

The Intransitivity Paradox

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It is commonly thought that we sometimes have a duty to help people, at least when the sacrifice to ourselves is not very great. It is also commonly thought that if the efforts required of us in order to help are great, helping is supererogatory, that is, beyond the call of duty. The personal preference not to make the large effort, or to pay the large cost, may permissibly outweigh considerations in favor of helping. ... Likewise, if I must sacrifice an important personal goal to help someone, helping is commonly considered supererogatory. ...

Now consider the following case (the Lunch Case): I have promised to meet someone at 12 P.M. for lunch; so I have a duty to be there. I shall be using the notion of duty in such a way as to allow that there might be other duties of mine that conflict with my duty to go to lunch. In cases of conflict I would have to decide which was my strongest duty, and then *it* would be my duty all things considered. (Alternatively I might refer to my conflicting duties as “prima facie duties,” and to the strongest one as “my duty.”) Now imagine that on my way to the lunch appointment I come across a car crash. One of the victims has had his kidneys crushed, and he needs an immediate kidney transplant in order to survive. I am the only person available who has the right type of kidney. Given the size of the sacrifice to me, most people would say that it is not my duty to donate one of my kidneys. Therefore, in these circumstances (barring the existence of any other duties) the only duty I have is to keep my lunch appointment.

Suppose, however, that I am willing to give up a kidney, but this will cause me to miss my lunch appointment. It still seems that my only duty is to keep the lunch appointment. Nevertheless, if I want to give the kidney I may, and I need not do my duty. Indeed, it would be morally stupid of me to think that I had to do my duty. I would be a moral idiot (though not immoral) if I felt that I had to keep my lunch appointment.

Those who think that I have a duty to save lives when the cost to me is small, and also a duty to keep my lunch appointment, would, no doubt, think that the duty to save lives outranks the duty to keep lunch appointments. If they also maintain that I must always do my strongest duty before doing supererogatory acts, they will be committed to the view that I must keep my lunch appointment rather than give my kidney. They will also be committed to the view that if there is a choice, I am obliged to do what will save someone’s life at minimal cost to myself (a duty), rather than make great sacrifices that I am willing to make in order to save a great number of lives. Thus, since it is my duty, for example, to give a penny to save the life of one person on an island, I should do this rather than give away a fortune I am willing to give away to save thousands of lives on another island, when I can reach only one of the islands in time to save any lives. This seems quite the wrong conclusion to reach.

I conclude that if “I am obliged to do act y ” implies that doing other acts instead of y would be wrong, then I am not always obliged to do my strongest duty. If “I am obliged to do act y ” just means “ y is my strongest duty,” then I need not always do what I am obliged to do. Contrary to the views of many, there is no strict system of priorities linking duties and acts of supererogation, such that we may perform a supererogatory act only if it does not involve our failing to do our duty. We cannot always claim that we are prohibited from doing something that would require much sacrifice on our part and produce a great good, because we are bound by our duties. Also, though supererogatory acts are beyond the call of duty, it should not be thought that doing them implies that we have first done our duty, and then gone beyond it. In doing a supererogatory act we may have permissibly failed to do our duty. ... [A]n act of supererogation may permissibly take precedence over a duty. Likewise, if I wish to save a life, I may deliberately violate my duty not to take someone’s car without his permission, as a means to save the life, even though, because of the risk it will involve to me driving on a stormy night, this is not a life it is my duty to save. ...

Is there a way of avoiding this conclusion, that duty does not take automatic precedence over supererogation?

...

There seems to be an intransitivity here. That is, where \geq means “may permissibly take precedence over,” – means “not,” S is some supererogatory act, D some duty, and P some personal interest, $P \geq S$, $S \geq D$, and yet $\neg(P \geq D)$.

This intransitivity involves the claim on the one hand that we may permissibly do a supererogatory act and as a foreseen consequence fail to do our duty and on the other hand the claim that we may not permissibly refuse to make some sacrifice of a personal interest with a foreseen consequence that we fail to do our duty. There is another, closely related intransitivity that involves the claims that we may deliberately violate our duty as a means to performing a supererogatory act, but may not deliberately violate our duty as a means to achieving our personal goals. The duties in the first intransitivity are primarily positive duties we omit to perform; those in the second are primarily negative duties not to violate negative rights.