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Nelson T. Potter Jr.

University of Nebraska - Lincoln, kjohnson6@unl.edu

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Supererogation and Overdetermination in Kant's Ethics: Analysis and Interpretation at their Best in Baron

Nelson Potter

Marcia Baron's book tackles two very difficult issues, both centered on criticisms of the Kantian conception of duty. The solutions to her chosen questions lie rather deeply hidden, and the procedures by which Baron digs deep to find solutions are exemplary in their presentation of careful interpretation of texts by Kant, of writers on Kant, and of conceptual analysis and criticism. This book is not like a commentary, which would consider a broader range of questions and issues; it is rather a narrower, closer analysis of a few more specific issues. These few narrow issues have broad ramifications for our understanding of Kant, however, and they have over the years troubled many interpreters; hence the book should interest anyone who wishes to understand Kant's ethical theory.

As I said, this book is exemplary in the close textual interpretations of Kant that are the focus in a couple of chapters (Chapter Three discussing the "broadness" of Kant's broad duties and Chapter Six discussing Kant's Stoic are two prime examples), exemplary in the reading, analysis, and critique of a broad variety of writers on Kant, and exemplary in the careful way issues are developed, so that the proposed solutions, though sometimes unexpected, seem inevitable once they have been grasped. Hence it is a book one can usefully give graduate students as a model of excellence for careful historical interpretation, for close attention to secondary literature, and for philosophical analysis in ethics.

Indeed Baron's book seems to say the last word about a number of topics. Her close, careful analysis of Kantian texts and of the literature on the related topics make some real advances. I might be wrong when I say she has the last word: perhaps I am failing to see some points of criticism that others will discern, or perhaps the lack of any *viable* criticisms of the book will not keep some writers from criticizing her! But mostly this book is one that others will build upon rather than tear down or reconstruct.

Baron describes the book as being about Kant's alleged overemphasis on duty. This has two parts: The first addresses an emphasis by Kant on duty that is said to be so broad as to rule out the supererogatory as a category of assessment. The second criticism under consideration is that Kant sees too much value in acting

from duty and too little in acting from love, fellow feeling, sympathy, loyalty, and the like. This latter is one of the most common criticisms of Kant's ethics.

To begin with the first issue: Discussions of supererogation have commonly supposed that the alternative to recognition of a class of actions that are above and beyond the call of duty is being constrained to recognize only actions that are obligatory, wrong, or indifferent, or even worse, perhaps, a possibility that Kant himself explicitly rejects, that all actions are either forbidden or required, with no indifferent actions. Baron develops the idea that Kant has an alternative to supererogation, an alternative which is in some ways superior to regarding some actions as supererogatory, viz., his conception of imperfect duty. This defense of Kant requires no taking back, no critique of Kant, and hence thus far we are getting "Kantian ethics entirely without apology." The unexpected strengths of Kant's account of imperfect duties that Baron's discussion reveals shows that it is as if Kant had anticipated his supererogationist critics.

If a meritorious action is supererogatory, then it is above and beyond the call of duty. In contrast, a meritorious action in Kant's scheme would be an imperfect duty, and hence the scope and reach of the concept of duty would be broader, since it would include such actions. But the same point can be put another way: for the supererogationist, such an action would be *optional*. For Kant it would not. Part of the issue is this: Kant believes that we have a duty to strive to perfect ourselves morally.¹ In contrast, the supererogationist wishes to limit the scope and the burden of duty. Baron points out that Kant warns against the self-deception or self-conceit involved in regarding certain actions as special – as noble, or sublime, or heroic; those who perform actions so described may be seen as moral "volunteers," proudly exhibiting a kind of *noblesse oblige*, to which is attached an inappropriate pride.² This sort of "moral athleticism" as a potential spectator sport or performing art goes contrary to Kant's idea of morality as within the reach of all. Another, related danger is that with such an inflated, grand conception of duty, we may release ourselves from everyday responsibilities, regarding them as too trivial for our concern.³

Earlier Baron discussed Kant's official contrast between perfect and imperfect duties. Perfect duties are legal duties, and consist of performing (or abstaining from) certain actions. Imperfect duties, as inner duties, are more a matter of adopting a certain maxim (= roughly, a set of inner intentions) or pursuing a certain end, than of performing a certain action.

¹ Baron, p. 41. In what follows all references to Baron are to the book under review, *Marcia W. Baron, Kantian Ethics Almost Without Apology*, Ithaca: Cornell University Press, 1995.

² Baron, p. 38. References to Kant's works are to the Akademie edition, volume number followed by page number. See *Kant, Critique of Practical Reason*, V, 82, 84 - 85.

³ Baron, p. 37.

The supererogationist tends to regard certain moral actions as too difficult for the ordinary person, and hence as beyond duty. This goes strongly against Kant's grain, since it may amount to a partial denial of freedom. The supererogationist insists that morality, whose demands are inherently burdensome, should not demand too much; it is rather a set of minimalist rules for keeping basic order⁴. In contrast, duties for the Kantian are not necessarily burdens, but rather positive exercises of freedom⁵.

A closely related contrast between supererogationist ideas and Kantian imperfect duty is that the former requires actions, with nothing suggested about underlying motivation or character. The latter puts a greater emphasis on the underlying moral character. As Baron sums up the contrast later on: "Very generally, supererogationists view duty and morality legalistically, whereas Kant does not."⁶ Notice what a contrast this conclusion is with what we might call the conventional or the traditional view of Kant, the sort of view that Baron cites at the beginning of her discussion with a quote from A. C. MacIntyre! Baron has, quite correctly, overturned the old traditional view of Kant.

Within the supererogationist approach, "... these two aims or functions of morality – the minimal one and the lofty one – are sharply separate."⁷ Supererogationism, it now begins to appear, is based not just on ignorance of alternative ways of classifying actions morally, but

... on a conception of (a) duty as entailing corresponding rights, (b) moral constraint as burdensome in roughly the way that legal constraint is, and (c) a 'morality of duty' as something that interferes with individual's lives and that should be prevented from interfering more than is absolutely necessary.⁸

In conclusion, Baron remarks that the supererogationist tends to take the view that we are not responsible for our characters, as support for the view, or as a likely implication or suggestion of the view.⁹ A related assumption of the supererogationist, Baron suggests, is that there is a single moral ideal way for one to be. In contrast, "For Kant, there are many ways of being a good person, and no clear best,"¹⁰ and actions do arise out of basic moral character.

The assumption that being morally very good means being very self-sacrificial, devoted to the welfare of others, and furthermore, devoted to helping in certain stock ways colors much of moral philosophy.¹¹

⁴ See *Baron's* summary of Urmson on her p. 48.

⁵ *Baron*, p. 51.

⁶ *Baron*, p. 64.

⁷ *Baron*, p. 66.

⁸ *Baron*, p. 68.

⁹ *Baron*, p. 79.

¹⁰ *Ibid.*

¹¹ *Baron*, p. 80.

Kant's idea that there is no single clear best, and, for instance, that there are two separate "ends that are the same time duties", neither of which takes priority, fits more comfortably with his view that freedom and duty are compatible.

In this contest of different moral conceptions, there is no reason for thinking that the Kantian view comes in second, and there is no reason to fault the Kantian conception for failing to consider the up-to-date and more sophisticated conception of supererogation. The Kantian view is shown to be a comprehensive one, with links to the role of character in moral assessment, and with criticisms of supererogationist approaches that seem telling.

Notice that this discussion of Kant's conception of moral action and moral virtue, is largely based on the *Tugendlehre*, not on the *Grundlegung*. Baron could not say many of the things she says about Kant on virtue, or on ends that are at the same time duties if she had confined her attention to the *Grundlegung*, because these doctrines are scarcely to be found in there. The dominant ethical idea in the *Tugendlehre* is that of (mostly imperfect) obligations taking the form of pursuit of an end whose adoption is morally obligatory. One of the reasons why Baron is able successfully to accomplish more of a revolution in Kant interpretation than even such important books as Barbara Herman's, is that she has focused her interpretive attention on Kant's doctrine in the *Tugendlehre*. (Interestingly this emphasis in Baron's interpretation is not mentioned in her book.) This is the first book to make sense of the action theory of the *Tugendlehre* – the apparatus of maxims, ends, ends that are duties, and the rest – and to show some of the remarkable resilience it has against recent critics. It is a merit of Baron's discussion that it follows this less trodden path, and helps to bring into contemporary ethical discussions that very Kantian ethical conception of pursuit of an end or goal.

Turning to the second major topic of Baron's book, another alleged Kantian over-emphasis on duty, Baron (in her Chapter Four) begins with a quite close analysis of what might be called already a classic case: The hospital visitor tells the patient that he has made his visit simply because he is doing his duty. The patient is understandably disturbed, having thought that the visitor was acting out of friendship.¹²

We see that the patient is disappointed because there seems to be a lack of warm, friendly feeling in the visitor, a feeling the patient had at first assumed. It is the absence of this feeling rather than the active presence of the motive of duty that is the source of the disappointment, and hence this case as described does not involve a criticism of the motive of duty, Baron urges. Discussions of this case have also sometimes involved the following dubious assumptions: (i) You cannot be acting from duty if you are acting out of inclination. (ii) If you are acting from duty, you will likely be acting resentfully or grudgingly. Once we recognize that these assumptions are dubious we cannot find in them a source of criticism of the idea of acting from duty.

¹² *Baron*, p. 119. The example is from Michael Stocker.

Baron takes on and develops a distinction introduced by Barbara Herman between primary and secondary motives. Duty is most commonly a secondary motive, guiding and observing the play of primary motives, and stepping in to become a primary motive of action only when the agent would otherwise be headed toward a wrongful action. Hence the agent's primary motive may involve sentiment or inclination, such as the desire to see a dear friend, even as the secondary motive of duty is also present. Such a secondary motive is not just a potential causal "push", but rather must be an intelligent and observant guide, as the language just used to talk about it suggests.¹³

Baron objects to "the implicit assumption . . . that acting from duty is of value only as a sort of back up or insurance policy,"¹⁴ because the agent is lacking in desirable primary motives. In contrast Baron's claim has been ". . . that the sense of duty comes into play not simply as a motive from some individual's actions, but also as something that guides and regulates one's conduct."¹⁵ In other words, it isn't just a momentary feature of certain actions, but a more permanent feature of the agent's moral personality. Once we observe how primary and secondary motives are "interwoven"¹⁶, the role of the motive of duty becomes less puzzling. It should also be remembered that "duty" in Kant is not minimal morality, but includes moral ideals.¹⁷ Here as in the discussion of supererogation, the Kantian view that Baron is discussing comes from the *Tugendlehre*, and thus emphasizes the relatively permanent features of the agent – *Gesinnung* (disposition) and virtue – rather than the change and variety of individual actions.

Baron's Chapter Five, "Kant on Acting from Duty," centers on certain much discussed texts from Kant's *Grundlegung*, Chapter One, about acting from the motive of duty versus other motives, where Kant's topic is or seems to be the moral value of individual actions. In this connection Baron discusses the idea that certain actions may be *overdetermined* – as for instance if it were my duty to give a class lecture, and I also loved giving such lectures, either motive by itself would be sufficient. In such an instance two motives are present and available, either of which would produce the action by itself. This thought was introduced into the discussion of these passages in a well-known essay by Richard Henson.¹⁸

Here as elsewhere, I find Baron's discussion to be very insightful and right about every issue she addresses. But as I say this I should make certain disclosures: I saw this part of Baron's book in manuscript several years ago, and learned from it then. The product of this learning is my essay "Kant and the Moral Worth

¹³ We will discuss further Baron's discussion of Kant's concept of motive below.

¹⁴ *Baron*, p. 125.

¹⁵ *Baron*, p. 129.

¹⁶ *Baron*, p. 135.

¹⁷ *Baron*, p. 143.

¹⁸ *Richard Henson*, "What Kant Might Have Said: Moral Worth and the Overdetermination of Dutiful Action," *Philosophical Review*, 88 (1979), pp. 39 - 54.

of Actions,”¹⁹ which in certain respects goes beyond what Baron says here. I do not know to what extent Baron would agree with the additional points I make there. But Baron lays the basis for several of my important points in this chapter. I would simply say that her discussion of these difficult and confusing passages solves certain puzzles, and opens the way to a completely satisfactory interpretation on Kant on the motive of duty in *Grundlegung*, Chapter One. Among the useful points she makes are: (1) Kant has very little if any interest in the question of the moral value of actions; what is going on in Chapter One is a derivation of the universal law version of the categorical imperative.²⁰ (2) On Kant’s view overdetermination of actions is a rare phenomenon, at best. We need to distinguish between overdetermination and hybrid actions.²¹ (3) Each individual action need not be done from duty (as a primary motive) for it to be the case that one ‘obeys the law from duty.’ For one may adopt a general, overarching maxim from duty and be committed to acting accordingly.²²

In Baron’s second interlude, she talks about how Kant’s talk about motives misleads²³ This is also a sometime theme in Thomas Hill and in the article by Benson that Baron discussed in her Chapter Five. Kant’s discussion of motives seems to shift uneasily between a conception of causal pushes (with the terminology of *Bewegungsgrund* and *Triebfeder* emphasizing such a conception) and the not obviously causal notion of reasons for action (the discussion of the role of maxims in relation to action is more relevant here).

The alternative to talking about various additive pushes (motives), including a conception of possible Hensonian overdetermination, is Kant’s model of maxims. This is a familiar part of Kant’s moral philosophy, and yet we need from time to time to remind ourselves of it. The fact that maxims are the model for what produces actions means that Kant thinks of actions as having reasons, and, usually, of these reasons as having a certain kind of unity. So long as we are using the model of maxims, it is hard to describe what overdetermination would be like.

I want to point out an aspect of the model of maxims that at least causes trouble for one sort of action determination that Baron talks about: hybrid actions. In the case of hybrid actions, Baron says, “two motives join together to produce what neither alone would produce . . .”²⁴

Consider a hybrid action, eg., keeping a promise to repay. Let us suppose that the moral motive by itself is not adequate to move me to perform the action, and

¹⁹ Nelson Potter, “Kant and the Moral Worth of Actions,” *The Southern Journal of Philosophy*, Vol. XXXIV (1996), pp. 225 - 241.

²⁰ See Baron, p. 184. Compare Nelson Potter, “The Argument of Kant’s *Grundlegung*, Chapter One,” *Canadian Journal of Philosophy*, Supp. vol. I (1974), pp. 73 - 91.

²¹ See, Baron, eg., pp. 150, 167.

²² Baron, pp. 179, 180.

²³ Baron, pp. 188 - 193.

²⁴ Baron, p. 151.

the fact that I like the person to whom the money will be repaid would also by itself not be an adequate motive for repaying. Perhaps this is because I have some other urgent personal (non-obligatory) need for the money I would use to repay, such as a long-yearned-for Caribbean vacation. Nevertheless, both motives as it were pushing in the same direction might still be adequate to produce the repayment action. I take it that this would be a case of hybrid action, so called because the motives that produce the action are of two distinct sorts. It looks as if the story we are telling about such an action involves motives as causes. Thus, it seems analogous to the following situation: A car is stuck in the mud, and one person pushing while another person is driving is not making any progress. But when we add a second person helping to push, then the force becomes sufficient to dislodge the car and get it going.

So the motive of duty is not adequate to get me to do what I ought (and for this fact I am personally responsible, since such an inadequacy, at least in Kant's view, would be a result of some decision of mine). And neither is the motive of friendly-feeling. But combined they cause me to act.

The difficulty with this story is that it seems to require that there be two separate maxims of the action, and that the resulting action is the result of two maxims, each with a distinct end or goal, a distinct underlying motive, and perhaps even a distinct description of the action ("repaying a debt" vs. "doing something nice for Anne"). Such a complex story of such an action is at least clumsy and awkward. It may be quite impossible.

To put the difficulty in less Kantian terms, the agent must perform such an action with two separate aims in view ("paying off my indebtedness" and "pleasing Ellen"), which at least seems complicated, and perhaps also must perform the action in question under two distinct descriptions, each connected with its distinct end.

It might be replied that we do this sort of complex action all the time, and that there is no grave difficulty about it. "Killing two birds with one stone" is the proverbial expression for it. But when we give such an account of actions we are moving away from the expression of maxims as presenting a unified account of reasons for action (since we are now supposing that there might be more than one maxim relevant to, and actually effective in producing a given action), and we are at least suggesting that one of the dimensions of any maxim is its causal/motivational power, as stronger or weaker. This again mixes reasons and drives in a puzzling way.

So I propose that one outstanding problem that Baron's book directs our attention to is this: Thinking of an account of human action in terms of maxims, what kind of account can one give of what Baron calls "hybrid" actions?

In Chapter Six, "Sympathy and Coldness in Kant's Ethics," Baron further explores some of these issues. First it is clear, Baron urges, that Kant does not think we are simply passive with respect to our emotions and feelings. We can actively

cultivate and encourage or work to extinguish them, and we may even have some responsibility for having certain bad feelings such as arrogance²⁵.

Second, in spite of some early statements to the contrary, inclinations were not regarded by Kant as in themselves evil. The source of evil is rather maxims that subordinate the moral law to something else. The key point throughout Kant is that the positive value lies not in the absence of the feeling, but rather in self-control²⁶.

But the key and more difficult question is whether Kant can attribute *positive* value to inclinations?²⁷ The answer is that he does, again and again²⁸. Yet at times Kant seems to deny the value of feelings. The most troublesome passage, which Baron discusses at length²⁹, talks about Stoic anti-emotionalism as “sublime.” Baron gives a very careful analysis of Kant’s position on feeling, and finally concludes, though very tentatively, that Kant’s position is flawed. He fails to recognize the full value of “compassion and sympathetic suffering,” thinking of their value primarily in terms of helping us to act morally, and as having no value otherwise³⁰.

There appears to be a systematic reason why Kant would hold the position he does, viz., that for him all moral value must arise from rational choice, or relate to it. A feeling of sympathy that can be practically useful should therefore be cultivated, since it improves our choices. A feeling all by itself may be something of aesthetic beauty (as for example, many German romantics would insist), but given Kant’s system, it is hard to conceive how it should have moral value as such. As such, there is more at stake here than a matter of conflicting moral intuitions. One who would defend the value of sympathetic feelings when such feelings serve no practical purpose should say whence such value cometh. Until we have some such competing general account of the value of such feelings to put against Kant’s, I find it hard to say who has the better account here – Kant or his critic.

Future writers on Kantian duty will gratefully build on what Marcia Baron has provided for us in *Kantian Ethics Almost Without Apology*. Methodologically, it is a paradigm of both careful analytical discussion of ethical issues, and of careful textual interpretation. As such it can be given to graduate students as a useful methodological model. And it gives us a deeper and fuller understanding of Kant’s approach to duty in the *Tugendlehre*, which is still sometimes a neglected text even in this era of enormously increasing interest in Kant.

The book is a pleasure to read, but it will be a great trial for any reviewer of it who insists on finding fault with any book he or she reviews.

²⁵ Baron, pp. 197 - 8.

²⁶ Baron, p. 202.

²⁷ Baron, p. 205.

²⁸ See Baron, pp. 205 - 7, and the references there to Kant.

²⁹ Kant, *Metaphysics of Morals*, VI, 457.

³⁰ Baron, p. 228.