DOES DISTANCE MATTER MORALLY

TO THE DUTY TO RESCUE?

I. INTRODUCTION

In Chapter 1, I discussed how we should distribute aid, if we have a duty to aid or if we just decide to aid. In Chapter **9**, we considered these questions when there were positive rights to aid. Now I will consider whether and how our duty to aid might be affected by physical distance.

What is the problem of distance in morality (PDM)?[1] The Standard View holds that this is the problem of whether we have a stronger duty to aid strangers who are physically near to us just because they are physically near than we have to aid strangers who are not physically near (that is, who are far), all other things being equal. A Standard Claim concerning this problem is that to say distance is morally relevant implies that our duty to aid a near stranger would be stronger than our duty to aid a far one, given their equal need.[2]

Notice that the Standard View about the PDM concerns only aiding strangers. It is not thought to be a problem of whether we have stronger duties, in general, to those who are physically near. So, for example, the negative duty not to harm strangers or the duty to keep promises to aid nonstrangers are not thought to be stronger to those who are near than to those who are far. Those who think distance does matter morally do not, of course, think that it is the only factor that matters. For example, if I can help more strangers at a distance or fewer who are near, the difference in numbers might be a reason to help the group of distant people. If the distant people are members of my own community, and the near people are not, I may have a stronger duty to aid the distant. Furthermore, to say that distance matters is not to say that we need do <u>nothing</u> to help distant strangers; nor is it to say that we must do <u>everything</u> to help

strangers who are near. There may be an upper limit on how much we must do to aid strangers. To say that distance matters could be just to say that, other things being equal, we will have to do more for the near than for the distant because they are near (but not do more for the far because they are far).

I maintain that the Standard View is not an accurate description of the PDM and that the Standard Claim—if distance matters morally, we have a stronger duty to aid a near stranger than a far stranger, given their equal need—is also not correct. These are the primary issues with which I shall be concerned both in this and the next chapter. (The second chapter may be read independently of the first).[3] There are eight major points I wish to make: (1) If we are to use hypothetical cases to help answer the question of whether distance matters morally, we must use properly equalized cases and not deduce negative results from just one negative case. One of the methodological issues discussed in Chapter 1 of this volume—namely, how to determine whether a set of contrasting factors is a morally relevant distinction—will be revisited here. (2) We must distinguish the possible moral importance of absolute proximity (nearness) from relative proximity and from just any difference in distance. We must also give an operational definition of proximity. (3) Before considering whether we can justify any intuitions about proximity, we must see whether these are indeed intuitions about proximity or rather about salience. (4) We should distinguish the role of proximity in relation to aid owed in accidents from aid for basic justice. (5) All previous discussions of this proximity issue have misconceived the PDM. (6) The Standard Claim is wrong. As odd as it sounds, it is easy to show that if there were a strong duty to aid based on proximity, this would itself imply that we can have as strong a duty to aid far strangers as to aid near strangers. (7) I accept that intuitive support is not enough

to justify a principle of morality. We must find morally significant ideas underlying intuitions for the principle to be justified. When we consider how we might justify intuitions that proximity matters morally, we may find it helpful to contrast negative rights (which are not affected by proximity) with positive aid (which might be affected by proximity), and to consider the possibility that duties related to proximity are concomitants of agents' having an option to act from an agent-centered perspective. (8) A duty to take care of what is near but no duty to take care of what is far does not necessarily imply that we have a duty to take care of what is near rather than what is far.

I shall deal with points (1)–(4) in this chapter and (5)–(8) in the next. I consider (6)—if there were a strong duty based on proximity, this could be a reason why we have a strong duty to aid distant strangers—to be the most striking result. I believe that it overturns past conceptions of the PDM and reconceives it into what I call the new Problem of Distance in Morality.

II. METHODOLOGICAL ISSUES I

A. Intuitive Judgments and Equalized Cases

Peter Singer has famously been concerned with famine relief.[4] In connection with this concern, he has denied the moral significance of distance. He says: "I do not think I need to say much in defense of the refusal to take proximity and distance into account. The fact that a person is physically near to us . . . does not show that we ought to help him rather than another who happens to be far away."[5] Yet, a classic set of cases that has been used to illustrate the fact that

our intuitions support a stronger obligation to help the physically near, and thus give rise to the PDM, was presented by Singer.[6] Here is a variant of it:

> Pond Case: I am walking past a shallow pond and see a child drowning in it. If I wade in and pull the child out, my $500 suit will be ruined. Intuitively, I ought to wade in to save him.
>
> Overseas Case: I know that there is a child starving to death overseas. To save him, I must send $500. Intuitively, I am not obligated to do so.[7]

There is a problem with these cases, however. If we are using cases to see whether distance per se matters, all other factors in the cases should be held constant. If we are going to use intuitive judgments about cases to test the thesis that distance is morally relevant, we can learn from the use of this method when it is applied to deciding whether the difference between harming and not-aiding (or killing and letting die) is morally relevant.[8] In discussing that issue, the methodological point we learned was that we must construct perfectly equalized cases. That is, in order to see whether one variable (near/far, kill/let die) makes a moral difference, we must compare two cases that differ only with respect to this variable, holding contextual factors constant. But Singer's set of cases does not satisfy the equalization condition. For example, in the Pond Case, the child who is near is assumed to have had an accident, but the need of the child who is far in the Overseas Case is not due to an accident, but perhaps due to the absence of basic economic justice or a natural disaster. The Overseas Case child is not a fellow citizen or a

member of the community of those who would be called on to aid; the Pond Case child probably is. In the Pond Case, the ruined suit occurs as a side effect of someone doing something minor to aid; in the Overseas Case, the monetary loss is the means to aid. In the Pond Case, the potential helper may be the only one who can help. This condition is likely not present in the Overseas Case. Further, the far child in need is probably one of many such children; the near child is thought of as unique.[9] Hence, we can take care of the whole nearby problem in the Pond Case, but only part of the far problem in the Overseas Case. In the Pond Case, we may be assured that our efforts will be efficacious; in the Overseas Case, perhaps we cannot be sure that our efforts will pay off.

As an example of how to remedy at least some of the contextual inequalities in Singer's set of cases, we could construct the following two sets of cases:

> Near Alone Case: I am walking past a pond in a foreign country that I am visiting. I alone see many children drowning in it and I alone can save one of them. To save the one, I must put the $500 I have in my pocket into a machine that then triggers (via electric current) rescue machinery that will certainly scoop him out.

> Far Alone Case: I alone know that in a distant part of a foreign country that I am visiting, many children are drowning, and I alone can save one of them. To save the one, all I must do is put the $500 I carry in my pocket into a machine that then triggers (via electric current) rescue machinery that will certainly scoop him out.

Near Many Case: I am walking past a pond in a foreign country that I am visiting, and I and many others see many children in it drowning; any of us can save one of the children, but the others will not. To save one, I must put $500 I have in my pocket into a machine that will certainly scoop him out.

Far Many Case: I and many others know that in a distant part of a foreign country that we are visiting, many children are drowning; any of us could save one of the children, but the others will not. To save one, all I must do is put the $500 I have in my pocket into a machine that will certainly scoop him out.

My sense is that I have a stronger duty to the near child than to the far child in both sets of these cases, and this could be due to distance. If these cases were equalized for all factors aside from distance, then it is only the difference between near and far that could account for the different judgments about duties. Of course, the difference may not be due to distance, as there may still be important differences between these cases besides distance.

What conclusion could we draw if we found one set of equalized cases in which our intuitive judgment is that a difference in distance from two strangers makes no moral difference? The following might be such a set of cases[10]:

Near Costless Case: Everything is the same as in the Near Alone Case, except that all I must do is flip a switch right next to me to save the child.

> Far Costless Case: Everything is the same as in the Far Alone Case, except that all I must do is flip a switch right next to me to save the child.

We cannot conclude that distance is never morally relevant simply by showing that one time or even sometimes it makes no difference to the strength of a duty in equalized cases. This is because a property that makes no moral difference in some equalized contexts may make a difference in other equalized contexts. (This is what I call the Principle of Contextual Interaction. We also learned about it in discussion of the killing/letting die distinction.[11]) For example, in a context where the cost of aid to the agent is low and the effects of not-aiding are great to a stranger, the duty to aid a stranger who is near and the duty to aid a stranger who is far may be equally strong. (This would, of course, imply that if there were a conflict between the two, it is at least permitted to toss a coin to decide whom to help.) Indeed, it is the point of some contexts to make distance a morally irrelevant feature. So if we are government officials who must aid citizens, the fact that one citizen is near and another is far is irrelevant. The role of government officials and the status of citizen are intended to make some other sorts of considerations (e.g., distance) morally irrelevant.

By contrast, we can show that distance is morally relevant (at least judged intuitively) by showing that we think it matters morally sometimes in equal contexts—even one time—even if it does not always make a moral difference.[12] Hence, when someone argues that distance could make a moral difference, he is not committed to saying that it often or always does. For example, if famine relief implicates issues of basic justice, and distance is not relevant to the duty to promote basic justice, distance could still matter morally when aid to prevent accidents is at stake

(as in the Pond Cases). Similarly, we may see the difference that distance can make only as we vary the size of the cost required to provide equal aid in a near and a far case, or as we vary the seriousness to an individual of not being aided. It may be that high costs must be borne in near cases but not in far cases. (The difference between the Far Costless Case and Far Alone Case tests this hypothesis.) It may be that even less serious problems must be taken care of in near cases but not in far ones.

The methodological point is that we must not only create equalized cases, we must also alter certain contextual factors equally in the Near and the Far Cases to see if we find some cases where distance intuitively matters. It is not just equal contexts that is important, but different equal contexts. We could also vary the probability of success of the aid equally in both cases to see, for example, whether we intuitively believe that we are obligated to aid in the Near Case but not in the Far Case when the probability of success is low in both. We could see whether we think we must do as much to make us able to help those who are far as we must do to make us able to help those who are near. (For if we have a duty to help those who are far, that need not only mean that we should help if we can, but that we should also make ourselves be able to help.)[13]

When people say that distance is less morally relevant in the modern world than in past ages, they may have in mind that in a context where it is quite costless (in time and effort) to reach others with aid and to help others, distance is not relevant. They may also have in mind that in a context where people are interdependent with others who are far (via economic and communicative relations), distance becomes irrelevant as a factor with respect to whom we should aid. (However, when they put these points of ease of access or interdependence by saying

"no one is far from anyone anymore," they thereby unwittingly give credence to the view that the presence of farness does indeed always matter.[14]) However, all this could be true, and distance can still be morally relevant. For when costs to reach or to aid people are high and people with whom one is not interdependent ("strangers") are involved (even when all other factors are equal), we may have a duty to pay the costs only for those who are near.

B. Distance versus Relative Distance

What if there were no equalized pair of cases in which intuitive judgments suggested that nearness in some way made the duty to aid stronger? Even this result might be consistent with distance having moral relevance sometimes. This can be shown by considering single cases in which the features of near and far are combined. For example:

> Near/Far Case: I learn that in a distant part of a foreign country that I am visiting, a child is drowning. Someone else is near him and also knows of his plight. Either one of us could successfully help by depositing $500 in a device, one of which is near each of us, that will trigger a machine that will scoop the child out.

Who has a stronger obligation to help in the Near/Far Case? In the Far Alone Case, the only person who can help is far. Suppose, contrary to what I have suggested, that it were true that in the Far Alone Case, one judges that one has as strong a duty to help, even at great cost, as one would have in the Near Alone Case. This would be consistent with the person who is near in the Near/Far Case having a stronger duty to aid than the person who is far in that very case does.

(This would be comparable to a brother having as strong an obligation to take care of his deceased sister's child as he has to take care of his own child, but having a much weaker obligation to take care of her child if his sister is still alive to take care of it.)

However, the Near/Far Case may only measure the intuitive importance of relative distance.[15] That is, when one person who can aid is nearer than another, other things being equal, the duty to aid of the nearer may be greater, at least sometimes. This leaves it open that the physically nearer person could be far away in (more) absolute terms, and yet still have as strong a duty to aid as someone who was physically nearer and near in (more) absolute terms. It would be an interesting result in itself to show that relative nearness matters morally, at least sometimes, but this is still not the same as showing that (more) absolute nearness matters.[16]

If we are still concerned to determine whether nearness itself (and not relative nearness) matters morally, we could try the following methodology: (1) Show that a far person (in absolute terms), when no one is near, would have a weaker duty than a near one would have had when no one was far. (One could use the Near Alone and Far Alone Cases to test for this.) It would then be shown that distance per se rather than relative distance has (at least at the intuitive level) moral significance. (2) If, contrary to my suggestion, (1) does not show this, we could use (a) a Near/Far Case in which distances of agents from a victim were all far in an absolute sense, but differed relatively, and (b) a Near/Far Case in which distances of agents from a victim were all near in an absolute sense, but different relatively. If the difference in the individual distances (especially in [a]) makes no difference to duties, then we would have evidence that relative distance is not a relevant factor.[17] (3) The evidence in (2) would suggest that in a Near/Far Case where one agent is near in absolute terms and the other far in absolute terms, it would be

nearness, not relative nearness, that causes a difference in duty. Such a difference in duty would indicate that nearness per se matters, even if the duties of those who are near and far were the same (contrary to my suggestion) when no agent is near. It turns out, then, that it could be very important to run the test in (2), and that even uniformly negative results in Near Alone and Far Alone types of cases would not settle the question about the moral relevance of distance per se (at least at the intuitive level).[18]

C. A Succession of Cases

Another methodological question is whether we can imagine each case separately from the likelihood of its being only one of a number of cases. In the Near Alone Case and the Far Alone Case, we are asked to imagine them as isolated cases. But suppose that we could expect many identical Far Alone Cases arising in succession. Then if we aided in one case, what reasons could we give for not-aiding in the next case, and then the one after? But the aggregation of all the aid would consume much of our life. We are not required to give up so much in order to aid, it might be said. So perhaps, it might be said, we are not required to aid in any of the cases.[19] (In real-life cases, aid to those who are far (at least from affluent countries) may involve issues of basic economic justice that should be societal and institutional concerns. This is an additional factor, besides, aggregation, that may be held to account for our refusal to aid in even one case.)

I disagree that the aggregation problem implies not aiding in one case. It is incorrect, I believe, to judge what we should do in one case on the basis of what we need not do if many cases were to arise. Even if there is no distinction between the cases taken individually, the cumulative effort or cost is different in aiding one versus many. Even if there is no magic cutoff

point such that the difference between aiding ten and aiding eleven, for example, will involve making more of a total effort than is required, we can set an arbitrary cutoff so as to aid some but not to go on aiding when the aggregate total will clearly be more than required.

Furthermore, it is not true that the problem of aggregation only arises where there are potentially many cases needing aid. We can imagine one near accident case that would require many small bits of aid over time, so that we would start off giving a certain amount but, as time went on, more and more would be required to make the rescue a success. We could in this case also set an arbitrary cutoff point so that we do not wind up doing more than we are required to do through the inability to say why, at any point, one small additional bit of aid should make any difference. If we can stop the aggregation in this way in one near case, we could stop it where the potential for providing more aid than is required arises through many cases. Hence, the threat of future obligation need not be a reason for deciding how we act in the first case at the beginning of the potential series. (It might, however, explain not giving minor aid in one case if the case fell in the middle of the series. Hence, in our methodology for deciding whether the near /far distinction ever counts morally, we should assume that our cases do not fall in the middle of such a series.)

In concluding this section, I suggest that, intuitively, there is a difference between the Far Alone Case and the Near Alone Case (or there will be a difference for some degree of cost or effort). I also suggest that there would be an intuitive difference in the Near/Far Case, even if helping were costless, though in the absence of the test suggested in (2) above, this might be due to the factor of relative nearness. If there is an intuitive difference between the Near Alone Case and the Far Alone Case, this implies that if the near person in the Near/Far Case failed to help,

the far person should (intuitively) still not be obligated to aid at the cost of $500. But it is possible that there is some lesser cost or effort such that the intuitive judgment is that the near person would be obligated to sustain it first, and if she did not, the far person would be obligated to sustain it. Yet, if all factors besides distance have been equalized in the Near Alone Case and the Far Alone Case, and at some level of effort **or cost** there was thought to be a difference in obligation, these cases would show that, at least intuitively, distance per se matters to what obligations we have.

I also suggest that absolute nearness could matter because it merely gives priority to one person having an obligation as will as if it eliminates another person having an obligation, at least sometimes. Whether relative nearness matters rather than absolute nearness, or as well as absolute nearness, is a different and interesting question that it is, nevertheless, crucial to discuss in connection with whether absolute nearness gives priority to, even if it does not eliminate, an obligation.

III. MEASURING DISTANCE

Would the result that absolute distance matters per se show that, intuitively, any difference in distance can have moral significance, or rather that a certain type of difference in distance may sometimes have moral significance? There is a difference in distance when one child is near me and another child is in a distant part of the country. But a third child could fail to be near me, yet be much closer to me than the one who is in a distant part of the country. Would there be any case in which our intuitive responses would tell us that our obligations to this third child were weaker than to the near one but stronger than to the more distant one? The claim that

(1) all intervals of distance could matter intuitively, at least sometimes, is different from the claim that (2) the distinction between the near and the far (where the non-near is the far) could matter. The latter claim is compatible with there never being any intuitive differences in our obligation to the second and third children. I suspect that it is really claim (2) with which the problem of distance in morality is concerned. Hence, we really want to know whether absolute proximity (nearness) matters intuitively.[20]

What is the intuitive measure of proximity? Let us first try to answer this question for the standard type of case that has been considered in the literature, namely, the distance from an agent to a needy stranger. First, is the distance measured by finding where the agent stands and where the needy stranger stands? Suppose that I stand in a part of India, but I have very long arms that reach all the way to the other end of India,[21] allowing me to reach a child who is drowning in a pond at a great distance (Reach Case). Intuitively, I think that this case is treated as one where the child is near. Suppose that the child is so far away in India that I cannot reach there even with my long arms, but the child can reach toward me with her long arms so that she is within my reach. Again, I think that this case is treated as one of a victim who is near. These cases might suggest that one intuitively relevant measurement of distance between strangers (whom I shall henceforth call the agent and the victim) is from the extended parts of the agent's body to the extended parts of the victim's body.[22] The question then is, are these extended parts near or far from each other? In the Reach Case, they are near.

Notice that this does not necessarily mean that someone with long-distance reach is near everyone who is within the territory from his central location to the outer rim of his extended reach. For it is possible that his reach is not continuous, as illustrated in Figure 1.

a ~~~~~~~ b c

Figure 1

Suppose that an agent is at c. He may reach to a and all the way back from a to his centered location, but his arm may fail to extend and stop within area a to b, so he has no reach there. It extends and stops again between points b and c. Intuitively, there can be a point somewhere between a and b from which he is distant, even while he is near a physically further point at a. (I shall ignore such unusual cases in the following discussion.)

Suppose that within a short period of time, we can bring people near each other's extended parts by a vehicle. Then they are near by that vehicle, it might be said. The measurement of near-by-vehicles is at least in part temporal. It seems to combine a nontemporal notion (extended parts are nontemporally near) with a temporal notion (how long it takes to get near **as measured nontemporally**). If it takes a long time to get extended parts physically close, people are far-by-vehicles. But perhaps nearness is then mostly a function of the length of time it takes to traverse a physical distance. That is, for any given period of time, different vehicles may cover different distances; someone may be far-by-car but near-by-plane. Once we relativize near and far to a vehicle, I believe, we are dealing with a set length of time (not distance) that it takes to bring people to a certain distance from each other's extended parts. If within a certain length of time (yet to be determined) we can by vehicle bring people to a certain distance from each other's extended parts, they are near-by-vehicle.

For example, suppose that A's extended parts are several feet away from B's, but A suffers from a disease that makes him move very slowly unaided, say, an inch an hour. If he is in his wheelchair, he covers the distance quickly. Should we say that he is near-by-wheelchair and far unaided? It seems we must, if we allow that someone can be near-by-vehicle when he is far-on-foot. Or, suppose that a fast vehicle can get us to a point many miles away almost instantaneously, but cannot traverse a route to half-mile away. We will be nearer the first point than the second, by the temporal measure.

By contrast, if our notion of what is near is nontemporal or is a function of the time it takes for an unaided normal human being to traverse a distance, someone who moves very slowly can still be near and someone who has a very fast vehicle can still be far. Having a fast vehicle can make it very easy to help those who are far, and this may be why our duties to these far people are as great as to those who are near (as in the Far Costless Case, where it was easy to aid for a different reason). A test of this hypothesis is to raise the efforts required to get the fast vehicle going. If we are already near because we are near-by-vehicle, the efforts or money we are obligated to expend to get the vehicle going should be as great as those we are obligated to expend for someone we are near-without-vehicle. I suspect that the efforts required differ, at least intuitively.

For example, suppose that A is near-by-car to C**,** whereas B is near to C without any alteration in his current location. If B would have to expend $500 to save C, would A (in a separate case not involving B) have to expend $500 on getting a car to go to C, if there were then no further cost to speak of in saving him? In other words, does near-by-car give one the same obligation to engage in a more costly rescue as is had by someone who is near tout court? I do

not think so. (Another case to consider in this connection: Would A have to transmit the $500 to help C just because he is near-by-car, instead of using it to go by car so as to have his extended parts be near C's? It seems very odd to think that even though we don't have to go anywhere by vehicle in order to be able to help C, whether we are near-by-vehicle could determine whether we had an obligation to aid.)

I conclude that the non-relativized-to-vehicle sense of near is primary for our intuitive sense of when we must do more to aid. Hence, I shall accept a notion of near that is <u>not</u> only temporal (or is only temporal in the sense of a distance it takes a normal, unaided human a short time to traverse).

As I have already suggested (p. 8), when people speak of a "shrinking world," one thing they seem to have in mind is that an increasing number of people are near in the sense of "easy (costly neither in time nor in money) to become near in the ordinary sense" (where the latter may be a distance [between extended parts] that it takes a short time for unaided, normal humans to traverse). Again the ordinary sense of near is needed to boot up the new idea that we might call "neasy," and so **the ordinary sense** cannot be eliminated or completely substituted. If people were neasy, would we have as strong an obligation to expend as much in aid to them as we do for people who are near (in the ordinary sense)? If absolute distance matters morally, the answer should be "not always." **(**Another case to consider in this connection: Would A have to go by car costlessly in order to then pay the $500 to save C?**)**

I have used the cost test to see whether near-by-vehicle is the same as near. But, of course, the costs we are required to expend to aid could be the same, and yet near-by-vehicle not be the same as near. This would be because distance does not matter morally. The crucial point

seems to be that near-by-vehicle is parasitic on a more fundamental idea of nearness, as shown by the fact that the vehicle is used to bring people close, as measured by the nearness (independent of vehicle) of their extended parts.

Now suppose that in the Reach Case, no part of me that reaches the child is efficacious in helping her. Is the intuitively relevant measurement of the distance between an agent and a victim from the efficacious extended part of the agent's body to the extended part of the victim's body? Possibly not. When a nonefficacious extended part of me is near an extended part of the victim, could I be strongly obligated to help by the use of a means that is mine, even though it is far from both me and my victim? If the answer is yes, then it need not be an efficacious part that is near the victim. In this regard, there are several different types of hypothetical cases it is worth distinguishing.

In one case, I am extremely large, so that an extended part of me that is near a victim is far from the part of me that would be efficacious in helping. For example, my right hand is near the victim but it is my left hand, now miles away, that could be moved to help. Intuitively, I am obligated to move the left hand. Here, I am efficacious in aiding, both in that I can do something to bring a far means close and in that the means is a part of me and I am close.

In a second case, my mechanical means that could be helpful in rescuing the victim is at a distance, but I could trigger it by pressing a remote control button. Here, what is near the victim is not completely efficacious, but also not totally inefficacious, since I who am near the victim can trigger the remaining means of aid. The question in this case is whether, intuitively, if I am not totally efficacious with what is near, I have an obligation, in virtue of being near the victim, to do what I can to activate the tools of rescue that are still far. If I am near the victim with my

precious Stradivarius violin, which is also near to me,[23] and its destruction would save someone's life, intuitively I have to destroy it. But if I am near the victim, do I have to press the remote control button and transport my far Stradivarius for destruction if this is necessary? Intuitively, I do not think so. This leaves it open that there are some means I do have to transport by remote control just because I am near the victim.[24] If I know that I could be called upon to sacrifice my Stradivarius if it were near, this, of course, could give me a reason to never have it near in situations where I might sacrifice it. It does not seem to me that this is inconsistent with having a duty to sacrifice it if it is near. This is in some respects like the following case.[25] A nervous person is coming to live near my apartment. If I am near when he becomes needy for support, I will have a moral duty to help him. If I know this is true, this could give me a reason to be out of town when he comes, if the efforts I would be obligated to make for him are burdensome. But it would be in each of our ex ante self interest (given that a trip will be disruptive to me and leave him all alone) to agree that I should stay and when he needs help just be obligated to do something minor for him that has at least some chance of helping him. I do not believe such an agreement can override the duties I would have in virtue of being near to a person in need. Hence, (unless other factors are present in the case), the nonpareto optimal choices (e.g., do not be near) may be the only morally acceptable ones. Similarly, in the Stradivarius Case, the morally acceptable choices could be to leave the violin at home or be obligated to use it when you are near the victim and the violin is near you.[26]

In a third case, I am near a victim but I am totally inefficacious, unable even to activate a far device that would be efficacious. Because I am near, should someone else who is far but who

has authority to act for me and knows that I am near the victim, activate my means of rescue that are far? Only if I would be obligated to do so if I could, I think.

IV. SALIENCE, RECOGNITION, AND PERSONAL ENCOUNTER

Now let us turn to an issue—salience—that bears on whether the Near Alone Case and the Far Alone Case were equalized for all factors besides distance. In the Far Alone Case as described, I do not directly see the person drowning, but in the Near Alone Case, I do. Hence, these cases are not correctly equalized. It might be that this difference makes the need salient in the Near Alone Case but not in the Far Alone Case, and salience rather than distance accounts for intuitive differences between the two cases. Furthermore, it may be that in the Near Alone Case, the victim sees me (and I know this), but this is not so in the Far Alone Case. Call this the factor of recognition. If these factors are present, the agent certainly has a personal encounter with the victim in the Near Alone Case, but not in the Far Alone Case. These are additional failures to equalize cases.

The salience of need refers not only to the obviousness and inescapability of noticing need, but also to the continuing imposition of this knowledge on us. Peter Unger,[27] for example, says that salience is not always present when something is clearly visible close up, since we may well be able to pass over what we notice. The salient event, according to him, is the one that attracts and holds our attention so that we cannot stop thinking about it; it presses itself upon us. So need that is near and obvious may not be salient, if I can simply put the need out of my mind. This understanding of salience suggests that it is "subjective salience" (S_s) with which Unger is concerned: Whatever a person cannot get out of his mind is salient to him. But there is also a

notion of "objective salience" (S_o), which suggests that something should attract and hold one's attention, or is such that it would attract and hold the attention of a normal (or ideal) observer. Need that is at a distance could be salient. Suppose that I have very long-distance vision and can see great need directly at a distance; the need is then obvious but still not near. The need may also be salient (S_s) in that I cannot get the scene out of my mind. The need may be salient (S_o) in that I should not be able to get it out of my mind, and a normal or ideal observer could not do so. Hence, we could equalize salience in the Near Alone and the Far Alone Cases by assuming that direct observation in both cases gives rise to salience (in both senses S_s and S_o).

Could we equalize for absence of salience by making direct observation absent in the Near Alone Case, as it was in the Far Alone Case originally? Not necessarily. Some need that is near (or far) may be salient, even though it is not obvious or directly observed. For example, suppose that I am informed by a detecting device that someone just outside my door is drowning and I could help. Even though I cannot see or hear him (and he cannot see or hear me), his need can be salient to me in the sense that I cannot stop thinking about it and a normal or ideal individual would not stop thinking about it (Door Case). The absence of direct sensory awareness of and/or active engagement with the victim, I believe, implies that there is also no <u>personal</u> encounter with the victim in the Door Case. (By contrast, if I am speaking with a distant person on the phone [or even communicating via e-mail with him as he reads my message], there is a personal encounter.[28]) Further, in the Door Case, since the person cannot see or hear me, the recognition factor is also absent.

We should equalize the Near Alone and Far Alone Cases for the presence or absence of salience, personal encounter, and recognition. So, let us imagine that there is no recognition and

no personal encounter in these cases, but salience due to a continual message sent by a detecting device (as in the Door Case) is present in both cases. My claim is that when the Near Alone and Far Alone Cases also both have salient need, it is nearness and not salience that gives rise to our intuition that we have a strong obligation to help. So, we only have such an obligation in the Near Alone Case. If the Near Alone Case were salient and the Far Alone Case were not, I claim that it would be nearness and not salience that gave rise to our intuition that we have a strong obligation to help in the Near Alone Case. That is, when we think we have a strong obligation to aid in the Near Alone Case and not in the Far Alone Case, it is the difference in distance represented by the cases rather than the difference in salience that is determinative of the sense of obligation. This is contrary to what Unger argues for.[29] He thinks that it is salience—I suspect S_s—and not nearness that our responses to cases track, <u>even though he does not think salience can be theoretically justified</u> as a morally relevant difference determining obligations.

Here is the key point in showing that it is not S_s of need that our intuitions about obligation track: The mere fact that we cannot take our mind off of someone's need does not mean that we would think it impermissible to do what <u>would</u> take our mind off of it, if we could, even though this would interfere with our aiding. If we do not think that there is some other reason besides S_s for why we have a duty to aid, 'we should believe intuitively' that we may eliminate S_s, even if this interferes with our aiding. This indicates S_s alone is not generating the intuition that we have an obligation to aid, for if we believed that S_s gave rise to an obligation, we would think it wrong to alter the salience if this reduced our tendency to help. For example, suppose I think that it is permissible to turn off my detecting device if this will help me stop thinking about the long-distance need and make it less likely that I will aid in the Far Alone Case.

It is probably because I believe that I am not strongly responsible for helping that distant person that I think it is permissible for me to eliminate the S_s of this need. Hence, the S_s of the need does not imply that I think I have a duty.

Furthermore, suppose that a person I see through my long-distance vision is truly striking, dressed in vibrant colors, and dramatically exhibiting his need. He stands out from a few other equally needy people. Further, his need should be salient, and would be salient to a normal or ideal observer. I do not intuitively believe that I have a greater obligation to this person than to the others at a distance, even if I feel under more psychological pressure to aid.[30] This is a case where S_o is not a function of moral factors but purely visual ones.

By contrast, suppose that the person outside my door in the Door Case is in great need, and as I said before, his need is salient (S_s and S_o) even though I cannot see or hear him. (In this case, his need would be S_o on account of moral, not visua,l factors.) May I take a pill to eliminate its salience or turn off the machine that gives me knowledge of his condition in order to reduce salience? (It is possible to eliminate S_s, and if one makes oneself into a non-normal, non-ideal observer, it is possible to eliminate S_o in oneself. Though**,** of course**,** one cannot eliminate the truth that something deserves [for moral or nonmoral reasons] to be salient.) If I think that I am obligated to help someone who is near, I should not eliminate salience if it is necessary to help me fulfill my obligation. A sign that I intuitively believe that it is nearness that obligates me to help is that once I am near someone who needs help, I do not think I am permitted to move myself from him to a greater distance merely in order to avoid being near. Contrast this with my sense that I am permitted to change the salience (S_s or S_o due to nonmoral factors) of need, if no other factor obligates me to provide aid. If I intuitively thought that such salience obligated, I

would think that I am not permitted to change it to avoid being obligated, as I believe that I am not permitted to change nearness, once it is in place, to farness merely in order to avoid being obligated.[31]

While the **P**ermissibility-**O**f-**E**limination **T**est that I have been using cannot (conceptually) apply to S_o due to moral factors, we can also show that such S_o is not the source of obligation. For it is not because a need ought not to be forgotten that we should aid; **we should aid** because need has another property in virtue of which it ought not be forgotten (i.e., in virtue of which it has S_o)**.**

I have argued that we may not alter the characteristic (our nearness), if we correctly believe that it gives us an obligation, once we have the characteristic in order to avoid the obligation. This does not, however, mean that we <u>have to acquire</u> the characteristic, that we may not avoid having it. For example, if I want to have a quiet vacation, intuitively I may permissibly avoid going to places where I am likely to have an obligation to aid those near me. By contrast, if I have an obligation to aid that is independent of distance, I may well have a duty to go to a place where I can be useful.[32]

But here is a problem. Recall our earlier discussion of the Stradivarius Case and the Nervous Visitor Case. If it is permissible to avoid acquiring the characteristic that gives one a duty, it may well be to the mutual advantage of an agent and the person who could be aided by him to compromise on the demands made of the agent in virtue of his nearness in order to induce him to be near. For example, if I want to avoid being imposed on and so stay in my own backyard, I may deprive myself of enjoyment I can have if I go to a hotel in a place where accidents happen. I also deprive someone who needs my help of even such minimal assistance as

calling for an ambulance when he is truly desperate. Could we imagine a hypothetical agreement that yields a Pareto optimal outcome? I get to be near someone and only have to do a small fraction of what would be required of me just in virtue of being near. As I said above, I believe, intuitively, that it is not morally acceptable to limit the duty in this way. If one is near, one cannot in this way be relieved of the full responsibilities incumbent on someone who is near. This is true, I believe, even if it implies that fewer people will allow themselves to be near needy people.

In sum, I suggest that when we equalize the Near Alone and Far Alone Cases for salience, absence of personal encounter, and recognition, the duty to aid is stronger in the Near Case and distance is driving our intuitions.[33] Not only are salience and distance different concepts, but far things can have all varieties of salience and near things can lack all varieties of salience. Salience alone does not intuitively ground an obligation (let alone truly ground an obligation in being theoretically justified). Some evidence for this is that we think it is permissible to eliminate salience when there are no other grounds for the obligation to aid even though this reduces our chances of aiding. Obligations do, at least intuitively, seem to vary with the near and non-near in some cases; near things should be salient if this aids us in meeting the obligation that nearness generates. The obligation can be avoided by staying far rather than being near, but it cannot be limited merely by reasoning based on the mutual self-interest of the agent and the needy stranger. At least, I claim, this is the report of our intuitive judgments.

V. METHODOLOGICAL ISSUES II

Two different sorts of objections may still be raised to the conclusion that, at least intuitively, we care about distance. The first objection[34] does not deny that we respond intuitively to distance per se. However, it claims that the genesis of our tendency to respond in such a way undermines the idea that we care about distance per se. For example, because nearness and effectiveness of aid have usually been connected, we become "hardwired" to respond to nearness itself. We then do so even when effectiveness is stipulated as equal in near and far cases of aid. But really it is effectiveness that (genetically) explains the role of distance in our intuitions. One answer to this objection, I believe, is to find an alternative explanation for why distance should have its intuitive role.

The second objection[35] claims that because distance is usually associated with other factors, for example, effectiveness, we cannot really imagine the equalized cases we are asked to imagine; for example, though we are told to imagine a case where nearness makes no difference to effectiveness, we will continue to imagine the Near Alone Case as involving greater effectiveness. Hence, we are not judging distance per se to matter. I believe that this objection has a too-depressing view of our ability to imagine and respond to unrealistic cases, a view not typically held about other subject matters. For example, newborn babies cannot speak English. But suppose that I ask you to imagine that one has an innate capacity to do so and then consider how you would treat it differently from ordinary newborns. Do people find this impossible to do, and would they continue to report the responses they have to infants who could not speak English? I doubt it.

VI. UNGER'S VIEWS AND THE TWO-SUBJECT QUESTION

Peter Unger argues against the intuitive significance of distance in the course of his discussion of variations on two cases: the Sedan Case and the Envelope Case.[36] In the first version of the Sedan Case, we are driving by some stranger who is near us. He needs to be taken in our car to the hospital, but he will bleed over the seats and this will result in costly damage to our car. In the first version of the Envelope Case, we are asked to send money to needy strangers who are far away. (Their plight is not the result of an accident, and thus implicates basic justice. The Sedan Case and the Envelope Case, like the Pond Case and the Overseas Case, are not equalized.) Intuitively, we think that we have a stronger duty to aid in the Sedan Case than in the Envelope Case. The question is: What difference between the cases accounts for our intuitive responses (even if it does not justify them)? Unger's strategy in answering this question is to consider various candidate differences by, for example, (a) removing the difference from the Sedan Case to see whether our intuitions change from the original Sedan Case, and (b) adding the difference to the Envelope Case to see whether this changes our intuitions from the original Envelope Case.[37]

Unger removes nearness from the Sedan Case and claims that when we hear on our car radio that someone at a distance needs aid, our sense of obligation to drive him to the hospital is not reduced. If nearness were purely a temporal notion, near-by-car in the Second Sedan Case would be as near as near-by-foot in the original Sedan Case. This would explain why our sense of duty would not change. But I have suggested that this purely temporal notion of distance is not right.[38] An alternative explanation is available, however. If having a vehicle makes aid easy, aid at a distance may be as obligatory as near aid (as in the Far Costless Case, for a different reason).

But aid will eventually be costly in the revised Sedan Case (as it is in the original Sedan Case, because the damage will be done to our car. So how can costlessness be an explanation of an equally strong obligation? **(**Recall that in Section III**,** I suggested that if one had to easily go a long distance to then expend a lot to help, there might be no obligation.)

Unger's Sedan Cases might point out the importance of how the cost comes about in generating our intuitive sense of what we owe. What I have in mind is that, in these cases, what we are called upon to do per se (even when we get to the person) is easy and costless. The significant cost is a further effect of what we do, that is, the car needs to be repaired and that will cost. This is in contrast to a case where the cost is what must be directly invested upfront, as in the Near Alone and Far Alone Cases, where we put the $500 in the machine, or where we must pay the cost to get the car set in motion. (I have already noted that in the Pond Case, the cost is a further effect; in the Overseas Case the cost is upfront.) In general, it may be that, at least intuitively, costs that (roughly) are upfront to helping someone can defeat obligations, even when the same costs as further effects cannot. If this were true, then we would expect only upfront costs to defeat an obligation to the distant more easily than they would defeat an obligation to the near. Why, it may be asked, is the upfront/downstream distinction morally significant, if the outcome in terms of harm to the agent and the victim would be the same? It represents the difference between what an agent must do and what he will suffer as a result of what he will do. If the distinction matters, presumably it has something to do with how people should be treated, both victim and agent, in bringing about an outcome. One sort of treatment (not paying upfront) is not disrespectful of the victim, another sort of treatment (not doing what is easily done because of downstream payment to come) is disrespectful of the victim. Why is this? Perhaps because

its flip side is that requiring that an agent to do something is disrespectful of the agent, but requiring that he ultimately pay downstream is not.[39] **More would have to be said about all this, of course.** [40]

Next, Unger considers a version of the Envelope Case to which nearness is added: On vacation, someone visits a poor country. Near his vacation house are sick children. He receives an envelope in the mail from a local charity asking for money for the children next door. Unger thinks that, at least intuitively, we believe that the visitor does no wrong in not giving the money. From this, he concludes that nearness is not relevant to an obligation to aid. One alternative analysis of this case explains why the visitor does no wrong in not aiding, by distinguishing issues of basic justice from accidents. If the children are sick because of a failure of social justice, as a nonmember of the society, the visitor is no more (or less) obligated if he is near than if he is far. But if the children are sick due to an accident, the visitor should save even one of many if that is all he can save. I have only claimed that intuitions in cases involving accidents and individuals who can aid - – and Singer's Pond Case was of this type -- track the presence or absence of proximity. I have not claimed that responding to issues that are the responsibility of states or organizations tracks proximity.

However, the class of events to be distinguished from those involving issues of social justice includes more than accidents. I am not sure how to describe this larger category. For example, if someone is deliberately shot, this is not an accident, and yet a visitor should help in this case also.[41] It is tempting to think that the distinction is between those events that mark a change in the normal course of events ("emergencies") and those that are par for the course. However, if a new economic crisis occurs just as one visits a foreign country, this does not turn

an issue of economic justice into one for which nearness generates a duty to aid. Having gestured in the direction of the distinction I have in mind, for purposes of this chapter I shall simply distinguish between basic justice and accidents.

It is worth pointing out that in drawing this distinction, I may be taking a stand on the so-called two-subject question: Should issues of basic social justice be distinguished from issues implicating the individual's duty of beneficence or rescue,[42] or do the latter underlie and also reflect the former? The view that there are two subjects (justice is separate from beneficence) is Rawlsian.[43] By contrast, some (e.g., Liam Murphy[44]) claim to see only one subject: the duty of beneficence underlies concern for basic justice and the same principles governing institutional action to achieve basic justice should govern individual morality.

Suppose that there is a duty for an individual to directly aid in the Near Alone Case and no duty when social justice is at stake nearby in a foreign country. This supports the two subject view. Murphy argues that our duties to aid in general (including to support just institutions) are based on having a duty to do our fair share to promote the good. When others fail to do their fair share, we are not required to do more than our fair share to pick up the slack. However, he himself notes that this principle does not seem to cover many rescue cases. For example, suppose that one person has an accident near several of us and all of the others fail to do their part in a rescue. I am then obligated to do <u>more</u> than my fair share. This would also support my claim that principles governing rescue in accidents are different from aid to achieve basic justice (or beneficence in general).

The view that certain issues are “political, not ethical” is also confirmed by the possibility that individual **action** to correct for certain political failures always misses its mark. For

example, suppose there were a government duty, as part of basic justice, to tax so that wealth is distributed in accord with the difference principle. If the government fails in its duty, and citizens voluntarily give up their money to create a distribution in accord with the difference principle, this does nothing for political justice per se because the state is still unjust. Indeed, suppose even the wors**t** off in the society are very well off in absolute terms. The government may still have the same duty **of** distributive justice, but citizens would have no ethical duty **as individuals** to voluntarily redistribute their wealth.

Individuals have an ethical duty to support (including by taxes) institutions and organizations providing basic justice or compensating for its absence. The strength of the duty may vary with social membership—stronger to one's own society, weaker to other societies (other things equal)—even if it does not vary with distance, as the individual's duty of rescue seems to. Individuals may also have duties to support institutions that deal with emergencies and accidents. If one is in a foreign country, is there a stronger duty to organizations concerned with such events near where one is rather than with far events, other things equal? Is there a greater obligation to organizations concerned with such events in one's own society even if such events are farther away from one than events in other societies, but a stronger obligation to those nearer to one within one's own society? These are questions I just raise but leave unanswered.

Finally, if we intuitively think that obligations can vary as a function of proximity, we can account for our responses to two puzzles Unger raises.[45] In the first one, someone who has already given a lot to Oxfam feels morally free to refuse to respond to another request for life-saving aid. The same person, however, does not feel that simply because he has already given a lot to Oxfam, he may refuse services to a person he meets on the road who needs life-saving aid.

Since Unger denies the significance of distance, he concludes that one cannot refuse the additional Oxfam request for aid to distant lands any more than one can refuse to aid the person on the road.

But suppose that we think we have duty to help those who are near and not as strong a duty to help those who are far. Then, by our intuitive lights, giving a great deal to Oxfam either will not have been a duty or will have satisfied whatever duty of direct aid we have to the distant. By contrast, performing supererogatory acts or duties of a certain type at one time does not necessarily relieve one from doing a different type of duty at a later time, for example, to help the stranger one meets on the road.[46] But doing supererogatory conduct at one time or fulfilling one type of duty can relieve one from doing more of it at a later time; hence, the sense that one may permissibly decline the additional Oxfam request in good conscience.

What if one has already performed a duty—for example, saved someone whom one came across on the highway—and then one receives a request from Oxfam? Having performed a strenuous stringent duty can make it permissible to refuse to do a strenuous supererogatory act or a less stringent duty**,** if what was involved in the stringent duty depleted the resources also needed for those other acts. If one's money is not depleted by hard work, the duty to send money to Oxfam can remain after working hard on the highway. Can having performed one strenuous duty of one type relieve one from performing another of the same type, for example, saving the next person on the highway? Only if there is a limit to the costs one must incur to perform such duties. Hence, it is not merely that one has aided in the past **that is relevant to future action. W**hether one's aid was supererogatory, whether it was a different type of dutiful act, and how costly it was can affect what one must do in the future.

Unger's second puzzle arises in connection with his views on what he calls “futility thinking.” This is the tendency to not help anyone if one cannot help a significant proportion of those who need help. (He claims that salience, as a matter of psychological fact, helps overcome futility thinking.) The puzzle is: When do I not have a case in which I can only help a nonsignificant proportion of those who need help? Unger says that the case in which I can definitely save the only person near me who is drowning is not a case in which I can take care of "the whole problem," anymore than I do when I save a few of those doomed by starvation in distant Africa.[47] This is because the one person who is drowning is just one of many people in the world who are drowning. But suppose that we intuitively distinguish morally between cases of near and distant aid. Then it is understandable that when I take care of the only person near me who is drowning, I think that I have completely dealt with a problem. (It remains true, however, that futility thinking will not excuse someone from saving one of many near people who are drowning.)

NOTES

1. I originally referred to this as the “problem of moral distance,” but I became convinced that this term suggested something different (e.g., the difference in people’s moral systems or moral relations).
2. Throughout I use “obligation” and “duty” interchangeably and without the implication that someone has a correlative right. I do not think this is crucial to my argument.
3. My discussion in this and the next chapter combines material from my articles: "Faminine

Ethics: The Problem of Distance in Morality and Singer's Ethical Theory," in D. Jamieson, ed., *Singer and His Critics* (Oxford: Blackwell's, 1999), 162-208; "Rescue and Harm: A Discussion of Peter Unger's *Living High and Letting Die*," *Legal Theory* 5 (1999): 1-44; "Does Distance Matter Morally to the Duty to Rescue?" *Law and Philosophy* 19 (2000): 665-81, and "The New Problem of Distance," in duties to Distant Needy, (ed. D. Chatterjee, Cambridge U. Press, 2004).

4. I discuss **other** aspects of his views on famine relief in Chapter **13**, "Singer's Ethical Theory."

5. Peter Singer, "Famine, Affluence, and Morality," in William Aiken and Hugh LaFollette, eds., *World Hunger and Moral Obligation* (Englewood Cliffs, NJ: Prentice-Hall, 1977), 22-36.

6. In ibid.; and Peter Singer, *Practical Ethics*, 2d ed. (Cambridge: Cambridge University Press, 1993).

7. In picking the dollar amount, we must be sensitive to whether the demand is on an "average person" or a billionaire. I am assuming an average person in my examples. Below, I shall deal with the importance of testing different amounts required of any given person.

8. For details, see my *Morality, Mortality, Vol. II* (New York: Oxford University Press, 1996). For a shorter description, see Chapter 1.

9. This last factor may give rise to the question, why select one far person over another to help? Nearness in the Pond Case, by contrast, can select (distinguish) out whom I should

help. However, suppose that the reverse were true in another set of cases: Many people are drowning near me of whom I can save only one, and only one is in need anywhere in the world at a distance. Intuitively, I still believe that I have a stronger obligation to help one of the near at a cost of $500 than the far one. That is, even when nearness is not a characteristic that distinguishes someone off from others, it can intuitively seem to be a reason to act. However, suppose that nearness had only a distinguishing role. Then if all the needy were far and nothing else distinguishes them, we might just toss a coin to find out who will be the beneficiary of our duty to give far-aid (if the duty were equal in strength to our duty to give near-aid).

10. Suggested by Connie Rosati.

11. On this phenomena, see my "Killing, Letting Die: Methodological and Substantive Issues," *Pacific Philosophical Quarterly* (1983), Shelly Kagan, "The Additive Fallacy," *Ethics* 99 (1988), and my *Morality, Mortality, Vol. II*.

12. I believe the times it makes a difference must be ones that do not just appeal to intensional contexts. For example, the fact that someone has a special desire to save a near rather than a far person is not relevant to showing there is a difference.

13. These tests are modeled on ones suggested for killing and letting die (in my *Morality, Mortality, Vol. II*, chap. 4) and for testing the relative stringency of rights (in Chapter **8**, this volume). It might also be suggested that we could run a Choice Test, i.e., if we could only save someone near or someone far, but not both, which should we choose? However, I think that this test may have its limits, because we are often free to choose to do what we have no

duty to do rather than do our duty. I will explain this point below.

14. They also introduce a debatable notion of what it is to be far. For example, if it takes a short time to get to a place, that place is not far. But that may not be true. For more on this issue, see below.

15. I owe this point to Matthew Coleman Niece.

16. There is even a further complexity, for is it possible that relative nearness matters at some absolute distances and not at others?

17. I say “especially in (a),” because if relative distance mattered only within absolute nearness, it would still be true that absolute, not relative, nearness stands in contrast to being far.

18. There is, of course, a way different from the Near/Far Case of combining near and far in the same case. Rather than have one victim with a near agent and a far agent, we could have one victim far from, and one victim near to, one agent. We then ask, for example, whom he has a duty to help if he cannot help both. This is a form of the Choice Test. The problem with this test, however, is that we are not always obligated to do our duty before doing a nonduty (as discussed in Chapter 1). Hence, if we did not have a duty to help the-near-victim-rather-than-the far-one, this would not show that there was no duty to the near victim that was stronger than any duty to the far one. I shall discuss this issue further in the following chapter.

19. As suggested in David Schmidtz's "Islands in a Sea of Obligation: The Nature and Limits of the Duty of Rescue," *Law and Philosophy* 19 (2000): 683-705.

20. I owe this point to Julia Driver and Jerrold Katz. It overlaps somewhat with the issue in Section IIB.

21. I owe this case to Tyler Burge.

22. We shall re-examine the hypothesis below.

23. Note that if I am very large, my violin could be near to me but not near to the victim to whom I am near. It is its nearness to me that seems important, when I am near the victim. Notice that nearness seems relevant here both because the agent is near the victim and because the means are near the agent.

24. Suppose that our nearness to a victim implies, as I have said, that we at least should sometimes activate some distant means to help the victim. Aware of this source of obligation to use some means, it might still be permissible to see to it that our far means cannot be activated by remote control. Is it possible that only those distant means which the agent can make efficacious while still retaining his initial nearness to the victim are the ones he is obligated to use? But we often have to leave a near victim, making ourselves far, in order to get means that help him. What if the movement away in order to get means puts us near another victim. Are we then obligated to help the new victim, assuming his need is equal? I think not, since we already have an obligation to help the first one.

25. I discussed it in Morality, Mortality, Vol. 2.

26. This is my response to Alexander Friedman's suggestion that if it were permissible to leave the violin at home so as not to have it available for destruction, it cannot be true that

I have a duty to destroy it if it is with me.

27. In Peter Unger, *Living High and Letting Die* (New York: Oxford University Press, 1996), 28.

28. The distinction between personal encounter and nearness was emphasized to me by Franklin Bruno and Richard Miller.

29. Unger, *Living High and Letting Die*.

30. One way in which salience works is to help me really understand someone's need. But when I understand what her need is really like, I now also understand what every other person who is not as salient, but who is as needy, is going through. So, insofar as salience is revealing of need, one would expect that salience would lead me to help everyone—salient or not—who is so needy. It would not bias me in favor of helping just the person who is, in fact, salient.

31. It might be thought that I may eliminate my salient knowledge of the far need because it came to me via an <u>unusual</u> sense; long-distance vision is unusual for our species. By contrast, my knowledge of the person near me comes via my ordinary senses, and perhaps this is why I may not eliminate it if this interferes with my aiding. But in the Door Case, I get the knowledge of the near person via an unusual machine. Similarly, we can imagine that I could not know of the person outside my door if I did not have a detecting machine. I do not believe that the fact that I am unusual in this respect means that I have a right to ignore his plight once I find out about it or to move so that I am far with the aim of avoiding or eliminating an obligation.

32. Similarly, Peter Singer believes (and should believe given his other views) not only that I have an obligation to give away money once I have it, but that I must go and earn money in order to have it to give away. (Here “having the money” functions like “near,” but if near versus far does not matter, then “having money” does not matter relative to “could have money.”)

33. Of course, if part of S_o is what should not be forgotten due to properties that give rise to a duty, we cannot equalize for S_o. If distance were not driving our intentions, but personal encounter were a morally relevant factor, this would also be a significant conclusion. Suppose that long-distance vision <u>made for</u> personal encounter (though it would not involve recognition unless I not only saw the victim but he also saw me). Suppose also that it would be permissible to turn off my long-distance vision and so stop a personal encounter with a distant person (in the absence of recognition, at least), though this interfered with aid, but it would not be permissible to do this with a near person in an otherwise comparable case. This would be evidence that personal encounter did not give rise to an obligation, but nearness did.

34. Which is based on one raised by Wlodek Rabinowicz.

35. Raised by Thomas Nagel. It is also raised by Richard Hare in arguing against using empirically unlikely hypothetical cases as counterexamples to utilitarianism.

36. Unger, *Living High and Letting Die*, 24-36.

37. The first step, I believe, is a sounder way than the second of seeing whether a factor had an effect in the original Sedan Case. This is because if a factor is "exported" into the Envelope

Case, as in the second step, it may have no effect in its new context, but this will not show that it had no effect on its original context. (This is due to the Principle of Contextual Interaction.) For discussion of these points, see my *Morality, Mortality, Vol. II* and Chapter 1 this volume.

38. Of course, it is possible that degrees of nonnearness matter (a hypothesis we put aside above).

39. One might try to relate this to the DCP discussed in Chapter **5**.

40. I do not deny that we need an explanation of why upfront would matter more than downstream costs. On the same issue, see Chapter 16. It might seem that "upfront" involves costs that are means to saving by contrast to side effects of saving (and then perhaps things said in Chapter 5 are relevant). But this need not be so. Note that there is also a distinction between (a) easily getting near then paying costs upfront, and (b) paying costs upfront to get near, and then easily helping. The fact that we could not upfront easily help might defeat an obligation to the far whom we could upfront easily reach, though it would not defeat an obligation to the near.

41. I owe this point to Marina Oshana.

42. Thomas Scanlon, Violetta Igneski, and others distinguish rescue, helpfulness, and beneficence. See Chapter **16** for discussion of Scanlon's views and Chapter **12**, "The New Problem of Distance" for discussion of Igneski's views.

43. See John Rawls, *A Theory of Justice* (Cambridge: Harvard University Press, 1971).

44. Liam Murphy, "Institutions and the Demands of Justice," *Philosophy & Public Affairs* 27

(1998): 251-91.

45. Unger, *Living High and Letting Die*, 60-61.

46. Exceptions can arise if doing the supererogatory act has the further effect of raising the costs one would have to make to perform one's duty. For example, suppose that Albert Schweitzer has been serving the poor his whole life supererogatorily, and this results in his only having a few days left in his life to play the piano. The cost of giving up one's last chance to play the piano might relieve him of certain duties to others.

47. Unger, *Living High and Letting Die*, 41.