

## THE NEW PROBLEM OF DISTANCE IN MORALITY

### I. Introduction

Suppose that our intuitions were correct in suggesting that proximity can alter our obligation to aid.<sup>i</sup> Is this translatable into (i.e., is it just another way of understanding) or does it imply (**what I have called**) the **Standard Claim**, that we have a stronger duty to aid strangers who are physically near us than to aid strangers who are far from us given their equal need? All discussants of the problem of distance in morality (PDM) whom I know of think that the Standard Claim follows. Indeed, (as we said in Chapter 11) the **Standard View** of the PDM holds that the PDM just 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. If I do have a stronger duty to help a near person than a far one, does this imply that it would be wrong of me to help the far person rather than the near one? (Call this the Standard Implication. Peter Unger believes that this implication holds.<sup>ii</sup>) I shall argue that the Standard Claim is false and that it is not a translation or an implication of the view that proximity can matter morally. I shall also argue that the Standard View misconceives the PDM and that the Standard Implication is at least questionable. In the course of making these arguments, I shall also consider how we might justify intuitions that proximity matters morally.

## II. What is Near to What?

I shall rebut the Standard Claim by considering certain selected cases. First, however, it will be useful to show how the strategy I shall use to defeat the Standard Claim relates to my discussion of how to measure distance (in the previous chapter, Section III). There I considered how we measure the intuitively relevant distance between agent and victim. We saw that in the standard near cases, victim and agent are near, as measured from where their centers are located. Yet, we get intuitions that are like those for the standard near cases when only the agent's and the victim's extended parts are near. But in trying to answer the question of how we measure distance between strangers, we had to broach the problem of distance between things other than the agent and victim, namely, distance between the agent and the agent's means (of aid), and between the victim and the agent's means. This is because the part of the agent that is near may not be efficacious, and so the agent's means may not be where part of the agent is. In the standard cases, not only the victim but also the means are near the agent. Furthermore, the means also belong to the agent. (For example, he has his money with him, or can use his body, and they are efficacious.) But in one nonstandard case we examined, the potential means (a Stradivarius) was distant from the agent (and also from the victim).

But this is just the tip of the iceberg. The separability of the agent and his means leads us to think about the separability of other factors that are usually present together in the standard cases. There are four separable factors on which I shall focus: agent, victim, threat, and means. Under means, I shall consider (for the most part) two categories: agent's means and victim's means. Cases I consider that involve one category of means will not (unless specifically noted) involve the other category of means. Distance (in the sense of near or far) can vary between each factor and the other three. The general point of all the selected cases that I shall present in this

section is that the intuition that in a particular case nearness matters morally does not, contrary to what is commonly thought, conflict with the intuition in the very same case that we have a strong obligation to help distant strangers.<sup>iii</sup>

In the first case, suppose that I alone am near to a threat that will shortly travel and kill someone who is far from me (**and I know this**). (Call this the Agent Near Threat Case.) Do I have a duty to help that far-away person by defusing the threat? My sense is that, intuitively, my duty to stop the threat to him is strong, just as I have a strong duty to help in a case where I alone am near someone who needs help. Furthermore, my obligation is stronger than if the threat to a far person were itself far from me.<sup>iv</sup> So, without leaving the level of intuitive responses, we see that when the threat is near to the agent but the stranger is far, the agent still has a strong duty to help. Hence, if nearness is intuitively important, this very fact may imply that we have strong obligations to aid distant strangers. I consider this result to be very important. It shows that the PDM should be understood differently from the Standard View. The standard description of the PDM—that the distance between ourselves and needy strangers matters morally—is too narrow, since it is also the distance between ourselves and threats that seems to matter. Furthermore, contrary to the Standard Claim, our intuitions do not tell us that we always have weaker obligations to aid strangers who are far than those who are near, holding need constant, yet this is consistent with proximity making a moral difference. This is because it may be our nearness to a threat to distant people that is morally relevant. Hence, the Standard View and the Standard Claim are wrong. Neither is a translation of the view that distance can be morally relevant, and the Standard Claim is not an implication of it.

Another reason the result in the Agent Near Threat Case is important is that it reduces the plausibility of the claim that the reason I am strongly obligated to help when I am near is that a

member of my community or fellow citizen is at risk. For a threat that is near to me is not a fellow citizen or community member. (We have also, of course, eliminated these variables when dealing with near people by imagining cases where agents are in foreign countries.) Those who think that proximity is of no significance will also be committed to our having as strong an obligation (e.g., one that is not defeated by significant costs) to stop a threat to far people that is far from us (call this a far threat) as we have to stop a threat to far people that is near us (call this a near threat).

Note also that when the victim is near to the agent but the threat to him is still far from both him and the agent (call this the To-Be Victim Case), the agent's intuitively felt obligation can still be as strong as in the case where the threat is near both the victim and the agent and the victim and the agent are near one another. This is so, at least when the threat, which is now far, will eventually affect the victim while he is still near to the agent. (What if a stranger near the agent needs help now to intercept a threat that is still far and that would intersect with the stranger once he is away from the agent? I doubt that the strength of obligation is less here.) So, our obligations, intuitively, are not limited to people we are near who are already facing a threat. (I will, though, still use the term "victim" to describe people who will face a threat later if not helped now.)

We can conclude that, intuitively, we think that we have greater obligations to take care of what is in the area near us, whether this is a threat that will cause harm at a distance, or a person who is or will be a victim. The fact that an agent can be obligated to aid because he is near a threat is an important consideration in conceptualizing the issue of distance as involving the agent's special relation to the area near him. An alternative would be to say that a victim acquires certain rights over the things near him, including persons and means of aid. But a threat

cannot acquire rights over agents and means near it. This suggests that we should focus on the agent's relation to the area near him rather than the victim's claims on what is in the area near him.<sup>v</sup>

With what means are we obligated to help? If the agent himself is near the victim or the threat, intuitively, while there may be some far means that he can be obligated to use, we have noted (in Chapter 11) that he need not transport his distant valuable Stradivarius. However, he may have to forfeit his valuables that are near him. (Call this latter the Valuable Means Near Agent Case.)

Now, consider a third case in which the agent is far both from the victim and from the threat to the victim (and the threat is either close to or far from the victim), but the agent's means are near to the stranger. (Call this the Means Near Victim Case.) I suggest that, intuitively, we think that the agent has a strong obligation to let his means be used (or to activate them if he can by remote control) because something efficacious that he owns is near to the stranger, even if he himself is not.<sup>vi</sup> By contrast, intuitively, the agent is not obligated to let his (distant) means be used simply because any nonefficacious item of his (e.g., his T.V.) is near the stranger.<sup>vii</sup> Furthermore, if the agent is far from both the stranger and the means, the agent is only obligated to allow his means near the stranger to be used.

Does the significance of the Means Near Victim Case open a truly vast potential obligation? Consider that one's money now seems to be locatable almost anywhere as a result of cash machines.<sup>viii</sup> Suppose that there is a cash machine in a distant part of India, and with it I could access my money if I were there. If my money is there whenever I need it (or whenever anyone who has my code needs it), why is it not simply there? I believe that there is still a difference that may have moral significance between (1) things of mine being transmitted to

distant India rapidly, or things that are not mine becoming mine rapidly (in virtue of exchanges in bank balance), and (2) what is mine being there, in distant India, already. Certainly, my money cannot now actually be wherever there is a cash machine that would give me money if I were there, for that would mean my assets were enormous, when actually they are very small. Some may think, “My money is relevantly present in any cash machine, if all that it takes is an electronic message for some of the cash in this machine to be mine.”<sup>ix</sup> However, the fact that a message is necessary in order for the cash “to be” mine is important, I think. Consider an analogy involving a boat. There is a boat near people in need of it. Using it to help them will cause very expensive damage to the boat. Just by transmitting an electronic message, I (or anyone with the code) can make the boat be mine in virtue of a “boat-credit” I have. This does not show, I believe, that the boat is already mine. Suppose that if it were mine, I should let it be used to help the people. This does not imply, I think, that I must make it mine so that it can be used. The same can be said for money.<sup>x</sup>

Now, suppose that the agent is far from both the victim and the threat (which is far from the victim), but the agent's means are close to the threat to the victim, though far from the victim. (Call this the Means Near Threat Case.) Again, I suggest that, intuitively, we think that the agent has a strong obligation to let these means be used to defuse the threat because something efficacious he owns is near to a threat that will eventually harm the victim. If the agent is far from the victim and the threat, and his means are also far from the victim and the threat, intuitively, the agent would not be strongly obligated to aid, barring some other relevant consideration.

The Means Near Victim and Means Near Threat Cases suggest that means—which are by definition efficacious for helping—that belong to the agent function like the presence of his

extended part in obligating him to provide aid. But recall that (in Chapter 11) we said that the agent's presence need not be efficacious in order for him to be obligated, for example, to use at least some of his distant things to help. By contrast, intuitively, what he owns must be efficacious in order for him, at a distance, to be obligated to help by triggering the means by remote control. It bears reemphasizing that if something I own is near a victim or a threat but it is not an efficacious device, intuitively, I am not obligated to trigger something else that I own that would be efficacious but is at a distance from both the victim and the threat. (I shall return to this point below.)

Once again, intuitions support the claim that I can be obligated to help those who are not near me, even while also confirming that, at an intuitive level, nearness seems to matter morally. This is contrary to the Standard View of the PDM and the Standard Claim (according to which the significance of nearness is taken to make the obligation to distant victims weaker than the obligation to near ones when need is equal). In our most recent cases, it is distance between the agent's efficacious device and either the threat or the victim that is morally relevant. These cases also show that describing the PDM so that it only involves reference to the distance between ourselves and victims or threats is misleading, since it may also pertain to distance between our means and victims or threats.

It is now possible to see an important relation between the case in which my means are close to the victim (or threat) but I am distant and the cases in which an agent who is near a victim (or threat to a victim) makes use of means that belong to neither him nor the victim, but to someone else who is distant (Distant Owner Case).<sup>xi</sup> For example, suppose that a rich foreigner is in Chicago, but his boat is at Cape Cod where a stranger is drowning. I am at Cape Cod, observing the victim, and the boat is near to me and him. One justification for my taking the boat

to help the victim is that if the owner of the boat were near, he would have a duty to use his boat (if this were not physically dangerous for him) to help the victim. He is not near, but his means are, and so, according to what I argued above, he is intuitively thought to be obligated to let his means be used. In taking his boat, I help him fulfill the duty he has even while he is in Chicago, in virtue of his means being near the drowning stranger, to let those means be used.

Peter Unger discusses a case like the Distant Owner Case that he calls the Yacht Case. In his Yacht Case, an agent takes a boat that belongs to another person to help someone near him. The rescue will result in a million dollars' worth of damage to the boat for which he cannot compensate. Unger compares this with the Account Case in which a delivery boy to the office of a rich person can do a computer transfer of funds from the rich person's account to Unicef's. Unger claims that our intuitions are approving of providing assistance in the Yacht Case and disapproving in the Account Case, and he further claims that there is no morally significant difference between the cases. One difference between these cases, which might be suggested on the basis of my analysis, is that the owner's yacht in the Yacht Case is near the victim, whether or not the owner of it is, but in the Account Case, both the owner and his means are far from the needy victims or the threat to them, at least so long as his money is not located near to the people whom Unicef helps. In the Yacht Case, when I take the yacht to help someone, I am, in part acting on someone else's duty, based on the nearness of his property. In the Account Case, I cannot say that I am enforcing an owner's obligation to the victim, if nearness is a ground for obligation. It is also true in the Account Case, but not in the Yacht Case, that the agent (in the Yacht Case, this is the person near the drowning victim) is not near the stranger. (I shall return to this issue below.)



If the nearness of the yacht but not the account were explanatory of different intuitions, what about the following Revised Account Case? On his way in to work, the delivery boy sees someone in danger nearby. (As in the Yacht Case, the danger was caused by an accident rather than an omission of social justice.) Only if he transfers funds out of the rich person's account will he activate a machine that will help the endangered person. Here we have made the account and the agent near the victim. Further, suppose that the money that would be transferred in the Revised Account Case comes from the personal yacht-repair account of the owner; that is, it is money that was set aside for a luxury rather than for a business item. Also, the money must go into the machine only for a short period of time in order to save the stranger; however, it is foreseen that some of the money (a million dollars) will get eaten up in transaction costs.<sup>xii</sup> I suggest that these changes that equalize cases, in combination with nearness, make the delivery boy's transfer intuitively acceptable.

Of course, the agent who is near the victim, intuitively, has an obligation to do something to aid because he is near. If the boat were unowned property, he would, intuitively, have the same obligation to use it. But if the boat is owned, I suggest, he is also acting in the light of the obligation of the owner to let his boat be used. Suppose that the owner had no obligation, perhaps because his boat remaining where it is is necessary to the owner's survival. Then, even if two people would drown without it, it would be wrong for the near agent to take the boat. By contrast, suppose that the boat were unowned, but the rich foreigner's life also depended on its remaining where it is. If two other people would die if the near agent did not use it, I think that he may use it.

What if the agent is far away but knows of the victim on Cape Cod? Is he strongly obligated to move (by remote control) the means at Cape Cod that is owned by someone who is

in Chicago? If it is easy to activate the means, yes, I believe so. The claim is just that the obligation to help is not as strong as if the agent were near, as measured by upfront costs to the agent that he must sustain.

Now, suppose that the boat of the foreigner in Chicago is close to him but at a distance from the victim (it is on Lake Michigan). I am near the victim (or threat) on Cape Cod. Is it the case that I have a strong obligation to move the Lake Michigan boat to help the victim? Is it even thought to be permissible for me to do so? These are, of course, two different questions. The first question also suggests two separate issues: What do we think my obligation is, and what do we think the obligation is of the owner of the boat? When the owner is distant from the victim or the threat,<sup>xiii</sup> and his means are as well, intuitively, he has no strong obligation to aid. (This can imply that he need not suffer significant upfront costs in order to aid or even significant downstream costs.) So, in this case, I may not be able to justify bringing his distant means to use at Cape Cod by saying that I am partially the agent of his obligation. Could my obligation to do something in virtue of my nearness give rise to an obligation on my part to use the means that another is thought to have no obligation to use and that belong to him? (This is what Unger seems to be considering when he imagines the following case: I am near a drowning stranger and I must forge a check on a billionaire's account in order to buy a yacht to save the stranger. The yacht will be destroyed in the course of the rescue and no compensation can be provided.) I doubt it. More likely, I am thought to have a strong excuse rather than a justification for taking the billionaire's means.

But notice that this is still different from the case in which I am not near a victim or a threat, and I am tempted to use costly (upfront or downstream) means that are not near the victim or threat and whose owner is not near the victim or threat. (Arguably, this is what is true in

Unger's Account Case.)<sup>xiv</sup> If the means that are distant from me are unowned and I have a strong obligation to do something arising from my nearness to the victim, I do, intuitively, have a strong obligation to employ these distant means by remote control. If they are owned by me, the answer seems to vary depending on the cost (e.g., I need not move my distant Stradivarius for its destruction in order to aid someone).

Classifying all these distant owner cases as one type of case, let us consider another type of case. It is a version of the Near Alone Case in which I see a lifesaving machine that belongs to a victim (who is far) floating in the pond near me. Unless I throw my \$500 jacket in the pond (thereby ruining it), the victim's machine will go down the drain and the stranger will die. The point here is to construct a case in which the means belong to the victim, the agent knows this, and these means are near the agent when the victim and threat are far from him. (Call this the Near to Victim's Means Case.) In this case, intuitively, I think that the agent has a strong obligation to save the machine that will help the distant victim. If the victim's machine were distant from the agent (and the victim and threat were also distant), there would not, intuitively, be such a strong obligation.<sup>xv</sup> Once again, an intuitive judgment tells us that the strong obligation to help a distant victim is consistent with nearness having moral significance and, contrary to the Standard View of the PDM, it is our nearness to the victim's means, not to the victim, that is relevant.<sup>xvi</sup>

One hypothesis for why being near a victim's means is significant is that what is owned by a stranger stands in for him and we react as though he were near. This is on the model of the agent's means being close to the victim (discussed above).<sup>xvii</sup> But this does not seem quite right, and indeed it is not an accurate extension of the model. For it is not enough that just anything belonging to the victim be near the agent; for example, if his T.V. set is floating in the pond, this

does not obligate the agent to give money to help the distant victim. It is only if the victim's (efficacious) means that can help him are near that the agent has a stronger obligation to rescue these means. By contrast, a nonefficacious victim being near an agent does trigger the obligation to aid. And, as noted above, in the case of an agent's means being near a victim from whom the agent is distant, efficaciousness of the agent's item, not mere ownership of it, is necessary for obligation.

Does this mean that what triggers an obligation to use some (if not all) distant means when one person is near another, though neither person is efficacious, is fundamentally different from what triggers an obligation when something that belongs to one person is near another? But, it may be said, an agent even when he is not able to help directly can be partially efficacious by triggering his efficacious distant device. In this sense, even if he is not directly efficacious, he can relate usefully to a victim. A device, it may be said, must be able to do this to be analogous to the presence of an agent. Efficacious means are clearly like this, and the agent's T.V. is not.<sup>xviii</sup>

**But (in Chapter 11, Section III), we considered a case in which the agent can do nothing but his employee sees him near the victim. This too, it was said, should trigger the employee to help the agent fulfill duties he cannot carry out personally. By comparison, a completely inefficacious device of the agent's near the victim triggers no similar duties.**

What about the victim's nonefficacious property that is close to the agent when the stranger is distant? It is more puzzling that for a duty to arise what belongs to the victim has to be efficacious or be able to relate usefully to his need than that what belongs to an agent must be so. For the victim himself is not efficacious, nor need he relate usefully to his own need in order for someone to have a duty in virtue of being near him. But the victim, unlike his device, can be benefited. The characteristic shared by cases in which the agent's means are near the victim or

the victim's means are near the agent seems to be that only what is pertinent to satisfying the need of the victim (whether it is a person or a machine) is relevant to establishing an obligation. The victim is certainly pertinent to satisfying his need, even if he is not efficacious and so is his efficacious means, unlike just anything he owns—such as a T.V.

Let us move on to yet another type of case. An agent's efficacious machine, which is distant from the agent, the threat, and the victim, is near the victim's means, which are distant from the agent, the threat, and the victim. (Call this the Means Near to Means Case, because it is a case in which the means of both the agent and the victim are present.) My means can rescue the victim's means that can then help him. My sense, in this case, is that, intuitively, I have a stronger obligation to aid in virtue of some form of nearness than if there were no nearness at all. Once again, I intuitively seem to have a duty to help someone who is far from me, and yet this is because nearness is intuitively a matter of moral significance. This time, it is nearness of my means and the victim's means that is morally relevant.

Notice that what I have concluded implies that the intuitions about the sources of an agent's obligation may be overdetermined. For example, an agent's sense that he is obligated may arise because he is near the victim, while the same agent may also believe that he is obligated because his means are near to what will threaten the victim. An interesting question (that I shall not here answer) is: Does overdetermination increase the strength of the obligation? For example, is the duty to help someone who is near me avoid a threat to which I am near when my means are near to both of us greater than the duty to help someone who is near me avoid a threat that is distant from me when my means are distant from me, the victim, and the threat?

My tentative conclusion in this section is that the New PDM should be understood as whether we can justify our intuition that we have a greater responsibility to take care of what is

going on in the area near us or near our (efficacious) means, whether this involves needy strangers, threats, or means belonging to strangers. The PDM is not just about whether we have greater responsibility toward strangers who are near us.<sup>xix</sup>

### III. Priority among Factors

Given that all these factors are relevant to the New PDM, is there still some greater weight given intuitively to some of these factors relative to others? If we have "threat near agent" ( $T_N$ ), "victim near agent" ( $V_N$ ), "victim's means near to agent but far from stranger" ( $VM_N$ ), "agent's means near to victim but far from agent" ( $AM_N$ ), there are six possible combinations of these factors to consider in determining the weight of each factor relative to the others. (I have not included all factors for consideration, such as victim's means near agent's means.) Let us consider them on the supposition that I am a noncitizen of France visiting France and all the strangers are somewhere in France.

1.  $T_N$  versus  $V_N$ . In one near pond, there is a fast-moving threat to a faraway victim and, in another near pond, there is a different (unseen) victim. To which pond should the agent go if one life is at stake in either choice and times of death would be the same.<sup>xx</sup> Perhaps to the pond with the victim. If so,  $V_N > T_N$ . But what if  $T_N$  will kill two distant strangers? Then,  $T_N$  may dominate  $V_N$ . If so, the dominance of  $V_N > T_N$  is not very great.
2.  $T_N$  versus  $VM_N$ . In one near pond, there is a threat to one far victim, and in the other near pond, is a different far victim's means. Intuitively, there may be some sense that one should go to the pond with the threat. This may be because it is reasonable to want to avoid being associated with the cause of death more than to be associated with a rescue from death. (This may be piggybacking on the loss/no-gain distinction.)<sup>xxi</sup>

3. T<sub>N</sub> versus AM<sub>N</sub>. In a near pond, there is a threat to one distant victim and, at a distance, the agent's means are near another stranger. Is there a sense that the agent should deal with the threat rather than trigger the means? If so, this may be because it is the agent rather than his means that is near. On the other hand, the agent's means are near the victim himself rather than the threat. So, the duty to trigger one's means may be stronger.
4. V<sub>N</sub> versus VM<sub>N</sub>. One (unseen) victim is near an agent and also a distant victim's means are near the agent. Intuitively, there is a sense that one should go to the near victim in need, but this may be overridden if a greater number of distant victims would be helped by the means.
5. V<sub>N</sub> versus AM<sub>N</sub>. One victim is near an agent and the agent's means are near one distant victim. V<sub>N</sub> intuitively takes precedence over activating the distant means, but if a greater number of distant victims could be helped by AM<sub>N</sub>, this may override the weight of V<sub>N</sub>.
6. AM<sub>N</sub> versus VM<sub>N</sub>. One distant victim's means are in a near pond, but the agent's means are near a different distant victim. The duty to help each seems to be equal in strength.

My tentative conclusion from the previous section was that, intuitively, there is a greater felt responsibility for a threat, victim, or victim's means when they are in the area near an agent or an agent's means than when they are far from these. Now we can add to this that, intuitively, the responsibility to aid the near victim is stronger than the duty to stop near threats, and both obligations are stronger than the duty to rescue a victim's near means or activate an agent's distant means near a victim, other things being equal. Furthermore, nearness to an agent has greater significance than nearness to an agent's means. In some sense, then,  $V_N > T_N > VM_N$ , and  $A_N > AM_N$ , when other things are equal.

Does this result undermine the rejection of the Standard Claim, because that claim implies that the duty to aid victims who are near is stronger than the duty to aid victims who are far even when threats to them are near? Not necessarily, because the Standard Claim also applies to these situations in which we do not have to choose whether to deal with the near victim or a near threat (to a far victim). Priority in conflicts is consistent with as much being required of us to deal with a near person as a near threat to a far person in separate situations. Further, even if the Standard Claim were strictly correct, we could argue that, through failure to consider all the factors pointed to by the New PDM, we risk underestimating how much we might have to do in order to help a far victim in virtue of the importance of distance, even if this is less than what needs to be done in order to help a near victim. Hence, the Standard Claim **would at least be** seriously misleading.

#### IV. Temporally Various Cases

Our tentative formulation of the New PDM was based on consideration of near cases in which aid is to be rendered at the time the agent or his means are near the victim, the victim's means, or the threat. But what if, for example, when the agent is near to the victim (or to-be-victim) he does not know of his plight. Consider the following case, which I call a temporally various case:

Near-Then-Far: I am passing near the child drowning in the pond, whom I am able to help. But, through no fault of mine, I do not know that I am near (i.e., I do not know that I am near the person and I do not know that he is in danger). After I am far away, I learn



that I was near him when he was in trouble. I can still save him from that trouble by putting \$500 in a device that will activate a machine to scoop him out.

I believe that, intuitively, the obligation to help is stronger than it would be if I had never been near. Hence, I can be obligated when I am far because I once was near the person when he was in danger. The strong obligations I have to take care of the problems that are going on in an area near me are not limited to problems in the area near me at  $t_n$ , the time when I have the obligation.

We can imagine variations on this case. What if when I was near: (a) the person was not in danger but only becomes endangered once I am far; (b) the person was a to-be-victim, the threat to whom existed at the time and I could have stopped it; (c) I would have been unable to help when I was near, but am now able to do so; (d) I knew that the person was in danger, but not that I was near; (e) I knew that I was near the person, but not that he was in danger. Intuitively, I think that it is only in (a) that our obligation is not stronger than in ordinary Far Cases. So, the fact that I was near someone does not mean that I have a stronger obligation to help, if it is only when I am far that he is in danger.

Now we should consider different temporally various cases. In these temporally various cases, I was near a threat to a distant person, or near a far victim's means when it could have been useful for rescue but I did not know it. I am now far from the threat and the means (as well as the victim), but am able to stop the threat or get the victim's means (that are still needed for the same purpose) to the victim. My sense is that, in these cases, it is also true that now that I am far, I have a greater obligation to help because I once was near.

What if, in these temporally various cases, it is not I but my efficacious means that were near to the victim or the victim's means? My means were then not known to be near or useful.

Now they are far but can still be useful. My sense is that, intuitively, the obligation to aid is greater than in other Far Cases. A possible difference between my having been close and my means having been close is that it is only the means that were close and unused that one may now be obligated to use when far. But if I was near, it is not only what I could have used at the time to help that I may be required to use now that I am far.<sup>xxii</sup>

In another form of temporally various case, a problem is now going on in an area from which I and my means are now far, but the problem will still be present when I or my means are near in the future. It is only now that I or my means can deal effectively with the victim, the threat, or the victim's means. Intuitively, I do not think that I am more obligated to deal with a problem that will be near but is far than with ordinary far problems, though I am sometimes more obligated to deal with what has been near but is far. A past tie based on nearness seems not to be wiped out once it exists, but a future tie does not obligate before it exists.<sup>xxiii</sup>

So, we can further revise our tentative conclusion: The New PDM should be understood as the problem of whether we can justify our intuition that we have a greater responsibility to take care of victims, threats, or means belonging to the victim that are or were in the areas near us or our (efficacious) means. The fact that if distance mattered, it could matter in all these ways implies that those who reject the moral importance of distance will be committed to rejecting much more than just the claim that our duty to aid strangers could depend on the distance between them and us (unless the rejecters can explain why distance could matter in all types of cases except the latter).

## V. Why Distance Could Matter

I have dealt with whether and how—“let me count the ways”—we intuitively think that distance matters. Now, we should consider whether we could justify these intuitions. For I accept that intuitive support is not enough to justify a principle of morality. We cannot, I think, truly justify the moral relevance of distance in some contexts without a theory explaining why this factor should have relevance. Such a justification could involve deriving the importance of distance from some notions that clearly have moral significance. This helps justify the intuitions and the moral principle. In the absence of a clear justification linking distance with notions having clear moral significance, intuitive judgments that support the moral relevance of distance in some cases might be subject to debunking explanations. Debunking explanations explain away rather than justify our intuitive judgments. If we could not only provide a positive theory of why distance matters sometimes, but also show that debunking theories are incorrect, we would further support the principle that distance can be morally relevant in some cases. Let us consider some of the debunking explanations first.

It may be suggested that proximity matters as a heuristic device that correlates with morally significant factors, though it itself is not morally significant.<sup>xxiv</sup> One of these factors might be the need to set limits to our duty to aid strangers; being responsible in accord with proximity is a way to set these limits. Another factor might be the need to help those with whom we potentially have cooperative relations, and given our nature, these are typically near rather than distant people. But I doubt that these factors explain the apparent moral significance of distance. And, indeed, the revised description of the nature of the intuitive bias in favor of the near that I have suggested can be used to show that these hypotheses are not adequate.

First, being responsible only for those who are near, or, as I have alternatively described our intuitions, being responsible for what goes on in the area near us or our (efficacious) means

will not by itself necessarily limit the strenuousness of our obligation, for we may be near many needy people. (Indeed, if Asian Indians were responsible for helping those far away in East Hampton, New York, rather than for those who are near, they would have less strenuous obligations because the needy population of East Hampton is far less than that of India.) Furthermore, if one had long-distance reach, one's responsibility could be very great if responsibility was a function of proximity. But this would be, admittedly, a different world from the present one, and the limit-theorist might say that if we had such long-distance reach, proximity would not be our method for drawing limits. I doubt that we can just legislate proximity in and out of relevance in this way. Indeed, I believe that the considerations favoring limits on requirements to aid are not reflected in the grounds for favoring responsibility in accord with distance. Rather, these limits would be needed to override the proximity-based reasons that favor responsibility in order to limit it. (So, those near many needy people may limit responsibilities by referring to upper limits on costs they must incur even to those nearby.)

In addition, there could be other geographic delimitations on aid if the purpose of geographic zones is to limit the requirement to aid. New Yorkers could (now that it is physically possible) be responsible for helping only those in Santiago, Chile. If setting limits on aid were all that justified giving us greater obligations for what goes on in the area near us, there would be no more reason to choose that form of limitation than any other (efficacious) geographic way of limiting responsibility. But it seems more than an arbitrary choice whether we do it one way or another.

Notice also that if alternative geographic delimitations are to function the way delimitation by near versus far functions, they must share the other characteristics of the delimitation by near versus far. It must be true, for example, that if New Yorkers are responsible

for dealing with threats arising in Santiago that will hurt people in Paris, then they will also be responsible for rescuing people in Paris if the means of rescuing the Parisians are in Santiago.

When we discover that nearness affects our relation not only to people but also to threats and to victim's means, it may be harder to suggest that some other geographic delimitation is substitutable for proximity.

What of the second hypothesis, that distance tracks potential cooperative relations?<sup>xxv</sup> If I visit Switzerland, I have no reason to believe that there will be further relations between me and the Swiss victim, and yet I am, intuitively, more strongly obligated to help him if he is near than if he is at a distance, subject to a threat distant from me and distant from my means while I and my means are distant from his means. Furthermore, if he is distant from me, but I am near to his means or to the threat to him, or he, his means, or the threat is near my means, then I do have the stronger duty to aid. Yet, in these cases, there has neither been nor is there potential for future cooperative relations. Finally, the near/far distinction may apply to creatures with whom we could not have cooperative relations. For example, if a squirrel is suffering near me, my obligation to aid is intuitively greater than my obligation if I am the only one who can help a distant squirrel.<sup>xxvi</sup>

Consider a third hypothesis for why distance seems to matter morally. It might be said that, traditionally, people to whom we are strongly connected and to whom we, therefore, have greater responsibilities tend to live physically close to us. We then mistakenly invert these factors of connectedness (or responsibility) and nearness, and think that when people are physically close to us we have greater responsibilities to them. One problem with this debunking theory is that it implies that we do not really have a duty to aid those with whom we are unconnected (that is, strangers), even if they are near.

Further, can this debunking theory explain the cases in which we intuitively think that we have a duty to deal with a threat that is near us and will affect a distant person, but not to deal with a threat that is far from us and will affect a distant person? Is there an independent account of threats with which we must deal, such that, so described, these threats also tend to be close? Do we then mistakenly invert these factors, saying that the close threats are the ones with which we must deal? Perhaps, it may be said, people are typically threatened by things that are close to, rather than far from, them. Since we must take care of threats to people to whom we are connected, and since these tend to be people who are near, the threats we come to be responsible for taking care of are typically close threats. In other words, the debunking theory would say that we invert “threats to people with whom we are connected” with “near threats.”

An implication of this debunking theory is that if threats to people with whom one is connected had been distant (or also people we were connected to had been distant), we would have mistakenly thought that we were more responsible for distant threats (or people) because they were distant than for close threats (or people). If we doubt that we would have been subject to that inversion, we should doubt that our concern with nearness is the product of an analogous inversion.

The final alternative explanation I shall consider of some of the cases I have described, one which denies that distance per se is of moral significance at least sometimes, is offered by Violetta Igneski.<sup>xxvii</sup> She argues that in those situations where distance seems to matter, it is not really distance that is driving our intuitions. Rather, what she calls “the moral determinateness” of the situation in which we find ourselves accounts for our intuitions. She says that a situation has moral determinateness when the following is true of it: (1) a specific agent (2) must do a specific act (3) for a specific person (4) in order to immediately bring peril to an end. She further

claims that when these characteristics obtain, an agent cannot choose among various options as to how to help, when to help, or whom to help. When the four characteristics are present, we are in a “rescue situation,” according to Ignieski. Nearness will seem to matter, she claims, only when it coincides with a morally determinate (i.e., rescue) situation.

By contrast, a situation is morally indeterminate when we have the option of how to satisfy the duty to help people. In such situations, we can choose how, when, and whom to help; in such situations, it could also be true that which agent must act to help a specific victim is not determinate.

Let us now try to get clearer about the distinction between morally determinate and indeterminate situations by examining the Joe Case. Suppose that I find myself in a situation where only I can save only Joe and I can only do so by throwing him a raft precisely at  $t_1$ . If I have no other duties, I must throw Joe the raft. Notice that there are two different sorts of “must” involved here. One sense is purely instrumental: if I am to save Joe, I must throw the raft at  $t_1$ , as nothing else will cause him to be saved. This makes the means determinate, and we can say that it makes the situation “instrumentally determinate,” because a specific agent has no choice about how or when to act if he is to save a specific victim. But this alone does not imply that I must save him in a second, normative sense of “must,” according to which I have a duty to throw Joe the raft because I have a duty to save him. I believe that Ignieski is employing the normative “must” when she says that a situation is morally determinate, that is, that there is a very particular thing that an agent is morally obligated to do.

In the Joe Case, I have deliberately asked us to imagine a morally determinate situation where there are no other duties I have besides throwing the raft. This is because I believe that the best way to get clear about the distinction between morally determinate and indeterminate

situations is, at least to begin with, to think of the duty to throw the raft as a pro tanto duty. That is, barring the presence of other duties I have, there is something very specific that I am morally obligated to do.

By contrast, consider a morally indeterminate situation. In the absence of other duties, the duty of helping people gives me a duty that still includes options. I may help now, or at any one of many later times, and any one of a number of different people in any one of a number of ways. Furthermore, the people I can help can also be helped by other people; each of the many situations calls on no specific agent. So instrumentally, there are many ways to pursue the duty of helping people, and morally I am not obligated to pursue any one way in particular; though morally I must do something to fulfill my duty of helping.

I shall now pose some questions about the distinction between “determinate” and “indeterminate” situations and duties as I have described them.

(1) Is it urgency that determines whether the duty of rescue is present rather than a duty of ordinary aid, because urgency tracks determinateness? Ignatiev says that in a rescue situation, “an agent is bound to some specific act to immediately end peril.”<sup>xxviii</sup> This, however, is not the same as “something we (in the instrumental sense) must immediately do can end peril.” Determinateness, as she describes it, seems compatible with, for example, only I being able to rescue only Joe using only a raft at a specific time immediately after I encounter him a month from now. Here too there is no choice as to when to save, but it would not be described as urgent because it is not something I must immediately do. Hence determinateness does not imply urgency. Nevertheless, there will eventually be a duty to rescue. In indeterminate situations, while it is true that different agents have a choice among many different people and among many different times and among many different means, it is also true that for some person who needs



help, it may be only immediately, and only in one way, that he can be helped. If he is not helped now in that way, then he will be lost. Hence, it is urgent for him to be aided. Yet there is no duty of rescue, because there will still be others to be helped by any agent. I conclude that urgency need not be present in determinate situations and can be present in indeterminate ones.

(2) Is it true that rescue situations must involve determinate pro tanto duties, as Ignieski claims? Consider the Indeterminate Rescue Case: Three people are near a pond where A, B, and C are drowning. A raft, a boat, and a life preserver are available to save them, and there is an hour in which to save all the people. Given where they are in the water, not everyone can be saved at once. Hence, each agent must choose a person, a device, and a time at which to save, but not any particular person, device, or time. This situation does not meet Ignieski's criteria for a determinate situation, but it seems to be a rescue situation with a strong duty to aid someone nonetheless. Perhaps this is because nearness is involved. But then this would mean that nearness might matter even when the situation is not determinate, contrary to what Ignieski claims.<sup>xxix</sup>

Suppose that we have a Far Case that is indeterminate in the same way as the Indeterminate Rescue Case. My claim is not that the duty to aid someone could not be as strong in the Far Indeterminate Rescue Case as in the Near Indeterminate Rescue Case. For example, if the cost of aid were low, there could be a strong duty in the Far Indeterminate Rescue Case to do one of the acts. Hence, even in far cases, indeterminateness does not correlate with the absence of a strong duty to rescue. As the cost goes up, however, the duty in the Far Indeterminate Rescue Case might be defeated, I claim, unlike the duty in the Near Indeterminate Rescue Case.

In some types of near and far indeterminate cases, we may know in advance that the options will extend over long periods of time. (This is what Jesus meant when he said that the poor will always be with you.) Given that one need not always be aiding someone, may one

decline the first near opportunity to aid and give aid later, if one would not have been obligated to also aid later had one aided at an earlier time? Perhaps, but this seems more clearly true when we are involved in a far indeterminate case.

(3) Would an instrumentally determinate far case be pro tanto morally determinate, as it should be if it is determinateness that is crucial? I agree that it could be, as in the case presented above where the cost to aid is very low. In a case of a distant person in need, when there is some particular agent whose act would be instrumentally determinate to ending peril, my claim is not that the agent has no (pro tanto) duty to act. One of my claims is just that as the costs involved in acting go up, a duty to aid a distant person may be defeated, whereas a duty to aid a near person would not be. But even in a near case with instrumental determinateness, there may not be pro tanto moral determinateness. For example, if giving up one's life is physically necessary in order to save a particular victim at a particular time, there may be no duty to perform such an action.

(4) Is it true that the cases I have used in discussing the New PDM imply that determinacy matters? Igheski says (in commenting on my earlier work) that "Kamm redefines what it means to be close" because "all the cases that Kamm counts as near are also cases where the solution is specific enough to ground a duty to do some particular act of rescue and the cases that she counts as far are cases where the situation is not specific enough to ground a duty of rescue."<sup>xxx</sup> I think that this is wrong. I do not believe that I have changed our notion of being close. I specifically gave the Far Alone Case, where there is also a specific determinate act (in Igheski's sense) the agent instrumentally must do though he is far rather than near. Furthermore, in all the cases I presented involving rescue, nearness to a victim or nearness to a threat could be altered so that the cases involve a choice of types of acts to do, choices among victims to rescue

(already presented in the Near Alone Case), and choices among threats from which to save victims. I do not think that the intuitive judgments will change.

(5) Suppose it is true that there is only one kind of act I instrumentally must do in the determinate situation, and not only one kind of act I instrumentally must do in the indeterminate situation to help someone. Suppose also that there is one kind of act I morally must do in the morally determinate situation when there are no other duties I have. It is a mistake to think that this proves that in the determinate situation “the agent is morally bound to fulfill her obligation in a very specific way,”<sup>xxxix</sup> when this is taken to mean that it tells me that I morally must perform the determinate pro tanto duty rather than one of the options I have as part of my indeterminate pro tanto duty. After all, the world could be such that I have both determinate and indeterminate pro tanto duties at a given time, and much more good could be accomplished by my doing the indeterminate duty.<sup>xxxii</sup> And those I have an option of helping under a pro tanto indeterminate duty may only be relieved from peril if I aid now instead of performing the pro tanto determinate duty. (Recall that the fact that he must be helped now or die does not make the duty determinate, if there are many others in the same situation.)

Igneski believes that the pro tanto morally determinate duty is a perfect duty and the pro tanto morally indeterminate duty is an imperfect duty. Kantians commonly hold that when there is a conflict between perfect and imperfect duties, the perfect duties take precedence. This may be why she thinks that the pro tanto determinate duty takes precedence over the pro tanto indeterminate duty. Suppose it were true that perfect duties takes precedence over imperfect duties. If the pro tanto determinate duty does not always win out in conflicts with the pro tanto indeterminate duty, this will be evidence that it is wrong to think that a pro tanto determinate duty is equivalent to a perfect duty. It seems clear that I have a perfect duty not to kill someone

by throwing him in the water to make him a human life preserver. But suppose that the only way to fulfill my pro tanto morally determinate duty to save two people is to kill someone else by throwing him into the water to make him a human life preserver. It is clear that I must let the two drown rather than do what is necessary to save them. Is this a conflict between two perfect duties, one of which is more perfect than the other? Rather, it may be that the duty that dominates is the perfect duty, and even a pro tanto morally determinate duty to aid the two is an imperfect duty. In any case, the fact that a pro tanto morally determinate duty can be dominated by a perfect duty suggests that it may not have the immediate dominance over imperfect duties that a perfect duty is said to have.

But suppose that the pro tanto determinate duty to aid is morally overriding, that is, it has moral precedence over one of the options of the pro tanto indeterminate duty to aid. It is still not clear that this is implied just by the ideas of these two types of situations/duties. Such an implication must be argued for, and Ignieski does not do this. That a situation is pro tanto morally determinate does not show that it is overridingly morally determinate when there is an indeterminate duty with which it conflicts. Could it have precedence because if we do not do it when it must be done, someone will perish, but we can act on an option of how to fulfill an indeterminate duty at any time? The problem with this, though, is that at least one of the options in the indeterminate duty may also not be available at another time (e.g., some particular people will perish far away because we did not aid at a particular time). So why may we not select one of those options instead of the pro tanto determinate rescue?

Hence, once we are in a world where there is a pro tanto indeterminate duty as well as a pro tanto determinate one, the overall situation may become morally indeterminate, for all that Ignieski has said.<sup>xxxiii</sup> It seems, though, that if one bypassed the pro tanto morally determinate

duty in order to perform one of the options in the pro tanto indeterminate duty, one could no longer treat the latter as a mere option. That is, one has to be saving someone at a given time if one is not performing the pro tanto determinate rescue at that time. By contrast, if one is not performing one option of an indeterminate duty at a certain time, one need not be fulfilling another duty.

I have argued thus far that a situation need not be determinate in order to involve the duty of rescue (as opposed to an ordinary duty to aid), both determinacy and indeterminacy may be true of situations involving near and far, but the duty to aid when the victim (or threat or victim's means) is far may be defeated by certain factors that do not defeat the duty to aid when the victim (etc.) is near. I have also argued that the duty in a determinate situation is not necessarily a perfect duty.

(6) Recall that I claimed (in Section IIB, Chapter 11) that the thesis that nearness matters morally could be defended, even if an agent who is near and an agent who is far when no one is near in an absolute sense always have the same duties. For suppose that when someone is far, there is also someone who is near, and the latter has priority to perform rescues, other things being equal. This would be enough to show that nearness mattered in some way. This bears on the issue of determinate versus indeterminate cases in the following way. Suppose that in State 1, the world is such that only those who are near are able to provide aid. Many of these aiding situations may be determinate, and then, according to Ignneski, there are strict duties to aid. In State 2, the world has changed, so that for each of those previously determinate situations, many other agents who are far away are able to aid the victims in many different ways. All of the determinate aiding opportunities then become indeterminate from the point of view of both those who are near the victims and those who are far from them. This opens up the possibility that

some people who would have been helped previously will not be helped, because helping them is now one option among many for everyone. If the near person had a stronger duty because he was near, this problem would be less likely to arise. (It would still arise to some degree, though, if a strong duty did not always take precedence over a weaker duty or nonduty that did more good.)

#### VI. Proximity, the Duty Not to Harm, and Agent-Centeredness

Now let us consider a nondebunking explanation of the moral significance of distance. Perhaps it will help to understand why proximity may affect the duty to aid by considering why it does not affect the duty not to harm. That is, negative duties and rights can behave very differently in response to proximity than positive duties and even positive rights. We have at least as strong a duty not to harm someone who is far as not to harm someone who is near. I suggest that this is because in standard cases in which we would harm someone, we would deprive her of what she would have had independently of our aid. These things that people have independently of our aid are protected by the negative right relative to us. This "protective coating" goes with the person wherever she is located—near or far. Hence, the strength of her negative right is something that has its source in her, not us, and is based on properties located where she is. Efforts we make not to harm someone involve doing things in order not to impose first on that to which she has a right.

This contrasts with someone who needs our help: If we do not aid, he will lose something that he would not have without our aid—that is, something he would not have independently of our aid. If we do help him, in a sense, he imposes first on us. The focus would then seem to be about what comes from us and adds to what the person would have independently of us. This may seem to help explain why the focus is on us in aiding, and hence on where we are.

But this is much too quick for at least two reasons: (1) Even when someone is near us and he needs aid, he still stands to lose out on only what he would not have without our aid. If this factor explains why the focus is on the agent rather than the victim, it can seem to justify the absence of any duty to aid, even to aid those who are near. (2) Suppose that someone has a positive right to aid based on considerations other than his being near to us, for example, promises. In this case, a person's right to this aid and our duty to aid do not disappear just because she is not near.

All of this suggests that (a) we have to show that we have a special responsibility to do something about what goes on in the area near us or our means (hence, nearness is a sufficient condition for some duties), and (b) we have to show that there are some duties to aid whose origin lies in nearness, so that when nearness stops, the duty stops (hence nearness is a necessary condition for some duties). That is, if we have a duty to aid a stranger—even though the fact that he needs our aid means that he stands to lose out on only what he could not have without us--the strength of our duty is connected with the following facts: The focus in aiding is on the agent from whom aid comes and who is imposed on first, and the agent has a responsibility for the area around him or his means.<sup>xxxiv</sup>

Now, why might he actually have such responsibility for the area around him or his means? Here is one suggestion. It is commonly thought that one has a moral prerogative to give greater weight to one's own interests and projects rather than giving equal weight to oneself and to others.<sup>xxxv</sup> This agent-centered prerogative allows us to give weight to things out of proportion to the weight they have from an impartial perspective. This prerogative, while agent-centered, is not fundamentally egoistic. That is, it also protects our choice to engage in projects that are not concerned with promoting our own well-being. We may use it to devote our lives to (selected)

others. The prerogative gives us a permissible option, not a duty, to act from a partial perspective. But possibly, if one takes advantage of the option to give weight to things out of proportion to the weight they have from an impartial perspective, there is also a duty generated from the perspective on life from which one then acts, to take care of what is associated with the agent, for example, the area near her or his means. After all, we are locatable beings, positioned at the center of our world in virtue of our taking an agent-centered perspective. We also identify with our means that are locatable. This suggests that the person who does not act on the partial perspective option, but treats himself impartially relative to others quite generally, would not have a greater duty to take care of the area near himself or his means than the area that is far.

I do not mean to imply that the prerogative itself gives rise to duties; its point is to give agents options, not obligations. (Of course, if one exercises one's options, for example, to enter into a contract, one may generate obligations for oneself.) It is the mindset of one alternative covered by the prerogative—focusing on what looms larger for the agent—that is supposed to help explain the duty to aid related to the agent's location or the location of his means. But, it may be asked, would not this mindset rather imply that an agent should have a duty to take care of what is near the things or people he cares about rather than near himself? After all, the partial perspective is not necessarily egoistic.

Here is a possible answer. Some (e.g., Samuel Scheffler) have argued that it is not possible to derive duties not to harm from the concern for the agent's perspective that underlies the prerogative.<sup>xxxvi</sup> That concern may generate options for an agent, but not duties for him. Others (e.g., Thomas Nagel, at least in some of his work) have tried to derive such a duty not to harm from what looms larger to an agent. That is, Nagel thinks, an agent must be more concerned with the victim of his own harming than with others' victims whom he might save by



harming someone.<sup>xxxvii</sup> While I do not think that this account of the duty not to harm is correct,<sup>xxxviii</sup> it might suggest that concern for the agent's perspective can give rise to some other duties. Most importantly, Nagel's account claims that the agent can have a duty not to harm a perfect stranger, not merely someone whom he cares about from his agent-centered perspective. The person comes to have greater significance to the agent only because he would be the object of the agent's act. The analogue in the area of aiding, I suggest, is that an agent might be obligated not to leave a perfect stranger who comes to have significance only because of his location near the agent, even if he is not related to projects the agent antecedently cares about. (So caring about the area near one need not be a mark of an egoistic perspective.) Further, if the duty to aid those who are near may sometimes permissibly be supplanted by a desire to do more good for those who are far (as I shall argue below), the duty to the near generated by agent-centered considerations would not need to be strong enough to withstand consideration of the greater good in the way that the duty not to harm a stranger should be.

Notice that this explanation (like the discussion in Chapter **10** of responsibility and collaboration), finds a place for agent-focused reasons within a nonconsequentialist theory that emphasizes a victim-focused account of negative and (some) positive rights (as discussed in Chapters **1** and **8**). In Chapter **10**, the emphasis was on agent-focused reasons for harming or not harming. Here it is on agent-focused reasons for aiding or not aiding.

## VII. What Must We Do?

Suppose that I do have a duty sometimes to help a near person and not a far one (or a stronger duty to help a near person than a far one). Does this imply that in such cases it would be wrong of me to help the far one rather than the near one (as the Standard Implication says)?

Peter Unger believes that this Standard Implication holds, for he argues that to say we have a duty to aid the person near us but not a duty to aid distant people implies that we have a duty to save one person close to us rather than do what will save many who are at a distance.<sup>xxxix</sup> In discussing whether distance per se affects our intuitions about the obligation to aid, I have tried to keep constant the number of people and the loss they will suffer in the near and far cases. Theoretically, therefore, everything I have said is consistent with our having a duty to save two in the Far Case rather than one in the Near Case. But I now wish to assume that the intuitive bias in favor of the near is strong enough so that there is no strong duty (e.g., one for which one would have to sacrifice a significant amount) to rescue several in the Far Case but there is a strong duty to rescue one in the Near Case. The question is whether this implies that we have a duty to save one person close to us rather than do what will save many who are at a distance.

One ground for the Standard Implication would be the claim that in a choice between a duty and a supererogatory act, one always has to do the duty. But this claim is not true.<sup>xl</sup> If I have a duty to meet someone for lunch because I promised to do so, but on my way I see that I alone can save someone who is dying of kidney failure by giving him my kidney, I may save him rather than go to lunch. Though giving the kidney is a supererogatory act that goes beyond the duty to aid, it may take precedence over the duty to keep my lunch engagement. Furthermore, a supererogatory act may take precedence over a duty, even in a case where the person to whom I am obligated would lose much if I do not fulfill my duty toward him. For example, suppose that I have promised to save one person from paralysis that threatens him, but as I am about to help him, I see a thousand people drowning nearby. Aiding them, but not the one, would cost me my leg, so it is supererogatory of me to save them, but doing so can override my duty to save the one, I believe. Some philosophers (e.g., Scheffler) have argued that we may have responsibilities

based on relationships, and that dealing with these responsibilities is a legitimate reason for not adopting a purely impartial perspective.<sup>xli</sup> The cases I have now been examining show that if we have particular responsibilities, and there are legitimate reasons not to take an impartial perspective, this does not yet prove that it is impermissible to respond to a more impartial perspective if we choose to do so.

All this suggests that even if it is sometimes wrong not to save a near person when there is nothing else to do and not wrong to fail to save a greater number who are far, if one had a choice between saving the near or a greater number of the far, one might permissibly do the latter. That is, it may not matter morally which act one does, and this is compatible with its being a duty to help the near but not the far. This case follows the model that in doing the supererogatory, one does more good than in doing one's duty, and this could be a reason for substituting the one act for the other.<sup>xlii</sup>

Unger himself would, presumably, wish to make use of the permissibility of doing a supererogatory rather than an obligatory act. This is because he argues that we have a duty to give our money to help the poor<sup>xliii</sup> (i.e., it would be wrong not to), but he also argues that it is permissible and morally worthwhile to steal from others to help the poor, though it may not be wrong not to.<sup>xliv</sup> This means that it is supererogatory to steal. Put to one side whether we agree with these claims of Unger. Just note that if he believed that the duty took precedence over the supererogatory act, he would be committed to thinking that a person who had few resources (but more than the poor) would have a duty to give these to the poor rather than steal a lot of money from a rich person in order to give it to the poor, even when he was willing to steal. But, presumably, Unger would think that it is permissible to do the supererogatory act instead of the dutiful one, when one cannot do both. This suggests that he too should deny the Standard

Implication that if we have a duty to help the near but not the far, we should help the near instead of the far.

But I also wish to argue for the further claim that when the amount of good that is done by taking care of the near and taking care of the far is the same, we may have a choice of what to do, even if taking care of the near is our duty and taking care of the far is not.<sup>xlv</sup> This requires an extension of what I have previously argued about the relation between supererogation and obligation. For if I have promised to meet someone for lunch, it would usually be wrong for me to choose instead to meet someone else for lunch whom I had not promised to meet. Or again, if I have a duty to take care of my child, while I might sometimes instead choose to make even a supererogatory sacrifice to help many children who are not mine instead, it seems wrong (other things being equal) to substitute fulfilling a duty to my child with doing only as much good supererogatorily for someone else's child, other things equal.

However, there are other cases where substitution of an equal good that we are not required to bring about—at equal cost—is permissible. For example, we may have a right to require that you come into work on any day Monday through Friday (giving you a duty to do so), but not to require work on Sunday because that might interfere with religious observance. Still, it would be just as good if you came in on Sunday instead of Monday, and it would be permissible to do that. We may have no right to require that you keep your own desk clean because to do so would be paternalistic, but we might permissibly require you to clean up others' desks. Still, given that all we care about is that there be clean desks, you could as well clean your own if you would prefer. Likewise, it may be that given you live from the permitted agent-centered perspective, it is permissible to require you to take care of what is close to where you (or your means) are located, but not permissible to require as much to take care of what is far. Yet you

may permissibly substitute helping those who are far. Hence, the Standard Implication may be wrong even in cases where we can produce equal amounts of good.

It may seem odd that if one act is required and another not, we may nevertheless do the latter rather than the former. I have tried to explain why this is so. On the other hand, it seems natural to think that if two acts are equally required, it makes no difference which we do. So, for example, suppose that it is equally easy to flip a switch and save someone who is far or flip a switch and save someone who is near. Arguably, we are equally required to do each and we may choose to do either one if we cannot do both. But I also wish to argue that it is not, in general, true that we may substitute one required act for another. For suppose that it costs very little to save a life and also costs very little to avoid killing someone. It might well be argued that I am equally required to do both. Yet, if I can only do one, I must avoid killing rather than save the life. The greater stringency of the negative than the positive duty shows up in this way.<sup>xlvi</sup> This will be true even if there is a positive right correlative to the positive duty, for example, if I have promised to help someone. By contrast, in the choice of aiding a near or aiding a far person costlessly, we are dealing with positive assistance in both cases and this may account for the possibility of choosing either act.

In permitting a supererogatory act as a replacement for a dutiful one, we must be aware of the possibility of motivational oddities and errors. Under the category of oddities, consider someone who only develops an interest in doing, at considerable effort, the supererogatory act that does more good once he realizes that he has a duty to do something very onerous. Under the category of error, note that I am not claiming that if one is going to do a duty at a certain cost, the only rational thing to do instead is a supererogatory act that does more good at the same cost. For example, someone who has never thought of saving distant children thinks that given that she

now has a duty to spend \$500 on the near child, she might as well spend it in achieving the better consequence of saving several distant children. There is no requirement to always produce the best outcome, I believe. These cases differ from the one in which someone who is independently motivated to save distant children wishes not to give up that act in order to do less good for someone who is near. In this case, at least these motivational oddities or errors about what is a rational requirement do not arise.

It is now time in our discussion of supererogation to notice that there may be a moral difference between different types of supererogatory acts that bears on whether the Standard Implication is true. Consider the case in which I must choose between my obligation to one person and saving at supererogatory cost to me a thousand near people. Here saving the thousand people would be at least one of my duties (even if there were no correlative right) were it not for the great cost to me of doing it. If it were costless to me, then this duty would, I think, conflict with my duty to keep my promise to save one person (even though there may only be a correlative right in the case of the promise). Because we are (often) free to absorb a cost if we want to, an account of why one kind of supererogatory act may compete with a duty is available. But it is not necessarily the great cost to me that makes aiding those who are far away not be a duty. We intuitively think that it has something to do with distance per se; a high cost that would be required in the Near Alone Case would not be required in the Far Alone Case.

On the basis of this difference, it might be suggested that we are not free to make the plight of those who are at a distance as important to us as those who are near in order that the supererogatory act compete with a duty. (Similarly, it might be argued that what great costs we will absorb is up to us, but it is not in our power to make helping members of other societies a competitor with helping fellow citizens in our own society, holding constant their need and

number.) If it were not permitted to put this particular type of supererogatory act in competition with the duty, this would be a ground for the truth of the Standard Implication that is independent of the claim that duties always take precedence over nonrequired acts. It would support the view that we must aid a smaller number of near people rather than aid a greater or equal number of those who are far away. I shall not pursue this issue further here. Suffice it to say that if we are to fill in the outlines of a conception of duty that varies with distance, we need to deal with this issue.<sup>xlvii</sup>

### NOTES

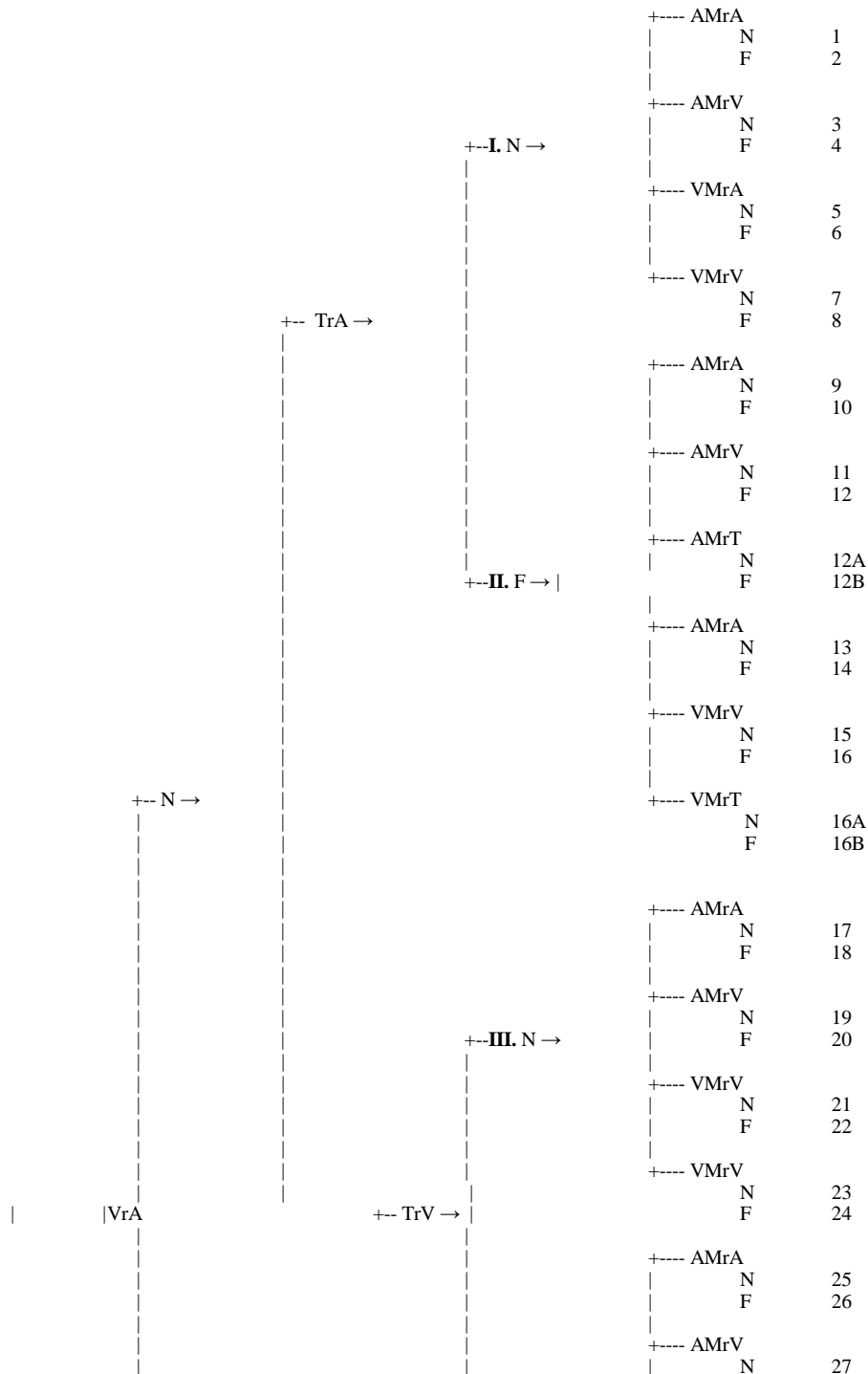
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- i. In Chapter **11**, I tried to show that there is an intuitive judgment that distance matters morally.
  - ii. See Peter Unger, *Living High and Letting Die* (New York: Oxford University Press, 1996), p. \_\_\_\_.
  - iii. Again, as in the previous chapter, I am focusing on accident, not basic justice, cases.
  - iv. I use “duty” and “obligation” interchangeably **here**.
  - v. However, note that the latter conceptualization may offer a better account of why (intuitively) an agent may not be required to make available the same resources (e.g., his Stradivarius) to aid when they are far from the victim (and the agent) as when they are near the victim though far from the agent. I discuss such cases below.
  - vi. If the means is the agent's employee, he does not, of course, own the employee. Nevertheless, I shall understand him to have a relation to his employee similar to ownership, for our purposes.
  - vii. Notice that I treat a nonefficacious item differently from the way I treated a nonefficacious part of the agent himself (in the previous chapter). More on this below.

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- viii. I owe this point to Sigrun Svavarsdottir.
- ix. I owe this point to Derek Parfit.
- x. Liam Murphy suggests an alternative response: Money is too abstract to be dealt with like concrete means. (However, if my money were in a sack next to a child in distress, this might not be so, I suggest.)
- xi. As a matter of biography, it was through trying to explain what goes on in such a case that I stumbled upon the possibility of separating the location of agent and means in relation to the victim.
- xii. I add this change because of the possible moral difference (discussed in Chapter 11) between upfront and downstream costs. In the Distant Owner and Yacht Cases, we use the boat and as a side effect damage it. We do not destroy the boat as a means (e.g., for raftwood to save someone. But in the Account Case giving away the person's money is not a side effect of using the money, it is our means to saving people.
- xiii. And the stranger's means, as we shall see below.
- xiv. In that case, the agent is distant from the victim and threat, the means he would use are distant from the victim and threat, and the owner of the means is distant from the victim and threat.
- xv. However, it is possible that when a victim has the means to alleviate his condition but is far from them, there is still an impetus for those who are also distant from these means (and from the victim and threat) to help the victim get his means, greater than if his rescue depends totally on means belonging to others. This is not because there is reduced cost in saving him if we use his means (since there may be no such reduction), but because there is a sense in which we conceive of him as more self-sufficient. This issue deserves further



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- examination.
- xvi. This case is different from an agent being near his own (not the stranger's) means, which I have not said by itself gives an agent an obligation to a far victim. Though I have said that if something else gives the agent an obligation, whether his means are near him or not, the distance of his means from him can affect whether he has an obligation to use them. Recall the case of the near versus distant Stradivarius.
- xvii. This extension of the model was suggested by Franklin Bruno.
- xviii. What about the agent's computer that is near the victim or threat, and cannot help directly but can monitor the scene and trigger the use of the agent's means that are distant from the victim? Is the agent intuitively thought to be obligated to let the computer trigger the same sort of a distant device that the agent, were he near, would be obligated to trigger? I suggest that he is.
- xix. The selected cases we have examined in some detail can be generated, along with many others, from mechanically combining the four different factors (agent, victim, threat, means) and the four categories of means (agent's means, victim's means, third parties' means, unowned means). It is also possible to consider who "owns" the threat. (I owe this point to Franklin Bruno.) In what follows, I shall ignore threat ownership and also the possibility that means belong to third parties or are unowned. The problem is simply to consider what intuitions one has about obligation to suffer a loss to save an innocent stranger from death in cases involving all possible combinations of the factors. The figure below illustrates the cases and the route for generating them. "V" stands for victim, "A" stands for "agent," "AM" stands for agent's means, "VM" stands for " victim's means,"

"T" stands for threat, "r" means "in relation to," N" stands for "near," and "F" stands for "far."



					F	28
			+---IV. F →		+--- AMrT	
					N	28A
					F	28B
					+--- VMrA	
					N	29
					F	30
					+--- VMrV	
					N	31
					F	32
					+--- VMrT	
					N	32A
					F	32B
					+--- AMrA	
					N	33
					F	34
					+--- AMrV	
					N	35
			+--V. N →		F	36
					+--- VMrA	
					N	37
					F	38
					+--- VMrV	
					N	39
					F	40
					+--- AMrA	
					N	41
					F	42
					+--- AMrV	
					N	43
					F	44
					+--- AMrT	
					N	44A
			+--VI. F →		F	44B
					+--- VMrA	
					N	45
					F	46
					+--- VMrV	
					N	47
					F	48
					+--- VMrT	
					N	48A
					F	48B
					+--- AMrA	
					N	49
					F	50
					+--- AMrV	
					N	51
			+--VII. N →		F	52
					+--- VMrA	
					N	53
					F	54
					+--- VMrV	
					N	55
					F	56

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+---VIII. F →	+--- AMrA	N	57
		F	58
	+--- AMrV	N	59
		F	60
	+--- AMrT	N	60A
		F	60B
	+--- VMrA	N	61
		F	62
	+--- VMrV	N	63
		F	64
	+--- VMrT	N	64A
		F	64B

Let us consider the cases in this figure. Are some of the possibilities inconsistent with each other because the relevant properties are not instantiatable? For example, if the agent is near the victim, and the agent's means are near the agent (1), is it impossible for the means to be far from the stranger (4)? Theoretically, it is possible for the agent to be far enough from a still-near victim while the means near him are far enough from him that the means are far from the victim. Still, as I imagine the cases, if agent is near victim, and threat or means are near agent, they are also near victim. This means, for example, that (1) and (4) do not coexist, and also that cases in III mimic cases in I. When agent and victim are near and the threat is near each, we can know whether the means are near the threat just by knowing if the means are near or far from the agent. But when the threat is far from the agent (II), we need to consider separately whether the means are near or far from the threat (hence, cases 12A and 12B and 16A and 16B). Cases in IV also mimic cases in II. Nevertheless, focusing on cases in IV, where the threat is far from victim, highlights the fact that an agent can be obligated to aid a near victim, who is not yet

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subjected to the threat. Also, this is a case where the need of the victim is likely not to be salient. (I owe the first point to Franklin Bruno.)

In V, if agent and victim are far and the threat is near to the agent, it is far from victim. We can also assume this implies that if the means are close to the agent, they are close to the threat, and if they are near the victim, they are far from the threat. When the threat is near the agent, if agent's means are near victim (in 35), they should be used to help victim, either by being brought by remote control to deal with the threat near agent or to protect the victim they are near who is not yet affected by the threat. (I am assuming the cost incurred is the same either way.)

In VI, when the threat is far from the agent, and victim is also far from agent, this does not mean that the threat is near victim. There are many different ways to be far from agent. Here we must also consider separately whether the means are close to the threat, hence 44A and 44B, and 48A and 48B. In VII, when the threat is near the victim and the victim is far from the agent, I assume the threat is far from the agent, and when means are close to the victim, they are also close to the threat. In VIII, when the threat is far from victim and agent, we must also consider whether means are close to the threat; hence, 64A and 64B.

Once again, our conclusion is that if the agent or agent's means are close to the threat, or victim or victim's means, intuitively, the obligation to aid will be strong. These include cases where the victim is distant and yet the intuitive obligations to aid are strong.

- xx. Alexander Friedman reminded me to equalize this.
- xxi. For discussion of this distinction, see Chapter 14.
- xxii. If my device was not useful at the time but it is useful now that it is far, it was not a means

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- at the time, and I do not think that its past presence obligates me now.
- xxiii. Possibly, if the temporal gap between nearness and then farness is very great, the past tie is wiped out. I shall not here investigate this Degree-of-Temporal-Gap Question.
- xxiv. That it might correlate or have been correlated with effectiveness was mentioned in Chapter 12.
- xxv. Suggested by Tyler Burge.
- xxvi. This case was suggested by Jerrold Katz.
- xxvii. In Violetta Igneski, "Distance, Determinacy, and the Duty to Aid: A Reply to Kamm," *Law and Philosophy* 20 (2001): 605-16. My discussion of her work in this section is based on what I say in "The New Problem of Distance," ed. D. Chatterjee, Duties to the Distant Needy (Cambridge U. Press, 2003).
- xxviii. *Ibid.*, 611.
- xxix. When several potential agents are near a victim and only one of the agents is needed to aid (another indeterminate situation), it is still the duty of each to be sure someone else will aid before she walks away. Is the same true in a comparable case where one is far from the person needing aid? In both situations, if one could not "walk away" if one were the only person, one would have to be sure someone else had picked up the slack, I think.
- xxx. Igneski, "Distance, Determinacy, and the Duty to Aid," 613, 614, commenting on my "Does Distance Matter to the Duty to Rescue?"
- xxxi. *Ibid.*, 612.
- xxxii. I try to argue for this in more detail in Section VII. Even a supererogatory act, rather an option under an indeterminate duty to help, could override the pro tanto morally and instrumentally determinate act. We discussed this in Chapter 1.

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- xxxiii. This dovetails with my view (discussed below in Section VII) that the duty to those who are near may not necessarily take precedence over helping, even supererogatorily those who are far.
- xxxiv. This special responsibility is not to be identified with any property-like stake in the area around him, as this would imply that he not only had special responsibilities for, but also special privileges in, the area near him. But this need not be true.
- xxxv. See Samuel Scheffler, *The Rejection of Consequentialism* (New York: Oxford University Press, 1982), and Chapter 1.
- xxxvi. In Scheffler, *ibid.*
- xxxvii. See Thomas Nagel, *The View from Nowhere* (New York: Oxford University Press, 1986).
- xxxviii. See my *Morality, Mortality, Vol. II* (New York: Oxford University Press, 1996), and Chapters 1 and **8 this volume**, for criticism.
- xxxix. Unger, *Living High and Letting Die*, 55.
- xl. I first tried to show this in my "Supererogation and Obligation," *Journal of Philosophy* 82 (1985):118–38. For an expanded version of the article, see Morality, Mortality, Vol. II, chapter 12; for a short discussion, see Chapters **1** and **8** this volume.
- xli. See Samuel Scheffler, "Individual Responsibility in a Global Age," *Social Theory and Practice* 21 (1995): 219-36.
- xlii. Notice, however, that in the specific context in which one fails to do one's duty in order to do what is supererogatory, one does not, in general, retain the option not to do what is supererogatory. But still, one may not have to do everything in order to do the supererogatory act that one would have had to do in order to accomplish one's duty. For more on this, see my *Morality, Mortality, Vol. II*, and Chapters **1** and **8** this volume.

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- xliii. Unger, *Living High and Letting Die*, chap. 3.
- xliv. Ibid.
- xlvi. This is a different view from one (at least, at one time) held by Richard Miller, which says that there is nothing to the distinction between near and far except that, when all else is equal, it can pinpoint a direction for us to move in a way the "far" cannot. The view I am now arguing for says that, when all else is equal, we may choose the far despite a duty to the near. Miller's view was presented in his paper presented at Pacific APA, 20\_\_).
- xlvii. I call this the Choice Test for stringency of a duty. On this Choice Test, see *Mortality, Mortality, Vol. II*, and Chapter 8.
- xlviii. I thank Liam Murphy for suggesting that I examine the topic of whether there is moral significance to physical distance. I am indebted to the students and faculty of my graduate classes in ethical theory at UCLA and NYU for their discussion of the ideas in this chapter. I am grateful for comments from Alexander Friedman, Sigrun Svavarsdottir, Derek Parfit, audiences at the Philosophy Department Colloquia at the Graduate Center, City University of New York, and the University of Calgary, at the Conference on Nationalism and Borders at the University of Utah, and at the Pacific Philosophical Association 1999 panel on Aiding Distant Strangers. I am also grateful for the discussion at the Conference on Moral Theory, La Lavandou, France, July 1999, where my commentator was Marina Oshana, and for discussion at the Conference on the Moral and Legal Limits of Samaritan Duties at Georgia State University, where my commentator was Violetta Igneski.