

# Chapter 1

## INTRODUCTION

In February, 1988 the Vienna daily newspaper *Die Presse* interviewed Austrian President Kurt Waldheim about the report of a commission concerning his conduct as a Wehrmacht officer from 1942 to 1945. While the report found no proof that Waldheim had committed war crimes, it nevertheless noted that he was “excellently informed” of atrocities committed by German army units in Greece and Yugoslavia and made no attempt to stop them. Waldheim’s response in the interview included these remarks: “Yes, I admit I wanted to survive [by following orders]. . . . I have the deepest respect for all those who resisted. But I ask understanding for all the hundreds of thousands who didn’t do that, but nonetheless did not become personally guilty.”<sup>1</sup>

With these words Waldheim is making two important claims about the moral status of his involvement in the atrocities, claims which in many ways seem to reflect the way in which people commonly think about their failures to act. First, he is conceding that his desire to survive led him to follow orders rather than to resist. Thus, he appears to be conceding that he might have followed a course of action morally superior to that which he in fact followed. Second, by asking for the understanding of the readers of *Die Presse*, Waldheim appears to be claiming that his failure to resist is not deserving of

moral condemnation. Although those who resisted deserve great respect, those who did not resist deserve understanding. Presumably, then, moral condemnation is not what they deserve, and he concludes that those who did not resist are not personally guilty.

No doubt it might be debated at great length whether those who did not resist are personally guilty. One might very well wish to dispute Waldheim's claim that those who failed to speak out against the atrocities which they knew were taking place manage to escape being personally guilty for what happened. Rather than focusing upon the difficult question of personal guilt, however, I suggest concentrating upon Waldheim's plea for understanding. Those who resisted deserve praise, as he sees it, but those who failed to resist deserve understanding.

Is it possible to be understanding toward those who failed to resist? Generally speaking, is it possible to be understanding to those who fail to do that which is good or praiseworthy? One avenue of approach to answering this question is to begin by asking whether those who fail to do that which is good or praiseworthy have thereby violated any duties or obligations. It is one thing to fail to perform a good act, but it is another thing to fail to perform a good act which it is one's duty or obligation to perform. Hence it is one thing to be understanding toward one who fails to do the former, and it is another thing to be understanding toward one who fails to do the latter. And, other things being equal, it is surely more difficult to be understanding toward one who fails to do the latter.

Clearly Waldheim's request for understanding is based upon the presupposition that his failure to resist did not constitute a failure to fulfil a duty or obligation. He concedes that resisting is an action which would have been preferable to following orders, but his request for understanding seems undeniably to be based upon the belief that he had no moral duty or obligation to resist. Thus, his position regarding those who resisted can perhaps be stated by affirming, on the one hand, that what they did was good or praiseworthy, and denying, on the other hand, that what they did fulfilled a duty or obligation. Consequently, Waldheim's position regarding his own involvement can perhaps be stated by affirming, on the one hand, that what he did was neither good nor praiseworthy, and denying, on the other hand, that he thereby failed to fulfil a duty or obligation.

There is one further element which seems to characterize Waldheim's view of his own moral status. As pointed out already, he appears to believe that his failure to resist is not deserving of blame or

moral condemnation. Not only can one not justifiably accuse him of failing to fulfil a duty, on his view, but one cannot even justifiably blame or condemn him for failing to resist. One can justifiably praise those who did resist, but from this it does not automatically follow that one can justifiably blame those who did not resist. In Waldheim's view, therefore, his failure to resist appears to be neither the failure to fulfil a duty nor does it appear to be something which can be justifiably blamed or condemned on moral grounds.

Given this characterization of the situation, it is now possible to identify the acts of those who resisted as (on Waldheim's view) what have come to be known as acts of supererogation. It will be my contention throughout the course of this discussion that an act of supererogation can be identified by its possession of three characteristics. First, it is an act whose performance fulfils no moral duty or obligation. Second, it is an act whose performance is morally praiseworthy or meritorious. Third, it is an act whose omission is not morally blameworthy.

While a great deal more will be said about this definition and each of the three conditions, for present purposes it can be seen that each of the conditions is satisfied by the actions of those who resisted, as Waldheim evidently views the matter. First, those who resisted did what they were under no moral obligation to do. Second, those who resisted did something morally praiseworthy or meritorious. Third, those who resisted would not have acted in a morally blameworthy manner if they had not resisted. Accordingly, those who elected not to resist did not thereby act in a blameworthy manner.

It is often said that works of supererogation involve going beyond the call of duty, doing good in a way which transcends the requirements of moral obligation. While not all accounts of supererogation yield the consequence that every act of supererogation can be construed as an instance of going beyond the call of duty, it is reasonable to judge that Waldheim is thinking of the actions of those who resisted in this manner. Those who resisted were taking a risk of significant proportions, and they chose to act according to the higher calling of what they believed to be right and good. Duty did not require them to act in this manner, but they nevertheless did so. Hence they acted over and above the requirements of duty. Duty often requires moral agents to pursue what is right and good, but in this instance what they pursued went beyond such requirements.

In the context of these considerations it is now clearer why Waldheim believes it is reasonable to ask for the understanding of the

readers of *Die Presse*. There are some individuals who, by taking risks of significant proportions, transcend the requirements of moral obligation. These individuals deserve high respect; they go beyond the requirements of duty to pursue what they believe to be an important good. But not everyone acts in this meritorious manner. Some decline to follow this exemplary course of action, choosing instead not to take the required risk or to pay the required cost. Of them it can truthfully be said that they have not done all that they might have, morally speaking. But, nevertheless, they have neither violated a moral duty nor done anything which deserves moral blame or condemnation. They have simply failed to perform an act of supererogation. Those who perform acts of supererogation deserve praise, but those who forbear to perform such acts cannot be faulted, at least on moral grounds, for what they have failed to do.

Naturally, the foregoing is an imaginative re-creation of the considerations leading up to the statements made by Waldheim in his interview. Certainly there is room for disagreement as to whether these ideas are an accurate reflection of his views. And certainly there is room for disagreement as to whether the act of resisting can be legitimately characterized as an act of supererogation. Perhaps some of Waldheim's critics will feel that the third condition is not satisfied. In other words, some may remain skeptical as to whether Waldheim's failure to resist is not something worthy of moral blame or condemnation (and I find myself inclined to share this skepticism; in this regard one might compare Waldheim's words with sentiments expressed by Richard Nixon in his memoirs).<sup>2</sup> Others may even feel that the first condition is not satisfied, that the officers knowing of the atrocities had a moral duty or obligation to resist. According to this point of view, Waldheim can be condemned for having violated his moral duty, having failed to do what he was morally obliged to do.

Yet it is not totally implausible to consider the act of resisting as a candidate for the status of a supererogatory act. And here it might be instructive to compare the act of resisting with another candidate for the status of a supererogatory act described in a now famous example by J.O. Urmson, "Saints and Heroes":

We may imagine a squad of soldiers to be practising the throwing of live hand grenades; a grenade slips from the hand of one of them and rolls on the ground near the squad; one of them sacrifices his life by throwing himself on the grenade and protecting his comrades with his own body. It is quite unreasonable

to suppose that such a man must be impelled by the sort of emotion that he might be impelled by if his best friend were in the squad.<sup>3</sup>

In order to protect the lives of his comrades, a soldier throws himself upon the live grenade. In doing so he sacrifices his own life. Can this act be rightly judged as an act of supererogation?

In order to satisfy the first condition to qualify as an act of supererogation, the soldier's act cannot fulfil a duty or obligation. Concerning the satisfaction of this condition Urmson writes:

But if the soldier had not thrown himself on the grenade, would he have failed in his duty? Though clearly he is superior in some way to his comrades, can we possibly say that they failed in their duty by not trying to be the one who sacrificed himself? If he had not done so, could anyone have said to him, 'You ought to have thrown yourself on that grenade'? . . . The answer to all these questions is plainly negative.<sup>4</sup>

Urmson argues emphatically that the soldier has not fulfilled a duty by throwing himself upon the grenade. Thus, he could not reasonably be charged with the failure to do his duty if he had not thrown himself upon the grenade. And those around him who did not act as he did cannot reasonably be charged with the failure to fulfil their duty.

According to the second condition, the performance of an act must be morally praiseworthy or meritorious to qualify as supererogatory. Clearly the soldier's act fulfils this condition. Indeed, it is hard to think of a clearer example of an act whose performance is worthy of praise from a moral point of view. If there are any truly praiseworthy acts in human life, what the soldier does seems to be a paradigm example. It is an act which Urmson describes as 'heroic'.

The third condition of an act of supererogation is that its omission is not blameworthy. Just as one who omits to perform an act of supererogation cannot rightly be charged with the failure to fulfil a duty, so one who omits such an act of supererogation cannot rightly be condemned for the omission on moral grounds. Here too the soldier's act seems to qualify. While the performance of the act is praiseworthy, the omission of the act would by no means be morally blameworthy. The soldier would not have been open to moral blame or condemnation if he had not thrown himself upon the grenade. Similarly, there are no grounds for ascribing moral blame or condem-

nation to the other soldiers in the example for their failure to act in a sacrificial manner.

It is reasonable to conclude that the soldier in Urmson's example performs an act of supererogation. Urmson is correct in arguing that the soldier has no moral duty to sacrifice his life. Moreover, it is clear that what the soldier does is morally praiseworthy, and there would have been nothing morally blameworthy had he failed to throw himself on the grenade. Thus, all three conditions required to qualify as an act of supererogation appear to be satisfied.

In addition, it is plausible to describe the soldier's act as an instance of going beyond the call of duty. While there are various duties which are binding upon the soldier, throwing himself upon the grenade is not one of them. By sacrificing his life for the sake of his comrades, he transcends the requirements of duty by pursuing what he believes to be what is good and right.

Two candidates for the status of supererogation have now been examined, the resistance of the officers knowledgeable of the atrocities during World War II and the sacrifice of his life by the soldier in Urmson's example. Many might have doubts about describing the officers' resistance as acts of supererogation, particularly those with vivid memories of the War (if this were not so, it is hard to explain the widespread agitation over Waldheim's own involvement). It seems much less controversial to claim that the soldier in Urmson's example performs an act of supererogation. If it is denied that the soldier performs an act of supererogation, it is hard to see which of the three conditions fails to be satisfied.

Both of these examples revolve around courses of action involving elements of heroism, and examples similar to these have figured heavily in discussions of supererogation. However, there are many other types of acts which have been claimed to be acts of supererogation. As the title of his essay implies, Urmson suggests that the behavior of saints is comparable with the behavior of heroes in the conditions under consideration. One who conducts one's life in a saintly fashion does not fulfil any moral duties; to conduct one's life in a saintly manner is to do that which is beyond the call of duty. Moreover, those of us who do not live as saints cannot reasonably be blamed for the failure to do so (any more than we can thereby be charged with a failure to do our duty). Hence, given that saintly behavior is undisputedly morally praiseworthy, one can rightly conclude that it is supererogatory to conduct one's life in a saintly manner.

David Heyd has argued that, in addition to heroism and saintliness, there are five other identifiable categories of acts which are capable of qualifying as supererogatory.<sup>5</sup> First, there are acts of beneficence, such as acts of charity, generosity, and gift giving. In due course it will be seen that not all acts of beneficence qualify as acts of supererogation. But Heyd believes that for the most part beneficent behavior satisfies the required conditions. Performing these acts is praiseworthy but not morally required, and failing to perform them does not render one open to moral blame.

Second, doing favors can be acts of supererogation. Under most circumstances the favor done by one person for another person is both praiseworthy and non-obligatory, and it would not be blameworthy for the person to refrain from doing the favor. Heyd believes that by its very nature a favor is never obligatory; one never fulfils a moral duty by doing a favor. However, it is often difficult to tell whether a given service is a favor or a moral requirement. When one sees a stranger in need of a particular thing—such as a man with a physical disability unable to operate a drinking fountain—it is sometimes hard to know whether assisting the person counts as a favor or the discharge of a moral duty. And even when such an act fulfils no duty, it is possible that one's failure to perform it is blameworthy. But there are nevertheless occasions on which one succeeds in performing an act of supererogation when one performs a favor.

Third, volunteering is an activity which Heyd regards as a paradigmatic example of supererogation. When a person promises to perform or refrain from an act, the very act of promising or volunteering can qualify as an act of supererogation. Although the act of volunteering is ordinarily not something which itself fulfils a moral duty, it is nevertheless often praiseworthy, and one who fails to volunteer does not normally warrant blame or moral condemnation. An ironic feature of volunteering is that it often creates an obligation to do that which one volunteers or promises to do. Thus, the act which one volunteers to perform cannot in typical situations qualify as an act of supererogation. I might volunteer to perform an act of great self-sacrifice, and by doing so I might transcend the bounds of duty. But having done this, other things being equal, I am arguably duty bound to perform the act. At the very least, other things being equal, my subsequent failure is morally blameworthy.

Fourth, forbearing to do what is within one's rights can qualify as supererogatory. A person who declines to exercise particular rights to certain goods can under normal circumstances qualify for having



performed an act of supererogation. Heyd cautions that this forbearance cannot be based upon simple neglect; permitting others to have what one is entitled to through sheer neglect is in all probability not sufficiently praiseworthy to satisfy the second condition. Merit does not accrue to the performance of these acts of forbearance when a person simply forgets to exercise the rights to the goods in question. But, in many cases where one's forbearance is deliberate or purposeful, all of the conditions are satisfied for the act of forbearance to qualify as supererogatory.

Fifth, forgiving, pardoning, and mercy qualify as supererogatory. Heyd's discussion of this area is lengthy, for many writers have been inclined to think that we have obligations (or "quasi-obligations") to be forgiving or merciful; on their view being forgiving or merciful is something which moral agents are obliged to be. Heyd, however, plausibly defends the view that many particular instances of forgiveness, mercy, and pardon clearly satisfy the conditions for being acts of supererogation. Thus, while it is reasonable to suppose that one has a moral obligation to be a forgiving person, it is still possible that a particular act of forgiveness can qualify as an act of supererogation.

Counting acts of heroism and saintliness, then, Heyd distinguishes six categories of acts which can qualify as acts of supererogation. He does not regard this classification as exhaustive; he is willing to grant that there are acts of supererogation which do not comfortably fit under any of the six headings. Whether or not this is the case will not be a particular concern of the subsequent treatment of supererogation. In fact, one can easily think of examples of supererogatory acts which seem to resist the six-fold classification (several will emerge in the course of the discussion); however, this six-fold grouping is a useful place to begin one's thinking about the different ways in which supererogation manifests itself.

Up to this point I have proceeded on the assumption that there are three features or characteristics which are necessary and sufficient for an act's being supererogatory: Its performance fulfils no duty; Its performance is praiseworthy; Its omission is not blameworthy. It might be noted by those with any familiarity with the literature on supererogation that the characterization I have offered, though fairly standard, is not universally accepted as the correct account. In the next chapter I consider an alternative account which requires that an act of supererogation must be intended to bring about good consequences, that it be altruistic in spirit, and that acts of supererogation



be continuous with duty in the sense that there is a common scale of value between supererogation and duty. I argue that the first two of these requirements are too strong. I then propose a sense in which some type of continuity requirement is perhaps desirable in an account of supererogation, and I amend my own account in a way which embodies such a requirement. So amended, acts of supererogation never fail on my account to qualify as acts in which one goes beyond the call of duty.

Up to this point I have also proceeded on the assumption that there are acts of supererogation. While it may be a matter of considerable controversy whether the resistance of the officers who were knowledgeable of the atrocities of the German army qualifies as supererogatory, I have defended the view that the soldier falling upon a live grenade to save the lives of his comrades is an act of supererogation. Moreover, I have indicated approval of Heyd's contention that there can be acts of supererogation in each of his six categories.

A surprisingly large number of people, however, resist the idea that there are any acts of supererogation at all. To them it does not seem possible that any human act simultaneously meets all of the conditions required to be an act of supererogation. Some of this resistance is based upon theological considerations. Chapter three surveys some of this resistance and the theological ideas motivating it. During the time of the Reformation this anti-supererogationist sentiment arose in the form of a reaction to some of the more objectionable practices and beliefs of the Holy Catholic Church. In this context certain views of Luther, Calvin, and Melancthon are examined. But I shall argue that twentieth-century theology has seen a resurgence of the anti-supererogationist sentiment, and I shall make an attempt to understand what is motivating these contemporary writers. I argue that it is difficult to see how their arguments succeed in showing that there can be no acts of supererogation. However, it is also my suggestion that there are some important lessons to be learned by philosophical ethicists in what they have to say.

Chapter four examines a number of other contemporary writers who, for a variety of reasons, have embraced positions which leave little or no room for supererogation. These writers do not appeal to theological concepts or categories to support their position. Rather, what they appear to have in common is an understanding of the nature of duty or obligation sufficiently robust that it tends to leave no room for the realm of the morally praiseworthy outside the boundaries of duty. The literature on supererogation is filled with detailed

discussions of the anti-supererogationist tendencies of Kantian ethics and (for almost entirely opposite reasons) consequentialist ethics. It is not my attempt to speak directly to these issues. Nevertheless, it will be clear from the discussion which follows that the views of most of these contemporary writers surveyed in chapter four reject supererogation for reasons which, broadly speaking, are either Kantian or consequentialist in orientation.

Chapters five and six attempt to address some of the underlying concerns of those who are reluctant to acknowledge that acts of supererogation are possible. In chapter five I introduce the concept of 'quasi-supererogation'. An act of quasi-supererogation is similar to an act of supererogation, except that one is blameworthy for the failure to perform an act of quasi-supererogation. I argue that the recognition that acts of quasi-supererogation are possible has the potential for alleviating some of the fears of those with anti-supererogationist proclivities. For there are many who are inclined to regard supererogation as the invention of those who wish to justify the practice of seldom going out of one's way to help others. I argue that an acknowledgement of quasi-supererogatory acts makes the justification of this practice far more difficult than it would otherwise be. Accordingly, my suggestion is that some of the anti-supererogationist's worst fears concerning supererogation may be largely groundless.

The relation between supererogation and virtue is examined in chapter six. Based upon some work of Gregory Trianosky, one of few writers to have profitably explored this area, I develop some additional considerations designed to alleviate the fears of those skeptical of supererogation. The same is true when one examines the notion of vocation and its implications for the role of duty in one's life. Those who are fearful of acknowledging supererogation can take comfort in knowing that enlightened advocates of supererogation are willing to grant that within the scope of one's vocation the possibility of supererogation is greatly curtailed. And, based upon an insight by Kierkegaard, the concept of 'vocation' can be seen to shed additional light on the relevance of virtue to supererogation.

Chapter seven concentrates upon the cost or risk involved in performing acts of supererogation. I examine an influential thesis propounded by Barry Curtis which characterizes supererogation in terms of a balance between the cost or risk which is involved and the moral value of performing the act in question. This thesis calls attention to some important ways in which one's judgments as to whether a given act is supererogatory involves something along the lines of a

cost-benefit analysis. Nevertheless, I conclude that Curtis's analysis treats supererogation in a manner which is overly simplistic.

The concept of 'offence' is explored in chapter eight. Acts of offence are the mirror image counterparts of acts of supererogation in the following sense: the performance of an act of offence is not forbidden, it is nevertheless blameworthy, and its omission is not praiseworthy. Roderick Chisholm, Ernest Sosa, and others have argued that acts of offence are possible in human life, but, as in the case of supererogation, there is room for skepticism. Interestingly, there may be more reason to be skeptical of acts of offence than acts of supererogation. The concepts of supererogation and offence appear to be neatly symmetrical with respect to what is obligatory versus what is forbidden, on the one hand, and what is praiseworthy versus what is blameworthy on the other. But it will be argued that there is in reality no neat logical symmetry between the two. And on the basis of this demonstration it will be shown that there is nothing surprising in one's being more reluctant to grant that acts of offence are possible than to grant that acts of supererogation are possible.

In the end I endorse the idea that acts of supererogation are possible (without, of course, thereby endorsing all of the alleged examples of supererogatory acts offered in the literature). There are higher courses of action in life we might have pursued, nobler sacrifices we might have made, more significant benefits to others we might have brought about. In many diverse ways we have failed to realize the good that is within our power, and to the extent that others are aware of these failures it is our desire that they be understanding. There are many of an anti-supererogationist persuasion who would hold that these failures are inevitably the violation of moral duty, and if this were true it would be difficult to ask others to be understanding of our failures. I do not know of any argument that would serve as a final and convincing refutation of the views of the anti-supererogationist. But it will be my attempt to suggest in what follows that, all things considered, it is more reasonable to hold that these failures are not inevitably the violation of moral duty, and I believe that, given the way human beings are constituted, it is indeed reasonable to expect others to be understanding of these failures.