

KANT ON IMPERFECT DUTY AND SUPEREROGATION

by Thomas E. Hill, Jr., Los Angeles

In his *Metaphysics of Morals* Kant presents the outlines of a system of moral principles. The Categorical Imperative is still the supreme principle of morality, but it is seen as guiding conduct only by means of intermediate principles. These principles are divided into several types, and how a given principle can be justified and applied depends upon which type of principle it is. In discussing these divisions, I have a general aim and a special one. The general aim is to clarify and reconstruct some of Kant's main distinctions among the types of duty and to show how, on Kant's view, the moral worth of actions varies accordingly. What Kant says on these matters is often unclear, but the attempt to reconstruct the main lines of his thought uncovers a set of distinctions more complex and coherent than commentaries typically lead one to expect. The special aim is to show, on the basis of these distinctions, that Kant has a place in his moral scheme for supererogatory actions. Several philosophers have recently criticized Kant's ethics for not allowing for supererogation. Some believe that for Kant all actions are either forbidden or obligatory.¹ Another allows that Kant has a place for the morally indifferent and even for acts which are somewhat bad though not forbidden, but not for the supererogatory.² I shall argue that these interpretations, though suggested by some of Kant's remarks, are mistaken. If I am right, Kant's ethics is less rigoristic than commonly thought. There is more room for choice in pursuing moral ideals, and not everything good is required.

My remarks are divided as follows. First, I give an account of Kant's distinction between perfect and imperfect duty. This is the most controversial of Kant's divisions of moral principles and the most important one for my purposes. Second, I discuss more briefly juridical duty, ethical duty, and some sub-divisions of the latter. The main elements of all these concepts are then represented in a more systematic, though somewhat simplified, manner. Third, I attempt to clarify the complex way in which Kant attributes moral worth

¹ See R. M. Chisholm, *Supererogation and Offense*, Ratio, vol. V (1963), p. 13.

² See Paul Eisenberg, *Basic Ethical Categories in Kant's Tugendlehre*, The American Philosophical Quarterly, vol. 3 (1966). That Kant excludes the supererogatory is also suggested by J. O. Urmson in *Saints and Heroes* in *Essays in Moral Philosophy*, ed. by A. I. Melden.

to actions according to the types of principles they satisfy or fail to satisfy. Finally, I argue that Kant's scheme does allow for supererogatory actions, if these are understood more or less in the ways recently proposed by Roderick Chisholm and Joel Feinberg.

I

In the *Groundwork* Kant divides the duties in his examples into perfect and imperfect duties, but he adds that this division is "put forward as arbitrary" and that he reserves his classification of duties for "a future *Metaphysics of Morals*".³ He does go on to remark that a perfect duty is "one which allows no exception in the interests of inclination", leaving us to infer that imperfect duties allow some such exception. What this means, however, does not become clear until the distinction is explained more fully in the *Metaphysics of Morals*.

In this work Kant distinguishes between the kind of duty and the manner and degree in which it obligates a person. Thus while every duty is either perfect (narrow) or imperfect (wide), some imperfect duties are of wider obligation than others. The distinguishing feature of imperfect duties seems at first to be that they allow a latitude for choice not permitted by perfect duties. In giving us imperfect duties, Kant says, the moral law "leaves a play-room (*latitudo*) for free choice in following (observing) the law".⁴ Our imperfect duty to develop our natural talents, for example, "determines nothing about the kind and extent of the actions themselves but leaves a play-room for free choice".⁵ Again, Kant says of the imperfect duty of beneficence,

... this duty is only a wide one: since no determinate limits can be assigned to what should be done, the duty has in it a play-room for doing more or less.⁶

Unlike the Doctrine of Law, ethics (which prescribes imperfect duties) does not "determine duties strictly (precisely)" and so leads to questions of casuistry.⁷

These passages suggest that principles of imperfect duty can be expressed in the form 'One ought to do (or avoid) x sometimes, to some extent' whereas principles of perfect duty must be expressed in the form 'One ought always (or never) to do x'. The word 'sometimes' here would not mean 'at least two times' but something less definite. Principles of imperfect duty would be

³ *Groundwork* 89n (422) (*Groundwork of the Metaphysics of Morals*, translated by H. J. Paton (Harper Torchbooks)). — Numbers in parentheses refer to corresponding pages in the Prussian Academy edition.

⁴ *Doctrine of Virtue* 49 (390) (*The Doctrine of Virtue*, translated by Mary Gregor (Harper Torchbook)).

⁵ *Ibid.* 112 (446).

⁶ *Ibid.* 54 (393).

⁷ *Ibid.* 73—74 (411).

indefinite prescriptions of the sort intended, for example, when a person moralizes to his children, with no immediate problem in mind, ‘You ought to help the less fortunate (give to worthy causes, learn about political matters, etc.)’.

The suggestion needs to be qualified, however, for the play-room for choice permitted by principles of imperfect duty is restricted by the principles of perfect duty. In prescribing imperfect duties, Kant says, the moral law is requiring the adoption of general maxims to promote certain ends; and “maxims” in this context are defined as subjective principles which already qualify for universal law, that is, principles not contrary to perfect duty.⁸ Thus in promoting an end prescribed by an imperfect duty, one must not do anything prohibited by a perfect duty. Although one should promote the happiness of others, one may not steal, lie, or murder in doing so. Accordingly, we can think of principles of imperfect duty, fully stated, as principles of the form ‘One ought to do (or avoid) x sometimes, to some extent, but never when or to a degree contrary to principles of perfect duty’.⁹

So far my account suggests that, in distinguishing perfect and imperfect duties, Kant is simply marking off two sorts of principles derivable from the supreme principle of morality, one indefinite (‘Sometimes ...’) and one definite (‘Always ...’ or ‘Never ...’), but both prescribing actions to be done or avoided. In fact, when he presents his various principles of imperfect duty (beneficence, development of talents, and so on), he seems to treat them in this way, as principles prescribing actions of certain sorts, though not specifying when, how often, or precisely how they are to be done. Strictly speaking, however, his position is somewhat different from this, though not in serious conflict with it. In giving us imperfect duties, he says, the moral law “can prescribe only the maxim of actions, not actions themselves.¹⁰ That is, what the moral law prescribes in addition to the actions demanded or prohibited by principles of perfect duty is that each person adopts certain maxims for guiding his other actions. What is required, at least directly, is that we take to heart certain principles, not that we act in certain ways. For example, what we can directly infer from the moral law is that one ought to adopt the maxim to promote the happiness of others, not that *this* or *that* beneficent act is obligatory and not even that one ought sometimes to promote the happiness of others.

This way of putting the matter is not incompatible with the previous suggestion that we distinguish principles of perfect and imperfect duty by their

⁸ *Ibid.* 48 (389).

⁹ Principles of imperfect duty are understood to be qualified in this way from now on. This qualification, incidentally, gives an importance to Kant’s distinction between perfect and imperfect duties independently of any further content which that distinction may have; for it tells us that whatever principles are labeled “perfect duty” are always to take precedence to those labeled “imperfect duty”.

¹⁰ *Doctrine of Virtue* 49 (390).

form, though it does add something important. In giving us imperfect duties, what the moral law directly requires of us is that we adopt certain guiding principles. These, in contrast to the principles of perfect duty ('Always ...' or 'Never ...'), are indefinite principles ('Sometimes, to some extent ...'), typically indicating some general end to be promoted. Anyone, however, who sincerely adopts such a principle will act accordingly, at least sometimes, if he gets a chance. For example, if a person with the usual abilities and opportunities did nothing to promote the happiness of others, he would thereby show that he did not really adopt a maxim of beneficence. He cannot fulfill his duty to adopt such a maxim without also satisfying the principle 'One ought sometimes, to some extent, to promote the happiness of others'. There is still a point, however, in Kant's claim that the duty of beneficence is, strictly speaking, a duty *to adopt a maxim* rather than *to act* sometimes in ways that promote others' happiness; for one can do what in fact brings happiness to others without ever making it one's principle to do so. Kant's point is that both are required.

While the preceding account of perfect and imperfect duty fits most of what Kant says about the distinction, it may seem to conflict with other passages. For example, Kant writes,

But a wide duty is not to be taken as a permission to make exceptions to the maxim of actions, but only as a permission to limit one maxim of duty by another (e. g. love of one's neighbor in general by love of one's parents).¹¹

One might take this to mean that although we have a free choice on those occasions when we could be guided by any of several principles of imperfect duty, we have no choice when only one such principle is relevant to our situation. In other words, if two actions, x and y, are each possible in given circumstances but not both possible and x is a kind of act prescribed by a principle of imperfect duty and y is not, then it is obligatory to do x rather than y. Thus, for example, if at any time I can do something to promote the happiness of another, then I am not permitted to do something else that I prefer, no matter how much I want to, unless this alternative also is commended by principles of imperfect duty (e. g. to develop one's talents). If this interpretation is correct, then principles of imperfect duty cannot be expressed 'One ought to do x sometimes, to some extent' but are of the form 'One ought to do x whenever one can, unless one chooses to follow instead some other principle of imperfect duty'. Understood in this way, Kant's belief that we have an imperfect duty of beneficence is similar to Ross's belief that we have a *prima facie* obligation of beneficence.

There are, however, a number of reasons for rejecting this rigoristic interpretation. As Mary Gregor points out, the context of the controversial passage indicates that to make an "exception to the maxim of actions" would be to re-

¹¹ Ibid.

fuse to adopt some principle of imperfect duty as one's own guiding maxim.¹² The point of Kant's remark, then, is that what has been said about the latitude of imperfect duties is not to be construed as implying that a person has a free choice to adopt some of the maxims prescribed by moral law but to reject others. Whenever we adopt an indefinite maxim, we "limit" the range of application of previously adopted maxims. That is, we restrict somewhat the number of occasions on which we will act on those maxims. Thus what Kant seems to be saying is that, whereas we may (and indeed must) restrict the number of times we are prepared to act on one maxim (e. g. to develop our talents) by adopting another maxim (e. g. to promote the happiness of others), we may not let our concern for one maxim keep us from also adopting the other.

Another consideration against the rigoristic interpretation of imperfect duties is that Kant disassociates himself from the "fantastically virtuous" man, "who admits *nothing* morally *indifferent* (*adiaphora*) and strews all his steps with duties, as with man-traps".¹³ If we interpret Kant rigoristically, however, we impute to him the view that a person is never free from obligation unless it is impossible for him to do something for the happiness of others or towards the development of his own talents. He may be able to fulfill his obligation in any of several ways, but his acts will not be morally indifferent unless this condition is satisfied. Since it is virtually always possible to do something for others' happiness or to develop one's talents, the rigoristic interpretation leads to the conclusion that there is virtually nothing morally indifferent, contrary to what Kant says. Again, according to the *Groundwork*, the distinguishing mark of imperfect duties is that they allow some "exception in the interests of inclination".¹⁴ This apparently means that imperfect duties allow us to do what we please on some occasions even if this is not an act of a kind prescribed by moral principles and even if we could on those occasions do something of a kind that is prescribed. For example, though we have an imperfect duty of beneficence we may sometimes pass over an opportunity to make others happy simply because we would rather do something else. This position, suggested in the *Groundwork*, is reaffirmed in the *Metaphysics of Morals*, when Kant writes,

... it is rather that legislative reason, which includes the whole species (and so myself with it) in its Idea of humanity as such (not of men), includes me, when it gives universal law, in the duty of benevolence, according to the principle that I am equal with all others besides me, and permits you to be benevolent to *yourself* under the condition of your being benevolent to every other man as well.¹⁵

¹² *Laws of Freedom*, p. 105.

¹³ *Doctrine of Virtue* 71 (409).

¹⁴ *Groundwork*, 89n (422).

¹⁵ *Doctrine of Virtue* 118 (451).

Here Kant is not making the familiar point that we have an “indirect” duty to look after our own happiness in order to make ourselves less liable to temptation.¹⁶ The point is that, since my own happiness counts morally as much as anyone else’s and might even be an obligatory end for me if I were not so ready to pursue it, the principle of beneficence is to be construed as allowing me considerable freedom to pursue my own happiness provided that I adopt and act on a maxim to promote the happiness of others also. This is incompatible with the rigoristic account of imperfect duties, which would allow me freedom to pursue my own happiness only when I cannot do anything for the happiness of others (or to fulfill some other duty).¹⁷

Another obstacle to my interpretation is that there are passages which raise doubts whether any clear-cut distinction between perfect and imperfect duty can be made. Kant says, for example, that ethical duty must be conceived as wide (imperfect) duty and yet he includes “perfect duties to oneself” among ethical duties. Since this implies that the same duties are both perfect and imperfect, it invites the suggestion that Kant uses the labels ‘perfect’ and ‘imperfect’ only to indicate the degree of latitude that a principle allows relative to certain others.¹⁸ Thus ‘perfect’ and ‘imperfect’ do not place duties into exclusive categories: the socalled “perfect duties to oneself” are perfect relative to duties of love but imperfect relative to juridical duties. Though it explains the apparent contradiction, this proposal will not do as an account of Kant’s intentions: for, while he speaks of imperfect duties as more or less wide, he clearly treats the division of duties into perfect and imperfect as exhaustive and exclusive. There are, however, other ways of explaining the apparent contradiction about perfect duties to oneself. Mary Gregor suggests that Kant regarded these as sharing some but not all of the features of ethical duties.¹⁹ That is, though they “arise in ethical legislation,” they are not derived from “the first principle of ethics”. Thus, though Kant had some reason to place them among ethical duties, he did not have these in mind when making his general, introductory comments about ethical duty. The same could be said about “indirectly ethical” duties, which are perfect duties though also ethical. This reply admits the contradiction but regards Kant’s considered position to be that only the paradigm ethical duties (“duties of virtue” as opposed to the “indirectly ethical” and “perfect duties to oneself”) are imperfect duties. Another expla-

¹⁶ See *ibid.* 47 (388).

¹⁷ The principle of beneficence, at least in the *Metaphysics of Morals*, is the very general principle to promote the happiness of others. If this is an imperfect duty on the non-rigoristic interpretation I have been defending, what follows is that it is not my duty to promote the happiness of others on every occasion that I can without conflicting with other principles. It does not follow, however, that I am perfectly free to refuse to help a person in distress when only I can help and I can do so at little cost to myself; for this may be (and surely should be) prohibited by other principles.

¹⁸ See Eisenberg, *Basic Ethical Categories in Kant’s Tugendlehre*.

¹⁹ *Doctrine of Virtue*, translator’s introduction, p. xxix.

nation of the apparent contradiction might be the following. As I shall explain later, a principle of ethical duty, if fully stated, is always complex: it is, in effect, a conjunction of two principles, one prescribing actions of certain sorts and the other prescribing a moral motive. Our duty to act from moral motives, according to Kant, is always a wide or imperfect one. Thus every ethical duty is imperfect in at least one component. The other component may be a principle of the 'Always ..' or 'Never ..' sort and so may express a perfect duty.

A more serious problem arises when we consider the status of duties of respect to others. Kant classifies these as imperfect duties but calls them "narrow in comparison with duties of love."²⁰ In general, the duty of respect to others is a duty to adopt "a maxim of limiting our self-esteem by the dignity of humanity in another person"; more specifically, it consists in avoiding the vices of pride, calumny, and mockery.²¹ Here the principles we infer from the duty to adopt the general maxim of respect are obviously not expressible in the form 'One ought to do (or avoid) x sometimes, to some extent'. Why, then, are they called imperfect duties? As ethical duties, they (in part) prescribe a moral motive and this component is an imperfect duty; but the same can be said for the *perfect* ethical duties. Nor can the prohibitions of pride, calumny, and mockery be imperfect duties because they fail to specify "precisely" what actions are to be avoided; for this is also true of the *perfect* duties to avoid suicide, lying, self-stupefaction, and servility.

Duties of respect can be "imperfect duties" only in a broader sense than the one considered so far. The reason that they are regarded imperfect duties is apparently that, like the other imperfect duties, they derive from a primary duty to adopt a very general maxim. This maxim ("to limit our self-esteem by the dignity of humanity in another person") is vague enough to allow considerable latitude of certain sorts. The principles of beneficence and self-improvement, however, allow a latitude of a different kind. The principles of respect, and to varying degrees every principle, allow latitude in the senses: (a) room for judgment in deciding whether or not a given principle is relevant to a particular situation, and (b) freedom to choose various ways of satisfying a principle in a particular situation once we decide that the principle applies. The principles of respect, however, are unlike the principles of beneficence and self-improvement in that they do not allow latituded in the sense (c) freedom to choose to do x or not on a given occasion, as one pleases, even though one knows that x is the sort of act that falls under the principle, provided that one is ready to perform acts of that sort on some other occasions.

This last kind of latitude, (c), is allowed by principles of the form 'One ought to do (or avoid) x sometimes, to some extent', but not by principles of

²⁰ *Ibid.* 117 (449—450).

²¹ *Ibid.* 135 ff. (465 ff.).

the form ‘Always (never) do x’, regardless of how vaguely or precisely the relevant act is defined. Principles of both kinds, however, vary in (a) the amount of judgment required to apply the principle and (b) how much choice they leave us among various ways of doing what the principle requires of us on a given occasion. For example, it requires more judgment to decide whether an act violates the principle ‘Never act disrespectfully’ than it does if the principle is ‘Never say “You fool!”’. Similarly, there is more room for debate whether a given act is the sort commended by a principle if the principle is ‘Sometimes give a person what he most wants’ than if it is ‘Sometimes give a teacher an apple’. Again, ‘Always pay your taxes’ leaves more choice among various ways to do what is required than does ‘Always pay your taxes in new one-dollar bills’, and there are more ways to fulfill ‘Sometimes give to charity’ than ‘Sometimes give clothes to the Salvation Army’. Every principle will allow some latitude of the sorts (a) and (b), but some principles (namely, the ‘Always’ and ‘Never’ types) allow no latitude in the third sense, (c).

The inclusion of duties of respect among imperfect duties, then, requires us to broaden our initial account of this concept. An imperfect duty, we must now say, is a duty to adopt a maxim which is so unspecific about what one is to do that the only principles of action that we can draw from this duty allow considerable latitude in senses (a) and (b). These principles may be of the ‘Never’ or ‘Always’ type, as are the principles of respect for others, but they will prescribe in relatively general terms, leaving a wide area for judgment in deciding when they apply and a substantial freedom of choice among specific actions which will satisfy them. A perfect duty, by contrast, will be, not a duty to adopt a maxim, but a duty always (or never) to act in certain ways; and this duty may be stated either generally or specifically. This enables us to say that no duty can be both perfect and imperfect but also to admit that the principles of imperfect duty (principles of action inferred from the duty to adopt a maxim) may have the same form as principles of perfect duty. Thus, for example, both Kant’s principle that one ought never to act in a servile way (perfect duty) and his principle that one ought never to mock others (imperfect duty) are relatively unspecific and of the ‘Never . . .’ sort.

There is a sharper distinction, however, between perfect duties and the paradigms of imperfect duty, the duties of beneficence and the development of talents. These duties, as imperfect duties, are at first duties to adopt a very general maxim; but they differ from the duty of respect to others in that the only principles of action that we can infer from them (Kant believes) are indefinite principles of the form ‘Sometimes, to some extent, one ought to x’. This is a form which principles of perfect duty never take. These widest principles of imperfect duty leave a latitude of a sort (namely, (c) above) that principles of perfect duty do not. Once we decide that a principle of perfect duty applies to our situation, we have no choice but to do what it prescribes, though there may be many ways of doing this. However, even if we know that one of the widest

principles of imperfect duty applies, we may still do something we would rather do which is not commended by a principle of duty, provided that we stand ready to do acts of the prescribed sort on some other occasions.

Several noted philosophers have criticized Kant's attempt to divide duties into perfect and imperfect, but, if we interpret Kant as suggested above, some of the objections lose their force. Consider, for example, an argument well expressed by Roderick Chisholm, which, though not explicitly directed to Kant's distinction, has been adopted for this purpose by others.²²

The distinction has also been put more broadly: imperfect duties are said to be "indeterminate" in that we have latitude with respect to the manner in which we fulfill them, whereas perfect duties are not thus "indeterminate". But if the distinction amounted only to this, then, surely, it would require us to say that *no* duties are perfect. If it is my duty to pay you ten dollars then I have latitude in that I may pay by cash, check, or money order; or if it is my duty to pay you in cash, then I may pay by giving you a ten, or fives, or ones; or if it is my duty to give you a ten, then I may give you this one, that one, or the other one; or if it is my duty to give you this one, then I may hand it to you with the face looking up, or down, or right, or left; and so on, *ad infinitum*.

Clearly the sort of latitude Chisholm is thinking of here is what I labeled type (b), that is, choice among different ways of fulfilling a requirement. If the distinction between perfect and imperfect duties were simply a distinction between principles which allow this sort of latitude and those which do not, then there would indeed be no perfect duties. This, however, is not Kant's distinction. Imperfect duties, at least in part, are duties to adopt a maxim, whereas perfect duties are not. One could fulfill a perfect duty by doing the right sort of act without having adopted any principles relevant to the case; but one could not fulfill an imperfect duty in this manner. Also, there is the important distinction untouched by Chisholm's argument, between perfect duties and the widest imperfect duties; and this is concerned with whether or not the principles allow a latitude of a certain kind (c). The principles of widest imperfect duty (beneficence, self-improvement) allow latitude in this sense whereas principles of perfect duty do not. It is not that perfect duties allow a lesser degree of latitude along a scale without end points. The distinction is as clear-cut as the difference between principles of the forms 'Always do x' and 'Sometimes do x'.

Another objection is raised by W. D. Ross, in his commentary on the *Groundwork*.

(Kant's distinction between perfect and imperfect duties) is, in his own words, a distinction between duties that admit of no exception in favor of inclination, and those that do admit of such exception. That is, of course, an inadmissible distinction; what sort of duty would that be, which we are free to do or not to do as we feel inclined?²³

²² Chisholm, *Supererogation and Offense*, p. 4. See also Eisenberg, *Basic Ethical Categories*, p. 262.

²³ *Kant's Ethical Theory*, p. 45.

There is, unfortunately, an ambiguity concerning ‘duty’ which is apt to affect any discussion of these matters, and Ross’s is no exception. In saying ‘You have a duty to ...’, we may intend either to state a general principle or to declare that a person is required to do something on a particular occasion. Consider, for example, ‘It is your duty (here and now) to help that man’ and ‘It is your duty to help others (sometimes)’. Now suppose that Ross is speaking of particular duties in the passage quoted above. His point in this case would be that it is impossible for a person to have a duty to do something on a given occasion and yet be free to do it or not as he feels inclined. This is surely correct; but Kant does not deny it. When a person has an imperfect duty of beneficence, we may infer both (i) that it is his duty to adopt a maxim to promote the happiness of others sometimes and (ii) that it is his duty to promote the happiness of others sometimes but not that (iii) he has a duty on a given occasion to do a certain beneficent act. Thus Kant does not maintain that we have a duty to do a particular act which nevertheless we are free to do or not as we feel inclined.

Suppose, on the contrary, that Ross’s argument is concerned with general principles of duty rather than requirements that a person has on a particular occasion. Then his point must be that it is inconsistent to assert both that it is a principle of duty, say, to promote happiness in others sometimes and that one may avoid doing so whenever (*i.e.*, at all times) one wants to. Again, this is beyond doubt but is not an objection to Kant. What Kant maintains, in saying that we have an imperfect duty of beneficence, is not the inconsistent proposition just mentioned but rather that it is a principle of duty to promote the happiness of others sometimes and that, accordingly, one may avoid doing so at *any* time (though not at all times) that one feels inclined.

This way of putting Kant’s position shows that an imperfect duty of beneficence is, in part, a duty to do this or that or the other beneficent act. Ross considers this possibility but says that it “is not the line which Kant actually takes”.²⁴ His only reasons for believing this, apparently, are that Kant’s examples of imperfect duties in the *Groundwork* are not stated in disjunctive form and, unlike perfect duties, are expressed as positive prescriptions rather than prohibitions. This leads Ross to conclude that the distinction between perfect and imperfect duties is simply a division between positive and negative duties, or “duties of abstinence and duties of performance”. Ross’s reasons, however, are not very persuasive. Imperfect duties are often expressed negatively in the *Metaphysics of Morals*; and even if they were all expressed as positive prescriptions, they could still be duties to do this or that or another beneficent act. Moreover, even though Kant’s most general statements of the imperfect duties of beneficence and self-improvement are not explicitly in disjunctive form (or in the form ‘Sometimes ... do x’), this way of expressing them may capture his meaning

²⁴ *Ibid.*, p. 45.

perfectly well. It is in fact reasonable to understand them in this way, given the evidence in the *Metaphysics of Morals* against the more rigoristic interpretation.

II

Before we can proceed, we must sketch some of Kant's other moral categories. First, he distinguishes *juridical* and *ethical* duties. All duties included in Kant's system of principles belong to morality in a broad sense; hence juridical duties are not to be identified with requirements imposed by actual political authorities. They are distinguished from ethical duties by the fact that a juridical duty "implies corresponding *rights* of other people to exercise *compulsion*" whereas an ethical duty does not.²⁵ If I have a juridical duty to do something, someone has a right to compel me to do it; but this is not always (or usually) true for ethical duties. Moreover, ethical duties are the result of "ethical" or "inner" legislation whereas juridical duties are the result of "juridical" or "external" legislation. Ethical legislation "makes an action a duty and also makes duty the motive".²⁶ Juridical legislation, in contrast, "does not include the motive in the law and so permits a motive other than the Idea of duty itself".²⁷ Principles of ethical duty, then, tell us to do (or avoid) some act or to adopt some general maxim *and* to do so from a "motive of duty". Principles of juridical duty, however, prescribe no special motive.

For every juridical duty to do x there is also an ethical duty to do x from a motive of duty. There are more ethical duties than juridical ones, however, for ethics contains some special duties also: that is, some ethical duties tell us to do x from a motive of duty even though x is not prescribed by a juridical duty. An ethical duty corresponding to a juridical duty would be 'Pay your debts from a sense of duty'; a special ethical duty would be 'Promote the happiness of others from a sense of duty'. The former is called an *indirectly* ethical duty; the latter, a *directly* ethical duty.

Directly ethical duties that enjoin us to pursue certain general ends are called *duties of virtue*. In discussing certain duties, Kant also distinguishes between *positive* and *negative* duties. Positive duties are duties of commission; negative duties are duties of omission. Duties are further divided according to the object to which the duty is owed. Since there are no duties to sub-human and super-human creatures, according to Kant, there are only duties to oneself and duties to other men.

Kant does not hold that there are actually duties of every type that can be generated from these divisions. In fact only principles of the following kinds are proposed in the *Metaphysics of Morals*.

²⁵ *Doctrine of Virtue* 40—41 (383).

²⁶ *Ibid.* 16 (219).

²⁷ *Ibid.*

Juridical duty: to others; perfect; e. g. a duty to obey the state.

Ethical duty:²⁸

Indirectly ethical: to others; perfect; e. g. a duty to obey the state from a motive of duty.

Directly ethical: (All prescribe also a motive of duty)

To oneself

Perfect; negative; e. g. a duty to avoid suicide.

Imperfect; positive; e. g. duties of self-improvement.

To others

Imperfect

narrower; negative, e. g. duties of respect.

wider; negative or positive; e. g. duties of love.

It may be useful to present the main distinctions in a somewhat simplified manner. For this purpose let us overlook the fact that imperfect duties are initially duties to adopt certain maxims rather than to do this or that. What we shall consider, instead, are the principles of action that can be inferred from the duties to adopt the maxims. Accordingly, we should not try to reflect the general distinction between perfect duties and imperfect duties but only the difference between perfect duties and the widest imperfect duties. Also, since ethical duties "arise in ethical legislation" which "makes duty the motive", we may, somewhat artificially, add the prescription of a moral motive to every principle of ethical duty. The result is a division of principles into types which correspond, more or less, to Kant's categories of *perfect* duty, the *widest imperfect* duty, *ethical* duty, and *juridical* duty.

(1) *P* principles are principles of the form "Whenever C, one ought to do (or avoid) x" or "One ought never to do (or avoid) x when C".

(2) *WIP* principles are principles of the form "Sometimes when C one ought to do (or avoid) x". (x might be "something which promotes the end e".)

(3) *E* principles are principles of the form "..., and sometimes one ought to do (or avoid) this from a motive of duty", where the blank is filled with some *P* or *WIP* principle.

(4) *J* principles are *P* principles such that someone has a right to compel persons to comply with the principle. That is, the principle is the sort of principle which a person could be compelled to follow, someone A is not prohibited by valid *P* principles from coercing a person to comply, and when A attempts to compel a person to comply then everyone else is required by valid *P* principles not to interfere.

Kant's ideal, apparently, was a system of valid moral principles that satisfies these conditions:

(5) A principle is a morally valid principle if and only if it is derivable from, or is warranted in some way by, a supreme moral principle, the Categorical Imperative.

(6) The system of valid principles will be consistent in the following senses. *First*, the principles will be formally consistent. For example, "Whenever A, do B" and "Sometimes when A, do not do B" cannot both be valid. *Second*, valid *P* principles

²⁸ In classifying these duties as "perfect" or "imperfect", we think only of that component which enjoins action (in contrast to the component which enjoins a motive of duty).

will not give conflicting directions for a particular situation. That is, for any particular situation, it must be in fact possible for a person to satisfy all valid *P* principles which are relevant to it. *Third*, *WIP* principles must satisfy the condition that no valid principle will ever command what is prohibited by valid *P* principles or discourage what is required by valid *P* principles. Thus, in effect, every valid *WIP* principle will include in its conditions, *C*, the rider “(when) not contrary to valid *P* principles”.

Notice that (6) has the effect of making all *P* principles take precedence over *WIP* principles but it does not imply that valid *WIP* principles never give conflicting advice. One valid *WIP* principle might command something (e.g. an act of beneficence) for a given situation even though this is incompatible with something (e.g. developing talents) commended by another valid *WIP* principle.

This way of representing Kant's types of duty preserves the important relations he attributes to them. For example, every *J* principle will be a *P* principle, but not conversely. No *J* principle will be an *E* principle or a *WIP* principle. No principle will be both *P* and *WIP*, but all principles will be either *P* or *WIP* or a conjunction of principles of these types. At least one part of every *E* principle ('and do (or avoid) this from a motive of duty') is a *WIP* principle. The other part of *E* principles may be either a *P* principle (as in "indirectly ethical" duties) or *WIP* principles (as in most directly ethical duties). If one assumes, as Kant did, that one has a duty to fulfill moral requirements from a motive of duty, then every valid principle will be either an *E* principle or included as part of a valid *E* principle. Thus "all duties...belong to ethics".

III

In the *Metaphysics of Morals* Kant implies that some acts have positive moral worth, some have negative moral worth, and some have no moral worth at all. In order to determine the moral worth of a given act, we must know the kinds of moral principles relevant to it.

The pattern by which moral worth is attributed to actions is suggested by the following passage.

If someone does *more* in the way of duty than the law can compel him to do, his action is *meritorious* (*meritum*). If he does only the *exact* thing required by the law, he does what is *due* (*debitum*). Finally, if he does less than the law requires, this is moral guilt (*demeritum*).²⁹

This tells us that an action is *meritorious* (of positive moral worth) if it "does more in the way of duty" than juridical duty; for "what the law can compel" is, as we have seen, simply juridical duty. Doing more in the way of duty can only be doing something which fulfills an ethical duty, that is, either fulfills a perfect (e.g. juridical) duty from a motive of duty or conscientiously promotes an end prescribed by a principle of imperfect duty. An action is *due*

²⁹ *Doctrine of Virtue* 27 (227).

(or neutral in moral worth) if it conforms to juridical duty but is not motivated by a sense of duty; for this, in the context of laws that “can compel”, is “the exact thing required by the law”. Later Kant indicates that a person only renders what is due if, not motivated by duty, he avoids what is prohibited by perfect (ethical) duties to oneself and conforms to the duties of respect to others.³⁰ Failure to conform to juridical duty involves *guilt* or demerit; for this is “doing less than the law requires”. Also, Kant implies later that acts have this negative moral worth if they are contrary to perfect duties to oneself or duties of respect to others or if they result from the agent’s refusal to adopt a principle of imperfect duty.

In another passage Kant represents merit and guilt as positive and negative quantities along the same scale of moral worth.

To fulfill [duties of virtue] is *merit* (*meritum* = +a); but to transgress them is not so much *guilt* (*demeritum* = —a) as rather *lack of moral worth* (= 0), unless the agent makes it his principle not to submit to these duties.³¹

The concept of moral worth here is apparently the same as in the *Groundwork*. There Kant held that actions have moral worth only if done from a motive of duty, whereas actions merely in accord with duty have no moral worth. The account in the *Metaphysics of Morals* is not incompatible with this but presents a more complex picture. Consider, for example, the imperfect (ethical) duty of beneficence. Fully stated, this has two parts: (a) one ought to promote the happiness of others (sometimes) and (b) one ought to do so (sometimes) from a motive of duty. Now what sorts of acts will be “in accord with” this duty and what sort “contrary to” it? There are a number of cases, and moral worth varies accordingly. First, one might do something to promote the happiness of another from a sense of duty. Here the act has positive moral worth (+a). Second, one might do something to promote the happiness of another out of love, without a sense of duty. Here the act has no moral worth (0). Third, one might do nothing to promote the happiness of another but, instead, do something that promotes a different end prescribed by a principle of imperfect duty. This, if done conscientiously, has positive moral worth (+a). Fourth, one might refuse to do something for the happiness of another because one has a principle against helping others. Here the act has negative moral worth (—a). Finally, one might do something one wants to do rather than take an opportunity to make someone else happy. Provided that other moral principles are irrelevant and one still makes it his principle to help others sometimes, his act has no moral worth (0).

If we fail to keep in mind the differences between types of duty, we are tempted to attribute to Kant the following, appealingly simple, scheme for distributing moral worth.

³⁰ *Ibid.* 83 ff., 138 (420 ff., 468)

³¹ *Ibid.* 49 (390).

Juridical duties (perfect):

- | | |
|--|------|
| (1) Actions in accord with them are due | (0) |
| (2) Actions not in accord with them bring guilt or demerit | (—a) |

Ethical duties (imperfect):

- | | |
|--|------|
| (1) Actions in accord with them are meritorious | (+a) |
| (2) Actions not in accord with them lack moral worth | (0) |

This simple account is inadequate for a number of reasons. It does not reflect Kant's belief that one is guilty (—a) if one fails to avoid what is prohibited by special ethical duties, the perfect duties to oneself and duties of respect to others. More importantly, the scheme fails to allow for the variety of ways in which acts can be "in accord with" and "contrary to" the wider principles of imperfect duty, e.g. beneficence. This complexity is illustrated by the five cases distinguished in the preceding paragraph. Also the scheme above does not show how moral worth varies as the duty is positive or negative.

A more comprehensive representation of how the types of duty determine moral worth is given below. Let 'x' stand for an "external" action, 'E' for an end promoted by x and 'M' for a sense of duty. The symbols '+a', '—a', and '0' are meant to represent, respectively, positive moral worth, negative moral worth, and mere lack of moral worth. A question mark indicates that there is no clear evidence how Kant would attribute moral worth in that case. Since there is an "indirectly ethical" duty to conform to every juridical duty from a motive of duty, juridical duties are not listed separately. The negative duties of love, e.g. 'Avoid envy', are not represented because they raise special problems. Again, for simplicity, we presuppose that only one principle is relevant to the acts in question.

	Where there is no M		Where there is M	
	Doing x	Not doing x	Doing x	Not doing x
Indirectly ethical duty				
Positive: 'Do x from M'	0	—a	+a	?
Negative: 'Avoid x from M'	—a	0	?	+a
Directly ethical duty				
A. Perfect duties to oneself and duties of respect to others (all negative): 'Avoid x from M'	—a	0	?	+a
B. Wider imperfect duties (e.g. self-improvement and beneficence), positive: 'Promote E from M' or 'Sometimes do x from M'	0	0 (or —a) ³²	+a	?

³² The moral worth is negative (—a) only if the agent acts on a principle to refuse to promote E.

The interesting distinction for present purposes is not that between perfect and imperfect duties but that between the wider imperfect duties (beneficence and self-improvement) and all other duties. The distinguishing feature of the former is this: when we do something in accord with the wider imperfect duties, our action may be either meritorious or neutral in moral worth but, except in the rare case of those who altogether reject the moral principle, failure to take an opportunity to act in accord with these duties brings no guilt or demerit. In other words, acting in accord with the principles of beneficence and self-improvement may be morally praiseworthy but, with one exception, not doing so even when one knows one has an opportunity is not blameworthy. By contrast, if we knowingly do not act in accord with other duties we are said to be guilty.

One should note that the moral worth in question here is not the same as the "intrinsic value" or "dignity" of persons. Kant ascribes to human personality a worth which is not diminished or increased by what the person does. It depends not on his actions but upon his capacities. This is a man's "inner worth" as a person, based on the fact that he is a moral agent rather than upon his moral achievements. The moral worth which I have been discussing is, in contrast, the moral worth of a man's actions. This varies with what a man does, his motives, and the type of duties that apply.

It should be noted, also, that we cannot assume that the worth of a person's character can be determined by summing up, as it were, the positive and negative worth of his actions. One reason is that a person's motives, on which his moral worth depends, cannot be known with certainty. Also, it would be simple-minded to suppose that we could fairly assign numerical values to the worth of actions. However, in using the symbols 'a', '—a', and '0', Kant suggests that positive and negative moral worth are commensurate, that they are in principle measureable on the same scale. It follows that, if the worth of a person's character is fixed by the worth of his actions, then acts of conscientious generosity may compensate for acts of injustice. The man who is a liar and a thief but is generous on principle may be as worthy a person as the honest miser. This is a consequence that Kant could never accept. One cannot make up for violations of strict duty by doing more towards moral ends than is strictly required.

Again, it is important not to confuse the distinction between meritorious acts (of positive moral worth) and acts that involve guilt (or negative moral worth) with the over-lapping distinction between virtuous and vicious action. At one point Kant invites confusion by using the same quantitative symbols when he contrasts virtue and vice.

Virtue (= +a) is opposed to *negative lack of virtue* (moral weakness = 0) as its logical opposite (*contradictorie oppositum*); but it is opposed to vice (= —a) as its *real opposite* (*contrarie s. realiter oppositum*).³³

³³ *Doctrine of Virtue* 42 (384).

The point, however, is not that virtue is the same as merit but that virtue and vice, like merit and guilt, are "real opposites", not merely contraries. Virtue is the strength of one's will to fulfill one's duties in the face of obstacles. Vice is a bad disposition, i.e. a will not to do one's duty or to do wrong. A virtuous act (i.e. one that displays such strength of will) is meritorious, unless perhaps the agent is mistaken in thinking the act is a duty; but a meritorious act need not be virtuous. One might, for example, fulfill a duty from a motive of duty in the absence of obstacles and temptations that require strength of will. Again, acts that display vice will bring guilt, but one may incur guilt without acting with vice. For example, one might have guilt for violating a perfect duty through weakness without having a will to do wrong or to neglect one's duties.

IV

Where, then, in Kant's complex scheme should we look for supererogatory acts? Clearly they cannot be identified with acts that fulfill imperfect duties, for we have seen that duties of respect for others are imperfect. These are given in principles of the 'Never ...' variety, and to fail to satisfy them, except perhaps unintentionally, brings guilt upon the agent. Nor can we equate supererogatory acts with those that fulfill principles of wider imperfect duty, such as beneficence. For in some circumstances promoting the happiness of others will be obligatory; e.g., if one's only alternatives on that occasion are contrary to perfect duty or if one who has continually neglected to help others is faced with his last opportunity. In the first case the act is obligatory because it happens to be the only way to avoid other wrongs, and in the second case it is obligatory because it is the only way, given the agent's past record, to satisfy the limited demands of the principle, 'Sometimes promote the happiness of others'.

If Kant's scheme has a place for supererogatory acts, then, they will be found as a subclass of acts which fulfill principles of wider imperfect duty. The best candidate for a supererogatory act is an act which (a) is of a sort commended by a 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 (i.e. does not fall under valid *P* principles), (d) is in a context where no alternative is required by more stringent duty and there is at least one alternative that is neither forbidden by more stringent duty nor commended by other principles of wide duty, and (e) is done by an agent who has adopted the relevant principle of wider imperfect duty and has often and continually acted on that principle.

Consider an example. Suppose a man, who had conscientiously helped others and given to charities all his life, buys for a neighborhood child a treat that is neither needed nor solicited but is quite welcome. The giver, a naturally cold person, is not prompted by kindly or sympathetic feelings but a strong desire

to do the sort of act commended by moral principles. Far from rejecting Kant's limited principle of beneficence, he is disposed out of a (perhaps misguided) respect for it to do more of the sort of act it directs than it strictly requires. Imagine, too, that other moral principles are irrelevant in this case. He is not, for example, contributing to the gluttony of a greedy and obese child, and there is nothing else he is obliged to do with the money.

What would Kant say of cases such as this? First, the act is not demanded by any principle of duty, perfect or imperfect, though it is the sort of act which an indefinite principle of imperfect duty requires us to do sometimes and which a good man, who has adopted the principle as his own, will do sometimes. Moreover, the act is meritorious, i.e. of positive moral worth, but its omission would not bring guilt, i.e. be of negative moral worth. In short, the act is neither obligatory nor forbidden but is rather a good and praiseworthy thing to do whereas its omission is neither forbidden nor required, neither praiseworthy nor blameworthy.

Supererogation has been variously defined, and the implications of the different conceptions have yet to be worked out in a fully satisfactory way. It is obvious, however, when we compare Kant's position with what recent philosophers call 'supererogatory' that it is far less misleading to grant that Kant allows for supererogatory acts than to deny it. Although Kant's terminology cannot be matched perfectly with recent counterparts, there is enough affinity to show that it is a mistake to insist that Kant divided all actions, over-simply, into the forbidden, the obligatory, and the indifferent.

Consider, first, the account of supererogation given by Roderick Chisholm.³⁴ According to this, a supererogatory act is one that is neither forbidden nor obligatory but is still good to do. Alternatively, in Chisholm's terms, we may say that a supererogatory act is one that is good to do but neither good nor bad not to do. Now if we let 'good to do' stand for positive moral worth and 'bad to do' for negative moral worth, Kant's supererogation candidates are formally the same as Chisholm's supererogatory acts: good to do but neither good nor bad not to do. The difference is that for Kant 'good' here has to do with the moral praiseworthiness of an act whereas for Chisholm it is defined in terms of 'ought to exist'. In each case, however, the good act in question is not required or obligatory and its omission is not wrong or forbidden. Moreover, Kant's conception of a non-obligatory but praiseworthy act has at least as much claim to the title of supererogation as Chisholm's acts that are non-obligatory but ought to exist; for the notion of supererogation has its roots in the official Church doctrine that saints can earn and store up credits with God by their unusually fine deeds. It was not simply that they did acts that ought to have existed but that they did what, from the divine point of view, was worthy of special praise and credit.

³⁴ *Supererogation and Offense*.

In his article *Supererogation and Rules* Joel Feinberg distinguishes two conceptions of “going beyond duty”.³⁵ One is the idea of “duty-plus” or “institutional over-subscriptions”. These are acts that do measurably more than is required by some legal-like rule but are still acts of the same kind. Such acts are not necessarily praiseworthy and may have little to do with the over-all worth of a man’s character. They simply increase his balance on a quasi-institutional accounting of merits and demerits. The other idea of supererogation is that of acts which are commended by imprecise “maxims” or “counsels of wisdom” but are not duties or obligations. These include both small favors and praiseworthy, abnormally risky, non-duties (e.g. the sacrifice of a doctor who volunteers for service in a foreign, plague-ridden city). The worth of such acts is not seen as merit points to off-set definite demerits but rather as an important factor in the assessment of a man’s worth “all things considered”. Now, despite what Kant’s symbols ‘+a’, ‘—a’, and ‘0’ suggest, the acts which are Kant’s best candidates to be called ‘supererogatory’ are more like Feinberg’s second type than his first. They are prompted by our adoption of indefinite maxims to promote certain general ends, and these do not specify exactly what or how much a good man will do. Thus they are not simply cases of doing the sort of thing a definite legal-like rule requires but more of it than the rule demands. Moreover, they are always of positive moral worth. That is, unlike “duty-plus”, they are regarded morally praiseworthy and thus always relevant, at least as evidence, in the over-all assessment of the character of a person. Their worth is not a measurable quantity which Kant would balance against the demerits resulting from dereliction of (perfect) duty. Nevertheless, like Feinberg’s second type of supererogatory acts, Kant’s supererogation candidates are viewed as praiseworthy but not wrong to omit. Favors are good examples of both conceptions, and at least some instances of risky action for the common good would be examples too. There are differences, of course. For example, Kant attributes moral worth only to acts motivated by a sense of duty. Also for Kant the fact that an act involves sacrifice greater than normally required by duty is of no special significance in determining whether it is supererogatory or required, though it does affect the degree of moral worth which the act has.

There seems, then, to be good reason to grant that Kant has a place for supererogatory acts, though his conception of them differs in some ways from recent conceptions.³⁶ What remains now is to consider some natural objections to this position.

³⁵ Ethics, vol. 71 (1961).

³⁶ My support for this conclusion has been drawn from *The Metaphysics of Morals*, in which Kant discussed these matters most thoroughly. In *Religion within the Limits of Reason Alone* Kant seems to take a different position. (See Harper edition 44, 18n; Academy edition, 48–49, 22–23.) His main point here, as in a pertinent passage in the *Critique of Practical Reason* (Bobbs-Merrill, p. 158 f.; Academy, 155 f.), is that one should not try to teach morality by encouraging a special awe for “super-meritorious”

1. One may sense an air of paradox about Kant's position, as I have stated it, because it implies that the only acts that are supererogatory ("beyond duty") for Kant are acts motivated by a sense of duty. It seems, then, that one can do something supererogatory only if he mistakenly thinks that it is his duty. Though not inconsistent, this is peculiar. In reply, we might suggest that it is not an unreasonable extension of Kant's position to say that what is required for moral worth is not a motive to do one's *duty* but a motive to do what is demanded or encouraged by moral considerations. Kant was preoccupied with duty in much of his ethical thinking, but his main point, surely, was that moral worth depends upon one's disposition to live by whatever demands and ideals are implicit in a rational, moral life. If doing a certain favor for a person is not morally obligatory, then Kant would not want him to do it in the mistaken belief that it is. The most that he could expect of a moral-minded man is that he does the favor because he wants to do the sort of thing encouraged by moral principles even if on this occasion they do not demand it of him. We may doubt whether this is as worthy a motive as kindness, but that is another matter.

2. Another source of dissatisfaction may be that the moral principle which one would be following in doing something supererogatory is still called a principle of *duty*, even if "imperfect" and "ethical". How, one may wonder, can I be going "beyond duty" if I am guided by a principle of duty? Kant's terminology of "imperfect" and "perfect" duty does confuse the issues. It is as if Kant started to work out a moral theory on the model of legal-like strict duties, and then, discovering that there is more to morality than duty, still retained the old labels for types of duty rather than spoil the symmetry of his theory by changing to more natural expressions. For example, what Kant is concerned to say about beneficence is (i) it is a duty to adopt a maxim of beneficence, and therefore (ii) it is a duty to promote the happiness of others sometimes, but also (iii) when one has satisfied these minimum and rather indefinite requirements, one may promote their happiness or not, as one pleases, but to do so with the proper motive will always be of positive moral worth. Kant tried to say all of this with his restrictive terminology of duty when it could be put more simply by making an early distinction between what is obligatory and what is merely good to do. Nevertheless, though Kant's terms are confusing, there is nothing in what he says to imply that it is a man's duty on a particular occasion to do an act if it has the features of those I have described as his best candidates for supererogation.

3. Paul Eisenberg has argued that failure to take an opportunity to fulfill an imperfect duty is an offense, that is, something not strictly wrong but still some-

acts; but he also says "all the goodness (a man) can ever perform is still his simple duty". If this means that every particular good act is obligatory (hence wrong not to do), then it is incompatible with the position of *The Metaphysics of Morals*. If, however, it means only that every good act is the sort commended by some principle of duty (e. g. imperfect duty), then there is no incompatibility.

what bad.³⁷ If so, then the omission of an act of beneficence is never morally indifferent. This weakens the case for regarding some beneficent acts as supererogatory, for it implies that a thoroughly conscientious person would never willingly let an occasion pass for making others happy (unless required to do so by some other duty), and it seems odd to call an act supererogatory if it is what any thoroughly conscientious man would strive to do. The grounds for Eisenberg's position, however, are questionable. The main evidence cited is the following passage.

To neglect mere duties of love is *lack of virtue* (*peccatum*). But to neglect duty that proceeds from the *respect* due to every man as such is *vice* (*vitium*).³⁸

Eisenberg argues, quite rightly, that "neglect of duties of love" cannot mean either (a) rejection of the principle of beneficence or (b) not doing anything beneficent. He concludes that it means not doing all one could to promote the happiness of others. The inference, however, is unwarranted. Surely what is intended is just what 'neglect' suggests, namely, being lax, letting one's actions fall short of one's commitments to the end. A man neglects the principle of beneficence if, though he accepts the principle and is occasionally guided by it, his pattern of action over a time shows him approaching all too close to the minimum amount of effort on behalf of others that would be exerted by a person who had normal opportunities and adopted the indefinite maxim of beneficence in good spirit. Thus, neglecting one's duties of love is not something one does on a particular occasion, still less on every occasion when one passes up an opportunity to make someone happy. Therefore, though Kant obviously thought such neglect bad in some way, there is no reason to suppose he thought every omission of an act of beneficence (when other duties are irrelevant) as an "offense". It should be noted, too, that the defect associated with neglect of duties of love is "*lack of virtue* (*peccatum*)", not negative moral worth or even "somewhat bad" conduct. Virtue, or strength of one's will in following moral principles, is a character trait, not the value of a particular action; and *peccatum*, despite its original connotations, is Kant's most general term for any transgression, i.e. whatever falls off from what should be. This includes unintentional wrongs, and even poor judgment in working out the practical problems posed by two conflicting, indefinite principles.³⁹ Thus Kant's point in the passage quoted above is not that one does something bad whenever one passes over a chance to make someone happy but that one who, having adopted the maxim of beneficence, continually lets these opportunities pass gives evidence at some point of the character defect of weakness of will.

4. Paul Eisenberg places most of the weight of his contention that Kant has no place for supererogation upon the following passage.

³⁷ *Basic Ethical Categories*, pp. 265—6.

³⁸ *Doctrine of Virtue* 134 (464).

³⁹ See *ibid.* 50, 23, 98n (390, 224, 433n).

To fulfill the first [duties of love] is meritorious (in relation to the other person); but to fulfill the second [duties of respect] is to render the other only what is *due* to him.⁴⁰

The parenthetical expression ‘in relation to the other person’, Eisenberg believes, indicates that duties of love are meritorious only *in the opinion* of the other person. That is, fulfilling duties of love is actually obligatory but those who benefit from them view them, and should view them, as if they were meritorious. Eisenberg’s reading of the quoted sentence, I think, is mistaken, or at least too dubious to over-ride the other evidence. In other passages Kant clearly indicates that the fulfillment of an imperfect duty from the proper motive is meritorious. Even if ‘meritorious in relation to the other person’ means ‘to be viewed as meritorious by the other’, it does not follow that fulfilling a duty of love is not really meritorious. Moreover, the context suggests a different reading. Just before the sentence quoted above Kant makes the point that when we do something for a person in accord with our duties of love that person is placed under an obligation (of gratitude) to us whereas the same is not true for duties of respect. In this context, then, the point of the quoted sentence seems to be to say why one who receives a favor (fulfillment of a duty of love) incurs an obligation of gratitude and one who is only accorded respect does not. The answer is that the favor, unlike respect, is not *due* to the recipient but was more than he could claim as his right. In saying that the particular beneficent act is “meritorious in relation to the other person”, Kant is denying that it fulfills an *obligation to that person*. This leaves it open whether or not, considered simply as one of his acts, it is obligatory or meritorious.

⁴⁰ *Ibid.* 115 (449). Eisenberg’s contention is that Kant denied supererogation in *The Metaphysics of Morals*. He cites evidence in the *Critique of Practical Reason* that earlier Kant acknowledged supererogatory acts.