vigour and a failure in direct transmission of the feelings or values originally perceived. Aid is, after all primarily political when it is received by a given political entity. Since most foreign aid is channelled either to or through the governments of aid recipients, its delivery invariably becomes a factor of economic or social change and hence of political power. Foreign aid policies must, therefore, in the end, according to Spicer, be consonant with, and indeed circumscribed by, the limitations posed by the foreign policies of donor governments.

Spicer notes that the expansion of trade is often a legitimate substitute for aid and that morally conflicting demands are placed upon donor nations in accommodating third-world nations seeking markets for their cheaper export products within the domestic markets of donor nations. Such governments are then faced with the choice of reducing overall flows of aid, in order to decrease the relative advantage enjoyed by developing states, or to erect barriers to the entry of the products of these states into their domestic markets. These decisions are often agonising for donor states, especially if the developing nation prefers to expand trade at the expense of its aid receipts. Donor nations which knowingly permit their home markets to be overtaken by product lines from developing nations, thus entailing the failure of domestic economic structures, bankruptcies and the like, can be considered either to be on the threshold of taking supererogatory actions or to be simply foolish. The analysis of Curtis (see Chapter Three above) is instructive about the relationship between the supererogatory and the foolish.

An even more interesting instance of possible supererogation between states is the question of immigration, particularly of refugees. The question of
refugees, in particular has received some interesting attention from philosophers in recent years. Shaknove has defined refugees as people who fulfill the three following conditions: (i) their basic needs are unprotected by their country of origin, (ii) they have no remaining recourse other than to seek international restitution of their needs, and (iii) they are so situated that international assistance is possible. If, as Spicer notes, the chief goal of a donor country is to alleviate the economic distress of recipient nations, a donor country "might offer nationals of certain developing countries more generous terms of emigration" (Spicer, p. 246). It could be claimed, for example, that certain special immigration programmes, particularly those dealing with the entry of refugees, are definite instances of political supererogation. Such actions seem indeed to satisfy the basic conditions of Heyd's definition of supererogatory actions as permissible, not required, good, done for the benefit of others than the moral agent, and meritorious as well.

There are, however a number of factors which invariably pertain in such situations which have the effect of vitiating the force of supererogationist claims. The first is that refugees are normally always the subject of international discussions and negotiations; any commitments to accept them are nearly always hard political decisions taken in the light of domestic political factors on the background of international bargaining about which nation should take which types of refugees. Secondly, refugees are always accepted on a "triage" system, so that those with financial assets or professional qualifications are chosen first, whereas those with no skills, no contacts in host countries, and who may be too young, too old or too sick for labour markets drift to the end of the line. Now, even if the weakest or poorest or otherwise least desirable of all possible Vietnamese refugees were eventually admitted to a modern industrial society such as Australia or Canada, substantial doubts would still persist as to whether such actions should be considered supererogatory or not, if only because the basic policy decision to allow their entry in the first place would have been a political decision based solely on the sovereign interests of the receiving nation, and not primarily in the interests of the refugees themselves, although clearly enough, they will in most cases have been greatly benefitted by such a decision.
An additional factor has been contributed by King who notes in a recent article that immigration from third world nations impacts heavily upon the economic prospects of the poorest classes in the receiving states. He adds that the restatement of this problem in philosophical terms generates extreme policy recommendations, i.e. either unlimited immigration based on principles relating to utilitarian concerns about non-discrimination or contractarian theories of universal justice on one hand, or no immigration at all on the other, based on the principles that greater benefits could be realised both to immigrants by increasing foreign aid to third world nations and to the income levels and living standards of host nations.

In view of the foregoing, it seems that a case permitting the description of certain types of acts by states as supererogatory is just possible. The issue of refugee admittance as discussed above shows that some actions, such as admitting refugees who are in all likelihood to remain public charges for extended periods, are more meritorious than others, such as admitting only refugees with professional qualifications. The possibility that the act of admitting large numbers of people who, according to reliable estimates could only constitute a drain on community resources, might be supererogatory should be recognised, although this possibility is also subject to the foolishness criterion of Curtis. Just as doing many favours, or being very generous in contributing to charity may be more meritorious than doing only some favours or being only moderately generous, it may well be appropriate to acknowledge that some actions of states may be in more complete conformity with Heyd's definition of supererogatory acts than others, and that it is therefore meaningful to speak of degrees of supererogatory actions. Is it not meaningful, for example, to say that the actions of some states, such as Argentina, which took 50,000 Jewish refugees from Nazi terror were more meritorious than those of other nations, such as Canada, which only accepted 5,000? If so, can it be denied that those nations which took many more than others, did, in fact supererogate? The answers to such questions are probably best resolved in reference to Heyd's definition. If it can be shown that these acts were taken primarily for the sake of the refugees themselves, and otherwise satisfy the other conditions (i.e., basically that they are permissible, not required, good
and meritorious) then it is possible for states to supererogate.

**Is Unilateral Nuclear Disarmament Supererogatory?**

Curtis, it may be recalled, notes that supererogatory actions can be distinguished from required actions on one hand and foolish actions on the other by relating the degree of cost or risk involved in the commission of a given action to the moral value of the end of the given action. If the cost or risk of such actions is considerably less significant than the value of the end, then the action is foolish or unwise. "But if the cost or risk is roughly as significant as the moral value of the end, the agent has done something which is 'above and beyond the call of duty'- something which is morally good, but not morally required" (Curtis, p.311). The placement of supererogatory acts between duties and foolish or unwise actions is relevant to the question as to whether unilateral nuclear disarmament would be a supererogatory act.

Proponents of nuclear disarmament often prize unilateral disarmament above multilateral disarmament. Unilateral action is, after all, easier to achieve, as it requires, in principle at least, only the approval of the legislature of a single nuclear power and it is guaranteed to break deadlock in any negotiations about arms reductions. Such an action would be held as highly admirable in many quarters and its authors could well content themselves with the thought that it might be further emulated by other peace-minded states. More importantly perhaps, resources could be redirected to more productive ends to the benefit of both the domestic economy and to international efforts to improve prosperity. These goals in fact did lie behind the decision of the British Labour Party to go into the 1983 elections on a platform espousing unilateral nuclear disarmament. Nonetheless, the possibility that such policies might not escape the charge of foolishness is one which needs to be examined. In the growing philosophical literature on this issue, it would appear that the opinions of those who hold that the arms race is irrational are generally predominant. Can it be that irrational actions may not necessarily be foolish or unwise? Can it be that maintenance of the strategic balance in nuclear weapons is not so irrational after all?
In responding adequately to such questions, a clearer idea as to what is meant by use of the term "rationality" is needed. In the first place, a basic distinction needs to be made between individual and collective rationality. It may be rational, for example, for individual members of a given collectivity to undertake actions which are individually licit, and otherwise quite rational but which, if practised by all members of the collectivity would be irrational. It might be rational, for example, for a hard-worked patents clerk to drive his personal automobile to a local look-out point every Sunday to view the sunrise. But it would be irrational if everyone did the same thing at the same place at the same time. Similarly, it is possible that some perfectly rational collective actions, such as ensuring allied victory in World War II, would appear irrational from the point of view of an individual participant with no idea of the reason behind the various military actions and their attendant miseries and absurdities, as is confirmed by soldiers' stories from all sides. Individual rational actions may therefore appear to be collectively irrational, and likewise collectively rational actions may appear irrational from the point of view of given individuals. In the case of the nuclear deterrent, which seems irrational from an individual point of view, in that taxes are paid to build up enormous stocks of fearful weapons which only serve the purpose they were designed for if they are never used, it may well be that it is rational from quite another viewpoint, i.e. from the standard of the world collectivity, where it can be convincingly shown to have preserved a wide measure of world peace in the post-war period, particularly between the nuclear powers.

S.I. Benn and Peter Baehr have pointed up the "irrationality" of the justification used in defence of the balance in strategic arms resting on the deterrent threat of mutual assured destruction. Baehr, for example, states that "as a description of the bomb, the language of irrationality is apposite" (Baehr, p. 235) because deterrence is, he holds, out of conscious control and serves no good purpose. Several other contemporary writers including William H. Shaw and Douglas P. Lackey have shown how the complex of issues relating to nuclear deterrence rests upon a moral perplexity - "namely that it appears to be right to threaten, and in a sense to intend, what it would be wrong to do" (Shaw, p. 41). Shaw terms this the "immoral act-immoral intention principle." He
acknowledges however that both utilitarian and non-utilitarian assessments of the permissibility of nuclear deterrence will be affected by complex factual determinations and that "moral evaluation of the actual practice of deterrence is so tricky precisely because fundamental issues of ethical theory intertwine with stubborn empirical questions "(ibid, p. 51).

Lackey, who is a consistent advocate of unilateral nuclear disarmament on moral grounds disagrees with the assessment that factual issues could determine the outcome of an issue whose importance is fundamentally, if not uniquely ethical in nature. In his major work "Moral Principles and Nuclear Weapons," he attempts to show how the non-possession of nuclear arms, as opposed to the policy options of either "detente" or nuclear "victory" is preferable on moral grounds, by showing how it would appeal above the other options to utilitarians, to "rights theorists," as he terms the deontological school, and to modern contract theorists, in addition to proponents of the "just war" theory. The aim of Lackey's work is to show that the option of non-possession best serves the common good, best serves human rights and is the least unfair of the three strategic options, and that it would accordingly be rejected by proponents of all three major traditions in moral philosophy.

Lackey's advocacy of unilateral nuclear disarmament is weaker than his attack upon the theory of nuclear deterrence: he finds the former to be merely "not unfair" whereas he pronounces the latter to be "morally irresponsible." Lackey draws upon the Rawlsian veil of ignorance to bolster his idea that unilateral nuclear disarmament actually reduces the risks of conflict by projecting the idea of the authority of a "world government" empowered to secure peace. "If there were a world government that had the power to seize nuclear stockpiles of any nation, then it would be unfair to seize the stockpile of the United States without seizing the stockpile of the Soviet Union. It does not follow that it would be unfair for the United States to give up its nuclear weapons voluntarily. It would be unfair for the government to impound $150 from my bank account in order to support famine relief: it does not follow that it would be unfair for me to take $150 from my bank account and send it off to famine relief. Voluntary non-possession is not unfair" (Lackey, p. 179-80).

This is a key argument in defence of Lackey's thesis, but is vulnerable to
criticism on two principal counts. The first point concerns his use of the term "non-possession." Lackey uses the term to include both non-acquisition as well as voluntary renunciation and alienation but in doing so has overlooked an important distinction. The United States is not in a position to opt for voluntary non-possession, because it already possesses such weapons in unwanted abundance. "Voluntary non-possession" is essentially an option open only to nations such as Sweden or Canada which have the capability of producing nuclear weapons but which voluntarily renounced the options of both production and possession. The United States, then, would not be faced with the option of voluntary non-possession but rather with the rather more complex option of voluntary renunciation and destruction of the nuclear weapons it already possesses. Both voluntary non-possession and voluntary renunciation and destruction would appear to be prima facie instances of supererogatory behaviour, but as is shown later in this section, the classification of such acts at the political level as supererogatory involves a number of methodological perplexities.

Secondly, it must be asked whether the voluntary renunciation and destruction of nuclear weapons of one side, e.g. by the United States, is equally fair to all parties concerned. It seems obvious that the exercise of such an option in the absence of any reciprocal assurance from the Soviet Union to do likewise, would ipso facto confer a major strategic advantage to the Soviet Union if it did not renounce the use of nuclear force and if it remained fully armed. In such a case, it is "less fair" to the citizens and residents of the United States who now stand at the military mercy of their ideological opponents, not to mention those allies and third world nations that find shelter under the nuclear umbrella of the United States and would now find themselves in greater danger of Soviet nuclear blackmail than when such threats would have been neutralised by equivalent United States displays of force.

But let us now look more closely at two of the main ethical principles which bear upon a determination of such matters - the principal of wrongful intention and the principal of double effect. As explained above, the issue of wrongful intention or the "immoral act-immoral intention principle" of Shaw is a major problem for those theorists who contend that nuclear deterrence is necessary.
is it not wrong, they argue, to take an immoral action such as threatening an adversary with obliteration even if only such a threat will deter a determined opponent bent upon extreme malice? John W. Lango states the wrongful intention principle as follows: "it is morally wrong to intend, even conditionally to do that which it would be morally wrong actually to do" (Lango, p. 316). Since it is wrongful, he continues, to use nuclear weapons in attack, it is also morally wrong to intend to use them, in deterrence. Some authors note that there is a difference however between wrongful intentions and wrongful threats. Kenneth W. Kemp states for example, that nuclear deterrence involves threats without any underlying formed intentions. Threats could be accompanied by conditional intentions to carry out the threat, or they could be bluffs, or indeed the threat might not be accompanied by any formed intention at all. He also doubts that the wrongful intentions principle can be applied to nuclear deterrence, claiming that deterrence has features which distinguish it from ordinary intentions (i.e. that it is effective in preventing nuclear war), and that it is only adopted as necessary to the performance of a stringent duty - i.e. the preservation of Western democracies from totalitarian domination, and in a manner so that the conditional intention to do something admittedly immoral will ensure that the conditions under which the immoral action was to be carried out will not arise (see Kemp, p. 289-90). Conditional intentions to do wrong are at least prima facie wrong: Kemp's point is not that they are wrong in themselves but that they can be justified if they are overridden by a higher duty. Hoffmann, it is recalled, noted that the unification of Italy would never had occurred if the major figures such as Garibaldi had not indulged in actions of which their mothers would have disapproved.

This argument leads naturally to a discussion of the principle of double effect which attempts to resolve the question of how evil can be introduced into the world out of otherwise good motives. Lackey notes that the principle probably originated with Aquinas, but was subsequently modified and reached canonical form only in the mid-nineteenth century. The principle holds that in the course of doing good, it is sometimes necessary to bring evil into the world. It is permissible to bring evil into the world by action A provided:
A. action A is not and must not be evil in itself,
B. action A must also have a good effect that outweighs the evil effect,
C. the good effect must be intended and the evil effect not intended, and
D. the evil effect must not be the only means by which the good effect is achieved.

Lackey argues that the principle of double effect was brought into considerations relating to the immunity of non-combatants by the great powers in the 1920's and 30's when it became evident that the traditional concepts of immunity of civil populations no longer applied in an era of aerial bombardment. The principle can be easily employed to justify the killing of innocent bystanders in conflict situations. Lackey even contends that application of the double effect principle allows Catholics to behave like utilitarians and claims that it has been adopted by official United States strategy papers in which the "unavoidable incidental casualties" which may occur during the attacks on military objectives need to be addressed in a rational manner and, if possible, justified on rational grounds. But it is still an open question whether the principle of double effect can be rightfully used to justify nuclear deterrence, as opposed to situations of non-nuclear conflict. Nuclear deterrence can be defended, it would seem, on the basis of points A, B, and D, but it cannot be easily accommodated in reference to point C if only because the evil effect, in this case the killing of innocents on a very large and indiscriminate basis is an intended effect. Kemp contends however that the concept of deterrence is essentially a matter of punishment and does not involve the intention to kill the innocent. "Conceptually, we cannot get further{with the notion of nuclear deterrence} than the intention to inflict some kind of damage" (Kemp, p. 279). But this line of reasoning is highly suspect it would seem, given that the published strategies of France, and to a lesser extent of the United Kingdom clearly call for the targeting of large cities, possibly because the lower level of technological sophistication attained by their nuclear warfare units does not allow these nations to concentrate their targeting solely on military objectives.

Lackey notes that the principle of double effect has been attacked by a number of contemporary writers, who claim to have achieved more
satisfactory results in problem-solving situations by interpreting the double
effect in terms of double duties, and giving priority, as do the negative
utilitarians, to the duty to avoid injury to others over the duty to give aid.
Lackey concludes that the doctrine is harmful in the context of strategic
thinking and serves to obliterate the distinction between counterforce and
countervalue targetting (i.e. deciding whether to attack military or civilian
targets). The person who, he says executes a strategic nuclear plan "is as
responsible for collateral deaths as he is for the destruction of the primary
targets" (Lackey, 1987, p. 267).

Despite the problems for moral theory which the underlying concept of
nuclear deterrence contains, particularly the "immoral intention" principle, the
choices of seeking options other than maintaining deterrence are equally
unpalatable; the only real options are actually to use nuclear weapons in the
hope of prevailing against a massive counter-strike, or to disarm unilaterally.
Gregory S. Kavka rightly notes that in comparing nuclear deterrence and
unilateral disarmament, one seems trapped "between the Scylla of a smaller
risk of a worse disaster (that is, full-scale nuclear war) and the Charibdis of a
greater risk of a smaller disaster (that is, a nuclear strike or Soviet domination
via blackmail)" [Kavka, 1983, p. 255]. He attacks Lackey for implausibly
underestimating the probability of a Soviet nuclear strike against the United
States, arguing that "there is no scenario short of fantasy in which the United
States will adopt unilateral disarmament" (ibid, p. 257). He contests Lackey's
belief that advocating unilateral disarmament serves the cause of peace. Kavka
does not claim to be a prophet however and one would do well in this
connection to recall that the actual working out of political compromise in the
real world is replete with surprising turns of fortune, unthinkable alliances and
completely unexpected events. Lackey responds meekly to Kavka's criticism
on this score merely by noting that "it has always seemed to me that red is better
than dead because the red can choose to be dead but the dead cannot choose to be
anything at all" (Lackey, 1983, p. 263).

In the light of this discussion, let us consider whether unilateral
nuclear disarmament would be supererogatory, and not simply foolish or
unwise, following the cautions of Curtis. Let us recall that Heyd's definition
held that an act was supererogatory if and only if: (1) it is neither obligatory nor forbidden, (2) its omission is not wrong, and does not deserve sanction or criticism - either formal or informal, (3) it is morally good, both by nature of its intended consequences and by virtue of its intrinsic value (being beyond duty); and (4) it is done voluntarily for the sake of someone else's good and is thus meritorious. Using Heyd's definition as a guide to supererogatory acts, such actions would be unlikely candidates for supererogatory status, principally because the conditions under which such an act could be done principally for the sake of the good of a nuclear antagonist are inherently incalculable. Other features of Heyd's definition are satisfied to a greater or lesser extent however. Unilateral nuclear disarmament is clearly neither forbidden nor required, although one could imagine legislative procedures which would render it obligatory, as if, for example, the democratically elected assembly of a nuclear weapons state deliberately chose to abandon the nuclear option. Similarly, it can be and has been convincingly argued that unilateral nuclear disarmament is not wrong if omitted, although there has been much debate about this. There is less agreement however, as to whether it would deserve sanction or criticism if omitted. Indeed, a considerable body of criticism has direct application in this respect. There would be rather less dispute as to the relative goodness of the action. It is argued elsewhere in this thesis that the element of cost or risk is essential in determining whether actions are supererogatory: needless to mention, the element of personal and collective risk is present on a grand scale.

But if unilateral nuclear disarmament is perhaps not a suitable candidate for the category of a politically supererogatory act, are there other, more worthy cases? It was previously mentioned that voluntary non-possession might be considered supererogatory under some circumstances. Although such circumstances can be imagined, it is unlikely that they will be numerous given the necessity of governments to act first and foremost in their own interests. Voluntary non-possession of nuclear weapons is clearly in the interests of Canada, for example, which has found ample protection under the American nuclear umbrella. Similarly, voluntary non-possession is in the best interests of Sweden if only to avoid the consequences of being treated as an unfriendly
nuclear power by its Soviet neighbour.

Intuitively, however, one feels that the action by one nation, in coming to the aid of another under attack or threat of attack from a nation which in no manner threatens the first nation is at least partially supererogatory, especially when the cost of casualties is reckoned. The actions of Australia at Gallipoli might be proposed in this connection, or the act of the United States in declaring war against Germany in both world wars, or of reestablishing prosperity in lands conquered by the allies during World War II via the Marshall Plan. But are not such actions either in the very nature of military alliances themselves, or directly in the interests of the donor nation, in the case of the Marshall Plan, and have such considerations not explained the desire of the United States and Canada to be willing to fight consecutive wars in Europe in the belief that in so doing, the likelihood of having to do so in their own homelands is thereby reduced? Perhaps the actions of the Nordic nations, and some others, in support of international peacekeeping actions could be advanced in this connection. In one way or another however such purported instances of political supererogation appear less likely to satisfy Heyd's definition, especially in terms of the condition that the action be done voluntarily for the sake of the good of others.

In a world of increasing interdependence, where the good of other nations is more and more linked to the good of one's own, and in which ecological issues affecting the common heritage of all mankind become principal issues in dealings among nations, it may well be that acts of uncontested supererogatory value are even less likely to present themselves as candidates. But then, they have rarely been obvious. Of course, friendships among nations are real and they have motivating force: nations do act towards each other as friends do and often enough do make sacrifices on each others behalf. Perhaps it is enough to say that when nations do so for the common good, including their own, that is enough, even if it is not supererogatory.

But it is clear that the definition of Heyd as well as that of Schumaker apply essentially to situations involving personal relations between one individual and another or between one individual and a group of others, that is, where the interests of both parties are clearly distinct and separate. In the affairs of
collectivities, such as nation states, the definition of interests is less clearly demonstrable, particularly in a world which is becoming ever more increasingly interdependent. Major issues affecting the biosphere as a whole allow of no calculation of national interest which is distinct from that of the common good.

If it is to be acknowledged that supererogatory actions among nation states are possible, and do take place, therefore, Heyd's definition will need to be adjusted and simplified in some respects. Schumaker's definition has the advantage of simplicity; he asserted that supererogatory actions needed only to be (1) neither forbidden nor required by morality, (2) good, and (3) done primarily for the sake of someone other than the moral agent. If condition three is adjusted to take account of the common good, as opposed simply to the good of another person, then an adequate account of supererogatory actions which could apply to collectivities such as nation-states would stand as follows:

\[
\text{supererogation} = \text{df. "acts the performance of which are (1) neither forbidden nor required by morality, (2) good, and (3) done primarily for the sake of the common good."}
\]

But note that this revised definition of supererogatory action does not materially assist in answering the question as to whether unilateral nuclear disarmament is supererogatory, because opinions are divided on the issue of the public good. Kavka notes that it is no easy matter to decide whether it is better to run a smaller risk of a greater disaster or a greater risk of a smaller disaster. Such questions cannot be resolved without independent assessment of the facts of strategic deployments and intentions. Philosophical inquiry is relevant to this process but is not predominant in the resolution of the issues. Baehr himself, a proponent of the thesis that nuclear deterrence is irrational quoted Bernard Williams' remarks on a television program that absolute rejection of deterrence "cannot avoid complex arguments about what the world is really like", including the "mind-blowing complexities" (Baehr, p. 231) of strategic doctrine. For this reason, there is considerable value in the approach of Kavka who contends that there are a range of policies and measures which, while retaining the concept of deterrence, serve to reduce the risks of nuclear war. "These include significant unilateral peaceful steps that invite Soviet
reciprocation; more reasonable negotiating postures of mutual disarmament; willingness to compromise on political differences; a no first use declaration; abrogation of launch on warning procedures, and so on” (Kavka, 1983, p. 260). All these steps would improve the chances of reaching the even more desirable objective of mutual (or even multilateral) nuclear disarmament.
Chapter Eight
Definitions Revisited

Synopsis

This chapter returns to issues of definition. It is shown that supererogatory acts are distinct from both perfect and imperfect duties in that they are not correlated with rights. It is also shown that the concept of personal cost and risk is a definitive feature of supererogatory acts and that it is not a defining characteristic of imperfect or indeed of perfect duties. Improvements are suggested to Heyd's definition of supererogatory acts by attaching a condition to signify that supererogatory acts involve personal cost such as risk or sacrifice to the moral agent; the second part of Heyd's fourth condition "that supererogatory acts are meritorious" is simply deleted. It is, instead, contended that while meritoriousness is characteristic of supererogatory actions, there are methodological problems in including meritoriousness as a defining condition. The concept of personal cost is supported on the basis of arguments that supererogatory acts engender gratitude and are praiseworthy.

Supererogation and Imperfect Duties

Let us now consider the relationship between supererogation and imperfect duties in more detail. Some writers, such as Sidgwick, consider supererogatory acts as types of imperfect duties, whereas other philosophers, including Urmson, believe supererogatory actions are in a separate category from duties altogether. Still others, such as Heyd, stress the importance and independence of supererogation from duties, perfect or imperfect, but point out that they are nonetheless continuous with them. In Chapter Six the view was advanced that perfect duties, imperfect duties and supererogatory acts are clearly distinguishable but that there are areas of double employment or overlap, particularly between imperfect duties and supererogatory acts. It has been noticed by supererogationist writers that specific supererogatory paradigms may be treated as imperfect duties by some philosophers, as perfect
duties by others and as supererogatory acts by still others. Clearly, however, the most problematic distinction is between imperfect duties and supererogation. Sidgwick spoke of a "grey zone" and a "borderground" in this area and other philosophers have noted difficulties in transition between one category and another.

Schumaker also claimed that the boundary cannot be drawn with any firmness and summed up these difficulties in the following manner: "the boundary between imperfect duty and supererogation is not so much a line as it is a common ground; and, therefore the discharge of some important duties is virtually indistinguishable from the doing of some, usually minor, act of supererogation. Because the scope of imperfect duty in this way impinges upon the scope of supererogation, we cannot even in principle always determine whether a given act is more properly considered to be a duty or an act of supererogation. Thus, the nature of imperfect duty forces the conclusion that there is a sort of no-man's land between the realms of supererogation; there are acts lying in this obscure space of which we cannot properly insist either that they are duties or that they are supererogatory" (Schumaker, 1977, p. 38). Schumaker does not attempt to resolve this problem apart from asserting the claim that while "no man can ever be required to do an act of supererogation, no man can consistently act rightly without supererogating" (ibid).

One possible distinction concerns the correlation of duties with rights. It has been believed by many philosophers, for example, that perfect duties are correlated with perfect rights and that imperfect duties are correlated with imperfect rights. But supererogationists generally hold that supererogatory acts have no balancing rights, are not matched in any way by rights, perfect or imperfect, and can be described quite independently of a context of rights. No-one has a right to the sacrifice of others, for example. Indeed, such a notion deforms the concept of a right altogether. At the same time, imperfect duties are still largely viewed as required, at least in the sense that persons who do not honour them are considered blameworthy. Imperfect duties are duties, nonetheless, and have the force of obligation, even if there are admitted degrees of latitude in their performance. A provisional distinction therefore is established: supererogatory actions are not matched by rights as are imperfect
duties. Neither are they matched by perfect duties, nor by rights of any kind. The possibility of performing an action such as a benefaction or sacrifice unrelated to a context of rights is not unreasonable. Such actions require no recognition at all, although they are appropriate causes of admiration and gratitude.

Personal Cost or Risk

But let us also see whether there are not some other guidelines to ease our way out of the quandary which Schumaker has identified. An initial step which not only accords with what is commonly understood about supererogatory actions, namely as being "above and beyond duty," is that of restoring the notion of sustained committed effort leading to personal sacrifice and acceptance of risks, in other words of "personal cost." Schumaker rejected this notion as part of his definition on the basis that fulfilling every duty requires some sort of effort and that "it is therefore otiose to insist that an act must require effort in order to qualify as supererogatory" (Schumaker, 1970, p.52). Heyd also argues against including notions of personal cost such as risk or sacrifice in his definition, partly because he agrees with Schumaker that fulfillment of normal duties requires effort and that not all cases of sacrifice are supererogatory. An additional explanation is that to include risk, effort, sacrifice or personal cost in the definition would weaken Heyd's contention that supererogatory acts are both correlative and continuous with duty: it is important therefore that he retain the concept of trifling or minor supererogatory actions which would be excluded in a definition that includes personal cost as a condition. But Heyd recognizes a 'natural tendency' to treat only exceptional, difficult and highly admirable acts as supererogatory.

Let us see where following this natural tendency will lead. If for the moment the question of meritoriousness in condition # 4, which will be dealt with separately, is discarded, and the notion of personal cost together with the other conditions of Heyd's definition of supererogatory acts, is included, the following formulation is advanced:

An act is supererogatory if and only if:
1 it is neither obligatory or forbidden;
2 its omission is not wrong, and does not deserve sanction or criticism—either formal or informal;
3 it is morally good, both by virtue of its (intended) consequences and by virtue of its intrinsic value (being beyond duty);
4 it is done voluntarily for the sake of someone else's good, and is thus meritorious;
5 it is done at personal cost to the moral agent.

Firstly, let us consider whether the newly attached condition (#5) is justifiable. Common sense would indicate that there is a strong likelihood of this being the case. We normally do admire conduct which exceeds the call (limits or demands) of duty, at least partly because of the amount or degree of personal cost involved, irrespective of the actual results achieved. Heroes attract popular admiration not only because they bravely tackle and often prevail over long odds against them but also because they dare to take big personal risks against opponents not incidentally in their way, but determined to thwart their actions. Urmson's argument dealt more with heroes than with saints, and much of the subsequent literature has followed this trend, but the parallel is still clear enough: saints become revered as such because they attract attention by attaining distinction through some form of major benefaction or triumph over adversities through some form of persecution or sacrifice including the very high personal cost of self-sacrifice. To be sure, the condition of personal cost excludes trivial supererogatory acts which might involve a low cost, such as 'paying one's share' in contributing to civic charities, or even to a school frequented by one's own children. Such actions are dutiful and possibly expensive in a restricted sense, but are not borne at direct personal cost or risk in the same manner as supererogatory actions involving cost would be. We might say that such acts might have involved a certain cost, but we would not term them "costly" in a personal sense. Supererogatory acts by contrast, are personally costly in that they are immune to conventional limits on obligation of the type which Fishkin would impose: they are performed at cost, often high cost leading to sacrifice and risk without guarantees; they are actions whose authors have waived conventional notions
about doing good with little or no personal inconvenience, or at low or only minor risk.

Of course, it is not denied that many dutiful actions also entail risks and costs, only that there is no necessary connection between the two, and that, in addition, supererogatory acts, if not always incurring personal risks and costs, characteristically do so.

In addition to the support of common sense for the view that personal cost is a necessary condition of supererogation, a strong current of philosophic writing also supports this contention. Pufendorf, as noted in Chapter Two recognised a "higher form of humanity" which he taught was something that cost "money or painful effort." Feinberg, it will be recalled, defined supererogation at one point as "meritorious, abnormally risky non-duty" (Feinberg, 60-61, p. 276). He also termed it "super-risky" (ibid, p.282). Note that Peterfreund claims that supererogatory actions "involve considerable risk or sacrifice for a person" (Peterfreund, 1976, p. 290). He also rejects the notion of trifling acts of supererogation, observing that non-trivial supererogatory actions may be infrequent but that at least there are acknowledged occurrences of them. In a later paper, he notes that a supererogatory act goes beyond the limits of duty "because it generally involves greater risks and sacrifices than those normally associated with the performance of a duty " (Peterfreund,1978, p.54). Walker notes that supererogatory actions are characterized by "great effort or sacrifice" (Walker, p.17). Rawls observed that actions become supererogatory "when the individual displays its characteristic virtues of courage, magnanimity and self-control in actions presupposing great discipline and training" (Rawls, 1972, p. 479).

It may be recalled that in Chapter One, mention was made of a lively debate which had arisen in the literature about this issue in recent years. Let us now review the controversy in greater detail. Elizabeth M. Pybus has argued in neo-Kantian fashion that the classical three-fold classification of moral actions recognised by Kant as obligatory, prohibited and permissible is correct, that supererogatory acts must be considered as morally obligatory, and that supererogatory ideals must be considered to be non-moral aspirations. Pybus...
bases her argument on the notion of moral commendation: "...if my commendation is genuinely moral, then my genuine act of commendation does commit me to saying that this really is how men ought to be. But if I do have a genuine moral view that this is how people ought to be, then I must think that I, and others ought to live up to this and regard those who do not as falling short of the moral standard" (Pybus, 1982, p.194): "... to say, therefore, that someone is a saint or hero, and thereby to express a moral judgement, is to say that a person has succeeded in being what we all ought to be" (ibid, p. 196). But holding such a view, she stresses, does not commit one to say that all should do similar acts because admiration and praise for such actions is reserved for the attitudes, dispositions and virtues which gave rise to them rather than for the acts themselves.

Pybus was answered by Elizabeth M. McGoldrick who defends Urmson against Pybus's charge that the category of the supererogatory is superfluous and that supererogatory acts can be accommodated adequately under the rubric of duty. She claims Pybus argues that it is indeed a duty to develop the dispositions from which such actions spring but that Pybus begs the question she purports to answer by defining a moral ideal as something to which we all as a matter of duty ought to aspire, thus committing the fallacy of petitio principii.

McGoldrick goes on however, to offer additional justification for supererogatory action on the basis that "the distinguishing feature of a supererogatory act is that it is performed at extreme risk to one's own life and well-being" (McGoldrick, 1984, p. 525). Typical supererogatory actions of courage or saintliness, she says, involve people who "serve others at considerable cost to themselves, and this is important because we are not morally required to make large or life-endangering sacrifices for others" (ibid). McGoldrick stresses the purely voluntary, as opposed to the obligatory nature of such acts and aspirations. She advances a "plea for the supererogatory which is more a suggestion than an argument" (ibid, p. 527) based upon the notion of a 'gift'- a free giving, or voluntary relinquishing of something to another, and a relinquishment of a right and bestowal of it upon the recipient. The saint and the hero, she says, "bestow upon others the free gift of their service," voluntarily relinquishing their right to personal aspirations, goals and
interest in order to preserve the well-being of others. Now, such actions may indeed be foolhardy or servile, but "some are inspired by unselfish love and benevolence: "... as befits the highest moral ideal, it must be done voluntarily and out of love" (ibid, p. 528).

Pybus defended herself against this challenge in a second paper by saying that as agents making moral judgements, we cannot distinguish between the points of view of spectators and agents. "I cannot judge something to be the morally praiseworthy pursuit of an end without judging such pursuit to be something I should, other things being equal, engage in" (Pybus, 1986, p. 527). She claims that her argument for the obligation to acquire the virtues needed for living a morally good life turns on the indistinguishability, in practice, of agent and spectator viewpoints. She claims that Kant's three-fold classification of moral actions still holds, against the attacks of Urmson and other supererogationist writers such as McGoldrick, but that "we need to loosen up [Kant's] theory to leave room for the virtues within good will" (ibid, p. 529).

The last, but perhaps not the final contribution in the series of discussions of this subject is by Russell A. Jacobs who assesses the arguments of both Pybus and McGoldrick as inadequate. Jacobs contends that Pybus' argument is circular, as well as counter-intuitive in maintaining that "there are no cost-imposed limits on moral obligation - largely because to commend morally is to commit oneself to emulate" (Jacobs, p. 98). He argues that high personal costs of obligations in reality conflict with, rather than intensify obligations. But Jacobs is also critical of McGoldrick, claiming that she fails to prove that people are never required to make large sacrifices for others. It is as false to say, according to Jacobs, that high cost always overrides duty as it is to say that high cost never overrides duty. "It is much more reasonable to say that in some cases the high cost of doing our duty cancels the duty, while in other cases an action remains our duty despite the high cost of doing so" (ibid). Jacobs concludes that if obligations which are overridden by high cost are still performed nonetheless, they are supererogatory.

The above discussion reveals that contemporary opinion is divided on the issue as to whether personal cost is a condition of supererogatory action, although the balance of the argument seems clearly to favour the personal cost
approach. In addition to the criticisms of Pybus offered by McGoldrick and Jacobs, it is also appropriate to assess whether the criticisms of the utilitarian rejection of supererogation advanced by Christopher New (see Chapter Five above) do not also apply to the deontic approach of Pybus. Pybus seems to use two different senses of "ought" in order to carry her argument. By praising actions of saints and heroes as something we "ought to emulate, she is using "ought" in its commendatory sense, but by arguing that we "ought " to cultivate the dispositions and virtues which lead to such acts so that it becomes a duty for us, she is using "ought " in quite another sense, namely its prescriptive sense. It is clear that neo-Kantians would feel themselves committed to retain the obligatory as the highest possible category of moral achievement and endeavour, and it is also interesting that that Pybus felt Kant's account needed to be "loosened up," not to take account of supererogatory actions, but to make room within the concept of the good will for the dispositions and virtues which give rise to supererogatory actions. Pybus does not address the question as to how successful Kant was in doing just that in elaborating his doctrine of virtue in Part II of the Metaphysics of Morals, but it is interesting in this connection to recall as noted in Chapter Four that McCarty places these dispositions and virtues among things sublime, and not among those that have moral worth.

If the added element of "personal cost" as part of what we mean by the notion of supererogation is retained, following on from Heyd's definition as amended, some other significant relationships can be established. It is the contention of this thesis that if an action satisfies all conditions specified in accordance with the previous discussion, then it follows that supererogatory acts: (a) engender gratitude, and (b) are praiseworthy.

Gratitude

Pufendorf observed that "the counterpart of beneficence is a grateful mind by which he who is the recipient of the benefit, shows that he received it, is kindly disposed to the giver because of it, and seeks an opportunity to return its equivalent, as far as he can" (Pufendorf, ING, Book III, Chapter 3, 16). Of course, gratitude may be an appropriate response to the doing of perfect and
imperfect duties alike: our argument is rather that, as Heyd has expressed it, "...gratitude is always appropriate in the case of supererogatory behaviour" (Heyd, p.140). Heyd adds that it is the gratuitous, completely voluntary nature of a supererogatory act which makes it worthy of gratitude. Kant went even further in his esteem for gratitude and the actions and virtues which occasioned it. In the Metaphysical Principles of Virtue, he made gratitude a "sacred duty" whose violation can destroy the moral incentive for beneficence in its very principle" (Kant, op.cit. p.119). Even if gratitude is always appropriate, it is not invariably forthcoming. Hugh T. Kerr has reminded us that the gospels record that only one of the ten lepers cured by Christ returned to express gratitude (Kerr, p.152). So let us look more carefully at recent philosophical attempts to analyze the notion of gratitude. The most significant contributions seem to have been made by Richards, Berger and Walker.

In his discussion of the principles of supererogation, it will be recalled, David A.J. Richards posits the 'subsidiary principle of gratitude.' Following the contractual model, Richards contends that "contractors will agree that persons who have voluntarily profited from the goodness of others, are to do something by way of gratitude in advancing the interests of their benefactors" (Richards, p. 209). In line with Kant's idea that gratitude is significantly related to the idea of beneficence, Richards advances a technical statement of the principle of gratitude which is non-enforceable (see Richards, p. 210). Gratitude underlies and explains many of the moral aspects of the relations of friendship and love between mature people and entails, according to Richards, a subsidiary principle of kindness.

He classifies "obligations of gratitude" into three types: (a) that shown by children to care for their parents in old age, (b) that shown to people who help us when we are in distress, and (c) that shown to others who show kindness beyond the call of duty; in such cases, gratitude has as its purpose the encouragement of acts of beneficence (Richards, p. 209-11). As with other aspects of Richards' approach to supererogatory acts, his account of gratitude introduces the idea of obligation. Gratitude becomes in cases 1 and 2, at least, matters of justice. In addition, gratitude shown in response to supererogatory actions is interpreted largely in terms of its beneficial effects on the
development of public morality, or, in another word, its utility.

Fred R. Berger has also attempted an analysis of the concept of gratitude, but using non-contractarian terminology. Berger notes that there are three principal conditions under which gratitude is due: (a) the value of the benefit to the recipient, (b) the degree of sacrifice or concession made by the grantor, and (c) the voluntary nature of its undertaking. Gratitude is not expressed unless the action was done "in order to help us." If the act was done only because the actor chose the lesser of two evils, or without any knowledge or thought that it would benefit us, or solely because it might bring him benefits, there is no debt of gratitude, because nothing was done to help us. Berger concludes that gratitude is most clearly seen as the requital of benevolence. Furthermore, he notes that gratitude cannot be demanded. To do so reveals the act of help or gift as not having been a show of benevolence at all, but something done to gain favour. (One is reminded of the way Tom Wolfe described how the "favour bank" functioned in New York.)

Sincere, adequate expressions of gratitude are demonstrations of a complex of reciprocal beliefs, feelings and attitudes of which the essential features are: "a. the recipient shows he recognises the value of the donor's act - that is, that it was an act benefiting him and done in order to benefit him; b. the recipient shows that he does not regard the actor as having value only as an instrument of his own welfare, and, c. a relationship of moral community is established, maintained, or recognised, consisting of mutual respect and regard. Reciprocation makes the relationship two-way" (ibid). Sometimes gratitude is more than a simple expression of feeling, but requires a demonstration. All supererogatory acts can be marked by either expressions or demonstrations of gratitude, depending upon an appreciation by the the recipient of the degree of risk or cost incurred by the initiator of the action.

A. D. M. Walker is critical of both these approaches. In a recent article (he notes that Richards' account largely deals with gratitude in terms of justice, in the manner of classical Greek philosophy but that Richards fails to give an accurate interpretation of it because of his concern with calculations of moral balance; Richards also fails to allow adequate scope for sincerity in the sphere of gratitude. This is a serious charge, as Godwin has remarked, because "
sincerity is prized above all other virtues" (Godwin, p.152) for its utilitarian purpose.

Walker finds Berger's approach more satisfactory, as it adequately allows for an account of sincerity in matters of gratitude, but he nonetheless judges it to contain several weaknesses. It manifestly fails to account, he claims, for acts of gratitude which do not imply benefit or help to the person whose acts give rise to gratitude in the mind of another. Walker's illustration is that of the high-principled wife of a hanging judge, who entreats her husband, before he sets off to the assizes, to temper justice with mercy for her sake. "Can she not be grateful to him for acceding to her entreaties even though she does not benefit from them, and is not helped by his behaviour" (Walker, p.43). These and other difficulties with the interpretations of Richards and Berger prompt Walker to offer his own account which avoids such problematic formulations.

Walker situates gratitude, which he sees as focussed on individuals, within the wider notion of 'gratefulness', which is much more diffuse in focus. One can be grateful, in a general sense for benefits received, tangible or intangible, without being necessarily grateful to someone for anything. Gratefulness, he says is similar to thankfulness, in that one can be thankful, without being being thankful to anyone in particular about any specific thing. Gratefulness is sometimes an emotion, sometimes an attitude, but invariably expressed in response to a received good or favour. "Favour contrasts with what we may demand as of right, with what another has a duty or obligation to provide for us, with what we are entitled to expect and can take for granted. We are grateful therefore for what we see as exceeding our rights and entitlements" (ibid, p.48). He surmises that gratefulness is shadowed by a parallel but negative desire for revenge. "The grateful man wishes to favour another because he has been favoured as the vengeful man wants to inflict harm on another because he has been harmed himself." (ibid).

Gratitude according to Walker is, then, gratefulness with a personal focus, concerned with the notion of a grateful return based on a sincere motivation to favour one's benefactor, accompanied by good will. Gratitude is therefore concerned with actions constituting the return a grateful person wishes to make, and actions required by the connection between gratefulness and good will.
Gratitude provides in this way the motive for an act of supererogation in return. Walker actually states that an act of gratitude is supererogatory because the action is not one which the grateful person has a duty to perform. In other words, one supererogatory action of generosity, for example, gives rise to another one by way of the grateful return, even if, faute de mieux, no opportunity to do anything by way of favour is possible to respond to a given benefactor.

But to claim that supererogatory actions necessarily imply gratitude would be correct only if, following Walker, all supererogatory actions had consequences, real or intended and therefore beneficiaries, real or intended. But it is impossible for a putative beneficiary to express gratitude for a supererogatory action which does not bring about positive consequences - as a failed rescue attempt, for example. We do, on the other hand thank people who fail, for trying to help. In such cases where supererogatory actions are mounted out of "high-minded" motives, as Peterfreund observed, we may not find that an appropriate response to such an action is one expressing gratitude, but one of admiration for the effort, the cost or degree of risk invested in an enterprise which was nonetheless defeated by reasons unrelated to personal commitment. It would be correct, however, to say that the appropriate response to supererogatory actions with positive consequences is gratitude, whereas the qualification is not necessary in the case of the praiseworthiness of supererogatory actions. The point is that supererogatory actions are all performed with intended consequences and beneficiaries and that it is not meaningless to recognise supererogatory acts which have neither consequences nor benefactors by expressions of gratitude, although it would be more usual to refer to such acts of recognition in terms of praiseworthiness and admiration.

Praiseworthiness

It now remains to be shown that supererogatory acts are praiseworthy in accordance with the definition of Heyd as modified. Praiseworthiness is itself a complex notion, comprising a number of constituent elements of both philosophical and psychological importance. It should be noted, for example,
that just because something is worthy of praise, it does not automatically that it will receive praise. There is understandably a good deal of subjectivity involved in determining the praiseworthiness of any dutiful act but there certainly is considerably less difficulty in finding supererogatory acts praiseworthy. Indeed, it is our contention that if moral acts do satisfy the conditions of our revised definition, they will definitely be worthy of praise. Some observers may most admire the voluntary aspects of given supererogatory acts, others may find much to praise in the gratuitous generosity or self-sacrifice involved in their execution; others may respect these actions for the excellent results they achieve, or perhaps only because of the great effort and show of human spirit they manifest, even in the absence of any results at all. For purposes of demonstrating the essential connection between supererogatory acts and praiseworthiness, however, the remaining discussion will focus on the notions of: (a) meritoriousness, (b) the contention that supererogatory acts are restorative of relationships, (c) that they are typically, but not invariably, exceptional in some manner, and (d) are related to character and to moral education.

a. meritoriousness

The issue of meritoriousness is one which frequently is discussed in the literature on this subject. Heyd, it may be recalled, included the notion of meritoriousness in part four of his definition (Heyd, p. 115). An act was to be considered as supererogatory, among other factors if "it is done voluntarily for the sake of someone else's good, and is thus meritorious." Feinberg also mentioned the meritorious nature of supererogatory acts, as noted above, (see Feinberg, 60-61, p. 276). Heyd's statement of this condition has an inappropriately consequentialist ring to it, however, and there seems to be little justification in drawing what amounts to an inference in what purported to be a definition.

An act is said to be meritorious if it earns merit for the agent, according to Heyd, who notes that the difference between merit and praise is that the former "is more objective, being related to theoretical criteria of desert, rather than to contingencies like social interests of individual people's praise inclinations,
which determine praise and condemnation" (Heyd, p.139). Heyd seems to be arguing for an objective form of praise which all would recognise as merit. But if this is the case, the initial perception of acts as praiseworthy is "lexically prior" as Rawls would say, to their being meritorious. In addition, meritoriousness has significant institutional connotations which apply more naturally to 'the interest of the trumpet,' borrowing an idea from Bentham, than to 'the interest of the heart.' If actions are considered meritorious, they are also considered praiseworthy, whereas not all praiseworthy actions would necessarily be considered meritorious, in the absence, for example of procedures which would ensure the theoretical objectivity which Heyd seeks. Furthermore, a meritorious act really needs to be successful in terms of actual results, and it is hard to see how an act can be 'meritorious' on the basis of merely "intended" consequences, as Heyd claims. It may however be supererogatory quite independently of any consequences. It is thus contended that supererogation is illustrated and exemplified by meritorious actions. Not all supererogatory acts are meritorious, although they are all praiseworthy. The contention that they are meritorious only if performed for the sake of someone other than the moral agent is rejected.

b. the "restorative" nature of supererogatory acts

The perception that supererogatory actions serve useful social purposes has not been lost on utilitarian writers, as was demonstrated during our study of typical utilitarian approaches to the issue. But nowhere has the concept of supererogation found greater utility than in the restoration of personal relationships. This is confirmed by common sense and by psychological studies of conflict resolution. Supererogationist philosophers have also identified this factor. Kurt Baier has explained his theory of primary and secondary rules of morality on the basis that the former are essentially concerned with matters of justice, whereas the latter are concerned with those larger areas of human experience where considerations relating to rights and duties bring no help. Baier makes the case that the observation of "rules of supererogation" restores moral equilibrium. Primary moral rules, he argues, define "what it is, morally speaking, to mind one's own business, to preserve the moral equilibrium.
Secondary moral rules, such as rules of supererogation indicate what is to be done by whom when the balance has been upset" (Baier, "The Moral Point of View" p. 205). Similarly, Heyd refers to the "social cohesion resulting from supererogatory behaviour" (Heyd, p.166).

An interesting example of the sort of thing which these writers have in mind is provided by A.J.N.Horsburgh, who has commented about the supererogatory paradigm of forgiveness that it is "...in some way restorative, as it is intended to heal a breach in a personal relationship" as noted in Chapter One. The psychological evidence in favour of this claim is provided by the work of Lawrence Kohlberg, who together with two colleagues - Charles Levine and Alexandra Hewer note in the most recent formulation of his theory of the six stages of moral development, that in reference to the highest or 'principled' level, moral judgements have the central function of "resolving interpersonal or social conflicts" (see Kohlberg et al, 1983, p.9). Consideration of issues based on individual legal rights and duties involves contention within the context of positive law and jurisprudence which in many cases do not admit of fair, let alone amicable resolution. Often settlement is possible only when one party waives its right or rights to exercise certain privileges or voluntarily undertakes to yield or cede more than required by the provisions of precedent, positive law, custom or traditional practice. Such actions are most typically effective in resolving crises, and, if they are unburdened by no trace of either servility or compulsion also typically ensure through the generation of goodwill that their recurrence is avoided. Although such actions are generally effective in resolving crises of this nature, it must be recognized that the pathological pursuit of unwarranted advantage by a determined adversary can have the effect of vitiating the moral value of supererogatory action, which would be otherwise effectively dealt with by the system of positive law. It is an ongoing problem for many philosophers, as Rosalind Hursthouse has observed (see Chapter Three above).

c. exceptional behaviour

The question as to whether supererogatory actions are praiseworthy because they are also exceptional is a controversial one, and cannot be given a
convincing unconditional answer. Nonetheless, the issue is one which recurs consistently in the literature. Several supererogationist writers acknowledge trivial acts of supererogation, while others do not, content to defend traditional concepts of what constitute supererogatory acts based upon models of heroism or saintliness. In addition, there is the possibility that some acts may appear to be supererogatory one moment, and merely dutiful the next depending on all manner of circumstance. Chapter Seven noted that it is not meaningless to speak of some actions as being more generous, or more genuinely motivated by humanitarian goals than others, even when discussing actions amongst nations. Some philosophers have described supererogatory paradigms as if they were part of a process, rather than discrete acts of individuals. Of course, if a moral agent sets out to perform supererogatory actions for his or her own sake, or out of what Heyd has termed "moral self-indulgence," then he or she is likely to forfeit a measure of moral value. Holy men may indeed be tempted by martyrdom; sainthood is really not much of a practical goal - it may happen, but if one seeks it out, it is more likely not to occur for the simple reason that something other than principal benefit to the recipient of saintly actions was intended - thus defeating the supererogatory nature of the action.

It is clear, that there is a degree of overlap, or at least some shading between perfect duties, imperfect duties and supererogatory acts, and that some actions can be considered under more than one category under certain circumstances. Mill recorded how acts of unusual virtue could become duties over time and sociologists including F.M. Titmuss have documented how the importance of gift-giving in primitive societies comes to be accepted as expected, even obligatory behaviour over time. A long term improvement in public morality, was, after all, both envisioned and believed with some measure of justification, to have been achieved by the Victorian moral philosophers. But supererogationists seem always to be left with undeniable and irrefutable evidence to the effect that there are cases of undoubted outstanding moral excellence, which they normally and correctly categorise in terms of language variously relating to heroic or saintly actions. Hegel wrote that "mere rectitude, from the standpoint of moral philosophy seems somehow inferior, something beyond which still higher demands must be made on oneself and
others because the craving to be something special is not satisfied with what is absolute and universal; it finds consciousness of peculiarity only in what is exceptional "(Hegel, Philosophy of Right, para 150, p.107). Rawls noted that "the moralities of supererogation represent the higher forms of moral excellence" (Rawls, p. 484). Aurel Kolnai noted that the supererogatory paradigm of forgiveness is to be regarded as the "epitome and culmination of morality" (Kolnai, p. 105).

But many other philosophers either deny the significance of exceptional behaviour or side-step the issue completely by down-grading the idea of duty itself. Frank Chapman Sharp has argued that we come to expect a certain average conduct in human beings and that it is wrong for a person to do more than his duty because to do so he would have to sacrifice his own greater good for the lesser good of others. Mary Mothersill ventures the comment that duties are merely "required minimum performances." But when behaviour above the average is observed, it is normally worthy of praise. But it remains only that - above average behaviour. Now some supererogationists do argue that supererogation is not a matter of just above-average behaviour, but exceptional behaviour and that average conduct is basically in line with more or less adequate fulfilment of perfect obligations, that above-average conduct would correspond to a good selection of imperfect duties, but that above or beyond that, some moral actions, some forms of ethical conduct, behaviour or personal actions surpass anything of the sort that could be expected in terms of imperfect duty. Other supererogationists however, would be quick to explain that the areas of both perfect and imperfect duty offer ample scope for acting supererogatorily. This is, for example, what Feinberg is referring to when he writes of "oversubscription" or "duty-plus" - an over-scrupulous attention to duty.

When we speak of supererogatory actions in moral discourse we sometimes refer to the exceeding of certain standards of acceptable morality. This is the ostensible position of Urmson. But there is also a way to look at supererogation in terms of the more general rubric of exceeding standards in any field, not simply in ethics. It is, for example, meaningful to say that Mozart exceeded the musical standards of his day established by Salieri, or that Ian
Botham exceeded the standard of Dennis Lillee, and so on. In other words, when we speak of exceeding standards in certain regards, we are considering either exceptional people, or ordinary people doing exceptional things or indeed extraordinary people doing extraordinary things. We might say that most, or even all Nobel prize winners in physics, for example, have exceeded what would be normally accepted as distinguished service to science. Indeed, orders and honours have been developed to recognise people who, through their exceptional conduct have surpassed what is accepted as the standard of achievement or even of excellence in a given field, even if the ways in which this system of recognition operates is so much less well organised than the system of positive law designed to deal with infractions of perfect duties. But all supererogationists would likely agree with Feinberg who points out that supererogation is the one area of exceptional conduct that is open to all - whether by acting or refraining to act in a manner that is still consistent with requirements of duty, although radically exceeding them or by doing something so remarkably altruistic and self-sacrificial that it has no relationship to duty at all.

d. importance of character and moral education

It has been our contention that supererogatory acts can be considered praiseworthy because they reflect upon the character of the moral agent. Many philosophers, including Kant, recognize supererogatory paradigms as well as the importance of character. Urmson's example of the brave soldier who chose to sacrifice his own life for his fellows may not be as original as he might have thought. Aristotle, finding that bravery is the virtue to be discerned from an excess of this disposition, namely rashness, or deficiency of it, i.e. cowardice, shows that it is essentially a function of character. He states that "... it is thought the work of a braver man to be fearless and undisturbed in sudden alarms than to be so in those that are foreseen; for it must have proceeded more from a state of character, because less from preparation; acts that are foreseen may be chosen by calculation and rule, but sudden actions must be in accordance with one's state of character" [Nichomachean Ethics Book II, Chapter 8(4)]. Pufendorf, it will be recalled, held that duties of imperfect
obligation arose from a man's good nature. Hegel also taught that virtue is primarily a matter of character. It is not enough for Hegel that a person simply conform to an ethical order on this or that particular occasion; virtue is only personified when a person makes virtuous modes of behaviour fixed elements in his character, not merely his conduct. A theory of virtues, he says, is not a theory of duties, but embraces a particular facet of character. (see Hegel, op.cit. addition to para 93, p. 245)

Finally, our study of the praiseworthiness of supererogatory actions is completed by recognising its role in moral education. The concerns of philosophers about moral education begin with Plato (Republic, Book II, 377) and have continued to the present, as the attention given to the subject by Rawls indicates. Many philosophers have remarked upon the appropriateness of developing moral sensitivities in young minds by referring to heroic and saintly role-models. Kant, in particular was concerned about pedagogical aspects of ethical theory, as he explains in the Methodology of the Second Critique, although, to be sure, he saw no value in the actual actions of such role-models, only in their inward obedience to the moral law as revealed to them in their stations in life. Kant was stimulated in his concern by the writings of Rousseau on the subject, although the main thrust behind educational reform in the eighteenth century came from those writing in non-philosophical disciplines.

One major consequence of these considerations is that the category of trivial acts of supererogation has no place in our revised definition of supererogatory acts, nor does it have any place in our personal portfolio of actions which can be termed supererogatory. There are few imaginable trivial acts which would satisfy the definition we have defended. But there is much intuitive support for such a step, as well as philosophical argument, as has been demonstrated. It is nonetheless worthwhile to return to the original example of a supererogatory act, namely that of the good Samaritan, and to recall that it was not the act of the Samaritan in binding and dressing the wounds of the man who had fallen among thieves that was considered supererogatory, nor yet his taking the man to an inn on his own beast, nor even the taking care of the man in the inn. All such actions, in light of the analysis in this thesis can be considered as imperfect duties. Nor even was the action of giving a sum of money to the
innkeeper to further satisfy the victim's needs considered supererogatory, but rather the promise of the man to the innkeeper to repay whatever the innkeeper might spend in addition after the benefactor's departure. Here all the features of our definition quite clearly illustrated. The elimination of the category of trivial supererogatory acts is not to be too much lamented, as current literature contains a tendency to consider all moral actions as supererogatory which are simply more than satisfaction of the requirements of strict duty. This tendency is at least as strong as that which reserves the use of the term exclusively for acts of saintliness, or preferably, of heroism. Such thinking leads inevitably to confusion about the nature of other categories of moral actions.

Concluding Remarks

It has been shown that the definition of Schumaker, as amended and improved with various qualifications by Heyd needed adjustment in order to exclude the so-called trivial types of supererogation and to account for the element of personal cost, which is an essential aspect of what is meant by supererogation. Likewise, it has been shown that this concept is justifiable in terms of ordinary common sense, as well as by philosophical inquiry. It is, furthermore, claimed that from this amended definition, two things can be said of supererogatory acts: viz, that for the most part they give rise to gratitude and worthy of praise. In attempting to clarify in this way the concept of supererogation, however, we followed the 'natural tendency,' as Heyd noted, to disregard the concept of trivial acts of supererogation, notwithstanding his counsel, as well as that of Schumaker, not to do so. Schumaker's use of the trivial forms of supererogation is largely to illustrate by example what is involved in the deeper meaning of supererogation and can be disregarded without endangering his principal thesis that supererogation is a meaningful concept because of the large employment he makes of supererogatory actions, particularly sacrifice, forgiveness, and love which do not attract criticism applicable to the trivial forms. For these reasons, the claim is advanced that an adequate definition of supererogatory acts is as follows:

An act is supererogatory if and only if:
1. it is neither obligatory or forbidden;
2. its omission is not wrong, and does not deserve sanction or criticism - either formal or informal;
3. it is morally good, both by virtue of its intended consequences and by virtue of its intrinsic value (being beyond duty);
4. it is done voluntarily for the sake of someone else's good; and
5. it is done at personal cost or risk to the moral agent.

In addition, acts of supererogation engender gratitude and are worthy of praise.

In response to the challenge of Kai Nielsen at the beginning of this thesis, it has been demonstrated that a "tolerably clear" account of the principal definitions, features and characteristics of supererogation has been provided, together with a demonstration that there are good grounds for believing in them, that they are true and that they are important, in accordance with Nielsen's recommendations "for giving us a grip on who we are, were and who we are to become."
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