

The Structure of the Duty of Beneficence

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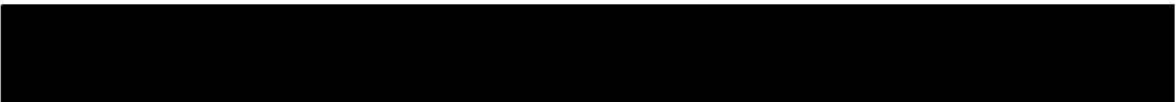
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We accept this thesis as conforming
to the required standard




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ABSTRACT

In this thesis I explore structural issues related to the duty of beneficence. I consider consequentialist and Kantian candidates for the principle of beneficence. My discussion of the consequentialist options is grounded in the work of Liam B. Murphy. Through analyzing Murphy's work, I clarify the most important objections that can be leveled against principles of beneficence. On the basis of those objections I reject two consequentialist principles of beneficence, and two interpretations of the Kantian principle of beneficence.

I offer my own principle of beneficence – the 'moderate principle of beneficence' – which is motivated in part by the Kantian idea of a fundamental respect for rational agency. One crucial facet of the moderate principle is the 'duty of edification'. Despite its importance, this duty has received little attention in philosophical literature, and in moral practice. I close my thesis with a discussion of that duty.

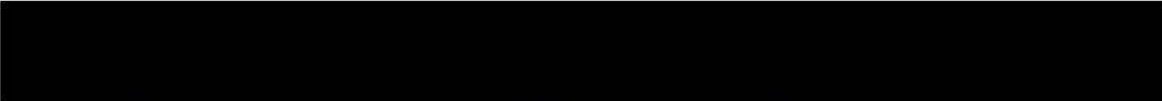
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Chapter One

I. The State of the World

We live in a world rife with suffering. We witness it directly in our immediate surroundings – the homeless person in the gutter, the abused child next door, the elderly lady with poor eyesight and no one to assist her across the busy street. And, thanks to the wonders of modern technology which have collapsed international barriers of communication and contact, we now witness it vividly, occurring at great distances – the starving children in Ethiopia, the tormented refugees flooding out of a country subsequent to civil unrest, the repressed minority population of a nation in which ethnic enmities erupt into violence. It seems clear that much of this suffering, irrespective of its causes, could be greatly alleviated if individuals and societies in positions of relative comfort, took steps to provide assistance to those in need. It is intuitively plausible to think that providing at least a *modicum* of this type of assistance may actually be morally required, and not simply a matter of charity. In other words, it might lie in the realm of moral *duty*, rather than in that of the supererogatory. Morality that is, might include a ‘duty of beneficence’ – it might require moral agents to promote the good.

However, understanding exactly what the duty of beneficence requires of agents is an abstruse matter. There is very little agreement, either within moral theory or within moral intuition about the *shape* of the duty of beneficence. And in the face of this lack of consensus many simply reject the duty, and others who believe in its merit theoretically choose inaction over acting under a cloud of uncertainty. What is needed is a ‘principle of beneficence’ – a

principle which tells us how to translate the abstract 'duty' to promote the good, into practical dictates for action.

The need for a principle of beneficence is of much more than merely detached intellectual interest. In fact, it could not be more pressing from a practical point of view – it is among the most important issues for anyone interested in living an ethical life. The reason for this is the sheer exigency of the need which the duty of beneficence asks agents to address. Immediate action is required, lives are literally on the line, and every second spent in abstract contemplation of the issues at hand is a second not devoted to beneficent ends. This is no small point, and I would like to devote a little more focused attention to it here in order to convey just how *practically* important determining the shape of the principle of beneficence actually is.¹

The particular example of exigent need in the world that I would like to focus on throughout this discussion is that of international famine and suffering. However, the theoretical points which I will make about the shape of the principle of beneficence apply equally, irrespective of the particular example of need that we are thinking about.

So just how bad is international famine and suffering, most of which takes place in the underdeveloped nations of the world?² Take a current example to begin. As I write, both

¹ I think it is patently clear why this is no small point – the issue of beneficence presents us with a situation which demands our immediate attention, and the stakes are as high as they could be. However, there is a less obvious reason why conveying a vivid picture of the exigency of need in the world is so important – it will turn out (after much discussion) that doing so is in fact required by the duty of beneficence.

² The term 'third world' is commonly used to refer to underdeveloped nations. It was coined by the French demographer Alfred Sauvy in 1952. See Srinivas R. Melkote and Allen H. Merriam, 'The Third World: Definitions and New Perspectives on Development', *The New Third World*, 2nd edition, ed. Alfonso Gonzalez and Jim Norwine, (Westview Press 1998): 9-10. However, there is little agreement as to the proper usage of the term. See John Cole, *Development and Underdevelopment: A Profile of the Third World* (Methuen & Co. 1987), 5. Also commonly utilized is the term 'developing nations'. This term seems inappropriate for two reasons. The most affluent nations of the world are still developing, and some of the poorest might not be developing at all. See Srinivas R. Melkote and Allen H. Merriam, 'The Third World: Definitions and New Perspectives on Development', *The New Third World*, 2nd edition, ed.

Ethiopia and Eritrea are caught in the grasp of famine, placing the lives of up to 16 million people in danger.³ Unfortunately this situation is far from unique. In 1999, 1.2 billion people in our world barely survived on less than US\$1 per day.⁴ Nearly 11 million children die every year before their fifth birthdays from preventable illnesses (illnesses which cost very little to prevent or cure) – that equates to around 30000 per day.⁵ At least 300 million people develop acute cases of malaria every year (90% of those people live in Sub-Saharan Africa). Treating a case of malaria with a 75% chance of success costs just \$2.50.⁶ 48% of people in the world's underdeveloped nations lack access to adequate sanitation.⁷ And 17% of all people living in underdeveloped nations are malnourished (specifically, undernourished) – that figure is 34% in Sub-Saharan Africa.⁸ Malnutrition is particularly virulent for children –

Alfonso Gonzalez and Jim Norwine, 10-11. I will use the term 'underdeveloped' nations as it captures what we are really talking about – nations that are insufficiently developed in order to engender an acceptable level of well-being for citizens. Of course the decision about which term to employ is inconsequential from a moral or theoretical point of view.

Underdeveloped nations share certain common characteristics – poverty, poor health, low levels of education, etc. A good way to determine what a complete list of these characteristics includes is to look at the UN Development Program (UNDP) 'Millennium Development Goals' (goals to be reached by underdeveloped nations, with the help of the UNDP, by 2015). The UNDP seeks improvement in the following categories: the eradication of poverty and hunger, the achievement of universal primary education, the promotion of gender equality, the reduction of child mortality, the improvement of maternal health, the reduction of pernicious disease, the fostering of economic and environmental sustainability and strength. See United Nations Development Programme, *Human Development Report 2002: Deepening Democracy in a Fragmented World* (Oxford University Press 2002), 16-33.

³ CARE International, *Policy Brief: The Drought Affecting the Horn of Africa 2002/2003*. Retrieved from <<http://care.ca/info/publ/EthiopiaEritreaPolicyBrief2003.pdf>> July 2003.

⁴ United Nations Development Programme, *Human Development Report 2002: Deepening Democracy in a Fragmented World*, 17-18.

⁵ United Nations Development Programme, *Human Development Report 2002: Deepening Democracy in a Fragmented World*, 11.

⁶ United Nations Development Programme, *Human Development Report 2002: Deepening Democracy in a Fragmented World*, 28.

⁷ United Nations Development Programme, *Human Development Report 2002: Deepening Democracy in a Fragmented World*, Indicator Table 6, 169.

⁸ United Nations Development Programme, *Human Development Report 2002: Deepening Democracy in a Fragmented World*, Indicator Table 7, 173.

it is the dominant cause of infant and child death in the world.⁹ These statistics are quite plainly horrific, and paint only part of the picture of suffering. The situation appears even more drastic when we consider other issues such as maternal death rates, diseases such as HIV, or the dearth of education, literacy, or civil rights in underdeveloped nations.¹⁰

A more focused look at the situation can also be instructive. Compare a nation where suffering (material suffering) is pervasive – Sierra Leone – with one where suffering is relatively uncommon – Canada.¹¹ In Sierra Leone in 2000, the life expectancy at birth was 38.9 years. At the same time in Canada, it was 78.8 years.¹² In Sierra Leone in 2000, the under-5 child mortality rate (per 1000 live births) was 316; in Canada it was 6.¹³ And in the same year, while just 28% of the Sierra Leone population had access to sanitation facilities, every individual living in Canada enjoyed such access.¹⁴ A similar picture emerges from a broader regional perspective. The 1990s saw the number of people living in acute poverty in Sub-Saharan Africa increase from 242 million to 300 million.¹⁵ Meanwhile in high-income areas (including but not limited to the United Kingdom, the United States, Australia and Canada) most people live in relative luxury, enjoying the satisfaction of most of their material

⁹ Robert Berkow (ed.), *The Merck Manual of Diagnosis and Therapy*, 16th Edition (Merck & Co. Inc. 1992), 317.

¹⁰ See United Nations Development Programme, *Human Development Report 2002: Deepening Democracy in a Fragmented World*, for details of these issues.

¹¹ Canada is ranked 3rd in terms of human development, and Sierra Leone 173rd (and last) according to the United Nations Development Programme. See United Nations Development Programme, *Human Development Report 2002: Deepening Democracy in a Fragmented World*, Indicator Table 1, 149-152.

¹² Ibid.

¹³ United Nations Development Programme, *Human Development Report 2002: Deepening Democracy in a Fragmented World*, Indicator Table 8, 174-177.

¹⁴ United Nations Development Programme, *Human Development Report 2002: Deepening Democracy in a Fragmented World*, Indicator Table 6, 166-169.

¹⁵ United Nations Development Programme, *Human Development Report 2002: Deepening Democracy in a Fragmented World*, 10.

needs.¹⁶ Evidently, while some of the world's population suffers under the extreme hardships of unrelenting poverty, an affluent segment escapes almost entirely.

Simple statistics seem to portray very human issues in rather de-humanized ways. To fully grasp the acuteness of the situation being faced in underdeveloped nations, we must delve past the statistics and attempt to gain an understanding of the nature of the suffering itself. What does it really mean to live in poverty? What are the exact ways in which malnutrition impacts the human body? How does life-threatening dehydration feel? Malnutrition and dehydration (linked to diarrhoea) are only two examples of the immediate causes of suffering in the underdeveloped nations (two of the more prominent examples though). But a brief qualitative description of each serves well to explicate more broadly the human aspect of suffering in underdeveloped nations.

As noted earlier, malnutrition impacts a significant proportion of the populations of underdeveloped nations, particularly in Sub-Saharan African nations. Severe malnutrition results in extreme weight loss; drastic impairment of immune function follows, leaving the victim dangerously susceptible to infection. And now the victim is caught in a self-perpetuating cycle, as infection increases metabolic requirements while decreasing appetite.¹⁷

The starving individual is emaciated. Bones protrude through skin that has become thin, dry, and pale. Reduced respiratory rate, abnormalities in reflexes, and muscle destruction inhibit the victim's ability to work.¹⁸ In adolescents the onset of puberty is inhibited. For adults, a marked loss of libido occurs. The victim quickly becomes highly apathetic even to a

¹⁶ Refer to United Nations Development Programme, *Human Development Report 2002: Deepening Democracy in a Fragmented World*, especially 'Human Development Indicators', 140-251.

¹⁷ Robert Berkow (ed.), *The Merck Manual of Diagnosis and Therapy 16th Edition*, 317-318.

¹⁸ Robert Berkow (ed.), *The Merck Manual of Diagnosis and Therapy 16th Edition*, 955 and J.P.W. Rivers, 'The Nutritional Biology of Famine', 79, in G.A. Harrison (ed.), *Famine* (Oxford University Press, 1988): 57-106.

point at which the maintenance of normal personality and social relationships becomes impossible.¹⁹ If the victim has access to drinking water, death will come in about 12 weeks. If not, dehydration sets in (see below for description) and death occurs within a few days.²⁰ For children who receive treatment early enough, survival is possible, though inhibited cognitive and motor development (plus diminutive stature) is likely to occur in the long-term.²¹

Somewhere in the vicinity of 4 billion cases of diarrhoea occur each year; 2.2 million deaths result; diarrhoeal deaths account for around 15% of all child deaths in underdeveloped nations.²² Most diarrhoeal deaths (60-70%) are directly caused by dehydration.²³ Dehydration leaves the individual apathetic with loose and inelastic skin and oliguria (decrease in urine excretion). If severe, dehydration results in the constriction of blood vessels, high pulse rate, low blood-pressure and oligemic shock (resulting from the diminishment of the victim's aggregate level of blood).²⁴ As already noted, death from dehydration takes only a few days to occur.

And yet, the treatment of dehydration (and hence the treatment of the most dangerous consequence of diarrhoeal disease) is relatively easy and inexpensive. Oral rehydration therapy (ORT) involves administering a combination of water, sodium chloride, potassium

¹⁹ J.P.W. Rivers, 'The Nutritional Biology of Famine', 79-80, in G.A. Harrison (ed.), *Famine*.

²⁰ J.P.W. Rivers, 'The Nutritional Biology of Famine', 62-63, in G.A. Harrison (ed.), *Famine*.

²¹ Lindsay H. Allen and Stuart R. Gillespie (United Nations Administrative Committee on Coordination/Sub-Committee on Nutrition), *What Works? A Review of the Efficacy and Effectiveness of Nutrition Interventions* (Asian Development Bank with the United Nations Administrative Committee on Coordination/Sub-Committee on Nutrition, 2001), 27.

²² United Nations Development Programme, *Human Development Report 2002: Deepening Democracy in a Fragmented World*, 29.

²³ World Health Organization/UNICEF, *The Management of Diarrhoea and Use of Oral Rehydration Therapy, 2nd Edition* (World Health Organization, Geneva, 1985), 6.

²⁴ J.P.W. Rivers, 'The Nutritional Biology of Famine', 63, in G.A. Harrison (ed.), *Famine*.

chloride, glucose and either trisodium citrate or sodium bicarbonate, by mouth in order to prevent or address dehydration that flows from diarrhoea.²⁵ ORT can be used with a high probability of success in 90-95% of cases of acute diarrhoea.²⁶ A single treatment of ORT costs less than 50 cents – as little as 8 cents on some estimates.²⁷ Despite this, ORT is supplied in only 25% of cases.²⁸ Clearly far more could be done to easily prevent painful diarrhoeal deaths in the underdeveloped world.

While attempts in recent decades to attenuate suffering in the underdeveloped nations of the world have been somewhat successful, much more needs to be done.²⁹ Some areas of the world are seeing no (or very little) progress while others are actually slipping even further into poverty. Even in nations where living standards have been significantly raised in recent decades, there still exists considerable, needless suffering. In fact, at the current rate of improvement, it would take over 130 years to eradicate suffering flowing from hunger.³⁰ And the lack of progress is concentrated in certain areas – Sub-Saharan Africa in particular.³¹

²⁵ World Health Organization/UNICEF, *The Management of Diarrhoea and Use of Oral Rehydration Therapy*, 2nd Edition, 5.

²⁶ World Health Organization/UNICEF, *The Management of Diarrhoea and Use of Oral Rehydration Therapy*, 2nd Edition, 15.

²⁷ World Health Organization/UNICEF, *The Management of Diarrhoea and Use of Oral Rehydration Therapy*, 2nd Edition, 15, and United States Agency for International Development, *Global Health: Diarrhoeal Disease Control (CDD) Programs*, retrieved from <http://www.usaid.gov/pop_health/cs/csddc.htm> July 2003.

²⁸ United Nations Children's Fund, *The State of the World's Children 2003* (United Nations Children Fund, 2002), Table 3, 95.

²⁹ United Nations Development Programme, *Human Development Report 2002: Deepening Democracy in a Fragmented World*, especially Figure 1.6, 18; Table A1.3, 46-49.

³⁰ United Nations Development Programme, *Human Development Report 2002: Deepening Democracy in a Fragmented World*, 11.

³¹ United Nations Development Programme, *Human Development Report 2002: Deepening Democracy in a Fragmented World*, 10-11, 17-18, 26.

However, rather than viewing the limited success of beneficence directed at underdeveloped nations in an overly negative light, we should take encouragement from the fact that these efforts have materialized into real attenuations of suffering. For instance, during the final three decades of the 20th century, the mortality rate for children under 5 years of age dropped from 96 to 56 (per 1000 live births).³² The facts then, show us both that there is incredible suffering and need for beneficence, and that such suffering can be conquered. It is my claim here that affluent moral agents in the world today have a *duty* to conquer it.

II. Beneficence and Well-Being

At this early point the borders of my discussion must be clarified. What exactly is meant by ‘beneficence’? The term may mean slightly different things to different people. I said earlier that it refers to the promotion of good. And indeed it is often used in this manner in philosophical literature. However, in following Liam B. Murphy (whose work figures large in my arguments), I use the term ‘beneficence’ to refer to the promotion of well-being, of what it is that makes the existence of an individual valuable in that individual’s eyes.³³ The promotion of ‘good’ may, depending on how we define the relevant terms, include more things than the promotion of well-being. ‘Well-being’ typically refers to the state of a person’s existence – whether s/he is happy, pleased, satisfied, etc. Promoting someone’s good may involve more than promoting his or her well-being if we believe that particular

³² United Nations Development Programme, *Human Development Report 2002: Deepening Democracy in a Fragmented World*, 11.

³³ See Liam B. Murphy, *Moral Demands in Nonideal Theory* (henceforth *Moral Demands*), (Oxford University Press 2000), 3.

'goods' do not strictly reduce to well-being (friendship might be one example). While there is a certain amount of plausibility to this type of claim, it will not affect the current discussion.

There are of course various accounts of well-being which might be offered.³⁴ Different principles of beneficence might be accompanied by differing accounts of well-being. Or they might turn out to place emphasis on different aspects of well-being. Two things seem likely however. First, any plausible account of well-being will include, as factors which contribute to, or constitute well-being, basic concerns of life and death – the need to be well-fed and nourished, to have access to health care, to be sheltered from the harsh elements of nature. Second, any plausible principle of beneficence is likely to hold these aspects of well-being as more important than other aspects which are focused more on happiness, rather than on survival. Though I will discuss these claims further during my exposition of different principles of beneficence, the basic tack of the argument is as follows: until those needs which are required for mere survival have been met, people cannot even begin to entertain higher level happiness – friendship, the pursuit of personal projects (writing poetry perhaps, or climbing Mount Everest). It would be absurd for a principle of beneficence to require agents to promote higher level aspects of well-being before (or even simultaneously with) the promotion of more basic aspects of well-being. Satisfaction of a person's basic needs is a precondition of the very possibility of that person's pursuit of further dimensions of well-being.

'Suffering' is loosely defined as an acute deficiency in well-being. It is true that an avid art collector's well-being could be increased should she be able to purchase a priceless 14th Century painting. However, we hardly want to refer to this kind of deficiency in well-being

³⁴ Murphy, *Moral Demands*, 13-14, 17-18. See also James Griffin, *Well-Being: Its Meaning, Measurement and Moral Importance*, (Oxford University Press, 1986), especially part 1.

as ‘suffering’. Rather, that term should be reserved for those deficiencies in well-being which are inimical to leading any kind of good life at all. An individual who lacks access to safe drinking water (for instance) suffers – he has an acute deficiency in his well-being which is recognizable on any account of what the good life is.

The principles of beneficence which I am interested in discussing here are impartial, at least to a degree – we must consider the well-being of others and of ourselves.³⁵ An interesting question that I will not discuss is whether or not those others include non-human animals. If so (and it seems plausible to think that the well-being of creatures other than humans – perhaps non-human sentient creatures, or non-human rational creatures – should be counted on a principle of beneficence), this may impact principles of beneficence from the point of view of application, but not structure.

Finally, it should be noted that though the issue of the shape of the duty of beneficence is discussed frequently in the relevant literature, it is not always done so under the rubric of ‘beneficence’. Peter Unger for instance talks about a ‘decent principle of aiding’, and Peter Singer uses the phrase ‘obligation to assist’.³⁶ Other terms which may be found substituting for ‘beneficence’ include ‘mutual aid’, ‘help’, or ‘benevolence’.³⁷

³⁵ An impartial principle prohibits me from giving special preference to my own interests or the interests of those close to me.

³⁶ Peter Unger, *Living High and Letting Die: Our Illusion of Innocence*, (Oxford University Press, 1996), (hereafter *Living High and Letting Die*), 143; Peter Singer, *Practical Ethics*, 2nd Edition, (Cambridge University Press, 1993), 229.

³⁷ Regarding the semantic difference between ‘benevolence’ and ‘beneficence’ I find Kant to be instructive. Benevolence, he tells us, is constituted by well-wishing and satisfaction in the happiness of others, while beneficence is a maxim to make the happiness of others one’s own end (and of course this requires action, from time to time at least). See Immanuel Kant, ‘The Metaphysics of Morals’ (henceforth *MM*), 452, *The Cambridge Edition of the Works of Immanuel Kant: Practical Philosophy*, ed. Mary J. Gregor, (Cambridge University Press, 1996), 571.

III. Other Duties of Assistance

It should be noted that my focus here is on the duty of beneficence construed as the duty to promote well-being quite separately from any issues of justice or recompense. This is not to deny that such issues will be quite likely be relevant in many of the discussions in which the duty of beneficence arises. Take my prime example of need for beneficence – suffering in the underdeveloped nations of the world. If we are looking to solve the problem of such suffering, then we will certainly want to think about issues of justice, responsibility and blame. If part of the reason that so many suffer in underdeveloped nations is to be found in the irresponsible or immoral actions of affluent agents or institutions, then we will have to think about what justice requires. Though I take such issues to be of great importance, I will not discuss them here. The guiding intuition of this thesis is that something is owed over and beyond, and even where nothing is demanded by justice. My interest is in beneficence *per se*.

IV. A Pervasive Question

The question of the shape of the duty of beneficence (of finding a plausible principle of beneficence) is a major concern for a broad range of ethical theories and ethical theorists. Some principle of beneficence is likely to form a part of any plausible moral theory. A simple, maximizing principle of beneficence constitutes the whole of the utilitarian theory; social contract theorists are likely to accept some limited duty of beneficence which accords

with the possibility of mutual advantage;³⁸ and Kantians too, on the basis of their fundamental respect for rational agency, will agree that moral agents are subject to some formulation of the duty of beneficence. Or of course, we might uphold a pluralist conception of morality which includes among its components, some principle of beneficence.³⁹ In fact, any supporter of a pluralistic conception of morality would surely have to include a principle of beneficence in his or her overall vision of ethics, for a moral view which disregarded the value of well-being (viewed at least to some degree impartially) would be a disconcertingly counter-intuitive one. It is outside my current purview to *fully* substantiate all of these claims. I will however substantiate what I take to be the most important of them.

To that end, I will now investigate the shape of, and justification for a Kantian principle of beneficence, and a consequentialist principle of beneficence. This will demonstrate that the questions of structure surrounding the duty of beneficence tend towards being pervasive, and it will provide a nice launching point for my larger discussion concerning which (if any) principle of beneficence is acceptable. I choose the consequentialist and Kantian options for the principle of beneficence since they are the most prominent options available. I will begin with the more difficult and complex task – the derivation and delineation of the Kantian principle of beneficence. It is important to remember that though Kantians reject consequentialism, they do not reject the importance of consequences in making moral judgments.

³⁸ Though the principle of beneficence that might be generated from a Hobbesian contractarian view will likely be much more limited in scope than one grounded in contemporary contractualism.

³⁹ See Murphy, *Moral Demands*, 10.

IV.1 Kantian Principle of Beneficence

My discussion of Kantian ethics is grounded both in primary texts (in particular the *Groundwork of the Metaphysics of Morals*, and the *Metaphysics of Morals*) and in secondary texts.⁴⁰ I will present only those elements of Kantian ethics needed to provide the requisite background against which to paint the picture of the Kantian principle of beneficence (hereafter ‘KPB’). It should be noted that consensus concerning the proper interpretation of Kant’s own articulation of his ethical system is limited.⁴¹ For that reason I will delineate two distinct forms of the KPB – a weak and a strong version.

The Categorical Imperative

The Kantian criterion of rightness is the Categorical Imperative (CI) – the supreme principle of morality⁴². It is the only imperative which is binding on all rational agents. The

⁴⁰ Kant’s works are taken from *The Cambridge Edition of the Works of Immanuel Kant: Practical Philosophy*. Secondary texts utilized are: Marcia Baron, *Kantian Ethics Almost Without Apology*, (Cornell University Press, 1995); Thomas E. Hill, Jr., *Dignity and Practical Reason in Kant’s Moral Theory*, (Cornell University Press, 1992); Christine Korsgaard, *Creating the Kingdom of Ends*, (Cambridge University Press, 1996); Onora O’Neill, *Acting on Principle: An Essay on Kantian Ethics*, (Columbia University Press, 1975), *Constructions of Reason: Explorations of Kant’s Practical Philosophy*, (Cambridge University Press, 1989), and *Faces of Hunger: An Essay on Poverty, Justice and Development*, (Allen & Unwin Publishers, 1986), chaps. 7 and 8.

⁴¹ For instance, debate over Kant’s categories of duty rages in contemporary moral philosophy – due in large part to a lack of clarity and at times consistency in Kant’s original writings. For discussion of this lack of clarity and attempts to reconstruct the major strains of Kant’s ethical thought in a consistent manner, see Baron, *Kantian Ethics Almost Without Apology*, 98; Hill, Jr., *Dignity and Practical Reason in Kant’s Moral Theory*, chap. 8 ‘Kant on Imperfect Duty and Supererogation’; Korsgaard, *Creating the Kingdom of Ends*, 44, 186 n.25; O’Neill, *Acting on Principle*, 44.

⁴² The Categorical Imperative commands unconditionally, irrespective of the particular purposes or desires of the agent, and hence is binding on all rational agents. It serves as a fundamental tool for moral evaluation – primarily for maxims of duty and secondarily for actions. Though Kant provides three seemingly distinct formulations of the Categorical Imperative he maintains that each is simply a different way of representing one and the same law (for there can be only one *categorical* imperative). See Kant, ‘Groundwork of the Metaphysics of Morals’ (henceforth *G*), 417, *The Cambridge Edition of the Works of Immanuel Kant: Practical Philosophy*, 69; Samuel Kerstein, *Kant’s Search for the Supreme Principle of Morality*, (Cambridge University Press, 2002), 1-4,; Onora O’Neill, *Acting on Principle*, 43; Roger Sullivan, *Immanuel Kant’s Moral Theory*, (Cambridge University Press, 1989), 49-50, 149.

CI can tell us what is morally outlawed, what is morally required, and what is morally permissible.⁴³ Kant expresses the CI in three formulations – of universal law, of humanity, and of the kingdom of ends.⁴⁴ He tells us in the *Groundwork of the Metaphysics of Morals* to utilize the formula of universal law in actual decision making.⁴⁵ But he seems to have changed his mind in the *Metaphysics of Morals* where it is primarily the formula of humanity that is relied upon to apply the moral law.⁴⁶ In deriving the KPB I will focus on the first two formulations since they are most commonly utilized.

The formula of universal law reads: ‘act only in accordance with that maxim through which you can at the same time will that it become a universal law’.⁴⁷ We must not act on any maxims which result in contradiction upon willing them as universal laws since to do so would be to make an exception of ourselves. There are two species of contradiction according to Kant: contradiction in conception where the maxim cannot be conceived of as a universal law, and contradiction in will where though the maxim can be conceived of as a universal law, it cannot be rationally willed because doing so would be inimical to the general functioning of the will (there is a contradiction between the fact that one is a willing creature

⁴³ Kant, *MM* 221, *The Cambridge Edition of the Works of Immanuel Kant: Practical Philosophy*, 376.

⁴⁴ See Kant, *G* 421 (formula of universal law), 429 (formula of humanity), 436 and 438 (formula of kingdom of ends – on 438 Kant says, ‘...every rational being must act as if he were by his maxims at all times a lawgiving member of the universal kingdom of ends.’) *The Cambridge Edition of the Works of Immanuel Kant: Practical Philosophy*, 73, 80, 86 and 87.

⁴⁵ Korsgaard, *Creating the Kingdom of Ends*, 106.

⁴⁶ Allen W. Wood, *Kant’s Ethical Thought* (Cambridge University Press, 1999), 110 and 139-140. Wood also explicitly argues *against* the usefulness of the formula of universal law. He takes it to be the first and least adequate expression of the categorical imperative, and one which should not be relied upon to teach us about Kant’s ethics. See Wood, *Kant’s Ethical Thought*, chap. 3.

⁴⁷ Kant, *G* 421, *The Cambridge Edition of the Works of Immanuel Kant: Practical Philosophy*, 73. A ‘maxim’ is simply the principle that an agent gives to him/herself for action. See Korsgaard, *Creating the Kingdom of Ends*, 13.

with all that entails, and the universalized maxim).⁴⁸ To place a maxim under moral scrutiny is to subject it to the universalization test. Maxims turn out to be permissible, required, or prohibited.

The formula of humanity states: ‘So act that you use humanity, whether in your own person or in the person of any other, always at the same time as an end, never merely as a means.’⁴⁹ Primarily this requires agents to avoid treating others as ‘mere means’ (I use another as a mere means when I involve them in a scheme to which they could not agree).⁵⁰ Any maxim which involves treating humanity (in another or in oneself) as a mere means will also result in a contradiction of conception under the formula of universal law.⁵¹ However the formula of humanity also tells us that from time to time, merely avoiding acting on maxims which conflict with humanity as an end in itself is insufficient. After all, complete indifference to another rational being *could* result in unintentional compliance with the prohibition against treating others as mere means.⁵² To truly treat humanity as intrinsically valuable we must sometimes take on the ends of others as our own. We should on occasion act on maxims which ‘harmonize’ with humanity as an end in itself.⁵³ Maxims which fail to do this result in a contradiction of will under the formula of universal law.

⁴⁸ Korsgaard, *Creating the Kingdom of Ends*, 14-16.

⁴⁹ Kant, G 429, *The Cambridge Edition of the Works of Immanuel Kant: Practical Philosophy*, 80.

⁵⁰ Korsgaard, *Creating the Kingdom of Ends*, 138-139; O’Neill, *Constructions of Reason*, 138.

⁵¹ Korsgaard, *Creating the Kingdom of Ends*, 125.

⁵² Sullivan, *Immanuel Kant’s Moral Theory*, 194. All too often however, indifference results not in unintentional compliance with moral law, but with unwitting contravention of it.

⁵³ Kant, G 430, *The Cambridge Edition of the Works of Immanuel Kant: Practical Philosophy*, 81; Korsgaard, *Creating the Kingdom of Ends*, 125.

It is commonly thought that the underlying motivation for Kantian ethics in general and hence for the formulations of the categorical imperative is a basic respect for rational agency.⁵⁴ Rational agency is the ability to set ends for oneself based on reason rather than on instinct and to pursue and work toward the actualization of those ends.⁵⁵ In this light we should try to understand Kantian ethics.

Classes of Duty

Not all moral duties are equal on the Kantian account and this fact is represented by the variety of different categories of, and divisions between moral duties in Kant's writings – duties of right vs. duties of virtue; duties to self vs. duties to others; strict vs. broad; narrow vs. wide; etc. Kant was not especially clear in his articulation of these divisions, and attempts to interpret them have met with only modest levels of consensus. For ease of exposition we can use the perfect vs. imperfect distinction to bring out the major distinguishing features between various Kantian duties.⁵⁶ What marks a perfect duty is that it (1) requires definite acts or omissions, and (2) leaves no room for latitude in application.⁵⁷ An imperfect duty on the other hand (1) requires the adoption of certain maxims for action rather than the performance (or omission) of certain acts (requires us to set certain ends), and (2) leaves

⁵⁴ For instance, see Wood, *Kant's Ethical Thought*; Hill, *Dignity and Practical Reason in Kant's Moral Theory*, 140; and Korsgaard, *Creating the Kingdom of Ends*, 363.

⁵⁵ Korsgaard, *Creating the Kingdom of Ends*, 114.

⁵⁶ For Kant on his own categories of duty see *MM* 389-390, 392, 411, 446, *The Cambridge Edition of the Works of Immanuel Kant: Practical Philosophy*, 520-521, 522-523, 538, 566. Note of course that my own 'Kantian' parlance is simplified and hence will not align perfectly with Kant's original language.

⁵⁷ Strictly this is not completely accurate. Hill notes that even perfect (or 'narrow') duties do allow latitude – of a different sort to that allowed by imperfect duties. See *Dignity and Practical Reason in Kant's Moral Theory*, chap. 8 (especially 155-157) and Baron, *Kantian Ethics Almost Without Apology*, 29-30.

varying degrees of space for latitude (playroom).⁵⁸ Perfect duties are derived from the contradiction in conception test, while imperfect duties are derived from the contradiction in will test.⁵⁹ Kant denied the possibility of genuine conflict between duties – in the fulfillment of imperfect duties, agents must never contravene any perfect duty.⁶⁰ There may be a *prima facie* conflict, but there is no actual conflict in what is required of agents. Where there appears to be conflict between duties (perfect or imperfect) one must simply look to the stronger ‘ground of obligation’ (to which duty is more important) in order to determine which duty is genuinely required.⁶¹

This is all relatively clear with one exception – the notion of ‘latitude’ on which one of the major differences between perfect and imperfect duties hinges. I will return to Kantian latitude once I have the KPB in hand as an example to assist in exposition and analysis.

Other Kantian Duties of Assistance

Before deriving the KPB, I should note that there exist Kantian duties other than the duty of beneficence which are relevant in a complete discussion of helping others. This is the analogue of the point made in section III of this chapter in which I noted more generally that duties other than beneficence might be relevant to issues of suffering. For the Kantian, the suffering that is prevalent particularly in the underdeveloped nations of the world might

⁵⁸ Kant used the term ‘playroom’ to describe the latitude allowed by imperfect duties: *MM* 390, *The Cambridge Edition of the Works of Immanuel Kant: Practical Philosophy*, 521.

⁵⁹ Kant, *G* 424, *The Cambridge Edition of the Works of Immanuel Kant: Practical Philosophy*, 75. There is a complication here. Some imperfect duties ‘may require specific acts and omissions as means to obligatory ends’ (O’Neill, *Acting on Principle*, 47). See O’Neill, *Acting on Principle*, chap. 4 for further discussion.

⁶⁰ Hill, *Dignity and Practical Reason in Kant’s Moral Theory*, 149; Korsgaard, *Creating the Kingdom of Ends*, 145.

⁶¹ Kant, *MM* 224, *The Cambridge Edition of the Works of Immanuel Kant: Practical Philosophy*, 378-379; O’Neill, *Acting on Principle*, 132-137.

engender consideration not just of the duty of beneficence but also of duties of non-coercion and non-deception.⁶² What these perfect duties require is often mistakenly thought to be a matter of beneficence.⁶³ Because Kantian duties of non-coercion and non-deception are so interweaved in various ways with beneficence and because non-deception and non-coercion will be relevant to a complete discussion of international suffering, they are certainly important to bear in mind. However, they are not my focus here. My focus here is on beneficence – the duty to promote well-being *per se*, not because of some prior actions

⁶² Kant, *G* 422 (formula of universal law), 429-30 (formula of humanity), *The Cambridge Edition of the Works of Immanuel Kant: Practical Philosophy*, 74, 80; O'Neill, *Acting on Principle*, 78; O'Neill, *Constructions of Reason*, 96; and O'Neill, *Faces of Hunger*, 139. Maxims of both deception and coercion yield contradictions in conception on the formula of universal law test. Ubiquitous deception destroys all trust in communication thereby eliminating the possibility of deception (which presupposes that s/he who is deceived has faith in the veracity of communication in general, and of the deceptive claim in particular). Successful coercion too, depends on its being selective (see O'Neill *Constructions of Reason*, 96). Hence, we have perfect duties to avoid acting on maxims of coercion or deception. The formula of humanity yields the same results (O'Neill, *Constructions of Reason*, 113; Korsgaard, *Creating the Kingdom of Ends*, 140 – 'According to the Formula of Humanity, coercion and deception are the most fundamental forms of wrongdoing to others – the roots of all evil.') When I act on a maxim of coercion or deception I involve another human in a scheme to which s/he could not consent. In the case of a maxim of deception, the victim of my deceit cannot agree to my maxim since s/he must know nothing of it in order for the deceit to be successful. One cannot agree to an unknown. Hence, I use the victim of my deceit as a 'mere means'. Similarly, when I act on a maxim of coercion, my victim cannot consent since I have denied them the choice to consent or not. One cannot *consent* under *force*. Both maxims of deception and of coercion involve using another as a mere means – ergo both contravene perfect duty.

Modern economic and political projects are broadly cooperative in the sense that they involve people far beyond our present scope of awareness. In any cooperative project, if we hope to avoid acting on maxims of coercion or deception we must at a minimum ensure that everyone involved in the project is in a position to make *choices* (Korsgaard, *Creating the Kingdom of Ends*, 140). This requires that everyone enjoys the satisfaction of their basic material needs. Starving individuals are characteristically vulnerable to coercion and deception.

Further, duties of non-coercion and non-deception obligate us to seek institutional reform. O'Neill writes: 'the present international economic order is patently an institutional structure whose normal operation does not eliminate coercion or deception, but often institutionalizes them.' (O'Neill, *Faces of Hunger*, 145). Since duties to avoid various maxims may well require positive action (O'Neill, *Faces of Hunger*, 136; *Acting on Principle*, 54) and since escape from the dominant economic and political order seems somewhat untenable, the only solution is to make serious and significant attempts to create a new order grounded in justice.

⁶³ Baron, *Kantian Ethics Almost Without Apology*, 39. See also Kant, *MM* 454: 'Having the resources to practice such beneficence as depends on the goods of fortune is, for the most part, a result of certain human beings being favored through the injustice of the government, which introduces an inequality of wealth that makes others need their beneficence. Under such circumstances, does a rich man's help to the needy, on which he so readily prides himself as something meritorious, really deserve to be called beneficence at all?' *The Cambridge Edition of the Works of Immanuel Kant: Practical Philosophy*, 573. O'Neill (*Faces of Hunger*, 151) discusses similar issues with regard to the actions of governments and institutions.

that create a responsibility, nor because doing so is necessary in order to avoid acting deceptively or coercively.

The KPB

The duty of beneficence is defined by Kant as the duty to adopt the ‘maxim of making others’ happiness one’s end’, as a universal law.⁶⁴ Kant introduces it in the *Groundwork of the Metaphysics of Morals* where he derives it from the formula of universal law and the formula of humanity. He further discusses it in the *Metaphysics of Morals* as a duty of virtue owed to others – specifically, as the first of the duties of love.⁶⁵

We first see the KPB derived from the formula of universal law. We must not act on a maxim of non-beneficence (i.e. the maxim to never make the happiness of others one’s own end) since, though it can be conceived of as a universal law, no rational agent can *will* it to be so. Two facts about human beings are required to understand why this is so: first, human beings are limited; secondly, human beings have ends. By the fact that humans have ends we can say that they necessarily will sufficient means to meet those ends and hence that they will to be helped by some others should they find themselves incapable of meeting their ends without assistance.⁶⁶ In willing non-beneficence as a universal law, I contradict my own will

⁶⁴ Kant, *MM* 452, *The Cambridge Edition of the Works of Immanuel Kant: Practical Philosophy*, 571. A ‘maxim’ is simply the principle that an agent gives to him/herself for action. See Korsgaard, *Creating the Kingdom of Ends*, 13.

⁶⁵ Kant, *MM* 452, *The Cambridge Edition of the Works of Immanuel Kant: Practical Philosophy*, 571.

⁶⁶ There are various complications here noted by Barbara Herman in her ‘Mutual Aid and Respect for Persons’, *Ethics* 94 (July, 1984): 577-602. The question is: why do agents will that they will be helped if in need? If the answer is prudential (i.e. if it is because the risk of going without such help is too great) then two problems arise. Firstly, Kant rejects the relevance of prudence in determinations of what morality demands. Secondly, for those who *are* willing to accept the various risks involved in rejecting beneficence, no duty of beneficence will be entailed; and, among those agents who are not willing to accept all of the risks some will accept more than others and hence the duty of beneficence will obligate different agents to different degrees. Herman thinks that we must find a non-prudential way of construing the contradiction in

which rejects non-beneficence.⁶⁷ Ergo, I am morally obligated to act on that maxim which is logically contrary to non-beneficence – to act on the principle ‘one ought sometimes, to some extent, to promote the happiness of others’.⁶⁸ This principle is of course imperfect – this is evident both from its form (‘... sometimes... some extent...’) and from its derivation (contradiction in will).

The formula of humanity requires us to sometimes take on the ends of others as our own. Each rational agent has his or her happiness as an end, and so the formula of humanity requires me to sometimes take on the happiness of others as my own end. Only then do I find harmony between my action and the unconditional value of humanity. We have reached the duty of beneficence again.

Latitude

The KPB takes the following form: ‘one ought sometimes, to some extent, to promote the happiness of others’. This is not much of a guide for action. We require some further understanding of the latitude inherent in Kantian imperfect duties if the KPB is to be practicable. There are clearly far more ways to be beneficent and far more possible and worthy targets of beneficent attention (even if we restricted well-being to only whatever is a prerequisite for autonomous behavior) than any individual agent can engage in. How are

will which arises in the attempt to universalize a maxim of non-beneficence. She does this through noting that there exist certain ends which no one can rationally abandon – those aimed at our ‘true needs’ (586), the conditions of our rational agency. Further, given the dependency of human beings, no one can guarantee in advance that they will be capable of meeting any given end unassisted. Hence, it follows that all rational agents necessarily will that they will be helped should they require assistance in meeting their true needs. Risk assessment plays no role in this strategy since the ends of meeting true needs exist for all – one cannot accept any risk whatsoever that he will have to abandon the end of meeting a true need.

⁶⁷ O’Neill, *Acting on Principle*, 87.

⁶⁸ Hill, *Dignity and Practical Reason in Kant’s Moral Theory*, 151.

Kantian agents to decide what and how much to do? There is a great deal of controversy and lively debate concerning how Kantian latitude should be interpreted.⁶⁹ Imperfect duties require agents to set various ends. The KPB requires agents to set the end of beneficence for themselves. But what is it to set an end? How much and what type of latitude is involved in the setting of an end? I cannot do everything that is logically possible toward meeting my end, but I must do something. The question is how much.

Kant provides us with no clear answers and contemporary commentators seem unable to reach consensus on the matter. There are various interpretive possibilities ranging from highly stringent readings of Kant to more latitudinarian readings. To do justice to the full spectrum of Kantian candidates for the duty of beneficence I will consider both a highly stringent reading of Kant and a highly latitudinarian reading. In other words I will consider both a 'strong KPB' and a 'weak KPB'.

Let me begin with the weak KPB. In essence the weak KPB interprets Kantian latitude as allowing the agent to decide exactly what and how much to do in certain situations toward the promotion of an end of imperfect duty, based on little more than personal preference. It places great weight on Kant's acknowledgement that self-happiness is worthy of moral consideration (though it is not a duty).⁷⁰ We can find significant support for the weak KPB in Thomas E. Hill Jr.'s 'Imperfect Duty and Supererogation'.⁷¹ Hill thinks that we must subdivide latitude into three different types:⁷² 1) 'room for judgment in deciding whether or not a given principle is relevant to a particular situation'; 2) 'freedom to choose various ways of

⁶⁹ Baron, *Kantian Ethics Almost Without Apology*, 82-84, and chap. 3; Hill, *Dignity and Practical Reason in Kant's Moral Theory*, chap. 8.

⁷⁰ Kant, MM 451, *The Cambridge Edition of the Works of Immanuel Kant: Practical Philosophy*, 570.

⁷¹ *Dignity and Practical Reason in Kant's Moral Theory*, 147-175.

⁷² Hill, *Dignity and Practical Reason in Kant's Moral Theory*, 155.

in so far as there is one...'⁷⁶ She finds it to be 'roughly right' though adds some stringency to it.⁷⁷ To adopt the end of beneficence entails that one cannot ever '... regard one's "work" as over.'⁷⁸ Baron however supports the key premises of the weak KPB – that in adopting an end one may decide on any given occasion where that end can be promoted to act or not.⁷⁹

The strong KPB is much more rigoristic in its interpretation of Kantian latitude and in its take on what it means to adopt the end of beneficence. The central idea of the strong KPB is that latitude is limited by circumstance – to truly adopt the end of beneficence is to act beneficently whenever there is need and whenever there is opportunity. Because in the world that we live in, there is always need and almost always opportunity, the strong KPB entails fairly little latitude, at least in Hill's third sense of latitude. However, both the strong KPB and the weak KPB are motivated by the basic Kantian thought that rational agency must be respected. And this fact introduces a limit to what can be required by the strong KPB irrespective of circumstance.

⁷⁶ Baron, *Kantian Ethics Almost Without Apology*, 89.

⁷⁷ Baron, *Kantian Ethics Almost Without Apology*, 6.

⁷⁸ Baron, *Kantian Ethics Almost Without Apology*, 42 and 43.

⁷⁹ Though we can find support for the weak KPB in Baron, her take on Kantian latitude is not particularly clear. She notes that Kant enjoins us to strive to improve morally, and that this makes the duty of beneficence more stringent than Hill seems to suggest (Baron, *Kantian Ethics Almost Without Apology* 100-101). Though one may omit a beneficent act for no good reason he or she may not omit a beneficent act in the face of powerful reasons for performance (e.g. if it is a life and death matter) (101). Baron is unclear however, on how exactly we should take this claim – it does not permit one to ignore particularly salient aspects of a situation. But what count as particularly salient aspects, and how are they to be weighted against self-interest? She also notes that while one may direct the bulk of their beneficence to those close to them (or to some other group of the agent's choosing) they may not *ignore* the needs of everyone else (94). If we must consider the needs of all and if life and death matters demand attention then Baron would seem to have departed completely from Hill's take on latitude – yet she explicitly states that she agrees with most of what Hill has to say on the matter. These complications aside, if we stick to what Baron states explicitly it does seem that she supports the general ideas inherent in the weak KPB.

Barbara Herman champions the strong KPB in her ‘Mutual Aid and Respect for Persons’.⁸⁰ For Herman the Kantian duty of beneficence is a duty of mutual aid regarding the ‘true needs’ of individuals – the conditions of rational agency.⁸¹ The duty of beneficence is a duty to ensure that all other members of the community of mutual aid have their true needs met so that each can pursue other ends. Membership in the community is based on dependency, rationality and the contingent (at least) possibility of mutual provisions of assistance.⁸² So for instance, since suffering innocents in the underdeveloped nations of the world are dependent (they require assistance to satisfy their true needs), rational (they are members of a species that is rational by nature) and contingently capable of providing assistance (if the necessary circumstances for them to provide help obtained, then they could provide help), and since we as affluent agents of the world are not only contingently but actually positioned to provide assistance to them, they are members of our community of mutual aid. Completely invulnerable angels (to take Herman’s own example) on the other hand will not be part of our community of mutual aid since they require no assistance – they are not dependent.⁸³ Whenever a member of the community of mutual aid needs assistance in satisfying a true need, he or she makes a valid claim upon other members of the community. That claim *must* be acknowledged.⁸⁴ But of course it cannot yield an actual duty

⁸⁰ Herman, ‘Mutual Aid and Respect for Persons’, *Ethics* 94 (July, 1984).

⁸¹ Herman, ‘Mutual Aid and Respect for Persons’, *Ethics* 94 (July, 1984), 586, 591-593.

⁸² Herman, ‘Mutual Aid and Respect for Persons’, *Ethics* 94 (July, 1984), 591, 592.

⁸³ Herman, ‘Mutual Aid and Respect for Persons’, *Ethics* 94 (July, 1984), 590-591. More difficult to determine is whether infants and future generations are capable of membership in our community of mutual aid (593).

⁸⁴ Herman, ‘Mutual Aid and Respect for Persons’, *Ethics* 94 (July, 1984), 596-597.

to action in every instance. An individual agent cannot help everyone who needs help. The question is when a claim on an agent's help yields a duty to action.

Obviously, if one never helps they have not truly adopted the end required by the strong KPB. What types of considerations can justify *not* helping in any given case? Herman thinks that the answer can be found in basic idea of Kantian respect for rational agency. 'Thus we may refrain from helping only if such action would place our own rational activity in jeopardy.'⁸⁵ In all instances then in which help can be provided at a cost which does not endanger the agent's rational agency, she must provide that assistance. Of course whether some particular action endangers an individual's rational agency will need to be determined by that individual, and this leaves open the possibility of skewed judgments. Herman thinks though that well-intentioned rational agents will weigh the relevant variables fairly and soundly.⁸⁶

The strong KPB allows latitude in the first and possibly the second of Hill's senses of that notion. The strong KPB leaves room to judge whether or not the principle applies in a given case. And if there are multiple methods of promoting the end of beneficence that are equally efficacious then an agent may have latitude to choose among them. The strong KPB absolutely precludes latitude in Hill's third sense – agents may not choose to act or not as they please.

What are we to make of cumulative hindrances to rational agency and to the 'life activity' of the agent?⁸⁷ Suppose that Augustus happens to pass by, through exceptional circumstances, a pond in which there struggles a drowning child every day or two for six

⁸⁵ Herman, 'Mutual Aid and Respect for Persons', *Ethics* 94 (July, 1984), 597-598.

⁸⁶ Herman, 'Mutual Aid and Respect for Persons', *Ethics* 94 (July, 1984), 598-599.

⁸⁷ Herman, 'Mutual Aid and Respect for Persons', *Ethics* 94 (July, 1984), 598.

months. Each individual sacrifice is small, but when combined they add up to a severe barrier to Augustus' rational activity. Herman thinks that in such a situation, should Augustus happen to pass by yet another drowning child (or should he come across some other situation in which a member of the community of mutual aid requires his help, and that said help entails only a small sacrifice on the part of Augustus) he will be required to save it. The barrier to his rational activity cannot be attributed to any individual case of need, and thus in no individual case is Augustus excused from acting beneficently. Herman calls this a 'moral misfortune' (for Augustus that is).⁸⁸ Hence though the strong KPB limits its demands whenever an agent's rational agency is endangered it makes an exception in cases of cumulative endangerment.⁸⁹

The weak KPB is latitudinarian but comparatively wide in its notion of beneficence – any act which promotes well-being counts as a possible act of beneficence, though of course the weak KPB does not require the performance of any one of these acts (including acts which address the most serious and conspicuous of need).⁹⁰ The strong KPB is rather stringent but comparatively narrow. Any helping action which does not address the true needs of another member of our community of mutual aid does not on this account constitute an action of beneficence proper.⁹¹ Hence, it will turn out that most actions of assistance are not matters of duty. Herman thinks that they may well still have moral content – they are simply not what we are talking about when we are talking about beneficence.

⁸⁸ Herman, 'Mutual Aid and Respect for Persons', *Ethics* 94 (July, 1984), 598.

⁸⁹ We can find support for a key assumption of the strong KPB – that adopting an end can necessitate the performance of specific actions – in Onora O'Neill's *Acting on Principle*, 47.

⁹⁰ Peter Unger uses the term 'conspicuous' to refer to cases that attract attention – the pond is a prime example. See *Living High and Letting Die*, 28-29.

⁹¹ Herman, 'Mutual Aid and Respect for Persons', *Ethics* 94 (July, 1984), 600, 601-602.

IV.2 The Optimizing Principle of Beneficence

The optimizing principle of beneficence (or OPB) is the first consequentialist version of the duty of beneficence which I shall consider here. Depending on one's particular consequentialist leanings, the OPB may turn out to constitute the whole of moral theory with every more specific or fine-tuned moral duty turning out to be derivable from the OPB. Or it may be that the OPB forms only a part of one's (consequentialist or other pluralistic) entire moral theory.⁹² Regardless, the answers it provides to questions about the shape of the duty of beneficence are common ones and worthy of due consideration. Since one of my primary concerns here is to consider the work of Liam Murphy on the duty of beneficence I will ground my exposition of the OPB in his discussion of it in his *Moral Demands in Nonideal Theory*.

The grounding point for consequentialist principles of beneficence, including the OPB, is the maximization of well-being. In Murphy's own words: "The "optimizing principle of beneficence" requires agents always to do the best they can for others. It requires us to keep benefiting others until the point where further efforts would burden us as much as they would help the others."⁹³ Agents must maximize the amount of well-being in the world. The OPB leaves no room for the kind of latitude in the decisions of moral agents that either form of KPB does – within the constraints of epistemic awareness, and logical and physiological possibility, agents are obligated to perform the best available action where 'best' is defined as a function of the promotion of well-being.⁹⁴ When it comes to defining

⁹² Murphy, *Moral Demands*, 10.

⁹³ Murphy, *Moral Demands*, 6.

⁹⁴ While the condition of logical possibility (i.e. the OPB cannot obligate agents to perform that which is logically impossible) is *fairly* clear and uncontroversial (excepting debates over the very concept of possibility), the same cannot be said of the conditions of epistemic awareness and physiological possibility.

this function and thereby determining what exactly the ‘best’ action is however, proponents of the OPB may diverge.

The OPB can accommodate a direct or an indirect decision procedure. Both versions share a common criterion of rightness – namely the promotion (the maximizing promotion) of well-being. However, they differ in regards to the decision procedures which they utilize. In other words they provide agents with different ways to reach the same end. Given that it is generally recognized that the indirect OPB provides a more plausible decision procedure – a more efficient manner of meeting the end of maximizing well-being – I will focus almost exclusively on it in my future discussions, taking it as the strongest available representative of the OPB position.⁹⁵

But what is the distinction? The direct decision procedure approach requires agents to judge in individual cases which action will most increase well-being. An indirect decision procedure allows agents to act on certain rules of thumb or general strategies which, while not maximally well-being increasing in the short term, are the most effective way of promoting well-being in the long-run.⁹⁶ The major consequence of this difference for our purposes here is that the indirect form of the OPB may allow in certain circumstances, more

The condition of epistemic awareness merely states that the OPB cannot require agents to perform any action which they lack knowledge of, or to be aware in their deliberations of facts of which it could not be reasonably expected that the agent would know. But what constitutes a ‘reasonable’ expectation of epistemic awareness in moral agents is difficult to determine. The condition of physiological possibility states that the OPB cannot require agents to transcend physiological possibility (it cannot, for instance, require any action of a moral agent which involves the unassisted lifting of a one ton object). There are two areas in which this condition may become unclear – the first is that physiological possibility is relative to individual agents making determinations of what is and is not possible or highly difficult. Secondly, if we include the human brain and hence psychology under the rubric of ‘physiology’, then certain psychological proclivities may come into play, many of which proponents of the OPB will not want to include as limiting factors to their principle’s requirements. To sum up, drawing the lines of possibility and reasonableness is inherently difficult – nonetheless, such confusions need not stop us from pursuing the OPB further. Its basic structure is relatively uncontroversial and that is all the grounding necessary for an investigation of it.

⁹⁵ Murphy acknowledges the indirect version of the OPB as superior also. See *Moral Demands*, 12.

⁹⁶ Peter Railton, ‘Alienation, Consequentialism, and the Demands of Morality’, *Consequentialism and its Critics*, ed. Samuel Scheffler, (Oxford University Press, 1988): 93-133. See especially 108-121.

room for agents to pursue personal projects. If living a life in which projects are pursued and personal relationships are cultivated results in increasing the well-being promotion productivity of an agent, then it might be that in certain instances, though some directly well-being increasing act 'x' will have the greatest positive impact on overall well-being, some other act 'y' (make 'y' an act which contributes to the pursuit of a personal project) will be allowed by the indirect OPB since it contributes to producing an agent who is capable of the most significant promotions of well-being in the long-run.⁹⁷ The degree of partiality allowed by the indirect OPB will depend on the context.

It can be safely said that in the kind of world in which we live either form of the OPB will require a great deal of agents – probably an immense increase from what the average affluent moral agent currently does in the name of beneficence. Even if we *only* consider the well-being of the world's poorest (materially) people, the OPB will still require an enormous amount – there are lives in imminent danger requiring saving; throngs of individuals require shelter, medical care, clean drinking water; millions of malnourished children desperately need immediate nutritional assistance. To achieve even just these goals, agents discharging the OPB must sacrifice time, money and even important choices about the way they live their lives. If a passionate artist could be a more productive well-being promoter working as a corporate lawyer, then the OPB may require a career change.⁹⁸ Donations of money will obviously be required by the OPB. Some think that (a principle very much like) the OPB requires agents to give until they reach the same level of poverty that those they are helping

⁹⁷ It is not really that 'y' will be recommended by the indirect OPB. Rather it is that act y will flow from a type of decision procedure that *is* recommended by the indirect OPB. Act y itself may in fact be wrong, but its performance in such a case might count as blameless wrongdoing.

⁹⁸ See Murphy, *Moral Demands*, 12.

are at.⁹⁹ But even on the indirect picture of the OPB, financial demands will be highly onerous. Giving up one's leisure time will also follow from the OPB – rather than going to a movie on a Friday night I could spend that time volunteering at the local UNICEF office. And, while the indirect OPB might allow me to go to a movie now and then, I could not possibly justify making a habit of it. The point is that there is so much suffering in the world – so many cases in which well-being not only could be increased, but is quite deficient at its current level – that the OPB must require extraordinary amounts of beneficent effort from suitably positioned agents.

Note that from here on, all references to the OPB should be taken as references to the indirect form of that principle.

V. Principles of Beneficence and Distant Suffering

My discussion has taken a theoretical turn, but it has not left practical matters behind. I have delineated the KPB and the OPB. I would now like to connect that somewhat abstract material with the concrete matters of fact that I raised in section I of this chapter – how do the principles of beneficence thus far considered instruct agents concerning the abject poverty which distant innocents suffer under? It is important at this juncture to connect the theoretical and practical aspects of my discussion for several reasons. The first is that my ultimate aim here is to produce a piece of applied or at least *applicable* ethics. The second, and

⁹⁹ Singer and Unger fall somewhere near this camp. Singer says: ‘...we ought, morally, to be working full time to relieve great suffering...’, ‘Famine, Affluence, and Morality’, in *Reason and Responsibility*, 11th edition, Joel Feinberg and Russ Shafer-Landau (editors), (Wadsworth 2002), 713. He goes on to acknowledge some importance in certain ‘indirect’ considerations (Singer does not use this actual term) but does not seem to afford them much weight. Unger holds a similar view in *Living High and Letting Die: Our Illusion of Innocence* – we must make great sacrifices in the name of beneficence. Personal projects may be considered only in so far as they impact calculations of well-being and thus, they hold fairly little weight (see especially chap. 6 in *Living High and Letting Die*).

related reason, is that a practical example will help to clarify what might otherwise appear to be rather abstruse or opaque theoretical arguments. And finally I would like to suggest and support the idea that, irrespective of one's particular take on beneficence, a duty to assist suffering innocents in the underdeveloped nations of the world is entailed.

I will show in this section that the OPB, the KPB and most plausible principles of beneficence entail a specific duty to assuage the suffering of innocent people in distant lands – in the underdeveloped nations of the world in particular. I will call this duty the 'duty of distant assuagement'.

V.1 Sub-Duties of Beneficence

The duty of beneficence is the duty to promote well-being. We should notice that there are a variety of possible targets of beneficent action and a variety of possible methods of well-being promotion. For instance I might direct my beneficent action toward people in distant lands, or toward people in my own nation; I might direct my beneficent action toward people who are desperately suffering, or I might direct it toward people who simply could be leading better (in terms of well-being) lives. And I might promote the well-being of any one or more of these groups in different ways – through financial sacrifice, or through volunteering my time; through helping to build a house, or helping a friend study.

I will call these specific ways of discharging the duty of beneficence 'sub-duties' of beneficence. So, one sub-duty of beneficence is what I have called the duty of distant assuagement which picks out a particular group in need of beneficent assistance. Another might be the 'duty of proximate assuagement' – the duty to assuage the suffering of those in my own nation. And sub-duties have their own sub-duties – their own particular ways of being discharged. In discharging the duty of distant assuagement (which is a sub-duty of

beneficence) I might send money to underdeveloped nations through a charity organization, or I might volunteer my time to travel to a distant nation and provide hands on assistance.

Note though that there are far more sub-duties of beneficence (and sub-duties of those sub-duties) than any given agent can be expected to perform (from a logical point of view). In any given instance I might be positioned to discharge the duty of distant assuagement and the duty of proximate assuagement but unable to discharge both. Hence we must distinguish between abstract sub-duties of beneficence and all-things-considered sub-duties of beneficence. Abstract sub-duties are simply those specific ways in which to discharge the general duty of beneficence. All-things-considered sub-duties are those abstract sub-duties that are required of an actual agent in actual moral practice. How do we determine which abstract sub-duties become all-things-considered sub-duties? We must look internally to the principle of beneficence that we are dealing with.

Any given principle of beneficence will inherently contain a set of rules that determine which abstract sub-duties of beneficence become all-things-considered sub-duties for particular agents in particular situations. I will call this set of rules the 'sub-duty rules of choice'. Let me explain through reference to a specific example. The OPB requires agents to maximize well-being. Abstractly, this requirement entails many sub-duties including the duty of distant assuagement and the duty of proximate assuagement. But in a given instant in which one has the ability to discharge either the duty of distant assuagement *or* the duty of proximate assuagement, but not both, s/he must choose between them. The sub-duty rules of choice of the OPB are simply the decision procedure of the OPB. The (indirect) OPB tells agents to use that decision procedure that best promotes well-being in the long-run – the sub-duty rules of choice of the OPB tell individual agents that whichever abstract sub-duty (or combination of abstract sub-duties) flows from such a decision procedure (i.e.

whichever sub-duty or group of sub-duties will be performed by an agent using such a decision procedure) is the all-things-considered sub-duty (or combination thereof) for that agent in situations of that type.¹⁰⁰ Parallel processes govern every principle of beneficence – abstractly multiple sub-duties will be entailed, but in given situations only one (or one subset) will be open to discharge. The weak KPB for instance utilizes a broad notion of latitude inherent in imperfect duties to guide the choices of agents. The strong KPB utilizes concepts of true needs, and the optimal promotion of them.

Note that the sub-duty rules of choice for any given principle of beneficence may entail that an agent's all-things-considered duties in any given situation comprise either an individual abstract sub-duty or some combination of abstract sub-duties. Note also that the sub-duty rules of choice for any given principle of beneficence determine not only which abstract sub-duties of that principle become all-things-considered sub-duties but also which abstract sub-duties of beneficence become abstract sub-duties of the principle in question. Consider the following duty – to promote the well-being of well-to-do friends. This is certainly a sub-duty of the duty of beneficence, and it may be an all-things-considered sub-duty of various formulations of the duty of beneficence. But for some principles of beneficence it will not even be an abstract sub-duty. The sub-duty rules of choice of the strong KPB determine that the duty of assistance to well-to-do friends is not even an abstract sub-duty of the principle since it deals with non-acute need and the strong KPB deals only with acute need. The sub-duty rules of choice then tell us not only how to choose from among competing sub-duties but also which sub-duties are in the running.

¹⁰⁰ I will argue in section V.3 that it is frequently the case that the OPB requires in actual practice, the duty of distant assuagement.

V.2 The KPB and Assuagement

Both the strong and the weak forms of the KPB include the assuagement of distant acute need as an act of beneficence. Hence the duty of distant assuagement is an abstract sub-duty of both. The sub-duty rules of choice of the weak KPB are quite simple – whichever sub-duty an agent chooses to pursue becomes an all-things-considered sub-duty. If an agent chooses in a particular instance to pursue no sub-duty at all, then the all-things-considered requirements of the weak KPB in that case will be nonexistent. The only exception to this is in those extraordinary situations where one *must* perform some particular action in order that it can truly be said of that individual that he has adopted the end of beneficence. Such situations are those in which there are no more opportunities for beneficent action or where one has gone too long without *any* beneficent action at all. Even for such a lax set of sub-duty rules of choice the duty of distant assuagement will still be entailed as an all-things-considered sub-duty, at least as often as any other sub-duty will be. The reason is that agent preferences concerning sub-duties of the weak KPB will likely be relatively equally distributed amongst the different abstract sub-duties – where one agent prefers the idea of the duty of distant assuagement, another might prefer the idea of the duty of proximate assuagement. In the end, it is reasonable to think that such preferences will roughly balance out.

The sub-duty rules of choice of the strong KPB revolve around three factors – the efficacy of successfully discharging abstract sub-duties, the probability of successful discharge of those sub-duties, and an intrinsic concern for an individual agent's rational agency. The list of abstract sub-duties of the strong KPB is comparatively small given its narrow scope of actions qualifying as beneficent – hence the duty of distant assuagement faces little competition. Successful discharge of it is at least as efficacious as successful

discharge of any other abstract sub-duty of the strong KPB – it results in saving a life. And discharging the duty in at least a moderately successful fashion takes no particular luck or abnormal skills or resources – recall the ease of providing oral rehydration therapy to distant children. Finally, the duty of distant assuagement can be discharged in a highly efficacious fashion without the discharging agent endangering her own rational agency – many lives can be saved by an affluent agent before that agent’s affluence is endangered.

Hence for many agents in many situations the duty of distant assuagement will be entailed by the strong KPB as an all-things-considered sub-duty. And it will be entailed by the weak KPB as an all-things-considered sub-duty just as often as any other abstract sub-duty.

V.3 The OPB and Assuagement

The OPB does not restrict targets or methods of well-being promotion in advance of empirical data. Hence the duty of distant assuagement is an abstract sub-duty of the OPB. The sub-duty rules of choice of the OPB are grounded in a maximization calculus – to know which of various sub-duties of the OPB is required in particular types of situations (recall we are dealing with an indirect decision procedure), we must work out which would follow from that decision procedure that if utilized would produce the greatest boon for well-being in the long-run. Two factors are relevant here: firstly the significance of the well-being promotions that each sub-duty requires, and secondly the ease with which each sub-duty can be efficaciously discharged. The sub-duty that flows from that decision procedure which in the long-run requires agents to promote well-being in the most significant way and which stands a good chance of efficacious fulfillment will be required by the OPB.

The promotions of well-being which the duty of distant assuagement requires are the most important such promotions conceivable since they aim at raising suffering individuals from an acute lack of well-being to a position in which they can pursue their conceptions of the good life. As well-being increases, returns diminish. Providing a starving Eritrean with food and nutrition increases well-being. So too does tracking down a set of rare coins for an avid numismatist. The former increase of well-being however is far more significant than the latter, and hence actions which tend to promote the former type of well-being will contribute more greatly to the overall aim of the OPB than actions which tend to promote the latter type. Acts of the duty of distant assuagement are also relatively easy to perform and carry high certainty of efficacy.

So given the sub-duty rules of choice of the OPB, it can safely be argued that the optimizing principle will, at least sometimes (when agents are suitably placed) entail the duty of distant assuagement as an all-things-considered sub-duty of the OPB. What proportion of one's entire OPB duties it entails will be dependent on contingent circumstances.

V.4 Principles of Beneficence and Assuagement

Though inessential to the central claims of this thesis I would like now to suggest that any plausible principle of beneficence will entail the duty of distant assuagement as an all-things-considered sub-duty in at least a wide variety of cases for many affluent agents. This claim presupposes of course that the duty of distant assuagement will be a veritable abstract sub-duty of all plausible principles of beneficence. What reason have we to think this?

Unless our principle of beneficence rules out *a priori* all distant targets of beneficent action or else all targets of beneficent action whose need is acute (or more implausibly, only distant targets of beneficence action whose need is acute) through its sub-duty rules of

choice, we must admit that the duty of distant assuagement is an abstract duty of that principle. It is clearly implausible to rule out all targets of beneficent action whose need is acute – that is to say, who lack requirements of life or rational agency. One cannot even contemplate pursuing higher-order projects unless they have the conditions of their rational agency met. So it makes no sense for a principle of beneficence to rule out action in assistance of people whose need is acute. Can one rule out distant targets of beneficence? Though the debate over this question is quite lively I do not think one can – there is simply no morally relevant reason to withhold beneficence from certain agents merely because they are distant.¹⁰¹ Hence for any given principle of beneficence the duty of distant assuagement is a veritable abstract sub-duty.

The most plausible principles of beneficence will contain sub-duty rules of choice which include consideration for both the efficacy of discharging certain sub-duties and the chances of successful discharge of those sub-duties. If so then at least some of the time the duty of distant assuagement will be an all-things-considered sub-duty, since its discharge is highly efficacious (it addresses acute need) and its discharge in at least a moderately successful fashion is relatively easy (refer again to ‘ORT’). However to say that the sub-duty rules of choice for plausible principles of beneficence will *include* consideration of these two factors says nothing about what factors will be *sufficient*. For instance, the strong Kantian principle shows intrinsic (not merely instrumental as does the OPB) concern for the rational agency of the individual agent. This fact will play a role in the sub-duty rules of choice of that principle, as well as efficacy and probability of successful discharge. And other principles might include yet further factors. Note however that that the strong KPB still entails the duty of distant

¹⁰¹ For support of this view see Unger, *Living High and Letting Die*. Liam Murphy supports Unger’s conclusions: *Moral Demands*, 130.

assuagement as an all-things-considered sub-duty; in fact unless the extra factors (on top of efficacy and probability of successful discharge) of a hypothetical principle's sub-duty rules of choice served to limit demands excessively, the duty of distant assuagement would still be entailed as an all-things-considered duty in at least some cases.

But what about a principle that rather than adding factors to efficacy and probability of successful discharge, took them away? The sub-duty rules of choice of the weak KPB require agents only to consult their own preferences (unless extraordinary circumstances obtain). But we saw that even for such lax sub-duty rules of choice the duty of assuagement will still be entailed as an all-things-considered sub-duty just as often as any other abstract sub-duty.

Of course I have not canvassed the entire spectrum of (plausible) possibilities. I have however adduced sufficient argumentative and intuitive support for the claim that *many* of the most prominent principles of beneficence (namely any that resemble even slightly the OPB or either form of the KPB) entail the duty of distant assuagement as an all-things-considered sub-duty. Indeed I find it hard to imagine a plausible principle of beneficence that would not do so.

VI. Analytical Overview

The coming chapters will cover some difficult territory. I would like now to tersely state the central questions of my thesis – the central questions that motivate the discussion of the next three chapters – and the claims that I will attempt to establish as answers to those questions. In the interests of providing some direction, a roadmap of where my discussion is headed, I will also now provide a brief overview of the arguments that support my central claims.

VI.1 The Shape of the Duty of Beneficence

The central question of my thesis is: what is the proper shape of the duty of beneficence? How should an acceptable principle of beneficence be structured? Principles of beneficence are subject to and can be rejected on the basis of two broad categories of problems. The first concerns the extent and type of demands that our principle makes. The second concerns the way that our principle deals with a situation in which not all moral agents comply with the principle – with a situation that Liam Murphy calls ‘partial compliance’.¹⁰²

Consequentialist candidates for the principle of beneficence that are grounded in the thought that well-being must be maximized fail primarily in virtue of demands-based objections – they make demands of agents that are unacceptable given what the relationship between morality and moral agents should be. Kantian candidates for the principle of beneficence are grounded in a basic respect for rational agency. Typical interpretations of this basic idea result in principles that are unacceptable on various grounds. However within the broad Kantian framework we can take a certain interpretation of the basic Kantian ideas on which to formulate an acceptable principle of beneficence.

This principle is a moderate (Kantian) principle of beneficence, since it takes much of its motivation from Kantian ideas but strikes an interpretive ground mid-way between the strong and weak versions of the KPB that I first introduced earlier in this chapter. I will call it the ‘moderate principle of beneficence’ or MPB. The MPB survives the demands-based objections that support repudiation of other principles of beneficence. And it survives possible attack on the basis of its method of dealing with situations of partial compliance. The MPB deals with partial compliance in the best manner possible – it entails what I will call a duty of edification, a duty to attempt to morally educate non-compliers and hence to

¹⁰² Murphy, *Moral Demands*, 12-13.

increase compliance levels. The duty of edification is not an *ad hoc* addition to the MPB in order to deal with low compliance levels. Rather it is to be found within the internal structure of the principle as motivated by Kantian concerns. Though this duty receives very little attention in philosophical or broader societal circles I will argue that it is one of our most important beneficence-based duties.

VI.2 Roadmap

Chapter One: chapter one has introduced the territory within which a principle of beneficence must be formulated.

- 1) I assume a basic intuition that moral agents have a *duty* to promote well-being in an impartial manner. The question for us is what that duty actually looks like, what it requires of agents.
- 2) There are various possible answers to this question: two promising candidates are consequentialist based and Kantian based. The most plausible consequentialist option is an indirect principle; on the Kantian side we have both strong and weak interpretations of the basic Kantian ideas.
- 3) Though my interest concerns the structure of the duty of beneficence in a broad sense, the specific example of the need for beneficence that I will focus on is the need that exists that in the underdeveloped nations of the world. In this chapter I noted just how dire the situation is in those nations. It should be remembered of course (and at times I will explicitly note it) that the need for beneficence goes beyond merely the underdeveloped nations of the world. There are many 'sub-duties' of

beneficence – specific ways to discharge the duty of beneficence. What I have called the duty of distant assuagement is just one – a highly important one of course, but one among several. It is one which I argued can be derived from the OPB or either form of the KPB as an all-things-considered duty.

Chapter Two: In chapter two I will consider the consequentialist options for the duty of beneficence.

- 1) The OPB appears to be intuitively unacceptable. Through reference to Murphy I will attempt to explain that sense of intuitive unacceptability.
- 2) Murphy considers over-demandingness as a likely explanation but rejects it ultimately since he finds the very notion of over-demandingness to be without much meaning. Of particular concern for Murphy is how to properly account for both *active* (how my compliance impacts me) and *passive* (how the compliance of others impacts me) demandingness. He thinks that this cannot be done.
- 3) He explains the intuitive unacceptability of the OPB through reference to the problems of partial compliance – the reason that the OPB is unacceptable is that it demands more of agents under partial compliance than under full compliance. Murphy develops the ‘compliance condition’ as a constraint on principles of beneficence – they must not demand more of agents as compliance levels decline.

- 4) On the basis of this, he develops his own consequentialist-based principle of beneficence – the collective principle of beneficence, or what I will call the CPB.
- 5) I show that we can make sense of over-demandingness, as well as two other demands-based potential objections to principles of beneficence – under-demandingness, which is self-explanatory, and inappropriate-demands, which is the charge that a principle makes demands that are overly detached from the situation at hand.
- 6) Our intuitive unease with the OPB can be explained through reference primarily to over-demandingness.
- 7) Murphy's own principle falls prey to over-demandingness as well. But his discussion is extremely useful as it illuminates the problems of partial compliance – how should principles of beneficence function under partial compliance? Murphy's answer is the compliance condition. While I think that the compliance condition is important to a limited degree I do not think that it can explain what principles of beneficence must demand under partial compliance.

Chapter Three: In chapter three I turn to the Kantian options for the duty of beneficence.

- 1) Neither the strong nor the weak forms of the KPB survive the demands-based objections, the nature of which was clarified in chapter two.
- 2) However, from within the Kantian framework I develop an acceptable principle of beneficence, the moderate principle of beneficence (MPB).

Through taking note of central Kantian ideas we can develop a principle that overcomes all demands-based objections.

- 3) Furthermore, the MPB deals successfully with the problems of partial compliance. It entails the duty of edification which aims at increasing compliance levels with the MPB.

Postscript: In the postscript I further discuss the duty of edification and conclude my discussion.

- 1) Because the duty of edification has received very little attention philosophically it requires some further exposition. In particular it must be defended against a likely charge – that it contravenes a basic moral maxim that we should demonstrate tolerance toward others.
- 2) I will briefly discuss what I take to be fruitful directions for further research and thought about the duty of beneficence and the MPB.
- 3) I will conclude by looking at what the MPB requires of one particular group of agents – philosophers. I will argue that it is philosophers who must take the lead in discharging the duty of edification.

Chapter Two

I. Consequentialist Options for Beneficence

To this point I have delineated both consequentialist and Kantian options for the duty of beneficence. We must now ask which if either of these two options is the correct one, leaving open the possibility that some as of yet unconsidered third option is superior to each. I will devote chapter two to an analysis and evaluation of consequentialist options for the duty of beneficence. In chapter three I will turn my attention to broadly Kantian options.

I.1 An Overview of the Consequentialist Terrain

Before delving into the details of this evaluation of consequentialist principles of beneficence I will provide an overview of the direction which it will take. I will begin the analysis with the optimizing principle of beneficence. In its most plausible form (i.e. indirect) the OPB strikes most people as intuitively wrong. But there is some debate concerning how to analyze this intuition. Three possibilities are: 1) the intuition is incorrect – there is nothing wrong with the OPB; 2) the intuition manifests a concern with the over-demandingness of the OPB; 3) the intuition manifests a concern with the unfair demands of the OPB under partial compliance. I will focus here on the second and third options, grounding my discussion in the work of Liam Murphy. Murphy rejects the second option as essentially incoherent – there is no meaningful way in which we can charge the OPB (or any moral principle) with being overly-demanding. He favors the third option and on the basis of that diagnosis of the OPB, he develops his own broadly consequentialist principle of beneficence – the collective principle of beneficence (CPB).

I will attempt to show that the correct diagnosis of the OPB is that it is overly-demanding. Hence, I will seek to revive the over-demandingness objection in the face of Murphy's attempted repudiation of it. I will also evaluate the possibility that some of the intuitive unease we have about the OPB is grounded in the problem of its demands under partial compliance. Though I disagree with Murphy's analysis of this issue, I think that it illuminates a genuine area of concern which arises in relation to the structure of any principle of beneficence. Issues of partial compliance create requirements which plausible principles of beneficence must meet – they must guide agents as to the proper way to deal with the mere fact of partial compliance and with the slack left behind by non-compliers.

Subsequent to this discussion of over-demandingness and the problems of partial compliance considered abstractly (i.e. independently of any given principle of beneficence) I will turn to a critical evaluation of the consequentialist options for the duty of beneficence – the OPB and the CPB. Each is to be rejected on the basis of over-demandingness; it will also be seen that each must be rejected on further grounds which will light our way later on toward a more plausible principle of beneficence.

1.2 Intuitive Unease with the OPB

Most people feel some intuitive unease in regard to the OPB. Murphy says of the OPB, '... the demands it makes strike just about everyone as absurd...' ¹⁰³ We must, from a philosophical and analytical point of view, ask why we have this intuition and whether it reflects some genuine problems with the OPB. Before turning to that analysis it may be helpful to illustrate the seemingly counterintuitive implications of the OPB through a hypothetical case. It should be remembered that we are interested in the indirect form of the

¹⁰³ Murphy, *Moral Demands*, 6.

OPB since it is generally recognized as embodying a more plausible decision procedure than the direct form.¹⁰⁴

Consider a hypothetical agent named Adler who lives in the world as we find it today and plans to begin living his life by the dictates of the indirect OPB. Adler earns a moderate living working as a public defender. He has a long-term love interest, and they are planning a marriage, with children to follow. He enjoys playing golf from time to time and collecting the works of his favorite local artist. How will his life be impacted by the OPB? Adler will be entitled (indeed required) to maintain various motivations, character traits, and personal pursuits which, while non-optimizing in terms of well-being promotion in the short-run, tend to be optimizing in the long-run. It is a highly contentious matter which motivations, character traits and personal pursuits fall into this category, and a complete discussion of the relevant issues would require a lengthy digression into moral psychology.

What is uncontroversial I think, is that irrespective of our exact views on moral psychology it is clear that the OPB will require quite a bit of Adler. He should not give up all of his money and work non-stop toward beneficent ends. Doing so would certainly not be optimific in the long-run. However, he quite possibly could be required to quit his noble profession in order to begin working for a high paying corporate law firm. And even if he is permitted to marry his love interest, the wedding will be rather austere and the marriage will need to be very ascetic in general. It would be difficult for Adler to justify continuing to play golf or expanding (or even maintaining) his art collection. And given the terrible state of the world, it would seem that the OPB will not permit Adler to have children. The indirect OPB

¹⁰⁴ Recall from section IV.2 of chapter one that the direct and indirect forms of the OPB share a common criterion of rightness – namely the maximization of well-being. They differ however over the correct decision procedure – the best way to go about maximizing well-being. The direct OPB requires agents to judge on a case by case basis what action is maximizing. The indirect OPB requires agents to judge which rules of thumb or general strategies will prove maximizing in the long-run.

will make the kind of ‘absurd’ demands that its direct counterpart quite obviously makes – i.e. giving up a job one is passionate about for one which evokes revulsion or strong distaste at the least; living a life of bareness and dour austerity; prohibiting rearing and raising children; etc. – since its allowances in the direction of latitude are only justified in so far as they produce a more effective long-term well-being producer.¹⁰⁵

I.3 Explaining our Intuitive Unease

If we are to learn anything from our intuitive unease then we must analyze it philosophically. Murphy offers three possible explanations for our unease – two of which he rejects and one which he espouses. They are:

1) *The Hard-Line Response*

This approach is to claim that given the type of world we live in, the type of world which I described in the opening to chapter one, we should not be surprised that the OPB makes some extreme demands and we certainly should not take it as reason to abjure our responsibility to act beneficently all together.¹⁰⁶ Our intuitions in cases like that of Adler are unreliable and misleading. Along with Murphy I will put this possibility aside and assume that there is something of substance to the intuitive implausibility of the OPB. If we cannot explain what it is given effort then we may have to reconsider the hard-line approach.

¹⁰⁵ See Bernard Williams, ‘Consequentialism and Integrity’, *Consequentialism and its Critics*, ed. Samuel Scheffler, (Oxford University Press, 1988): 20-50 for discussion of the kinds of latitude allowed by indirect consequentialism. See in particular the famous cases of George and Jim (33-35) whose important decisions are governed entirely by utility calculations.

¹⁰⁶ Murphy cites James Griffin, *Well-Being: Its Meaning, Measurement and Moral Importance*, 185 who puts the hard-line response succinctly: ‘...if morality is demanding, it is demanding’. See Murphy, 138, n. 16. It might be argued that Peter Unger and Shelly Kagan take similar stances in *Living High and Letting Die*, and *The Limits of Morality* (Oxford University Press, 1989), respectively.

2) *Over-Demandingness*

The over-demandingness analysis of the intuitive implausibility of the OPB is grounded in two beliefs. The first is that the OPB makes extreme demands of agents under certain circumstances. This is true under any plausible definition of ‘extreme’. Given the extent of suffering in the world, agents would have to work extremely hard in order to fully discharge the OPB (which admits of no limit whatsoever) on a daily basis. The proviso ‘under certain circumstances’ is added since the world could be in such a state that the OPB did not make extreme demands. For instance, if we lived in a world where every affluently positioned agent worked to discharge the OPB, then the burden on each individual agent would be much attenuated. The second prong of support for the over-demandingness analysis is the belief that there is a limit to how much a moral principle can legitimately demand of agents, a limit to the amount of well-being deprivation that a principle can bring on an agent.¹⁰⁷ Hence, the extreme demands of the OPB transcend a legitimate limit of morality and are unacceptable.

Two other concerns about the OPB that are sometimes raised might seem different from the over-demandingness worry. The first is alienation – the thought that fulfillment of the OPB alienates agents from important aspects of their lives; the second is confinement – the thought that the OPB confines the choices of agents in an intrinsically wrong manner. Murphy believes that each can be reduced to over-demandingness since each can be reduced to claims about reductions of well-being. They are according to Murphy ‘aspects of the

¹⁰⁷ Murphy, *Moral Demands*, 10-12 and 15. In n. 19 on 15, Murphy cites Fishkin in support of the claim that there is a limit to the legitimate demands of morality. See James S. Fishkin, *The Limits of Obligation*, (Yale University Press, 1982), 14. Fishkin also states: ‘That there are limits to the sacrifice which can be demanded as a matter of obligation is a commonplace assumption in recent moral theory.’ (17).

problem of over-demandingness'.¹⁰⁸ I do not find this claim completely convincing. It seems that we might want to claim (for instance) that some principle is excessively demanding if it requires a happily married man to give up his wife and family even if the man is a stoic and will endure no great loss of well-being. Of course if we take a broad enough view of what well-being is, then we might be able to say that though the stoic does not *feel* his loss greatly, he is aware of it in some other equally potent fashion. Because this type of debate is tangential to my major concerns in this thesis I will simply assume that Murphy is correct and that over-demandingness, confinement and alienation can be completely explained through reference to well-being.

In the end Murphy rejects the very coherency of this second option and is moved to the third and he believes correct explanation for our intuitive unease.

3) *Unfair Demands under Partial Compliance*

Our intuitive unease is, according to Murphy explained as a reaction to unfair demands made by the OPB under partial compliance with the principle. The OPB requires me to do more when others do less, and this he takes to be unfair. Not only does this explain our intuitive unease with the OPB, it also justifies our rejection of it and motivates his introduction of the CPB.

1.4 Defining Partial Compliance

The third option for explaining our intuitive unease with the OPB gives rise to the question: what is partial compliance? For most principles P it seems that under situations of *partial compliance* (situations in which not every moral agent who is required to comply with

¹⁰⁸ Murphy, *Moral Demands*, 9.

principle P complies with P), the demands of P on any given complying moral agent are greater than what they would be under situations of *full compliance* (situations in which every moral agent who is required to comply with P complies with P). For Murphy this is the basis of a justified rejection of the OPB. However the notion of partial compliance is not as simple as it first appears.

The ideal of full compliance is ‘doubly ideal’ as Murphy puts it.¹⁰⁹ All agents who are required to comply do comply, and all those agents perfectly comply – they comply flawlessly with every requirement of the principle at hand.¹¹⁰ A situation of partial compliance is one in which either or both of these ideals may fail. Partial compliance then could entail that only some agents perfectly comply or that all agents imperfectly comply, or that some agents imperfectly comply. Our own world is one in which some agents imperfectly comply with the OPB (there may be the occasional anomalous agent who perfectly complies with the optimizing principle).

The notion of full compliance needs a little more fine-tuning. Under full compliance all agents perfectly comply. But a further distinction must be drawn. If all agents began to perfectly comply with the OPB then the demands faced by each agent would drastically drop. However, they would continue to drop as the situation of full compliance continued. At some point, full compliance would have obtained for long enough to expunge all of the unfortunate consequences of so many years of partial compliance. At that point the demands of the OPB faced by agents would drop even further. Thus we can distinguish between *nonoptimal full compliance* which is full compliance up to the point at which all the unfortunate

¹⁰⁹ Murphy, *Moral Demands*, 57.

¹¹⁰ Murphy explains imperfect and perfect compliance on 57 of *Moral Demands*.

consequences of prior partial compliance have been expunged and *optimal full compliance* – ‘full compliance in a world optimally improved by generations of compliance’.¹¹¹

II. Over-Demandingness¹¹²

Leaving the hard-line response to our intuitive unease with the OPB on the backburner, Murphy moves on to consider what is perhaps the most obvious explanation of that unease – the charge that the OPB is overly-demanding. He seeks to demonstrate through three arguments that the charge of over-demandingness cannot be meaningfully sustained and hence that there must be some other explanation of our unease with the OPB. Though I think that Murphy is correct to point out that the notion of over-demandingness is not as clear as it at first appears, I think that it can be revived from his criticisms. Let us then consider some key issues concerning the proper way to understand over-demandingness.

II.1 Clearing up Over-Demandingness

Over-Demandingness and Well-Being

Murphy notes a good deal of confusion and ambiguity regarding our supposedly ‘intuitive’ understanding of the problem.¹¹³ Firstly, we must clarify what we mean by

¹¹¹ Murphy, *Moral Demands*, 104, 12.

¹¹² Murphy’s discussion of over-demandingness is lengthy and detailed, and I will discuss only those parts of it which are most relevant for my current purposes. For Murphy’s full discussion see *Moral Demands*, chaps. 2, 3 and 4.

¹¹³ For instance: what time frame should be used in measuring demands? Should they be measured ex ante or ex post? See Murphy, *Moral Demands*, 43-47 for discussion.

‘extreme demand’. Murphy says that demands are to be measured in terms of well-being.¹¹⁴ A demand is extreme when it involves some significant deprivation of the complying agent’s well-being. But a significant deprivation compared to what? The obvious answer is: compared to when the agent does not comply with the principle we are discussing. But how do we measure well-being under a policy of non-compliance? Murphy’s answer is this. If we want to know what the real impact of an agent’s compliance with some moral principle is, then we should measure that agent’s well-being should she comply and compare it to her well-being should she act in an optimally prudent – i.e. self-serving – manner in the world as it is now and as we expect it to be in the future (Murphy calls this the ‘factual status quo’¹¹⁵).

Two Versions of Over-Demandingness

So the demandingness of a principle P is the impact which it has on an agent’s life. But there are two options here for determining what kinds of demands (what kinds of deprivation of well-being) count as *overly*-demanding – two distinct versions of over-demandingness.¹¹⁶

- 1) The ‘absolute level’ version: an extreme demand is one which leaves a complying agent below a certain minimally acceptable level of well-being.
- 2) The ‘losses’ version: an extreme demand is one which forces the agent to sustain more than some particular level of loss of well-being.

Murphy finds the losses version to be more plausible, though he thinks the choice between the two options is inconsequential for his project as either one results in the same

¹¹⁴ Murphy, *Moral Demands*, 17-20.

¹¹⁵ Murphy, *Moral Demands*, 35. In other words, a demand is made whenever an agent is required to depart from the best life she could be living given present circumstances.

¹¹⁶ Murphy, *Moral Demands*, 20-21.

denouement. He believes that each of his arguments against over-demandingness applies with equal force to both versions of the charge. I think that the choice is an important one, and I find, contra Murphy, the absolute level version to be superior on grounds of intuitive plausibility. If an agent is living a nearly perfect life then we should be able to demand quite a bit from her, call it Q. If another agent is living a decent life, but one which would be made quite bad if we demanded Q from her, then it does not seem reasonable to demand Q. Or take a second example: a small loss of well-being which brings an agent's below some minimally acceptable level seems to be objectionable – this can only be maintained on the absolute level version of over-demandingness.¹¹⁷ If we think that there is a minimally acceptable level of well-being then the fact that a loss is miniscule does not seem to justify bringing an agent below that level.

Blameless Wrongdoing: A Solution?

Under the OPB, there is room for the notion of 'blameless wrongdoing'.¹¹⁸ It may be the case that although in specific cases my having partial motives will lead to a non-maximizing decision about well-being promotion, overall the possession of those partial motives are required since they produce the most well-being in the long-run.¹¹⁹ Whenever I perform a non-optimific act from partial motives which it would be wrong to attempt to abandon, my action will count as an instance of blameless wrongdoing. Some of the extreme demands of

¹¹⁷ Murphy disagrees – see *Moral Demands*, 20-21: '...for the most part I will focus on the losses version, for the reason that it seems to me to be the more plausible.' (21). However he offers no extensive or good reason for his disagreement, probably since he finds the choice between the losses and absolute level version of over-demandingness to be inconsequential for his discussion.

¹¹⁸ Murphy, *Moral Demands*, 23-26.

¹¹⁹ Partial motives are those grounded in personal preference rather than normative justification. I act partially when I give special preference to the interests of myself and those close to me. For instance, when I choose family members over strangers I am acting from partial motives.

the OPB might fall into this category. If failure to meet those demands was only considered blameless wrongdoing rather than blameworthy wrongdoing, then they might seem less objectionable. The problem is that under partial compliance very few partially-motivated acts would count as blameless wrongdoing – there is enormous need for impartial beneficence and hence we should never have partial motives so strong that they commonly prevent us from performing impartial acts. If the problem of over-demandingness can be solved, the solution will be more complex than this.

Over-Demandingness as an Acceptability Constraint

Before moving on it should be noted that the following discussion, which focuses on Murphy's criticisms of over-demandingness and my responses, concerns the abstract viability of over-demandingness as a charge against moral principles. In other words I am seeking to demonstrate that over-demandingness is a coherent objection which *can* be leveled against principles of beneficence. Whether or not it actually *should* be leveled against particular principles of beneficence is a separate question and one which I will take up later on. Another way of framing the issue is that any viable principle of beneficence must meet an acceptability constraint – namely, that it not make excessive demands of agents. I argue that there is such a constraint.

II.2 The Purview of Over-Demandingness¹²⁰

We can call Murphy's first argument against over-demandingness the 'purview of over-demandingness' problem. I will begin with an exposition of Murphy's argument, and then provide my own response.

¹²⁰ Murphy, *Moral Demands*, 34-41.

The Problem

If the problem with the OPB is that its demands are overly extreme, then extreme demands must be objectionable intrinsically. If they are not, then we cannot object to the OPB simply because it makes extreme demands on agents. But if they are then we must object to any principle or theory which makes extreme demands. And it seems that we do not and are not willing to do this. A constraint against killing for instance may be highly demanding depending on the situation. If the only way that a starving person can get food is to kill, then the prohibition on killing will be highly demanding for that person – compliance with it will prevent their acquisition of dietary needs. Or to take an example straight from Murphy, ‘Fifth century Athenians would have suffered enormous losses from the abolition of slavery.’¹²¹ Few are willing to consider these moral constraints excessively demanding.

This dilemma leaves us with a few choices. We could claim that extreme demands are intrinsically objectionable, and that *any* moral principle which is overly demanding will therefore be unacceptable, just as the OPB is unacceptable in virtue of its extreme demands. Murphy holds that philosophers as a group reject this first option.¹²²

Our second option is to maintain that though extreme demands are intrinsically objectionable, there are possible countervailing factors which explain why we are willing to accept (for instance) deontological constraints which make extreme demands. This would require ‘... some kind of ranking that would allow us to say that principles of beneficence, being less central or important, cannot be extremely demanding, while all other moral principles, by contrast, are weighty enough to justify the imposition of extreme demands.’¹²³

¹²¹ Murphy, *Moral Demands*, 37.

¹²² Murphy, *Moral Demands*, 39.

¹²³ Murphy, *Moral Demands*, 40.

Though Murphy does not rule out the possibility of such an account he thinks it unlikely, given that philosophers haven't even acknowledged the existence of extreme demands in areas of morality other than beneficence.

Our third option is to attempt to find a way to define demands such that none are imposed by deontological constraints and other moral principles which intuitively, we are unwilling to charge with the over-demandingness objection. We might claim then that a principle only makes demands when it requires the loss of something to which the agent was never entitled. If an agent was never entitled to murder then it cannot be demanding that she is prevented from doing so by a prohibition against murder. There is however, no way to objectively ground a theory of entitlement. Our previously held moral conception will determine the manner in which we define entitlement. If I am a deontologist, then I will hold that people are never entitled to kill and thus no demand is made upon them when they are barred from doing so. But if I am a utilitarian, then I will hold that no agent is entitled to anything, possession of which does not optimize well-being. Immediately all demands of the OPB would be defined away, and the demands of deontological constraints which we were trying to get rid of are defined into existence.

The fourth, final and hence only viable option is to accept that extreme demands are not intrinsically objectionable and that there must be some other problem with the OPB, some other explanation of our intuitive unease with it.

My Response

The correct response to Murphy's dilemma is to accept that over-demandingness is intrinsically objectionable and hence that its jurisdiction is unrestricted. The lack of popular support for the idea that *any* non-beneficence related moral principle is *ever* to be rejected or

have its weight diluted for imposing extreme demands need not and should not amount to a reason for dismissing the suggestion, especially in the face of good reason to consider that suggestion. I believe that there is very good reason to accept the suggestion that non-beneficence related moral principles are sometimes to be rejected in virtue of the extent of their demands.¹²⁴ That reason is two-fold. Firstly, it holds intuitive weight – for instance if Kantian duties to avoid acting on maxims of non-coercion and non-deception required that an agent sacrifice the material conditions of her rational agency then those duties would seem to make excessive demands. Secondly, in forming a principle which avoids over-demandingness as viewed as a potential objection against any moral principle at all, we find the most plausible answers to questions concerning the shape of the duty of beneficence.

Murphy offers a hypothetical case which is supposed to demonstrate that there are cases in which extreme demands are simply not objectionable – that some principles make extreme demands and yet we do not take them to be overly demanding.¹²⁵ Hence we cannot claim that over-demandingness enjoys an unrestricted purview. The case involves agent B who I will call Benedict. Benedict spent decades misappropriating wealth from poor members of his community and now having decided to pay back his victims has sunk into total ruin. Murphy's point is that if we accept that the purview of over-demandingness is unrestricted then we will have to admit that the demands on Benedict are objectionable. But Murphy argues that no one thinks the demands on Benedict are objectionable since the morally right thing to do is for him to pay pack his victims.

¹²⁴ Furthermore, Murphy himself admits that there is some support for the idea that non-beneficence related moral principles may at times be overly-demanding in a way that justifies their rejection, to be found in the writings of Bernard Williams. Murphy references (*Moral Demands*, 144, n. 13) Williams, 'Persons, Character and Morality', *Moral Luck: Philosophical Papers 1973-1980*, 14.

¹²⁵ See Murphy, *Moral Demands*, 61.

The duty which Benedict is following is what we might call a duty of recompense – a duty to give back ill-gotten gains. But what is the duty of recompense? It can defensibly be cast as the retroactive acceptance of the prohibition on stealing (or misappropriation). When Benedict gives back his ill-gotten gains he is complying with the prohibition on stealing – this entails never stealing again, and trying as much as he can to undo whatever thefts he has committed in the past. Murphy’s argument with this case is that it is absurd to claim that the duty of recompense is overly-demanding. My claim is that once we realize that the duty of recompense is nothing more than one facet of the prohibition against stealing, we can either admit without qualms that it is overly-demanding (i.e. in cases where Benedict must steal in order to attain a minimally acceptable level of well-being) or else we discover that it is simply not overly-demanding.¹²⁶

So then, is the prohibition against stealing overly-demanding on Benedict? There are two options here. The first is that Benedict would not be a thief, living in an optimally prudent fashion under the factual status quo. Under this option, the prohibition against stealing imposes no demands (since it does not require him to do anything less than he would be doing should he live optimally). Hence, the fact that he finds himself below the minimal level of well-being (before stealing) cannot be blamed on the prohibition against stealing. It is thus either the case that Benedict’s well-being living optimally would still be below the minimal level, or that the fact that his well-being is below the minimal level is due to his failure to do something which he would be doing should he live optimally (that failure might be due to ignorance or due to that act being prohibited by some moral principle other than the prohibition against stealing).

¹²⁶ For anyone who thinks that the duty of recompense is completely separate from the prohibition against stealing consider what a duty of recompense might look like *in the absence of* the prohibition against stealing. It would tell me to always pay back ill-gotten gains even though there is no such thing as an ill-gotten gain.

The second option is that Benedict would be a thief should he live optimally in the factual status quo. Under this option, the prohibition against stealing appears to impose demands since it requires him to act less than optimally. But it still does not follow that the prohibition against stealing can be attributed with bringing Benedict's well-being below the minimally acceptable level. For though it might require him to act less than optimally, it might not require him to act in a way so far from optimal that it brings him below an acceptable level of well-being. There might be some sub-optimal life in the factual status quo in which Benedict does not steal, and instead goes to school, earns a university degree and gets a well-paying job which enables him to live a good life. The prohibition against stealing does not demand that he refrain from this sub-optimal life. In that case what sense does it make to claim that compliance with the prohibition against stealing is responsible for bringing his well-being below the minimally acceptable level? Rather it is the fact that Benedict decided not to go to school, earn a degree and get a job that is responsible for his well-being deficiency. The prohibition against stealing pushed Benedict into a sub-optimal life. But it was something else (his choices or another moral principle if the sub-optimal life contravened some other moral principle) which pushed him into a sub-minimal well-being level life.

For us to legitimately call the prohibition against stealing 'overly-demanding' (i.e. for us to claim that compliance with that prohibition reduces an agent's well-being below the minimal level) it would have to be the case not only that the optimal life for Benedict entailed being a thief, but that *any* sub-optimal life which did not entail being a thief would leave him below the minimal level of well-being. And in such a case I think that charging the prohibition against stealing with being overly-demanding is perfectly justified and upon close inspection does not appear to be absurd at all. If the only way that a person can achieve a

minimal level of well-being is to steal, then it really is highly demanding to expect that person not to steal.

Of course, even in the case in which there are sub-optimal lives which Benedict can lead which do not involve contravention of the prohibition against stealing and which leave him above the minimal level of well-being we can still say that the prohibition against stealing is more demanding than having no prohibition against stealing, since it prevents him from living an optimal life. But it simply is not overly-demanding – it does not force him to live a life below a minimal level of well-being.¹²⁷

Murphy offers a second case to support his position involving agent C who I will call Claude. ‘Person C lives in desperate poverty; he knows a way out of his situation, but it would involve injuring and possibly killing someone...’¹²⁸ The demands here (of the prohibition against killing) appear to be excessive but not objectionable according to Murphy. I disagree – the case of Claude is parallel to the case of Benedict. Assume that it is optimal for Claude to kill and/or injure. If there is a sub-optimal life for Claude which does not contravene the prohibition against killing, then the prohibition, while demanding, is not overly-demanding. Its demands are not excessive in the sense that they do not bring Claude’s

¹²⁷ Of course in the real world individual agents usually follow more than one moral principle (i.e. they follow a moral theory). So the question will not just be whether there is a sub-optimal life in which an agent is above the minimal level of well-being and that does not contravene principle P. It will be whether there is such a life that does not contravene any of the moral principles which we hold to. If there is no such life then either, at least one of our moral principles is overly demanding, *or* the conjunction of two or more of our moral principles is overly demanding. This is to say that our moral theory is overly demanding. Moral principles P1 and P2 may escape over-demandingness in isolation, but together they may be overly demanding – in my efforts to avoid contravening P1 *and* P2 my well-being may be brought below a minimal level. In such a case I cannot attribute the over-demandingness to either P1 or P2 since in isolation they are not overly demanding. Rather I must simply grant that my moral theory is overly-demanding. To overcome the problem will not be easy – I will have to adjust which principles make up my theory or those principles themselves until the theory is not overly-demanding. I do not think that a moral theory which contains a principle of beneficence that is not overly-demanding is very likely to itself be overly-demanding. Principles of beneficence among all moral principles make the greatest demands of agents. If our principle of beneficence does not bring an agent below a minimal level of well-being then it is not all that likely that a theory containing such a principle will.

¹²⁸ Murphy, *Moral Demands*, 61.

well-being below the minimal level. It is his refusal to take up one of the sub-optimal lives which do not contravene the prohibition against killing that brings his well-being below the minimal level. Hence, the prohibition against killing is demanding but not excessively so. But if there is no sub-optimal life for Claude which does not contravene the prohibition against killing (if the *only* way out of his predicament is to kill), then the prohibition against killing is indeed overly-demanding for him.

II.3 The Problem of Passive Effects¹²⁹

The Problem

Because the only way to measure the well-being of a non-complying agent is to assume circumstances as given, a perfectly enforced moral scheme will appear to make no demands on agents. For instance, let's say that the government of Canada instituted a new tax in order to direct increased funds to underdeveloped nations.¹³⁰ Now, given the factual status quo, I will have to give up a certain proportion of my income to that beneficence tax. In requiring me to give up that portion of my income then, the OPB seems to make no demands since what it requires overlaps completely with what I would do anyway given the factual status quo. But this cannot be correct. Surely a perfectly enforced moral scheme, though it becomes embedded in the status quo, still makes demands of agents.

To deal with this, Murphy divides the demands which a moral principle might make on agents into active and passive.¹³¹ Active demands are those which engage the will, which require me to do something. They flow from my own compliance with a moral principle.

¹²⁹ See Murphy, *Moral Demands*, 47-59.

¹³⁰ Murphy uses the example of middle-class Norwegians who face a 'foreign development tax' (*Moral Demands*, 50).

¹³¹ Murphy, *Moral Demands*, 48.

Passive demands on the other hand need not engage the will; they flow from the compliance of others with a moral principle. Of course, the compliance of others with a moral principle might bring passive benefits to an agent just as it might create passive demands. My life could be better in the world as it is, with most people at least partially complying with many different moral principles than if no one complied at all with any moral principle. The net passive effect of the principle in question consists of the passive benefits flowing from the principle less its passive burdens. In assessing whether or not any principle is overly demanding, we must be able to measure active demands, as well as the net passive effect. But, Murphy argues, there is no way to assess net passive effect meaningfully, and hence we cannot make any sense of the over-demandingness objection.

There are two problems that Murphy thinks flow from the necessity to take account of passive effects:¹³²

- 1) *Assessment*: there is no way to assess passive effects under partial compliance.
- 2) *Losing Grip of Over-Demandingness*: even if we could assess passive effects, accounting for them forces us to abandon the problem of over-demandingness. Murphy demonstrates the second problem through appeal to full compliance, since in that situation we can assess passive effects.

So, assuming full compliance with theory T how do we measure the passive effects of T on agent A?¹³³ We must firstly decide on a baseline. Since under full compliance every agent perfectly complies with T, and since we want to understand the impact of T, our baseline

¹³² Note that the terms I have given to name these two problems are mine, and are not used by Murphy.

¹³³ Murphy, *Moral Demands*, 50-56.

world should be one in which no one complies with T. Given extensive overlap between all plausible moral theories we can say that for any (plausible) T a world of zero compliance will resemble the Hobbesian state of nature. All agents in this baseline world will have roughly equal, very low levels of well-being. The trouble begins at this point. For if our baseline world is the state of nature, then the passive effect on any agent A of any plausible T will be a net benefit. And even taking into account active demands as well, the overall ‘compliance effect’ (i.e. passive effects less active demands) of any plausible T on any A will also be a net benefit.¹³⁴ It appears then that in accounting for passive effects we have seen that no plausible T will ever make net demands let alone excessive demands.

There are various possible responses to this dilemma, none of which quite succeed according to Murphy. We might redefine over-demandingness as the objection that some moral theory or principle does not benefit agents enough. But in doing so we would cease talking about the extent of demands or over-demandingness. We would simply be talking about people’s absolute levels of well-being. Perhaps then over-demandingness could be viewed as the charge that some theory or principle leaves an agent much less well-off than some other plausible alternative. The problem here is that every plausible theory or principle will turn out to be overly-demanding *on someone*. A poor person under commonsense morality could claim morality to be highly demanding since under utilitarianism she would be doing so much better. But a wealthy person could claim utilitarianism to be highly demanding since he would do much better under commonsense morality. A final possibility is to claim that a theory or principle is *not* overly-demanding if it is less demanding on the person on whom it is most demanding than any plausible alternative is. But of course we are no longer discussing over-demandingness; not that is, unless we have changed our definition.

¹³⁴ Murphy, *Moral Demands*, 52.

What about the first problem of passive effects – assessment? Murphy claims that under partial compliance we cannot even utilize our re-defined version of over-demandingness since there is no way to assess passive effects. The problem is that though we can measure what the well-being of agents under prevailing levels of partial compliance is, we cannot measure what those levels of partial compliance are. In other words, though we can measure the passive effects of T on A in the world as it is (a world of partial compliance with a broad host of theories), we do not know what level of compliance there is with T and hence we cannot say anything of the form ‘given C level of partial compliance with T, the passive effects on A are E’. Rather, all I can say is ‘under whatever level of partial compliance with T we have now, the passive effects on agent A are E’.

The method by which we assess the passive effects on A of T under partial compliance in some world W is to compare A’s well-being in W with her expected well-being in the Hobbesian state of nature. Now, each W in which there is partial compliance with many theories will be vastly different in terms of the well-being of agents. And we have no way of knowing or imagining what any given agent’s well-being might be in some hypothetical W. All that we can know is the well-being of agents in the actual W (the world in which we live). We know what A’s well-being in W is, and we know that in the state of nature A’s well-being would be virtually non-existent. Hence, the passive effects of T on A in the world in which we live are equal to A’s well-being in this world. The ostensibly strange consequence of this is that the passive effects of *any* T which is to some degree complied with in the real world, are equal to the well-being of A. In other words, in the world as it is the passive effects of every theory or principle which is being imperfectly complied with, are equal.

This appears strange because we were trying to separate out just the passive effects of T – of a single theory. However, despite the strangeness this consequence is actually accurate.

Look what happens when we try to filter out just the passive effects of T. We might make our baseline a world in which those agents who comply with T in W do not comply with T in the baseline world. The problem is this: in any realistic world (including our own) there is imperfect compliance with a range of theories which overlap considerably. Where we have such overlap, there are people complying with T and at the same time complying with T1 and *vice versa*. It would be arbitrary to attribute the passive effects which flow from the compliance of these people to either T *or* T1 since we do not know which theory the agents who are fulfilling overlap requirements, are actually complying with. We must attribute them to both theories. Hence, in virtue of extensive overlap, the passive effects of T and T1 (and any other T which is being partially complied with) are equal.

So we know what the passive effects of T are in the world. Is this enough to determine over-demandingness? We saw in our discussion of full compliance that in assessing passive effects we must take a comparative approach. But to be able to compare the passive effects of T and T1 we must know the degree to which each of being complied with. In the real world I know that the passive effects of T and T1 are equal, let's call them E. But to compare the passive effects of T and T1 I would have to be able to say 'under C level of partial compliance the passives effects of T and T1 are...' All that I can say is 'under whatever level of partial compliance we now have with T (call it C) and under whatever level of partial compliance we now have with T1 (call it C1) the passive effects of T and T1 are equal'. I have no basis on which to make a comparison unless C is equal to C1. But there is no way to determine this.

My Response

I will begin with the problem of the assessment of passive effects. Murphy claims that under partial compliance the passive effects of every principle which is being partially complied with are equal since it is arbitrary to attribute passive effects to one principle or another when the requirements of those principles overlap. However, even if it is arbitrary to attribute the passive effects which flow from requirements that are made by more than one principle to any one of those principles if each is being partially complied with, it does not follow that the passive effects of every principle under partial compliance are equal. Though there is great overlap between moral theories and principles, there is not exhaustive overlap. Some principles make requirements which are not made by others. Take two principles – P1 and P2 – that are being partially complied with and overlap substantially, but not completely. P1 makes some requirements that P2 does not make.¹³⁵ Now suppose that those requirements made by P1 but not P2 (call them P1R) have some passive effect on agents. Would it be right to attribute P1R to P1 *and* P2? Clearly it would not.

Based on these comments, Murphy's method for passive effect measurement under partial compliance is faulty. Take agent A, principle P, and partial compliance world W. The passive effects of P on A in W should not be measured by comparing A's well-being in W with A's well-being in the Hobbesian state of nature. For in W, A's well-being is impacted not only by the passive effects of P, but also by the passive effects of those requirements of P1, P2... PN which do not overlap with P. The proper method then, if we wish to measure just the passive effects of P on A, would be to compare A's well-being in the state of nature,

¹³⁵ The same arguments can be made in reference to theories rather than principles. Murphy believes that over-demandingness can *only* be assessed in reference to moral theories (Murphy, *Moral Demands*, 10). Though I do not agree, the issue is inconsequential, as Murphy's arguments do not go through on the theory or on the principle account of over-demandingness. Murphy himself seems to tacitly agree that the choice is inconsequential, at least in reference to principles of beneficence, since he switches back and forth between discussion of theories to discussion of principles.

with A's well-being in [W minus that part of A's well-being in W which flows from the requirements of P1, P2... PN that do not overlap with P]. This means that we will attribute the passive effects of the overlap of say, P and P1 to P. But this is entirely appropriate since we want to know how demanding P is. If we were evaluating the demandingness of P1 then we would attribute the P-P1 overlap passive effects to P1. Murphy's main reason for rejecting this suggestion is his belief in universal overlap between theories, but I have argued that such a belief is unfounded.

But Murphy's deeper mistakes are still to come. He goes on to make two further claims which support his rejection of the possibility of passive effect assessment under partial compliance. Firstly he claims that in order to make any sense of our measure of the passive effects on A of P in W (which both he and I grant can be measured – though we depart when it comes to the proper method for measurement as I indicated above) we must be able to measure what level of compliance with P there is in W. Secondly, he claims that we cannot measure the level of compliance with any principle in W. Both of these claims are incorrect. The first is false since we can still make great use of our measure of passive effects of P in W even if we don't know what level of compliance with P there is. We can say whether or not P is overly-demanding in W. We can compare this level of demands with that made by P under full compliance (Murphy of course acknowledges that we can make sense of our measure of P's passive effects under full compliance since full compliance is easy to recognize and identify). Basically, we have enough information to judge whether or not P is an overly-demanding principle – our judgment will not be a certain one. But nor will our judgments based solely on active demands ever be certain – that is simply a side-effect of human imperfections. Murphy's claim that we can make no use of our measure of the passive effects on A of P in W is grounded in his belief that the only way to make sense of

over-demandingness is through a comparative conception (which requires us to be able to identify exact levels of compliance). I will show momentarily why that claim is also false.

But even if it was true that without knowing what level of compliance with P there is in W we could make no use of our measure of passive effects, it would still not follow that we can make no use of that measure, since there are imperfect but still highly useful and significant ways to measure levels of compliance with various moral principles under partial compliance. We know what a world of full compliance with P would look like; we know what institutions would arise, what practices would be common, and what mores would fertilize the moral ground of the society. From this surely we can imagine what impact on those institutions, practices and mores, a decline in compliance might have – perhaps even a steep decline in compliance. And of course we imagine the same things for P₁, P₂... P_N. It is not a huge leap from here to picturing what a world in which different people comply (perfectly or imperfectly) with different moral principles might look like. The point is this: if we understand what a moral principle requires, then we can understand the ways in which various levels of satisfaction of those requirements will manifest themselves. We can compare these hypothetical pictures to the actual picture we have of our actual world and make some judgments concerning which moral principles are at play in our world, and to what degree each is being complied with. Murphy says that ‘... it is easy to *describe* full compliance with some theory.’¹³⁶ Why then should it prove so difficult (Murphy claims impossible) to describe partial compliance and to compare that description against our actual world?

What then of Murphy’s supposed second problem – that in assessing passive effects we lose grip of over-demandingness? Does the assessment of passive effects require us to

¹³⁶ Murphy, *Moral Demands*, 58.

abandon the problem of over-demandingness? The answer is no – our conception of over-demandingness is not altered in any way through the assessment of passive effects. It is certainly added to, since we have a new component of demandingness to consider, but it is not altered.

Murphy's basic claim is that the passive effects of any plausible moral principle will always be a net benefit, since life for agents under non-compliance with any principle would be so terrible (it would be life under the state of nature). This actually poses no problem whatsoever for over-demandingness – at least not for the absolute level version which I have argued is superior. That version tells us that a moral principle is objectionable if it leaves agents below a minimally acceptable level of well-being. We traditionally think of moral principles as imposing constraints on an agent's pursuit of well-being. We now simply have to realize that before a principle demands that agent take actions which will reduce her well-being, that principle produced a situation in which she could attain the level of well-being she has. Over-demandingness is no different – a principle is overly-demanding when its impact on an agent (including first passive effects and then active demands) leaves that agent below a minimally acceptable level of well-being.

Murphy objects to this on the grounds that we lost our initial intuition – that there is something wrong with the extent of demands. We are now focused on absolute levels of well-being. However given that I argued from the start that the absolute level version of over-demandingness is superior to the losses version, we have not changed the subject at all – we have always and are still talking about the impact of various moral principles on the well-being of agents. So then, we are never forced into Murphy's comparative conception of over-demandingness and his other claims concerning the impossibility of maintaining our initial conception of over-demandingness are impotent.

II.4 The Indefinability of the Limit ¹³⁷

The Problem

If there is an actual problem of over-demandingness, then Murphy thinks that we should be able to provide at least a vague sense of what level of demands is acceptable – what the minimally acceptable level of well-being is on the absolute level version of the problem. But according to Murphy we have not even the slightest idea what level of demands are acceptable from a moral theory. Any convictions which we have concerning an acceptable level of demands (and hence a way to formulate a limit as an inherent part of our principle of beneficence) are far from objective. Rather, they merely ‘... reflect our preexisting sense of the shape of a morally decent life.’¹³⁸ In other words, they merely reflect the moral conception which we already hold. Over-demandingness then collapses into a question-begging assertion of one principle over another.

In attempting to choose a fixed limit, or to work out the proper relationship between a flexible limit and changing circumstances, we require an independent conception of the proper relationship between the life of an individual agent and morality; we require some criteria by which to judge when self-interest is more important, and when the need for beneficence takes precedence.¹³⁹ Murphy claims that developing such criteria in an objective manner is impossible. Whatever conception of the proper relationship between agent’s lives and morality we espouse will simply evolve out of whatever moral theory or principles we already find plausible. Murphy supplements his abstract argument with some examples of

¹³⁷ Murphy, *Moral Demands*, chap. 4.

¹³⁸ Murphy, *Moral Demands*, 68.

¹³⁹ Murphy, *Moral Demands*, 68.

limited principles of beneficence. In rejecting each he provides further support to his claim that there is no neutrally grounded way to develop a limited principle of beneficence.¹⁴⁰

Hence, we are left with no more than the form of a principle and this is insufficient.¹⁴¹ What we are seeking is a principle which can guide agents in their actual lives – the mere form of a principle cannot do this. At the very least we must consider alternative diagnoses of the OPB and alternative principles of beneficence before concluding that the form of a flexibly limited principle aimed at solving the problem of over-demandingness of which we have at best a muddy conception, is the best that we can do regarding the search for the proper shape of the duty of beneficence.

My Response

Over-demandingness is the charge that some moral principle or theory leaves an agent at a level of well-being which falls below some minimally acceptable level. Now obviously well-being cannot be quantified – we cannot say that the minimally acceptable level is P ‘points’ of well-being. Instead we must talk in a parlance of which we have some intuitive grip. We can look to the work of Bernard Williams for a launching point here.

Williams argues that there are certain projects (called ‘commitments’) which any given agent has that make his life what it is – they are what life is about, and it is simply absurd to demand that such an agent abandon them in the name of impartial considerations.¹⁴² To make such a demand is to turn the agent ‘... into a channel between the input of everyone’s

¹⁴⁰ I will not discuss them here as they are unimportant for my current discussion.

¹⁴¹ Murphy, *Moral Demands*, 73.

¹⁴² In ‘Consequentialism and Integrity’, *Consequentialism and its Critics*, Williams concentrates his critique on Utilitarianism. In ‘Persons, Character and Morality’, from *Moral Luck*, he discusses problems in the Kantian account related to what I have called over-demandingness (*related to*, not identical to).

projects, including his own, and an output of optimific decision...'¹⁴³ Morality cannot on this account ever demand that an agent abandon his commitments – to do so is to take away the distinguishing features of a life.

Though I do not wish to endorse Williams' general conclusions we can find in his arguments support for the idea that there is *some* kind of limit to what morality can demand of agents and that the source of that limit has something to do with what makes a life go well. We can also find in Williams a handy parlance for addressing over-demandingness.

We can talk in terms of the kinds of projects which a person has in his or her life. The most valuable (in terms of the well-being they confer) are commitments – these are those projects which are so central to an individual's life that without them it would scarcely be a life anymore. For an avid intellectual the pursuit of philosophical knowledge might be a commitment. For someone else having a family and spending as much time with it as possible might be a commitment. The next most valuable will be life projects – those projects which help define the periphery of an individual's life. Without these an agent's life may still be *his* life, it will simply look very different. Perhaps our philosopher has a deep admiration for classical music and enjoys collecting it and seeing live performances. Our family man on the other hand might write poetry in his spare time; this provides him with an artistic release of great significance. Third in the list are luxury projects – those projects which agents really could do without but which do nevertheless confer substantial value upon a life. Suppose for instance that our philosopher really enjoys playing golf once in a while but that she could probably do without it quite easily. Finally we have trivial projects – those projects which an agent takes up to fill in the details of the day. Our family man might have a shoe fetish. Perhaps he has collected a massive number of shoes. Should he give up

¹⁴³ Williams, 'Consequentialism and Integrity', *Consequentialism and its Critics*, 49.

this project he would feel only the slightest loss of well-being, probably only a transitional one.

Note that I am not making any substantive claims about what fills each of these categories, for that will differ at least to some degree from person to person and hence in determining the demands of a principle we will need to consider the particular characteristics of the agent involved. One agent's sacrifice of a luxury project *could* be another's sacrifice of a commitment. All that I am saying is that (to take commitments as a representative example) those projects which are most valuable in terms of well-being are characterized by the fact that they make a life what it is and are extremely difficult to give up – naming them 'commitments' simply makes my task of exposition and analysis easier. That being said I think that there are a few substantive claims which we can make. Having any projects at all presupposes that an agent is alive and has the conditions of his rational agency satisfied. I cannot have the project of art collection if I lack the prerequisites for rational agency (these include nutrition, shelter, sanitation, etc.). Secondly, though we cannot specify what projects will fall into each category for different individuals – for Frank translating ancient Greek texts may constitute a life project while for Bill it may constitute a commitment – there are some cases in which we may be able to claim that an agent is making an incorrect self-assessment of the value of one of his projects. All rational agents are individual; but all rational agents also share a great many things in common, and this enables us to make tentative claims about the soundness of another's project valuations. If Paul tells us that for him grass counting is a commitment then surely we have good reason to dispute his valuation. I will not argue this point any further here – I think it holds great intuitive support. Regardless it is not overly important for my current purposes.

Before moving on I should make a note about possible stratagems of well-being accounting. I take it that a commitment (for instance) is immensely more valuable than a luxury project so that no number of luxury projects could ever make up for the loss of a single commitment. In fact, in the case of some commitments (life and the prerequisites for rational agency) it is a *logical impossibility* that any number of luxury projects, life projects or other commitments could add up to the value of them.

In order to determine a minimally acceptable level of well-being, we must appeal to some (relatively) objective conception of the proper relationship between morality and the individual agent. As Murphy notes, we cannot locate this conception within any particular moral theory. However, he goes too far in claiming that ‘... what we might think of as a picture of the appropriate role of morality in human life will just reflect our preexisting sense of the shape of a morally decent life.’¹⁴⁴ This universal and definitive claim is unsubstantiated and unjustifiable. Clearly it is difficult to find a place of even quasi-neutrality in normative space. But there is no reason to think that it cannot be done. To claim otherwise is to essentially put an end to all normative debate – to maintain that anything we say will simply reflect prior normative convictions. It might be held that whenever I launch a criticism against some moral principle or theory on some particular grounds all I am really doing is highlighting a divergence between the shape or substance of my own preferred theory and that which I am objecting too. This seems too extreme. Surely I can argue against a theory which condones or requires the torture of innocent children for pleasure on the grounds that no theory should condone the torture of innocent children for pleasure... not merely because the theory which I hold to deems such action to be wrong. Rather I can say that my theory is superior *because* it prohibits the torture of innocent children for pleasure.

¹⁴⁴ Murphy, *Moral Demands*, 68.

There is a relatively objective conception of the proper relationship between morality and the individual agent which we can appeal to. It holds both intuitive and reflective plausibility. The quintessential characteristic of human agents is rational agency, and the manifestation of this agency comes in the form of projects. Projects transcend mere instinct or reflex. Without the most important projects agents would cease to be agents, and life would cease to be life as we know it. Surely no normative system can strip agents of the very essence of life and agency – of life itself, the prerequisites for rational agency, or commitments. Such a view is intuitively plausible and enjoys some support within philosophical circles. Williams says of an agent ‘... he is identified with his actions as flowing from projects and attitudes which in some cases he takes seriously at the deepest level, as what his life is about...’¹⁴⁵ The minimally acceptable level of well-being (let us denote it ‘M’) then should be that level at which an agent can enjoy life, have the conditions of her rational agency satisfied, and pursue commitments.¹⁴⁶

There is a set of interesting cases which deserves special attention however. In most situations in which full compliance is approached or reached, it will be possible for every agent to simultaneously attain M – in such situations no principle could ever legitimately demand that any agent fall below M. But there may be some situations in which it is impossible for every agent to simultaneously attain M. In such situations it will not necessarily be correct to charge some principle P with being overly-demanding should it leave an agent below M. Moral principles cannot be condemned simply because the state of the world is so poor that not all agents can enjoy the minimum requirements of the good

¹⁴⁵ Williams, ‘Consequentialism and Integrity’, *Consequentialism and its Critics*, 49.

¹⁴⁶ How many commitments? That is hard to specify in advance as it may be different from agent to agent. What can be said however is that it is unlikely that any given agent could possibly have more than a few commitments – the nature of a commitment is such that it requires a great investment and a finite human agent simply lacks the resources to take on more than a few.

life. If we lived in a world where only one agent complied with the duty of beneficence, a great many agents would be left below M. Should we condemn our principle as being overly-demanding in such a situation? I think not. We must add a caveat to the over-demandingness objection.

Over-Demandingness Caveat: If a principle leaves an agent below M and the only way for that agent to attain M is to bring or leave another (or others) below M (or of course if there is no way in which our agent could be raised above M), then that principle should not *necessarily* be charged with over-demandingness. We may call such cases instances of ‘moral misfortune’ (to borrow a term from Barbara Herman).¹⁴⁷

Why have I included the word ‘necessarily’ in this caveat? In cases in which it is impossible for all agents to attain M there *might* still be correct and incorrect directives for our principle to make, based on over-demandingness concerns. For instance if a principle required an agent to take his own life this would be overly-demanding. Even if not all agents can exist above M, it is excessively demanding to require of any given agent that she actively contribute to her own well-being deficiency.

There will be other cases in which the correct answer is difficult to determine. If either one individual must die or else three billion will perish then a principle which prevented the three million from collectively taking the life of the one might seem to be overly-demanding (since it is much, much worse to leave three billion people below M than a single individual). But in cases where we have parity – e.g. two individuals cannot mutually exist above M –

¹⁴⁷ Herman, ‘Mutual Aid and Respect for Persons’, *Ethics* 94 (July, 1984), 598.

determinations will be much harder to make and there will certainly be instances in which we must simply say that while no directive of our principle will be overly-demanding, none of them are superior to any others. Luckily such situations will I think be rather rare, if not implausible.¹⁴⁸ There might also be cases in which over-demandingness is inapplicable, but we can limit the extent of the moral misfortune. Suppose that Hansel and Gretel cannot simultaneously attain M; suppose further that given the circumstances of their lives, Hansel is completely destitute, starving and living in squalid conditions. Gretel is quite well off. Through a series of extraordinary circumstances the only way for Hansel to attain M is for Gretel to fall below it. We might think it fair if our principle takes a little away from Gretel to give to Hansel. But if it comes down to choosing between the two, psychological factors could persuade us to choose Gretel – it seems worse to require an agent to give something up than to prevent another from obtaining something he never had.

Leaving behind the over-demandingness caveat, we have another issue to deal with. Could it be that while M may *never* be breached, sometimes the minimally acceptable level of well-being will actually be higher than M? Is the minimally acceptable level of well-being below which morality cannot ask an agent to sink, a flexible one? There is some intuitive appeal to this idea. Let me explore it a little further through reference to Murphy. He thinks it counter-intuitive to suppose that that the minimally acceptable level of well-being is fixed.¹⁴⁹ Suppose for instance that in the world as it is I am required to donate a portion of

¹⁴⁸ At this juncture I refer the reader back to the case of Claude discussed in section II.2 of this chapter. It is now not so clear whether or not it is overly-demanding for Claude to be prohibited from killing. Quite possibly Claude's case is one of moral misfortune. This fact of course still works to support the conclusions I drew in section II.2.

¹⁴⁹ Murphy speaks in terms of a limit since he conducts most of his discussion under the assumption of the losses version of over-demandingness. Under the losses version there will still be a limit to what morality

my income to OXFAM and to assist in emergency situations on occasion. Such actions take me down to my minimal level of well-being. If ‘catastrophe on an unprecedented scale hits some part of the world, and many millions will die unless *all* of us in the industrial West give up a great deal of money over a period of years’ then does it make sense to claim that I need do no more?¹⁵⁰

Let us call the world as it is *W* and the world in which the catastrophe has struck *W1*. Further, let us say that in *W* the minimally acceptable level of well-being is *L*, while in *W1* it is *L1* (*L1* is of course lower than *L*). Why should we think, as Murphy does, that the move from *W* to *W1* justifies the move from *L* to *L1*? The simple fact that the circumstances surrounding our agent have changed seems to be no justification at all. Rather the justification must be that actions which leave me just above *L1* in *W1* are far more efficacious (they promote well-being more significantly) than actions which would leave me just above *L1* in *W*. In other words, suppose leaving myself just above *L1* in *W* would have the following impact in terms of well-being promotion: I would help another achieve a life project. But leaving myself just above *L1* in *W1* would have a much more efficacious impact in terms of well-being promotion: I would save the life of another. We can see then why (depending on how we define *L1*), while *L1* is appropriate in *W1* it is not appropriate in *W*. So in actual fact the move from *L* to *L1* has nothing at all to do with changing circumstances. Rather it has to do with the changing efficacy of sacrifice (of course it is likely that the same actions – the same level of sacrifice – will do more good as circumstances worsen).

can demand of an agent but it will differ depending on the agent (depending on what their non-compliance well-being is).

¹⁵⁰ Murphy, *Moral Demands*, 67.

We might take this example as an illustration of the superiority of a flexible conception of the minimally acceptable level of well-being. I think we should reject this option since it greatly complicates an already complicated picture of over-demandingness and makes the production of an acceptable principle of beneficence extremely arduous. Further, our interest here is not strictly with a minimally acceptable level of well-being. If I can be expected to fall toward L1 in a certain context, then in W a demand which pushes me toward L1 is not overly-demanding. It does not push me below a minimally acceptable level of well-being. Rather it is simply inappropriate. This sense of inappropriateness is derived from a further aspect of our quasi-neutral conception of the proper relationship between morality and the individual agent. Not only should morality never leave an agent below a minimally acceptable level of well-being, it also should not leave agents at levels of well-being for reasons which are relatively inefficacious in terms of well-being promotion given the impact on the agent's life. So then, over-demandingness is one problem which emerges from a consideration of the proper relationship between morality and the individual agent. Inappropriate-demands is another problem which emerges from that consideration of that same relationship.

Inappropriate-Demands

I should say a little more about inappropriate-demands before moving on. Firstly we must note that there is both an active and a passive element to this charge – if an agent finds himself at some level of well-being, call it L3 which is well above M (the minimally acceptable level of well-being) then we must ask why the agent is at L3 rather than (for instance) the higher L2 (L2 could be any level of well-being which is higher than L3 if the reason that the agent is not at L2 can be attributed to the principle at hand). The reason will

of course be a combination of passive effects and active demands, though the final cause will be either active (i.e. the agent was at L2 and found himself required to perform an action which brought him to L3) or passive (i.e. the agent would be at L2 if he received greater passive benefits from the principle at hand). The pertinent question is whether the efficaciousness of either those active demands or those passive effects that result in the agent finding himself at L3 rather than at L2 is high relative to the actual value of L3.

At this point the problem of inappropriate-demands becomes somewhat muddy. There will of course be paradigm cases – if an agent has been brought to L3 from L2 in virtue of an active demand which had the effect of taking a friend’s dog for a walk because the friend was preoccupied by a television show, then regardless of how high or low L3 is, we can reasonably say that the demand is inappropriate. At the other end of the spectrum – if the impact of the active demand was that a starving man received proper nutrition and some method of maintaining good health, then unless L3 bordered on M, such a demand would be appropriate. In between there will be many difficult cases. But this is surely no reason to abandon attempts to think meaningfully about the normative concern of inappropriate-demands. We have the guide of paradigm cases and of the underlying conception of the proper relationship between morality and the individual agent. Murphy has no recourse for complaint here since he admits that his own ‘compliance condition’ problem (which I discuss below) is inherently vague – that no clear cut method of determining when the condition is violated exists.¹⁵¹

¹⁵¹ Murphy, *Moral Demands*, 120-121.

Two Requirements about Demands

From our conception of the proper relationship between morality and the individual we have derived two possible objections which can be leveled against principles of beneficence. We can further derive two requirements which an acceptable principle of beneficence must meet.

- 1) A principle must never leave an agent below the minimally acceptable level of well-being (M) unless the only way to raise that agent above M is to bring or leave another (or others) below M.
- 2) A principle must never leave an agent at some supra-M level of well-being (L) if, given the actual status of L, the demands on the agent which have left him at L rather than at some higher level of well-being have a relatively inefficacious impact in terms of well-being promotion.

III. Problems of Partial Compliance

I will now discuss the third option for explaining our intuitive unease with the OPB, which Murphy favors. While I find it to be illuminating in several important respects, I ultimately disagree with Murphy's analysis.

III.1 The Compliance Condition

The third option tells us that the real problem with the OPB is that it makes unfair demands of agents under situations of partial compliance (situations in which not every

agent complies with the principle at hand).¹⁵² Or to phrase the problem in a more technical (and accurate) manner, we can say that the problem with the OPB is that it violates the ‘compliance condition’ which, loosely put, says that principles of beneficence must not increase the demands placed on agents as compliance with the principle by other agents declines.¹⁵³

For the purposes of determining whether a principle requires a level of attenuation in the well-being of complying agents under partial compliance not required under full compliance it makes no difference whether that attenuation is directly caused by the compliance of the agent in question or by the compliance of others. In other words, it makes no difference whether the increased demands placed on agents are active or passive. And of course, we must not forget passive benefits – the passive benefits which flow to agents under full compliance may be greater than those which flow to agents under partial compliance. The compliance condition then, concerns not demands *simpliciter*, but what Murphy calls ‘net compliance effects’ – the passive effects of the prevailing level of compliance minus the active demands of the principle in question.¹⁵⁴

Murphy’s final formulation of the compliance condition comprises two dimensions, the first-person and the third-person, in order to deal with the fact that principles of beneficence can impact the compliance effects on any particular agent in any given level of compliance in

¹⁵² Murphy, *Moral Demands*, 76.

¹⁵³ Murphy, *Moral Demands*, 77.

¹⁵⁴ See Murphy, *Moral Demands*, 78 for discussion of ‘net compliance effects’. It might be objected at this point that the compliance condition lacks substance since it depends upon measurement of passive effects, and this Murphy claimed to be impossible in his discussion of over-demandingness. But the real problem in measuring passive effects according to Murphy was that there is no way to measure levels of compliance and thus to be able to say what passive effects a principle has at a given level of compliance. In the context of the compliance condition, we need not equate particular levels of compliance with particular passive effects; we need only be able to determine whether passive effects are different under full compliance than under any level of partial compliance.

two ways. Firstly, by imposing active demands on the agent and secondly through the demands it makes of other agents.¹⁵⁵ Under the compliance condition a principle of beneficence can neither require an agent to act such that his compliance effects are worse than under full compliance (the first-person dimension), nor require others to act in a way which worsens our agent's compliance effects relative to full compliance (the third-person dimension).¹⁵⁶ Put simply, if my well-being under full compliance with some principle could be quantified, then if that principle is to satisfy the compliance condition it must not require me to do anything, and must not require others to do anything which will bring my well-being below that quantified level.

Murphy thinks that there are both intuitive and theoretical arguments which can be adduced in support of the compliance condition. I will address each in turn.

III.2 Intuitive Plausibility of the Compliance Condition

The Argument

Because so many agents do not comply with the OPB, the collective burden of the principle falls to a relatively small group of agents; under full compliance (where every agent complies perfectly) that same collective burden would fall to a much larger group of agents.

¹⁵⁵ Murphy, *Moral Demands*, 79.

¹⁵⁶ Codified, the first-person dimension of the compliance condition states: *Principles of beneficence* '...should not under partial compliance require sacrifice of an agent where the total compliance effect on her, taking that sacrifice into account, would be worse than it would be (all other aspects of her situation remaining the same) under full compliance from now on.' (Murphy, *Moral Demands*, 80) The third-person dimension of the compliance condition in its codified form reads: *Principles of beneficence* '...should not under partial compliance require an agent to act such that a loss is imposed on some other person where the total compliance effect on that other person, taking this loss into account, would be worse than it would be (all other aspects of her situation remaining the same) under full compliance from now on.' (82) I leave this more complex formulation of the compliance condition to a footnote since the basic idea can be captured more easily. The extra complexity, while of interest, can be omitted here without losing anything of great significance for my current purposes.

Hence, the demands placed on each complying agent are far greater under partial compliance than under full compliance. A complying agent under partial compliance might come to believe that the OPB, in requiring her to take on extra burden merely because others are failing to comply, is objectionable; that she should not have to take up the slack left by the moral failings of others. She might believe that in requiring her to take up that slack, the OPB makes unfair demands of her – after all, if what is demanded under full compliance is fair, then increasing those demands under partial compliance cannot possibly be fair.¹⁵⁷ Murphy claims that such a belief is common and natural – that the compliance condition is therefore intuitively plausible.

My Response

While there may be something to the kind of intuitions Murphy is relying on, I do not think that the matter is as cut and dry as he makes out. Take a thought experiment: suppose that Bill and Maude are moral agents suitably placed such that they are the only agents in the world who have the ability to do something beneficent for an overpopulated village in Sub-Saharan Africa. Suppose that the beneficent act is teaching the townsfolk about birth control. Suppose further that Bill decides at some point to return home to Canada in order to watch the Stanley Cup. Maude is aware that under the OPB her responsibilities have now effectively doubled – she cannot simply await Bill's return since their visas will expire in a matter of weeks. She must either finish the job herself, taking on Bill's burden, leave Africa herself immediately, or continue to do just her share aware that the task she set out to do will not be completed in the end. What does morality require?

¹⁵⁷ Murphy, *Moral Demands*, 76.

Murphy thinks our intuitions here are clear – Maude should not have to take up the burdens left by Bill. But I think that many agents might reasonably have opposite intuitions – that Maude *must* take up Bill’s burdens. The original aim has not changed and it can still be achieved. It is certainly not ideal that Bill left and something must be done about his moral indolence, but that unfortunate situation cannot excuse a failure to promote well-being.

Intuitions on the question of responsibility under partial compliance can go either way. Because of this we can make the following relatively uncontroversial statement: that there is indeed an intuition that demands under partial compliance should ideally be distributed in some fair sense, and that it is unfair to expect complying agents to take on the burdens of non-compliers, *but* that there is also an intuition that if the consequences of refraining from taking on unfair demands are dire enough then an interest in well-being promotion may outweigh an interest in fair demands. To treat our concern with fair demands (i.e. with the compliance condition) as unconditionally peremptory would be to disregard the importance of our original aim – beneficence. And this is counter-intuitive. I think that the Bill and Maude case demonstrates this. Another type of (actual) case might reinforce it.

We live in a world of partial compliance in which the OPB (and other principles of beneficence) requires complying agents to take on great burdens left by non-compliers. This might be seen to be unfair. However, in rejecting all demands which are ‘unfair’ in this sense, complying agents would buttress the suffering of millions of innocent people – of all those who would and should be assisted by non-complying agents. Put quite simply, in following the compliance condition we allow millions of people to suffer whom we could help without leaving ourselves below a minimally acceptable level of well-being.

Intuitions one way or the other can take us only so far. Of more importance are the philosophical arguments which can be adduced either in favor of or against the compliance condition.¹⁵⁸ I turn to those arguments now.

III.3 Theoretical Support for the Compliance Condition: Two Questions of Responsibility

The Argument

Principles of beneficence (and only principles of beneficence) are classified by Murphy as agent-neutral principles.¹⁵⁹ An agent-neutral principle is one that obligates all agents to take on the same aim. All moral agents have the same aim with respect to beneficence; to maximize well-being. Agent-relative principles on the other hand give individual agents different aims. Deontological constraints for instance obligate *me* not to kill. There is no opportunity for questions about compliance and the appropriate response to non-compliance to arise in the context of agent-relative principles.¹⁶⁰ Each agent has his or her own moral aim, and the compliance or non-compliance of other agents with the same principle does not impact that agent's conception of his or her own moral task. Questions about compliance and the distribution of demands *can* however arise in discussion of agent-neutral principles.

Agent-neutral principles can be viewed in two ways; as giving the same aim to many individuals, or as giving a collective aim to a group of moral agents. Murphy puts it this way: 'Beneficence could... be understood either as an aim people have *as* individuals, and just

¹⁵⁸ See Murphy, *Moral Demands*, 75-76, 88-97, 102-112.

¹⁵⁹ Murphy, *Moral Demands*, 75.

¹⁶⁰ Murphy, *Moral Demands*, 94.

happen to share with all other individuals, or as an aim people have together with others in the stronger sense that each person views his beneficent activities as part of a collective undertaking.¹⁶¹ Under the individual conception, complying agents consider the non-compliance of others to be of the same significance as natural calamities. Both increase the burdens of beneficence placed on complying agents. If however we view beneficence in the second sense – as a collective undertaking – then the non-compliance of others will take on a type of significance different to that attached to natural calamities. If we are all working together toward some aim, then the behavior of others in the group will certainly affect the way that I view my own responsibilities.¹⁶²

If we take the collective view, then two questions about responsibility naturally arise:

- 1) How should responsibility for promoting the collective aim be distributed among the members of the group?
- 2) In situations of partial compliance, how should the responsibility of complying agents be impacted?

In any group project we must question how the demands of the project should be distributed among the group's members. And of course, we will also want to know what to do if some of the group's members fail to comply with the project's demands. If however, we view beneficence in the mutual individual aim sense, then questions about the distribution of demands do not arise.

¹⁶¹ Murphy, *Moral Demands*, 96.

¹⁶² Murphy, 'The Demands of Beneficence', *Philosophy & Public Affairs* 22 (1993): 285-286. This paper is an earlier and a microcosmic version of Murphy's *Moral Demands in Nonideal Theory*. Most of the ideas in the earlier paper are better expressed in the later book and hence I will make reference to that paper only rarely.

Murphy claims that we should view principles of beneficence in the collective aim sense, though he provides no direct argument in support of this. It seems that he simply believes it to be more plausible to think that agents who share an aim in common should (or will) view their project as a group project in which the impact of the complying or non-complying behavior of others is different to the impact of natural circumstances. He also thinks it to be superior to the individual aim conception since it constitutes a step in the path toward the compliance condition, which he takes to be plausible in and of itself.¹⁶³

My Response

I am willing to accept for the sake of argument that principles of beneficence and *only* principles of beneficence are accurately classified as agent-neutral. I begin to disagree with Murphy's argument at the point at which he classifies the duty of beneficence as a collective aim principle. My disagreement is centered on two points. Firstly Murphy attributes arbitrary characteristics to the individual aim and collective aim conceptions of beneficence. This leads to the second point of disagreement – that once we understand individual aim and collective aim conceptions of beneficence divested of their arbitrary characteristics we see that the choice is rather inconsequential. Either way we are led to Murphy's two questions of responsibility.

I will begin with my first point of disagreement. In describing the collective aim understanding Murphy stipulates that increased need for beneficence due to the non-

¹⁶³ Murphy says: 'The conception of beneficence as a group project...is...just one more plausible idea to add to the set of mutually supporting considerations I have advanced...' (Murphy, *Moral Demands*, 97). Clearly Murphy is not suggesting that he has proven the superiority of the collective aim conception. He is merely suggesting it as a highly plausible alternative. This fits with the strategy he takes throughout his entire project. Murphy's final sentence in his book is indicative of this strategy: 'No one of my many arguments is likely to convince a reader that I have achieved [my aims]; what I hope is that all the arguments taken together might seem to make up a more convincing overall view than the relevant alternatives.' (*Moral Demands*, 134).

compliance of some members of the group will not be treated in the same way as increased need due to natural circumstances. But this doesn't seem to be a necessary characteristic of collective aim principles – it seems quite possible that we could have a collective aim principle in which we treat these two types of increased need for beneficence in exactly the same way.

Murphy then claims that if we view beneficence as a duty assigned to individuals rather than to a group, then we must also understand the duty of beneficence as taking the exact same instrumental significance from changes in compliance as from changes in natural circumstances.¹⁶⁴ But this does not seem to be a necessary characteristic of the individual aim conception. Rather it seems that, once we accept the individual aim conception we then have a further choice to make regarding the proper way to view the complying or non-complying behavior of others. Even though my aim is just my aim, it is also one that is shared by all other agents, and it is quite possible to think that the behavior of those other agents will have some different instrumental significance for me than mere changes in natural circumstances.

With the nature of the individual and collective aim conceptions cleared up we can see I think that Murphy's two questions of responsibility arise in relation to both. If I have moral aim A, and I am aware that many other people also have moral aim A, then it will be of interest to me how we might promote that aim in cooperation. I will be aware that my own aim can be better promoted if everyone else helps (this would be the case even if others did not have my own aim as their own aim). This leads me to questions about cooperation – and hence questions about the proper distribution of demands given full compliance. But I will

¹⁶⁴ Murphy, *Moral Demands*, 96.

also wonder about the proper distribution of demands given partial compliance. I will know that my own duty of beneficence is less burdensome the more other people who are complying with their duties of beneficence. So it will be natural for me to wonder what my proper behavior should be under partial compliance.¹⁶⁵

III.4 Theoretical Support for the Compliance Condition: Answering the Questions of Responsibility

The Argument

To this point in the argument Murphy has claimed that his two questions of responsibility *must* arise for principles of beneficence. How do we get from that point to the compliance condition? The compliance condition provides an answer (which Murphy takes to be inherently plausible given its supposed intuitive support) to the second question. And, its plausibility is increased further if we can view it as part of a general coherent view which answers both questions.¹⁶⁶ If whatever distribution of demands we have under full compliance is morally legitimate, then that gives us reason to think that changing that distribution under partial compliance is illegitimate.¹⁶⁷ In other words, if our answer to the first question of distribution is that demands must be distributed under some morally acceptable condition, then we have good reason to like that distribution and to use it as a

¹⁶⁵ We might wonder why Murphy misdescribed the two conceptions of beneficence. It seems that in doing so, he partially presupposes answers to the two questions of responsibility. Once we make the arbitrary attributions of characteristics to the individual and collective aim conceptions of beneficence which Murphy makes, our choice already (at least partially) contains an answer to the second of Murphy's questions. Under Murphy's notion of the collective aim conception, agents view increased need arising from non-compliance differently from increased need arising from natural circumstances. This clearly constitutes a step in the direction of the compliance condition.

¹⁶⁶ Murphy: '...the compliance condition can be understood as a very natural answer to the question of the proper responsibility of agents under partial compliance.' (*Moral Demands*, 93).

¹⁶⁷ Murphy, *Moral Demands*, 91-93.

benchmark for partial compliance. We have good reason to find the compliance condition a good answer to the second question. Violations of the compliance condition effectively require me to take on what are rightly the responsibilities of others.¹⁶⁸

Principles of beneficence should and do distribute demands in a morally legitimate fashion under full compliance. Specifically, they distribute demands *fairly* under full compliance.¹⁶⁹ The notion of fairness at play here is formal fairness which ‘... requires that a distribution be equal unless there are good grounds for departing from equality.’¹⁷⁰ This formal idea requires no justification; it is clearly an uncontroversial condition of distribution.

Principles of beneficence under full compliance distribute their demands in a manner which meets this condition of formal fairness. A (plausible) principle of beneficence will make certain demands which usually will not result in an equal distribution of well-being. But those demands are superior to demands which would result in an equal distribution of well-being since they produce a greater total increase in well-being; they achieve the aim of the principle more effectively.¹⁷¹ This of course assumes that better achievement of the principle’s underlying aim qualifies as ‘good grounds’ to depart from equality under the formal fairness condition. How do we define ‘good grounds’?

Murphy provides two criteria – the first is clearly stated, but the second is only implicit in his account. The first is that the ground or reason must be morally acceptable – it must be generally acknowledged as a basis on which to make normative decisions.¹⁷² This first

¹⁶⁸ Murphy, *Moral Demands*, 89.

¹⁶⁹ Murphy, *Moral Demands*, 88-93 and chap. 6.

¹⁷⁰ Murphy, *Moral Demands*, 107.

¹⁷¹ Murphy, *Moral Demands*, 109.

¹⁷² Murphy, *Moral Demands*, 108.

criterion rules out such reasons as prejudice. The second is that the reason be something which clearly trumps our interest in equality. The prime example of a reason which clearly trumps our interest in equality is the better achievement of the principle's aim. '... better achievement of the aim of the principle is always going to count as a good reason for the purposes of formal fairness.'¹⁷³ Our concern with equality arises only once we have satisfied the aims of the principle since that is our primary concern. This is clear given that a principle which resulted in an equal distribution of responsibility would be vastly inferior as a principle of beneficence to one which promoted well-being more efficiently.

Formal fairness amounts to the following: if we have two principles, or two sets of demands which achieve the (morally acceptable) aim of the principle equally well, we must choose the one which results in a more equal distribution of responsibility.

Given that the answer to the first question of distribution is that demands must be, and are distributed fairly by principles of beneficence we have support for the compliance condition as an answer to the second question. It naturally follows from the fact that demands under full compliance are fair, that we should stick to those fair demands under partial compliance. Hence, Murphy believes he has shored up the compliance condition through analyzing the actual nature of principles of beneficence. They present collective aims and distribute demands fairly under full compliance. Hence, they should distribute demands in that same fair manner under partial compliance.¹⁷⁴ The OPB fails to do so, violates the

¹⁷³ Murphy, *Moral Demands*, 109.

¹⁷⁴ Of course, the demands of the OPB are fair in a distributional sense. Every agent under partial compliance is required to do the same thing – to maximize well-being. The partial compliance demands of the OPB are unfair in a looser sense. From the perspective of an individual agent, the partial compliance demands of the OPB are unfair in terms of what is required of that particular agent – that she take up the slack of others, that she do more than what is her fair share (determined by the benchmark of full compliance). See Murphy, 'The Demands of Beneficence', *Philosophy & Public Affairs* 22 (1993), 283, and *Moral Demands*, 90-93.

compliance condition and gives the wrong answer to a question which we must necessarily answer in relation to principles of beneficence.

Note of course that the compliance condition applies only to principles of beneficence since it was only for principles of beneficence that Murphy's two questions of responsibility arose (to which the compliance condition is a partial answer).

My Response

I will agree with Murphy that the correct answer to his first question of responsibility is to be located within the notion of formal fairness.¹⁷⁵ Distributions of responsibility should be morally acceptable and grounded in reason. And though I do think that the compliance condition holds some plausibility as a *partial* answer to the second question of responsibility in virtue of its intuitive support, it is rather mysterious how its plausibility as an answer is increased through seeing it as is a 'natural' accompaniment to our answer to the first question of responsibility (formal fairness). If the compliance condition is plausible by itself then we have a reason to see it as an answer to the second question of responsibility. But it is hard to see how it is naturally connected to the formal fairness answer to the first question of responsibility. True, if demands were not distributed fairly under full compliance then it would be very difficult to justify using full compliance as a benchmark for partial compliance. But this merely establishes the possibility of the compliance condition.

Such issues about the structural soundness of Murphy's argument are interesting but beyond my scope here. It will suffice to admit that the compliance condition holds some

¹⁷⁵ Merely because there is no good reason to deny formal fairness. It basically requires only that a principle of beneficence distributes its demands in a rationally justifiable manner.

intuitive plausibility as an answer to the second question of responsibility. Murphy's theoretical arguments seem to add nothing to this plausibility.

III.5 Formal Fairness under Partial Compliance

Murphy and I agree that there is some plausibility to viewing the compliance condition as an answer to the second question of responsibility. We differ significantly however – while Murphy takes the compliance condition to be an exhaustive answer, I think of it as only a partial answer. Why? Because there are situations in which it seems abhorrent to permit agents to favor interests of fair demands over interests of beneficence.

I think that the best way to view the compliance condition is as a factor to be considered in deliberations about formal fairness under partial compliance. I already noted that formal fairness seemed to be the appropriate answer to the first question of responsibility – equality should obtain unless departing from it is independently valuable. Given the fundamental interest in equality which gave rise to formal fairness, I think that it can provide an answer to the second question of responsibility as well. There is simply no reason not to think that formal fairness is just as appropriate under partial compliance as under full compliance. One reason for departing from that equal distribution of responsibility under partial compliance will be well-being promotion. Another will be over-demandingness since an acceptable principle of beneficence must temper the aim of well-being promotion in virtue of over-demandingness. An equal distribution of demands should be departed from whenever necessary to avoid over-demandingness. Another will be the compliance condition since an acceptable principle of beneficence will have as part of its aim meeting that condition. In certain cases then, our principle of beneficence should under partial compliance depart from an equal distribution of demands in order to satisfy the compliance condition.

These different factors of relevance in our partial compliance formal fairness deliberations will need to be weighed against one another. I will not attempt to work out such weightings here. All that is important for my current purposes is that though the compliance condition should play some role in the functioning of our principle of beneficence it is simply one factor to be considered among several under partial compliance. Given the kinds of intuitions which I think are prevalent in cases such as that of Bill and Maude I also think that we can say that the compliance condition will be easily outweighed by considerations of well-being promotion.

III.6 The Formal Compliance Condition

Murphy will oppose the suggestion just made that formal fairness should be used under partial compliance and that the compliance condition is just one factor among many to be considered. His argument against this suggestion can be located in his argument against a similar suggestion – the formal compliance condition.

One may wonder why, if deviations from equality in the distribution of responsibility under full compliance can be justified by appeal to the efficacy of well-being promotion (i.e. if a formal fairness condition is appropriate for distributions of responsibility under full compliance), deviations from the compliance condition (i.e. deviations from establishing a limit to demands through appeal to full compliance) cannot be justified in the same manner. Murphy denotes this suggestion the ‘formal compliance condition’.¹⁷⁶ He rejects it, and his argument against it is interesting since it could also be employed against the suggestion which I offered in section III.5.

¹⁷⁶ Murphy, *Moral Demands*, 115-116.

The Argument

Murphy claims that increased efficacy at well-being promotion is only a good reason for abandoning the compliance condition if we assume that non-compliers will not comply, if we treat them as people with no responsibility in this project. The *better* solution is for us to leave the responsibility where it rightfully belongs – in the hands of the non-compliers. The decision to begin complying is within their hands, and they may well choose to make that decision. We should treat them as responsible agents rather than taking away their responsibility. Murphy says: ‘It is the fact that decisions are open to noncomplying agents that would make the extra sacrifice from complying agents unnecessary that renders a formal approach to the compliance condition unappealing.’¹⁷⁷ In the case of responsibility distributions under full compliance, there is no analogue – no better solution than simply giving up on absolute equality.

The argument then is that if we were to take up the slack of non-compliers we would not be treating them as responsible agents who could choose to begin complying at any moment; instead we would be treating them as mere forces of nature, and in so doing we would be effectively giving up on the hope of full compliance.¹⁷⁸

If contravening the compliance condition leads to an attitude toward non-compliers that is worse than any deficiency in well-being promotion, then well-being promotion will never outweigh the compliance condition, and if taking a formal fairness approach under partial compliance leads to that result then we must reject that approach.

¹⁷⁷ Murphy, *Moral Demands*, 116.

¹⁷⁸ Murphy, *Moral Demands*, 115-116.

My Response

This ‘forces of nature’ argument is strange because it appeals to the ideal of full compliance. Murphy suggests that violation of the compliance condition is inimical to the achievement of this ideal. This is odd firstly because Murphy at no other point displays any interest in the fulfillment of the full compliance ideal (in the first requirement of partial compliance) and secondly because it is quite inexplicable how satisfying the compliance condition can possibly lay any fertile ground for the achievement of full compliance.¹⁷⁹ What does it mean to say that something is a ‘force of nature’? It means that it is intractable, untouchable by human influence. So we treat non-compliers as forces of nature, when and only when we act as if their decisions are impervious to human influence. Whether we pick up their slack or not has nothing to do with it. We might act as if the decisions of non-compliers are impervious to human influence with *or* without picking up the slack of those non-compliers. So there is no reason to think that violating the compliance condition (i.e. picking up the slack) entails treating non-compliers as forces of nature and hence attenuating the possibility of achievement of the full compliance ideal.

III.7 Two Aspects of the Problem of Partial Compliance

Having clarified the import of the compliance condition, it is now time to note that Murphy’s second question of responsibility is only one aspect of the problem of partial compliance. The other aspect consists of the mere fact of partial compliance itself. So then, the two aspects of the problem of partial compliance are:

1) Responsibility for the Slack – how should the slack left over by non-compliers be dealt with by complying agents?

¹⁷⁹ Note that Murphy’s own CPB does implicitly seek the full compliance ideal.

2) Compliance Deficiency – the mere fact that partial compliance obtains; that not every agent who should be complying actually is complying. How do we address this situation?

It is uncontroversial to think these are both aspects of the problem of partial compliance. The fewer agents that comply with the duty of beneficence, the less successfully the aim of well-being promotion can be achieved. As a complying agent I naturally have an interest in how I should react to the slack left by non-compliers; but if I put any stock in the aim of beneficence, to promote well-being (and I presumably do given that I comply with the duty), then I will also desire a situation in which all suitably placed moral agents comply with the duty of beneficence over one in which only some such agents comply. Hence I will desire an answer to the problem of compliance deficiency. Further, note that the first requirement is parasitic on the second. If partial compliance did not obtain, then there would be no need for guidance about what to do under partial compliance. Given this, we have reason to think that solving the problem of the mere fact of partial compliance is more important than attempting to solve the other part. This is not to say that we should focus entirely on the first facet of the problem; rather the point is that we would be acting in a derelict fashion should we focus only on the second facet of the problem.

Our principle of beneficence must provide answers to, or at least leave room for the provision of answers to these two problems. After all, a principle of beneficence concerns itself with the promotion of well-being. Partial compliance has a detrimental effect on well-being; it follows that a plausible principle of beneficence should contain within it some method (or be conducive to the addition of such a method) for solving partial compliance. And since the role of a principle of beneficence (at one level) is to guide agents in their beneficent actions, our principle of beneficence should also provide them with a sense of

how much they need to do under partial compliance. Under partial compliance the amount of good that could be done is substantially increased compared with full compliance and hence our principle of beneficence should be able to tell us how to deal with this increase. We can say then that two requirements which plausible principles of beneficence must meet have been illuminated: the requirement of responsibility for the slack (that our principle should provide guidance as to the proper reaction of complying agents to the slack left by non-compliers) and the requirement of compliance deficiency (that our principle should provide guidance as to the proper achievement of full compliance).¹⁸⁰ We already have an idea of what an acceptable answer to the second requirement will look like. It will meet the condition of formal fairness which includes as relevant factors which may outweigh equality, well-being promotion, the compliance condition, and over-demandingness.

III.8 Interlude: A Return to the Intuitive Implausibility of the OPB

I began this chapter with the following question: what is the cause of our unease with the OPB? Why is it intuitively implausible? Murphy claims that the answer can be found in the

¹⁸⁰ Murphy of course addresses only 'responsibility for the slack'. This means that he does not evaluate whether the OPB (or his own CPB) satisfies the first requirement of partial compliance. Murphy's evaluation of our intuitive unease with the OPB is incomplete. Now, it *could* be that none of our unease with the OPB is derived from the first requirement of partial compliance. But in failing to address it at all, Murphy cannot simply assume this to be true. The compliance condition in isolation, is actually inimical to the possibility of addressing the first requirement of partial compliance. I am not claiming that once we accept the compliance condition as the appropriate answer to the second requirement, we cannot address the first requirement. What I am claiming is that in a world in which agents lived by the compliance condition (alone or in a system which still failed to recognize the first requirement), the problem of the mere fact of partial compliance would be exacerbated. Those agents who already choose non-compliance will most likely continue to make that choice given the absence of any attempts to address their non-compliance. Certain complying agents, seeing that non-compliers move with impunity, may get the impression that beneficence is not all that important – for if it was then surely steps would be taken to address non-compliance. They might begin to view the non-complying side of the fence as more appealing. Further, future agents will be born into a world of such pervasive non-compliance that fulfillment of the duty of beneficence will come to be seen as supererogatory. The long term trend will be a declining level of compliance with the duty of beneficence. Again my point here is not to suggest that Murphy's answer to the second requirement cannot be supplemented with an answer to the first. Rather it has been to note the dangers in addressing *only* the second requirement.

compliance condition. I disagree, and at this juncture I have provided the requisite theoretical background to explain my own interpretation of the intuitive implausibility of the OPB. I revived the over-demandingness objection and it seems to me to be the primary feature of the implausibility of the OPB. Intuitions are likely to grasp onto any signs of over-demandingness since an overly-demanding principle is one that has a greatly negative impact on an agent's life. It makes perfect sense to think that the reason we find the OPB so absurd is its capability for boundless demands.

Of course there is some reason to think that part of our dissatisfaction with the OPB comes from compliance condition concerns – but because the compliance condition is less significant than the basic conception of the relationship between morality and agent that underlies over-demandingness, it accounts only for a minor portion of the intuitive implausibility of the OPB. There is one further factor in the implausibility of the OPB – the problem of compliance deficiency. It is not that the OPB provides the *wrong* answer to that problem (as will become clear in chapter three, the OPB seems to provide the correct answer at least in form); rather the correct answer to compliance deficiency is so obscure that intuitively it is undetectable in any principle, even if it is inherently contained within the principle. Whether or not the OPB provides the correct answer to compliance deficiency in a substantive manner is debatable and irrelevant – the point is that it is unclear to agents whether the OPB provides any answer at all. This helps to ground the intuitive implausibility of the principle (and indeed creates an intuitive problem for any principle in the absence of widespread recognition of the answer to compliance deficiency).¹⁸¹

¹⁸¹ Depending on how strong one's initial intuitive unease with the OPB happened to be it may be that the hard-line response discussed in section I.3 of this chapter will come into play – if one believes that moral demands must be limited even further than is captured by over-demandingness, under-demandingness, and inappropriate-demands, then we must say that she is simply incorrect.

IV. The CPB

My aim in this chapter is to evaluate the consequentialist options for the duty of beneficence. On the one hand, we have the most obvious consequentialist option – the OPB. In Murphy we find a second consequentialist option, grounded in his analysis of the problems of partial compliance. This Murphy-ian principle is the collective principle of beneficence or ‘CPB’. In section V of this chapter I will evaluate the prospects of both the OPB and the CPB as potential principles of beneficence. For now though I must clarify, through appeal to Murphy, the exact nature of the CPB. Though it embodies Murphy’s concern with the problem of partial compliance, its full formulation is complex.

IV.1 The CPB Explained

The collective principle of beneficence (CPB) is Murphy’s attempt to revive the consequentialist project of shaping the abstract duty of beneficence. It gains support both from what Murphy takes to be its plausible consequences, and from the fact that it solves the compliance condition.¹⁸² The CPB is essentially just a form of the OPB which meets the compliance condition. Murphy’s final formulation of the principle is in his own words

¹⁸² Murphy considers ideal collective versions of utilitarianism as possible principles which meet the compliance condition. Such a principle would determine the rightness of action by appeal to full compliance. The problem is that under partial compliance such a principle could require pointless or even harmful action. The CPB avoids this problem since it only uses full compliance to set the limit of required sacrifice – one may do more if they wish – it doesn’t use full compliance as the determinant of right action. Worse for ideal collective principles is that they don’t actually, upon closer inspection, satisfy the compliance condition. Once we remember that the compliance condition deals with compliance effects and not merely active demands, this fact becomes clear: if under full compliance I am required to perform action ‘y’, then I will be required to perform that same action under partial compliance. But if the passive effects are less beneficial under partial compliance than under full compliance, then making an equal active demand of me may in fact result in the lowering of my well-being relative to the full compliance level. See Murphy, *Moral Demands*, 86.

‘horribly cumbersome’.¹⁸³ Though I think that upon closer inspection, it appears somewhat clearer. The CPB includes both a first person and a third person dimension, in order to deal with the first and the third person dimension of the compliance condition. The CPB states:

First person dimension: ‘Everyone is required to perform one of the actions that, of those available to her, is optimal in respect of expected aggregate weighted well-being, except in situations of partial compliance with this principle. In situations of partial compliance, a person’s maximum level of required sacrifice is that which will reduce her level of expected well-being to the level it would be, all other aspects of her situation remaining the same, if there were to be full compliance from that point on. Under partial compliance a person is required to perform either an action – of those requiring no more than the maximum level of required sacrifice – that is optimal in respect of expected weighted aggregate well-being or any other action which is at least as good in respect of expected weighted aggregate well-being.’¹⁸⁴

Third person dimension: ‘However, no one is required to act in a way that imposes a loss on some other person unless that other person’s level of expected well-being after the loss would be at least as high as it would be, all other aspects of the situation remaining the same, under full compliance from that point on.’¹⁸⁵

¹⁸³ Murphy, *Moral Demands*, 87.

¹⁸⁴ Murphy, *Moral Demands*, 87.

¹⁸⁵ Murphy, *Moral Demands*, 88.

Note that an agent's required *level* of sacrifice (i.e. loss of well-being relative to well-being in an optimally prudent life in the factual status quo) is set through appeal to full compliance. But the optimal action is determined through appeal to partial compliance.¹⁸⁶

So, if my well-being acting in an optimally prudent manner in the factual status quo exceeds what it would be under full compliance with the CPB (which of course equates to the OPB) then I must choose, from the available actions which require some level of sacrifice no more than whatever would bring my well-being down below its full compliance level, whichever one is optimal (in terms of well-being promotion) in the circumstances. If my well-being acting in an optimally prudent manner in the factual status quo is exceeded by what it would be under full compliance with the CPB, then I need sacrifice nothing under partial compliance. In other words, I can live in an optimally prudent fashion. Murphy thinks that this describes the situation of many people living in the world today (or at least many people will not actually be required to help – they might just be refrained from committing whatever harming actions they would commit should they be living in an optimally prudent manner).¹⁸⁷ If we restrict our focus however to affluent agents, then the proportion of agents of whom some requirement would be made by the CPB would surely be much higher.

The CPB sets a limit to required sacrifice – it does not prohibit agents from acting optimally, even if this violates the third-person rider (one cannot be required to impose a loss on another which brings that other's well-being below full compliance levels, but they can choose to do so). Clearly though it fulfills the compliance condition since it never

¹⁸⁶ In 'A Relatively Plausible Principle of Beneficence: Reply to Mulgan', *Philosophy and Public Affairs* 26:1 (winter, 1997): 80-86, Murphy puts it this way: '...the ideal of full compliance is used merely to determine the required level of sacrifice. Once that level is determined, agents should direct their beneficence wherever it will do the most good...' (85).

¹⁸⁷ Murphy, *Moral Demands*, 87.

requires an agent to act in a way that brings either hers or another's well-being below the level that would be expected under full compliance.

Obviously, no human agent could possibly consult the CPB in actual moral deliberations. Of course, the exact same thing can be said of the OPB. Both principles are intended rather to provide a way of normatively examining motivations and heuristics for action.¹⁸⁸ Of course, given the need for self-assessment with regards to well-being inherent in the CPB, there is room for self-deception. Hence, one should probably act on heuristics that err towards supererogation rather than violations of moral requirement.¹⁸⁹ Murphy acknowledges that given the complexity of the CPB, its directives for any given agent in the world today will be less than clear. However, in comparison to the alternatives (such as limited principles of beneficence where we lack even a rough criterion for determinations about what kinds of demands are acceptable) it is still to be preferred.

IV.2 The CPB Defended

There are various counter-intuitive implications (i.e. implications which Murphy admits are counter-intuitive. One might argue that the production of extreme demands is counter-intuitive) which arise from the CPB. Murphy, in his attempt to prove the CPB plausible, addresses the more conspicuous and potentially pernicious of these implications.

The Third-Person Rider

The third-person rider to the CPB prevents an agent from ever being required to impose a loss on another which would bring the well-being of that other below her full compliance

¹⁸⁸ Murphy, *Moral Demands*, 118.

¹⁸⁹ Murphy, *Moral Demands*, 120-121.

level.¹⁹⁰ From the conjunction of this and the first-person dimension of the CPB flow some counter-intuitive results. The CPB can in certain cases permit agents to ‘kill and pillage as suits their interests’, regardless of whether the people they affect through their pillaging and those that they kill are brought down below their full compliance levels of well-being.¹⁹¹ Take agent A. A is abjectly poor under partial compliance and would benefit quite a bit through murdering the occasional innocent and through semi-frequent pillaging. Under full compliance A would benefit enormously through the beneficence of others. His well-being under partial compliance, even living in an absolutely self-interested manner (what Murphy calls optimal prudence), will still be below the level it would stand under full compliance. Hence, no sacrifice is required of A under the first-person dimension of the CPB. Also, for A not to kill and pillage would constitute a sacrifice¹⁹² - given circumstances as they are, A would be better off should he kill and pillage. If A were to live in an optimally prudent manner, he would be killing and pillaging. In conjunction with the fact that the third-person rider cannot prohibit A (or any agent) from imposing unrequired losses on others, this entails that A is permitted to kill and pillage until the point where his well-being would be higher than what it would be under full compliance. At that point he must start making some

¹⁹⁰ Note that agents acting under the CPB may be required to kill other innocents (Murphy, *Moral Demands*, 122). If B will die under full compliance anyway, then under partial compliance A (if suitably positioned) may be required to kill B. Of course the OPB will produce the same result in an analogous situation. So we might either accept that our intuitions on this matter are skewed – that required killing is justifiable if the benefits are great enough – or, we might simply think that the CPB (or the OPB) needs to be supplemented with a high upper limit (Murphy finds that developing a limit which simply prohibits required death does not face the same challenges as producing a limit to deal with over-demandingness). If individuals are never required to sustain the sacrifice of their lives, then other agents will never be required to take their lives. Now an analogous problem arises in the domain of required theft – here we cannot institute a limit, since such a limit would be relatively low and hence would face the difficulties of limited principles of beneficence. We must simply accept that required theft is unobjectionable.

¹⁹¹ Murphy, *Moral Demands*, 123 (for the quotation), and 122-124 for full discussion of this type of case.

¹⁹² As measured against the factual status quo.

sacrifices which will be optimal in their well-being promotion. It seems likely that the best sacrifice to make at that point will be to forgo killing and pillaging.¹⁹³

Murphy presents two possible tactics for dealing with cases in which killing or pillaging is permitted but not required. The first option is to consider the CPB as part of a pluralistic theory which includes deontological constraints. Those constraints would prohibit agents from killing or pillaging even in those cases about which the CPB is silent or permissive.¹⁹⁴ The second option, which Murphy prefers is to supplement the CPB with a constraint against imposing unrequired sacrifice.¹⁹⁵ Hence, all that these types of cases show is that the CPB considered as the whole of morality, is unacceptable. And this is a possibility which

¹⁹³ This example might be easier to understand if I present the relative variables as specific quantities. Under full compliance let us stipulate that A's well-being is 50 (points of well-being). Under partial compliance, A's well-being is 10 points. Hence, under partial compliance A is required to sacrifice nothing. But let us say that because A would benefit from murder it constitutes a sacrifice if A is to abstain from murder. A is not required to sacrifice anything (in other words, A is not required to do or forgo anything which brings his well-being below what it would be should he live an optimally prudent life in the factual status quo); A is not required to abstain from murder. A is permitted to murder until the value gained from doing so adds over 40 well-being points to the 10 he started with (and hence his total exceeds 50). At that instant, A must begin sacrificing again in a fashion which is optimal under partial compliance. And since not killing someone is a sure way to promote well-being, A's sacrifice will likely amount to abstaining from further murder.

Another case demands a similar solution. It may be that A is permitted to kill B even if some sacrifice is required of A under partial compliance. A is not required to kill B since doing so would bring B's well-being below his full compliance level. However, A is permitted to kill B. Why? The first-person dimension of the CPB does not prohibit optimal action under partial compliance. The third-person dimension does not prohibit an agent from imposing a loss on another which brings the well-being of that other below her full compliance level. These two facts open up the permissibility of A's killing B. A might then choose to kill B if doing so was optimal under partial compliance (if it was optimal under full compliance too, then it would of course be required).

¹⁹⁴ Murphy, *Moral Demands*, 123. Note that this solution could also be applied to cases of required killing or theft.

¹⁹⁵ Murphy, *Moral Demands*, 123-124. This solution carries some counter-intuitive implications of its own. For instance, if a trolley is hurtling down a track approaching a fork, on one side of which one person is trapped and on the other side of which five people are trapped, then it follows from a constraint against imposing unrequired sacrifice and the CPB that the one person is required (if he can) to direct the trolley onto himself. Consequentialists commonly agree that it is permissible for a 7th party in this case who is not trapped on either side of the fork to direct the trolley onto the one person. In conjunction with the constraint against imposing unrequired sacrifice this entails that the one person is required to sacrifice himself. See Murphy, *Moral Demands*, 84, 123. Murphy also notes (151 n. 8) Unger as supporting this conclusion (Unger, *Living High and Letting Die*, 139-140).

Murphy himself rejects: ‘... I do not believe that the collective principle of beneficence could plausibly stand alone as an account of the whole of morality.’¹⁹⁶

Rescue Cases

In thinking about the duty of beneficence in a concrete fashion, rescue cases come to mind immediately for many people. Singer’s drowning child in the pond for instance, provides us with a conspicuous and compelling example of beneficence at work.¹⁹⁷ Of such cases Murphy notes, ‘It would be nice if the collective principle of beneficence... comported with commonsense reactions to rescue cases. But it is not so.’¹⁹⁸ However, this discord between commonsense and the CPB over the domain of rescue cases need not be a cause for concern.

The standard rescue case goes like this: an affluent agent passes by a shallow pond, in which a young child is drowning. To save the child the agent would sustain some damage to his clothing and would be made late for some meeting. Clearly, our commonsense intuitions tell us that the agent is required to rescue the child. A second type of rescue case can be produced to bring out the disparity between the moral dictates of the CPB and commonsense.¹⁹⁹ In this second rescue case, there are two drowning children and two potential (affluent) rescuers. It seems that if one rescuer simply leaves the scene without saving one of the children, the other rescuer must take up the slack and save both children. But on the face of it, the CPB does not require this.

¹⁹⁶ Murphy, *Moral Demands*, 87.

¹⁹⁷ Singer, *Practical Ethics*, 229.

¹⁹⁸ Murphy, *Moral Demands*, 126.

¹⁹⁹ Murphy, *Moral Demands*, 127.

The first thing that Murphy notes in response to this objection is that the CPB does not always give the commonsense answer for the standard case and that it does *sometimes* give the commonsense answer for the variation on the standard case.²⁰⁰ This is so since under the CPB appeal to full compliance sets the level of required sacrifice, not the nature of required sacrifice. The nature of required sacrifice is set through appeal to a determination of what action is optimal under partial compliance. Take the standard case first: under full compliance, our agent would most likely be required to save the drowning child, and sustain the losses of ruined clothing and being late for an appointment. Hence, the amount of required sacrifice under partial compliance will be increased somewhat (compared to the situation that would have obtained had the agent not passed by the drowning child). However, whether that increase in required sacrifice entails that the agent should rescue the drowning child is a wholly separate matter – *if* saving the child is the most optimal way to make use of the extra required sacrifice then the agent should save the child. But if there is some other more efficacious way to make use of the extra required sacrifice then the agent should not save the child.

Obviously then, the CPB *might* give the commonsense answer in the two rescuer case. If rescuing both children does not bring the rescuer below his full compliance level of well-being, and if rescuing both children is the most efficacious action (from a beneficence point of view) that the agent can take (i.e. if the best use of the agent's required sacrifice is the rescue of drowning children), then the CPB will require the agent to save both children. It is also possible (depending on various variables) that the CPB will require the agent to save only one child, or to save neither child (in those cases of course the agent would have to take some other more efficacious beneficent action). The general point is that the opportunity to

²⁰⁰ Murphy, *Moral Demands*, 128.

rescue is just another opportunity to act beneficently. It is accorded no special status by the CPB.

Of course, it is quite likely that in many rescue cases the CPB will yield the commonsense answer.²⁰¹ As mentioned earlier, the CPB provides agents with rules of thumb and a method for evaluating those rules of thumb. It is likely that a heuristic which requires rescues to be performed will be entailed by the CPB. Many rescues are easy to perform and carry a high degree of certainty of success. Hence, beneficent action directed at rescuing in such cases is likely to constitute an optimal utilization of required sacrifice. Now there are cases in which rescues, though they do not contravene the compliance condition, are quite difficult, and perhaps costly. If in such a case the difficulty of the rescue was easily foreseeable, then an agent who acted on the heuristic to always rescue might be faulted for performing a non-optimal action. If the difficulty was not easily foreseeable, then an agent who acted on the rescue-heuristic might be charged with blameless wrongdoing.

Should the CPB be faulted for the *potential* discord between its injunctions and those of commonsense morality? Murphy thinks not. In refusing to accord special weight to rescue contexts, the CPB is in harmony with various arguments which suggest that rescue situations cannot be separated in kind from other cases of beneficence.²⁰² Furthermore, none of the (consequentialist) alternatives to the CPB give commonsense answers to rescue cases in every instance.²⁰³ If a relatively affluent agent who follows the OPB passes by the proverbial pond, it could be the case either that the most efficacious action in that situation is to rescue the child, or that the optimal action in that situation is to not rescue the child (perhaps the

²⁰¹ Murphy, *Moral Demands*, 131.

²⁰² See Unger's *Living High and Letting Die*, especially chap. 2.

²⁰³ Murphy, *Moral Demands*, 129.

cost sustained to replace my ruined suit could be used to save the lives of 10 needy children in Eritrea).²⁰⁴ Similar things can be said in relation to any of the limited principles of beneficence which Murphy considers in his book. What lesson are we to learn from all of this? Murphy thinks that the reason our moral principles fail to align with our commonsense regarding rescue cases is that our negative reactions to people who fail to perform rescues do not concern moral wrongness, but concern character.²⁰⁵ Take for instance the two rescuer case. Suppose that the complying rescuer is required to save one but not both children. We might look unfavorably on that agent should she save just one child since possession of the kind of character traits which enables one to make such an apparently callous decision is generally undesirable from the standpoint of the CPB. In most cases one would probably be required to save both children – in some cases one will be required to save just one child. However, given the overall efficacy of the kind of character traits which would push someone to save both children, it would be wrong to attempt to cultivate contrary character traits. Saving both children where an agent need only save one will count as blameless wrongdoing. Saving one in the same case may be morally correct, but it may still evoke a negative reaction in people.

Let us take a brief look at one more rescue case before moving on. Extremely poor people, as noted above, need sustain no sacrifice at all under partial compliance (in fact they are permitted *prima facie* to kill and pillage). Hence such people will not be required under the CPB to perform even the cheapest and easiest of rescues.²⁰⁶ This is not a consequence

²⁰⁴ See chap 1, section I.

²⁰⁵ Murphy, *Moral Demands*, 132-33.

²⁰⁶ Such people though will be required to perform a 'free' rescue (i.e. one involving no cost whatsoever) if such rescue situations actually exist. According to the CPB, agents under partial compliance must choose the optimal action out of those which fall within the realm of required sacrifice (required sacrifice is

shared by the OPB. Murphy again appeals to the separation between moral character and moral rightness to explain away our intuitive objection to this type of case. Our abjectly poor agent acts rightly in not performing a cheap rescue, but may also demonstrate a poor character since in most situations rescue will be required. Cases in which agents act correctly while simultaneously displaying a vicious character are classified by Murphy as cases of ‘blameworthy right-doing’.²⁰⁷

V. Consequentialist Principles of Beneficence: An Evaluation

The time has come to evaluate the two consequentialist options at hand for the duty of beneficence – the OPB and the CPB. Our abstract discussion thus far has revealed several possible charges which can be leveled at, and which may effectively destroy the viability of any principle of beneficence. A principle must not be overly-demanding or inappropriately-demanding, and it must provide some answers to the problems of compliance deficiency and responsibility for the slack.

V.1 Evaluating the OPB

Over-Demandingness

The OPB requires agents to maximally promote well-being in general, taking self-interest simply as another (equally weighted) factor in the required calculations. So whenever

whatever sacrifice will bring the well-being of an agent down to full compliance levels). If an agent’s well-being living in an optimally prudent fashion under partial compliance is below what it would be under full compliance, then that agent’s required sacrifice equates to nothing. Hence, such an agent must perform whichever action is optimal out of those which require no sacrifice. And if sacrifice-free rescue is possible, then that will be required.

²⁰⁷ Murphy, *Moral Demands*, 132.

performing some action, the performance of which will leave a particular agent below the minimally acceptable level (given the efficacy of the action in question), is optimal, the OPB requires its performance. This should indicate to us that the OPB is quite likely to make excessive demands in a wide variety of situations and hence that it must be rejected on grounds of over-demandingness. The matter demands further attention however – we must look at the workings of the OPB in particular circumstances in order to see whether it is in fact overly-demanding. We will also want to look at both full compliance and partial compliance.

Let us begin with partial compliance. To make things easier we can begin with the actual level of partial compliance with the OPB that prevails today. Does the OPB ever leave agents below the minimally acceptable level of well-being (M) in the world today as I portrayed it in chapter one? I do not think it is controversial to claim that it does. Despite the fact that the indirect decision procedure of the OPB may permit agents in certain circumstances to pursue some commitments and to maintain the material conditions of their rational agency, it only permits such things in so far as they tend toward overall well-being promotion optimality (and whether the OPB ever permits such things given the amount of need in the world is a question for debate). There will be cases in which the OPB requires agents to sacrifice commitments, material conditions of rational agency, and perhaps even their lives if the importance of doing so outweighed the importance of maintaining what are otherwise optimal motives and patterns of behavior (such as pursuing some commitments). Given the current state of the world it seems as if there will be *many* such cases.

What about full compliance? Whether we are talking about optimal full compliance or nonoptimal full compliance the answer will be the same. Because of the very structure of the OPB it will always make excessive demands of agents in any situation where substantial need

exists. The OPB requires what is optimal, whether it is efficacious or not, and without anything but instrumental regard for the well-being of the agent in question.²⁰⁸ Whenever circumstances are such that what is optimal either requires the agent to sacrifice life, material conditions of rational agency, or commitments, an excessive demand will result. Can such circumstances obtain under optimal and nonoptimal full compliance? An obvious example of an affirmative answer to this question comes in the form of natural catastrophes. If flooding hits some area and few people are in position to help, then demands will be extreme even under full compliance, even under optimal full compliance. If it would be optimal for some agent to sacrifice his life then he will be required to do so.²⁰⁹ And we can think of countless such isolated beneficence cases in which some great need can be met by a small group of agents. Full compliance after all ensures that all agents comply with the principle of beneficence; it cannot ensure that all such agents are suitably placed in every instance of need to provide beneficent assistance.

The point here is a general one. Regardless of whether we are discussing partial or full compliance, the OPB always has the ability to and almost certainly will make excessive demands of agents since it is focused on optimality and includes no concern for the intrinsic value of the well-being of particular agents. Hence, it must be rejected on grounds of over-demandingness.

²⁰⁸ I discuss the distinction between optimality and efficaciousness further below.

²⁰⁹ Of course this might not be overly-demanding if that sacrifice of life meant that other lives were saved. See section II.4 – a principle may not count as overly-demanding if it leaves an agent below M if leaving that agent above M meant that others would be kept or left below M.

Inappropriate-Demands

Given that the OPB is to be rejected on grounds of over-demandingness I will only briefly note that it must also be rejected on grounds of inappropriate-demands. There can in certain situations be a large gulf between optimality and efficaciousness. Consider the following case. Should I live on an isolated and completely independent island paradise where all members of the community are quite well-off, then the optimal action for me to perform in such a situation might be to fetch some of my companions Margaritas from the pool bar. This action is optimal, but not very efficacious – it promotes well-being only slightly, and insignificantly. Should a hurricane sweep across my island paradise, decimating the community in which I live but leaving me relatively well-off, then the optimal action might be for me to rebuild houses and community centers, to tend to the long line of injured, to make dangerous trips to the other side of the island which is rich in resources and which escaped the wrath of the hurricane. Such an action would be both optimal *and* efficacious.

Now whenever an optimal action is relatively inefficacious given the sacrifice demanded of the agent (suppose that in order to fetch those Margaritas I must walk away from a potentially romantic encounter – the sheer volume of Margarita-induced well-being outweighs my own preferences), the OPB will make an inappropriate demand. This might happen under either partial or full compliance.

The Two Problems of Partial Compliance

I have already rejected the OPB on two grounds. Because of this, and because of the fact that discussing how the OPB deals with the two problems of partial compliance would lead us into vast tangential territory, I will, in the interests of concision, not consider whether the

OPB actually does provide answers to the two problems of partial compliance and whether it escapes other charges which might be leveled against principles of beneficence.

V.2 Evaluating the CPB

Over-Demandingness

The CPB limits its demands to whatever would be demanded by the OPB under full compliance. Given that the OPB is subject to the over-demandingness objection, even under full compliance, it is clear that the CPB will also be subject to the over-demandingness objection. The underlying problem is the same as that which leads the OPB to be charged with over-demandingness. The CPB allows agents to ascribe only instrumental value to partial concerns (to the pursuit of one's own projects). Hence, whenever the abandonment of a project would be optimal under full compliance, the CPB requires such abandonment irrespective of whether in doing so the agent falls below a minimally acceptable level of well-being. The CPB has the potential, contingent on circumstances which do exist in our world and which are almost certain to exist in any world (since as I noted above those circumstances include natural calamities), to make excessive demands of agents under partial compliance and under full compliance (of course its demands are equal under partial and full compliance).

Murphy will actually agree with at least part of this analysis. He grants that the CPB has the potential to make some fairly extreme demands of agents in particular circumstances – take for instance an emergency situation in which you are the only person positioned to save the day, but doing so will cost you your life. Under full compliance you would be required to

sacrifice your life, and hence under partial compliance you must do the same.²¹⁰ Or take a second example from Murphy. Imagine a world in which one nation is very affluent and the rest of the world is very poor. The demands made of affluent agents in this world by the CPB will be extreme under full compliance and hence extreme under partial compliance.²¹¹

Of course Murphy claims that such excessive demands are not objectionable and that this constitutes further reason to reject the over-demandingness charge. In response I claim that the demands made in the first case – in which an agent must sacrifice his life in order to save the day – may or may not be objectionable. This is a situation in which not all agents can attain M simultaneously. Hence I refer the reader to the over-demandingness caveat delineated in II.4. In the second case however (dependent on missing details of course) I think that the demands made are certainly objectionable.

Note one other thing about the CPB – under partial compliance it is *passively* overly-demanding. To this point I have been considering only active over-demandingness. But the CPB can be charged on passive over-demandingness grounds as well. It leaves some agents (for instance suffering innocents in the underdeveloped nations of the world) below the minimally acceptable level of well-being, and not for the reason that the only way to raise them above that level would be to bring others below it. Rather it is for the reason that the CPB embodies an unacceptable restriction on demands – the compliance condition.

Inappropriate Demands

Since under full compliance the OPB is capable of making inappropriate demands, the CPB is also capable of making such demands under either full or partial compliance.

²¹⁰ Murphy, *Moral Demands*, 99-100.

²¹¹ Murphy, *Moral Demands*, 100.

Under-Demandingness

We already have more than sufficient reason to reject the CPB. I will however adduce some further support for our rejection of the CPB before moving on.

The source of the problem can be located in the fact that the CPB manifests an exhaustive concern with the compliance condition. I admitted earlier that the compliance condition should be considered to some degree in our formulation of a principle of beneficence and in determining whether the demands of principles we already hold are acceptable. Importantly though we must remember that the compliance condition is only one relevant factor, and quite probably not the most important. Because the CPB fails to appreciate that the weight of the compliance condition is limited and open to being countervailed, it goes awry in two basic respects.

The first is simply the fact just mentioned. The compliance condition is more plausibly seen as one among several important factors in determining what are acceptable moral demands, than as the sole factor. The CPB in taking this latter route becomes itself intrinsically implausible. Secondly, the sole concern of the CPB with the compliance condition results in unacceptable consequences. These can be grouped together under the rubric of under-demandingness.

What is the charge of under-demandingness? I do not have the space here to consider it in full, though we need not be concerned that the kinds of analytical troubles which befell the over-demandingness objection will befall the under-demandingness objection. I dealt with those troubles already and showed them to be no troubles at all. Principles of beneficence must not make excessively low demands of agents. If a principle requires such little action toward the promotion of well-being then it can hardly be said to count as a principle of *beneficence* at all. Principles of beneficence must make demands which actually

tend toward significant promotions of well-being. But what constitutes a significant promotion of well-being? That is a difficult question – for our purposes here, given that nothing much turns on the under-demandingness charge it will suffice to be able to note those cases where demands clearly do *not* constitute significant promotions of well-being. So, if some principle of beneficence requires an agent to give a single dollar where one hundred could save a life, clearly that principle is under-demanding. And we need not look to such extreme cases either – whenever the demands of a principle are highly inefficacious we can call them lax. A less extreme example of lax demands is to be found in the CPB.

Suppose that non-compliance ran so rampant that the level of compliance with the duty of beneficence totaled less than 1%. Demands placed on complying agents would be extreme; so would the amount of need in the world. The CPB would require agents only to make whatever level of sacrifice they would be required to make under full compliance. Given the level of need in our world of low partial compliance, the CPB would demand extremely little of agents. It would require actions which I take to be obviously inefficacious – if our goal is to substantially improve the plight of suffering innocents.

Hence, not only must we reject the CPB on grounds of over-demandingness and inappropriate-demandingness. We must also reject it on grounds of under-demandingness. The underlying reason for these charges is that the CPB takes account only of the compliance condition and of optimality. It does not take account of efficaciousness, or the intrinsic significance of the well-being of each individual agent.

The Two Problems of Partial Compliance

I have already established sufficient justification for a rejection of the CPB, so I will not say much about how it deals with the two problems of partial compliance. However a brief

discussion of the CPB in relation to the problem of compliance deficiency will be of interest. In chapter three I will discuss in some detail the correct solution to compliance deficiency – it is what I will call the ‘duty of edification’, a duty inherent in an acceptable principle of beneficence that requires agents to attempt to increase compliance levels with the duty of beneficence through moral education. Is the duty of edification inherent in the CPB?

Now at best we might think that the CPB can correctly answer compliance deficiency in a *formal* manner – i.e. it might entail the duty of edification. But it will not do so in a substantively correct way since the duty of edification will be weighted incorrectly with reference to other duties of beneficence and with reference to the agent’s impartial interests, as a result of the dominant concern of the CPB with the compliance condition.

Does the CPB entail the duty of edification, formally at least? The natural answer seems to be no; but Murphy makes an argument that interprets the CPB in a manner that leads to an answer in the affirmative. The CPB seems to rule out the possibility of the duty of edification – that duty is one which arises *only* in partial compliance. If moral demands are limited to what would be made under full compliance then the duty of edification cannot ever be required of agents.²¹²

However, Murphy’s argument concerning rescue cases may provide the CPB a way of formally entailing the duty of edification. Full compliance sets the level of required sacrifice of an agent, but not the type. The actions required under the duty of edification will never be required under full compliance but agents will sometimes have to sacrifice *something* under full compliance. Under partial compliance agents may choose to make that sacrifice in a variety of ways – if the optimal way to make that sacrifice includes the duty of edification then the duty of edification will be entailed by the CPB.

²¹² Note that no similar problem inflicts the OPB, which seems to entail the duty of edification.

If we accept Murphy's distinction between quantity and type of sacrifice then this solution may work. However, even if it does we will still have only a formally correct answer to compliance deficiency. In the majority of cases in which we might think that the duty of edification should be required, it will not be required, in virtue of the compliance condition. And hence, even Murphy's distinction cannot save the answer of the CPB to compliance deficiency. This incorrect answer then provides a further ground, on top of over-demandingness, under-demandingness and inappropriate-demands for rejection of the principle.

VI. Chapter Two: In Conclusion

A brief summary of the long and complex chapter two will be helpful before progressing to chapter three and an analysis of the Kantian options for the duty of beneficence. In chapter two I considered the prospects for a consequentialist principle of beneficence – one that takes the maximization of well-being as its launching point. The most obvious candidate is the OPB which typically evokes intuitive unease from agents and philosophers. Murphy rejected the over-demandingness objection as an explanation of that unease on the grounds that the notion of over-demandingness lacks true substance. Rather he thinks that the OPB goes awry in failing to meet the compliance condition. I then discussed Murphy's own principle of beneficence – the CPB – designed to deal with his concerns about demands under partial compliance.

I responded to Murphy's rejection of over-demandingness – the over-demandingness objection does have substance and can be made in a meaningful way against principles of beneficence. Though the compliance condition is worthy of consideration it cannot explain

our intuitive unease with the OPB, should not outweigh other important factors in the development of a principle of beneficence such as well-being promotion, and should not provide near exclusive grounding for structuring a principle of beneficence. Over-demandingness amounts to the primary reason for rejecting the OPB as well as the primary explanation of our intuitive unease with that principle. There are however further reasons to reject the OPB – inappropriate-demands for instance.

The CPB falls prey to over-demandingness, under-demandingness, and inappropriate-demands. And its answers to the problems of partial compliance are incorrect. Hence the consequentialist options for the duty of beneficence must both be rejected providing us with the impetus for an exploration of Kantian possibilities. The sojourn into the OPB and the CPB proved useful however since it shed light on the most basic but damaging objections that can be brought against principles of beneficence. I will review those now to close this chapter.

- 1) Over-Demandingness
- 2) Under-Demandingness
- 3) Inappropriate-Demands
- 4) Responsibility for the Slack
- 5) Compliance Deficiency

An acceptable principle of beneficence must avoid charges of over-demandingness, under-demandingness and inappropriate-demands. Further it must provide an acceptable answer to the question of the proper distribution of responsibility under partial compliance, and an acceptable solution to the problem of compliance deficiency.

Chapter Three

I. The State of Play

Thus far in my attempt to locate or formulate an acceptable principle of beneficence I have discussed, evaluated, and ultimately rejected two leading consequentialist options, the OPB and the CPB. That sojourn into consequentialist options however proved quite fruitful. From it we were able to clarify abstractly the nature of the leading problems with typical principles of beneficence. It is time now to investigate the prospects of Kantian principles of beneficence in light of these clarifications.

I.1 Kantian Prospects

In chapter three I will firstly seek to evaluate the two Kantian options for the principle of beneficence outlined in chapter one. Ultimately I will reject both. However, this evaluation will lay fertile ground for the development of a principle of beneficence, Kantian in structure and spirit, that overcomes the full range of charges which can be leveled against principles of beneficence. The second part of my aim in chapter three is to explain this principle of beneficence. I will call it the moderate principle of beneficence. I will firstly delineate the principle abstractly and through examples and will then proceed to defend it against the charges which brought down the other principles of beneficence considered in this thesis.

II. Kantian Principles of Beneficence: An Evaluation

It should be recalled from chapter one that Kantian principles of beneficence take, as their launching point, a fundamental respect for rational agency. The KPB is derivable from any formulation of the categorical imperative – through these derivations we see that the KPB is an imperfect duty. In other words, the KPB requires, as a manifestation of the fundamental respect for rational agency, the adoption of the end of beneficence. But what it means to adopt a given end is not clear in the writings of Kant and no contemporary interpretation enjoys widespread consensus. We know that imperfect duties allow some latitude, but again interpretations over the implications of this fact for the KPB differ. Hence, I delineated two distinct forms of the KPB – a weak form and a strong form. The strong and weak forms of the KPB differ not only as to what it means to adopt the end of beneficence but also as to what actions are theoretically included under the rubric of ‘beneficence’.

II.1 Evaluating the Weak KPB

The weak KPB interprets the key structural issue for Kantian principles of beneficence – what it means to adopt the end of beneficence – in a latitudinarian fashion. Agents are required to promote the well-being of some others some of the time. When one chooses to act may be governed by personal preference – though one must act at least some of the time. To adopt an end is to act in promotion of that end on occasion; this laxness is justified by a broad interpretation of latitude. Latitude in the weak KPB permits agents to act beneficently or not as they please. The weak KPB is primarily supported by Hill: the duty of beneficence

‘... is a principle of duty to promote the happiness of others sometimes and that, accordingly, one may avoid doing so at any time (though not at all times) that one feels inclined.’²¹³

Over-Demandingness

It seems uncontroversial to say that the weak KPB is not actively overly-demanding. It will never require of an agent that he perform any action which leaves him below a minimally acceptable level of well-being. It will certainly never require him to sacrifice his life, the conditions of his rational agency, or any of his commitments.

However, the weak KPB can be charged with being passively overly-demanding. It will leave a great many suffering innocents well-below the minimally acceptable level of well-being (i.e. that at which an agent is alive, enjoys the conditions of rational agency, and is able to pursue commitments) which I will call M. Affluent agents of the world need do very little beneficently under the weak KPB, and when they do act they are entitled to direct most (if not all) of that beneficent energy to people in a chosen circle. It seems unlikely that suffering innocents in the underdeveloped nations of the world would fall in the circle of many of those agents who are positioned to alleviate their suffering. But even if they did, so little beneficent energy would be directed toward them that they would still find themselves below M. Now a principle which leaves agents below M *might* be acceptable *only* if the sole way that those agents could be brought above M is to bring others below M. Of course, even if it was the case that not all agents could simultaneously attain M we should still expect the principle to require *some* sacrifice of affluent agents to bring them closer to M, in order to raise the well-being of destitute agents to a point closer to M. The weak KPB makes no such demands. That point aside, it is obvious that in a great many cases the weak KPB does *not*

²¹³ Hill, *Dignity and Practical Reason in Kant's Moral Theory*, 159.

leave poor agents below M because the only way to raise them above M is to leave other agents below it. Surely at least *some* of the world's poor could be brought above M without leaving any of the world's affluent below it (even given partial compliance; if an average earner of Canada was the only complier in the world, she could still raise the level of well-being of at least one destitute innocent above M without leaving herself below it). Hence, the weak KPB actually turns out to be (somewhat counter-intuitively) overly-demanding.

Inappropriate-Demands

The weak KPB will never make actively inappropriate-demands, but it will make passively inappropriate demands. In other words, it will never require an agent to act in any way that is inefficacious but it will leave agents at certain levels of well-being for inefficacious reasons. Suppose that Fred lacks the resources to pursue any life projects whatsoever, and while super-wealthy Riley could easily assist Fred in this matter he (justifiably under the weak KPB) chooses not to do so, choosing instead to buy himself another automobile (his 89th). This seems like a paradigmatic case of passively inappropriate-demands.

Under-Demandingness

More obviously, we can charge the weak KPB with being under-demanding. The (active) demands it makes of most agents in most situations are extremely lax – far too lax to be acceptable. The latitude allowed by the weak KPB is so great that while some agents *might* make substantial efforts at promoting well-being, some others might choose to act only occasionally and even then to sacrifice very little. If it pleases an agent to act beneficently only on the third Tuesday of every month, then under the weak KPB that agent will be living by a maxim of beneficence. He will be acting beneficently some of the time and acting on

personal preference some of the time. Nothing in the structure of the weak KPB condemns this possibility. But clearly such demands are lax. They are at odds with the very intuition which grounded this entire discussion – that agents have a duty to promote well-being in an impartial manner.

The under-demandingness of the weak KPB springs from both the required frequency and intensity of its demands. Agents need act only on rare occasions, and when they do act they need make sacrifices only to a small extent. Now if the problem were only one of frequency, then the weak KPB would still be under-demanding for it would require efficacious actions only on rare occasions, making the life of the agent considered as a whole rather inefficacious (in comparison to any reasonable estimate of what a efficaciously beneficent life might look like). But the situation for the weak KPB is worsened by the problem of intensity – even on those rare occasions that an agent should act she is not required to perform an action which even approaches efficacy. She could choose, if she wishes, to manifest her beneficent energies by playing chess with a novice chess-enthusiast friend.

Scope of Beneficence

As a final note, the weak KPB – support for which is found in the work of Hill – is odd in its treatment of ‘rescue cases’ in which the need is acute, exigent and conspicuous. Hill suggests that such cases yield a moral requirement to act, but that such a requirement does not flow from the weak KPB (the weak KPB permits agents to act in such situations but it cannot require it). This is strange because it seems to suggest that rescue cases fall into a different moral category from other acts of assistance or helping. And there seems to be no

good reason to make such a distinction.²¹⁴ But if we reject such a distinction then it must be that non-KPB duties regulate performance of acts of any type of assistance. And at that point what has become of the KPB – what point does it serve? The weak KPB proponent seemingly must abandon the contention that there is a non-beneficence related duty to cover rescue cases.

II.2 Evaluating the Strong KPB

The strong KPB – championed by Herman – provides a very different answer to the important structural question (for a Kantian) of what it means to adopt an end of beneficence, to that of the weak KPB.²¹⁵ The strong KPB finds that adopting an end means acting towards the promotion of that end whenever one has the opportunity. In other words, the strong KPB severely limits latitude through appeal to circumstance. However, as with the weak KPB the strong KPB launches from the basic Kantian idea of a fundamental respect for rational agency. And this fact introduces a limit to the strong KPB – an agent is excused from acting toward the promotion of the end of beneficence whenever doing so would endanger her own rational agency. The strong KPB circumscribes the scope of beneficent actions more severely than the weak KPB and from the opposite direction. Beneficent actions are *only* those that assist an individual or individuals who lack satisfaction of their true needs – in other words, whose rational agency is in danger.

²¹⁴ See for instance Murphy, *Moral Demands*, 127-133 and Unger, *Living High and Letting Die*.

²¹⁵ Herman, 'Mutual Aid and Respect for Persons', *Ethics* 94 (July, 1984) – particularly 586-602.

Over-Demandingness

Whether the strong KPB is overly-demanding depends on how we interpret a key aspect of Herman's exposition. She states that the only reason not to provide assistance where such assistance could help another to achieve his or her true needs is that in doing so the acting agent would place his own 'rational activity' in danger.²¹⁶ However she also claims that the only reason not to provide the aforementioned assistance is that such an action would undermine the 'life activity' of the agent.²¹⁷ Life activity seems to me to be a much broader notion than rational activity – it will probably include commitments for instance, whereas rational activity certainly will not. Depending on which of Herman's claims about justifiable reasons to abstain from an act of beneficence we take to be truly representative of her position, we will come up with different evaluations of the strong KPB. I think that we must take the 'rational activity' claim to be an accurate representation of Herman's thesis and the 'life activity' claim as overstatement, since we are to find the limiting factors of the duty of beneficence in the ground of the duty itself. And the ground of the duty of beneficence, for Herman, is true needs – conditions for rational agency.²¹⁸ Given this clarification, we can see that the strong KPB is actively overly-demanding.²¹⁹ It can require agents to act in a way which leaves them below M (the minimally acceptable level of well-being), since they can be required to abandon commitments.

²¹⁶ Herman, 'Mutual Aid and Respect for Persons', *Ethics* 94 (July, 1984), 597-598.

²¹⁷ Herman, 'Mutual Aid and Respect for Persons', *Ethics* 94 (July, 1984), 598.

²¹⁸ Herman, 'Mutual Aid and Respect for Persons', *Ethics* 94 (July, 1984), 586, 597.

²¹⁹ The strong KPB is not passively overly-demanding, since the only reason that it would ever leave an agent below M would be that raising her above M would necessitate bringing another below it. But of course, being actively over-demanding is sufficient cause to reject the principle.

But the strong KPB is actively overly-demanding in a further way too. It does not recognize the validity of cumulative demandingness. Suppose that an agent happens to perform a long series of actions that are required by the strong KPB, none of which individually are overly-demanding, but which cumulatively have left the agent on the precipice of falling below M (or even of endangering his rational activity); suppose further that the agent finds himself in a position in which some action is required by the strong KPB which though intrinsically does not make large demands will have the result of endangering his rational activity. The strong KPB requires that he perform this action since it is not the (sole) cause of the endangerment of his rational activity.²²⁰ Clearly the strong KPB is overly-demanding in this situation since it requires the agent to perform an act which leaves him well below M.

Herman defends her position by pointing out that the agent's fall below M cannot be attributed to this single act. That is true but seemingly irrelevant.²²¹ We are interested in assessing the demandingness of principles – and the agent's fall below M *can* be attributed to the strong KPB. Herman seems here to be espousing a position akin to Murphy's 'losses' version of over-demandingness. I pointed out in chapter two why such an approach is inferior to an absolute level conception of over-demandingness. And under this absolute level conception, there is no doubt that the strong KPB is overly-demanding in cases of cumulative sacrifice.

²²⁰ Herman, 'Mutual Aid and Respect for Persons', *Ethics* 94 (July, 1984), 598.

²²¹ Fishkin, *The Limits of Obligation*, 16-17.

Inappropriate-Demands

The inappropriate-demands objection becomes active once agents have attained M, or more accurately, once an agent in question is not in a position to assist any others who are below M. Before that point any helping action will necessarily be highly efficacious entitling our principle of beneficence to leave the acting agent at M – in other words, before that point, the over-demandingness objection is alone at play. The strong KPB deals only with true needs; and the notion of true needs is more restrictive than the notion of a minimally acceptable level of well-being which I have employed. In other words, M is higher than the level of well-being at which true needs are met. The strong KPB makes *no* demands of agents with regard to assisting others who have already attained their true needs. Hence, the strong KPB effectively neutralizes the charge of inappropriate-demands. Herman notes that some other unspecified moral duty may deal with non-true-needs related acts of assistance and helping. Whether that other moral duty makes inappropriate-demands is a separate question.

Restricted Scope

The strong KPB must be rejected on grounds of over-demandingness. However, it will prove instructive I think to discuss briefly another possible flaw in the principle – its limited scope. Herman tells us that ‘... not all (not even many) of our normal helping actions fall within the scope of mutual aid.’²²² The strong KPB is silent on all matters not related to true needs. In a perfect world, the strong KPB would very rarely (perhaps only when natural disasters struck) need to be consulted on this view – there would be little beneficence. Non-

²²² Herman, ‘Mutual Aid and Respect for Persons’, *Ethics* 94 (July, 1984), 600.

beneficence actions of assistance or help do according to Herman have ‘moral structure’, but it is not very clear what this structure amounts to.²²³

There certainly seems to be Kantian support for Herman’s restriction of the scope of the duty of beneficence. Under the formula of universal law no contradiction in will necessarily arises when one attempts to universalize a maxim of non-helping, where helping refers to assistance aimed *above* true needs. I must will that I be helped should I require it for my true needs, but I need not will that I be helped should I require it for anything else.

But *pace* the Kantian formula of universal law, it intuitively seems that beneficence aimed at true needs and other types of beneficence, come from the same basic source – our duty to provide impartial assistance. Certainly there is a distinction to be made – but it seems to be one of degrees, qualities and characteristics, not one of type which engenders two completely separate moral principles. It would be virtually nonsensical to claim that beneficence aimed at life projects is more important than beneficence aimed at the conditions of rational agency given that one can pursue no life projects without having those conditions already met. But I do not think that this kind of distinction can justify demarcating the duty of beneficence from other forms of assistance. And in fact we can find Kantian support for this latter view as well. The formula of humanity tells us to treat others as ends in themselves, to take on the ends of others as our own. And in the *Metaphysics of Morals*, Kant says that beneficence requires us to promote the *happiness* of others.²²⁴

There is a danger in unnecessarily multiplying moral duties. If we are interested in cultivating a strong moral base in society then we must make matters as simple as possible. The more moral duties that are espoused the less likely it becomes that each will be followed.

²²³ Herman, ‘Mutual Aid and Respect for Persons’, *Ethics* 94 (July, 1984), 601.

²²⁴ Kant, *MM* 453, *The Cambridge Edition of the Works of Immanuel Kant: Practical Philosophy*, 572.

I do not think that there is any pressing reason to separate out different kinds of beneficence into distinct duties. Certainly we should treat different types of beneficence differently – the internal structure of our principle of beneficence must be sensitive and perhaps even flexible – but they seem to come from the same source, and hence they should be treated as different aspects of the same subject, different components of the same duty.

III. The Moderate Principle of Beneficence

Neither the weak nor the strong KPB is acceptable as our principle of beneficence. And yet, there does seem to be something of great potential in the basic Kantian idea of demonstrating a fundamental respect for rational agency. It is now time to attempt to develop that idea in a more fruitful direction. We can develop an acceptable principle of beneficence through diligent reference to the idea of respect for rational agency. In remaining ever aware of that idea we can avoid the pitfalls of over-demandingness, under-demandingness, and inappropriate-demands. And at the same time our principle will be one which correctly addresses each of the problems of partial compliance.

The principle which I will now suggest is called the moderate principle of beneficence (or MPB). It is motivated from basic Kantian ideas and is moderate in the sense that it lacks the inappropriate extremity of either the strong or the weak KPB. The MPB provides the correct answer to the question of what it means to adopt the end of beneficence. Though motivated by Kantian considerations, I will not attempt to attribute it to Kant himself. This would unnecessarily complicate matters; but more importantly, I do not wish the MPB to be mired down by interpretative controversies. What is important is that from a basic and (what

I take) to be highly plausible *Kantian* idea, we can develop a fully acceptable principle of beneficence.

III.1 The MPB: An Informal Explication

The MPB agrees with the strong and weak KPB that respect for rational agency requires the adoption of the end of beneficence – the imperfect duty of beneficence. But it differs in its answer to the question of what adopting that end means. In essence the MPB claims that adopting the end of beneficence means that agents must act with little latitude whenever highly important promotions of well-being are possible, and with more latitude when only less significant promotions of well-being are possible.

The most important promotions of well-being are those which address the conditions for rational agency and the most fundamental manifestations of that agency. So, if agents are positioned to assist others who lack even the most basic necessities of life, then those agents will be required to act rather stringently. However, unless we live in an extraordinarily unfortunate world (one in which circumstances conspire such that not all agents can simultaneously enjoy an acceptable level of well-being), agents can never be required to act so stringently that those features of their lives which are essential to those lives are endangered. Rational agency holds intrinsic worth – it can be outweighed, but its value is not merely instrumental.

In an extraordinarily unfortunate world, various trade-offs will have to be made, various balances between opposing forces will need to be struck, and at times there will simply be no good solution, and hence no good directive to flow from the MPB. The MPB also considers the third-person perspective (in the spirit of Murphy) – agents should never be permitted to act such that the essential characteristics of another's life (or of others' lives) are endangered

unless not doing so will result *necessarily* in depriving some other (or others) of the essential characteristics of their lives.

There are higher-order manifestations of rational agency too – the pursuit of life, luxury and trivial projects. It is possible that a situation where all have their basic necessities met could obtain – where barring natural calamities, all agents enjoy life, the satisfaction of their conditions for rational agency, and the pursuit of commitments. In such a world (contra the strong KPB) the duty of beneficence will still be functional and important. Agents should, in such a world, still live by the maxim of beneficence, but great latitude will be allowed.

III.2 Motivating the MPB

Before providing a more technical formulation of the MPB and hence of the proper way to understand what it is to adopt an end, I would like to briefly discuss the motivation and support for the principle. As I have stated already, the MPB can be motivated by a respect for rational agency. In chapter two I noted that we can discuss well-being in terms of projects, which are the manifestation of rational agency. When I rationally make autonomous decisions I choose certain projects to pursue or to reject. And since in promoting well-being we promote projects, we therefore also promote rational agency. But since well-being can be promoted in a plethora of ways, the proper way to respect rational agency is to adopt the *end* of beneficence. In this fashion, respect for rational agency gives rise to an imperfect duty of beneficence, of well-being promotion. At this point the MPB departs from the weak and the strong KPB. It looks for answers about what it means to promote an end in the idea of respecting rational agency.

Some projects manifest rational agency in a more important fashion than others. Commitments are the most important manifestation of rational agency, since they represent

an agent's choices about the most fundamental and defining features of his life. The pursuit of trivial projects on the other hand, while still a manifestation of rational agency, is less important. It reflects rational agency engaged in relatively inconsequential decision making. Hence we have grounds for saying that some promotions of well-being are more important than others – promoting the well-being of those who lack the conditions of rational agency or the most fundamental manifestations of rational agency (commitments) is more important than other promotions of well-being. However both types of well-being promotion arise out of our respect for rational agency and hence both are to be accurately classified as beneficence. The idea of respecting rational agency explains why a principle of beneficence should stress certain forms of beneficence over others.

In respecting rational agency we ascribe to it intrinsic significance. Rational agency is not merely instrumental in its import. Hence, morality cannot require me to abandon my rational agency or to give up the most important manifestations of it unless extraordinary circumstances obtain. Further, it cannot ask me to limit *any* manifestation of my rational agency without good reason. Being able to manifest my rational agency in projects is always significant and I cannot be asked to forgo doing so unless there is powerful justification.

Respect for rational agency is able to motivate the key claims of the MPB – firstly that we do have a duty to promote well-being, and secondly that the way we go about promoting well-being is constrained and shaped by considerations such as the nature of the need being addressed, and the impact of the duty on agents. This is our first source of support for the basic idea of the MPB. It can be motivated by an intuitively plausible idea – that rational agency is of the utmost value. This idea retains its plausibility upon reflection – we have seen that properly considered it gives rise to further normative notions that enjoy their own intrinsic plausibility. Firstly, the simple notion that well-being should be promoted; this

intuition that suitably positioned agents should work to promote well-being and have a duty to do so provided the foundation and was the catalyst for my entire discussion. Secondly, the thought that different promotions of well-being are more or less important carries a high degree of intuitive plausibility. And finally, the notion that there is a proper relationship that should obtain between morality and individual agents which restricts how much morality can demand.

The second source of support for the MPB is its performance – its ability to stand up to the kinds of criticisms which have defeated every other principle of beneficence that I have thus far considered, and its ability to produce moral directives that are practicable, and are not only intuitively acceptable but retain their acceptability upon deeper reflection. After I have delineated the complete and technical formulation of the MPB, I will set about discussing in full detail this second area of support for the MPB.

III.3 The MPB: A Complete Formulation

I will take the MPB one aspect at a time:

Unfavorable Conditions of Applicability (UCA):

In a world in which not all persons within the beneficent reach of an agent in question, have the conditions of their rational agency satisfied and are able to pursue commitments, that agent must perform an action, out of those which do not leave her below a minimally acceptable level of well-being (M), that is optimal in terms of well-being promotion.

In those cases in which an agent's performance of some action that would leave her below M is the *only* way to raise some other (or others) above M, agents should refer to

the moral misfortune guide (it is of course not a moral misfortune if there is some other way to raise that other or those others above M which does not involve leaving our agent, or any other agent below M).

Third-Person Rider: agents are not permitted to perform any action that will leave some other (or others) below M, unless not doing so leaves some further other (or others) below M. Such cases must be dealt with on an individual basis using the moral misfortune guide.

Moral Misfortune Guide: The moral misfortune guide is just that – a guide. It is not a set of directives. It is designed to deal with difficult cases in which there may be no right or wrong normative answers. After utilizing the guide some cases in which not every agent can attain M will turn out to in fact have a correct answer; others will not, and in such cases the MPB must be finally silent. The guide consists of three facets; the active vs. passive distinction, the numbers game, and responsibility. In attributing weight to each of these factors, some cases will be easy – i.e. the answer will be apparently obvious (though of course apparent obviousness demands further inspection). These will be our paradigm cases and they will help to provide direction in more difficult cases. Let me briefly say something about each of the three facets of the moral misfortune guide. 1) The first is the active vs. passive distinction – *ceteris paribus* it is worse to require an agent to abandon something in her possession than it is to forbid an agent from acquiring something she never had. Now there is no normative force in this distinction *per se* – the motivation behind utilizing it in the moral misfortune guide is simply that in the absence of normative answers there might still be good reasons to choose one dictate over

another. One such reason is that it is more difficult to lose something than to never gain it. This psychological premise may, all other things being equal, result in the MPB favoring the agent who is above M over the agent who is below it in cases of irresolvable conflict. 2) Secondly we have what I have called the ‘numbers game’. Consequentialists consider only consequences – but for *any* ethicist, it is simply implausible to deny the importance of consequences. If we are faced with some situation in which we must choose between one person dying and 98% of the human race perishing, then clearly we should choose the one person (though given the active vs. passive consideration, we might not expect that one person to kill himself). There will certainly be much more difficult cases than this contrived example – but the general aphorism here is simply that numbers should and do count. 3) The final facet of the moral misfortune guide is responsibility.²²⁵ Suppose that Wolfgang and Salazar have gone rock climbing. They have set up a rope to climb from one peak to another; the fall from the rope is lethal. The rope can support one man at a time – the climbers agree that Wolfgang is to traverse the rope first. But as he is half way across, the highly impatient and short-sighted Salazar leaps recklessly onto the rope and scurries mid-way across. Hanging there on the rope the two realize that it will snap momentarily unless one man leaps to his death. I think that in such a case (which though contrived does represent a genuine phenomenon) Salazar’s past actions make him responsible for the very fact that the moral misfortune has arisen. Whenever some group of agents cannot simultaneously attain M, if one of those agents is responsible for that situation obtaining then the moral misfortune guide should *ceteris paribus* favor the other agents.

²²⁵ This is the final facet I will discuss in my exposition of the MPB. As I have mentioned before, morality is abstruse and the situations that arise in the world and amongst people are complex. There may well be other relevant factors to consider in the moral misfortune guide. My aim here is simply to explicate enough of the guide so as to give some substance to it.

Favorable Conditions of Applicability (FCA):

In a world in which all persons within the beneficent reach of an agent in question, have the conditions of their rational agency satisfied and are able to pursue commitments, that agent must act, from time to time, in a beneficent fashion, accounting for the efficacy of available actions as one pertinent factor in her deliberations. Personal preference will weigh moderately heavily, allowing agents to refrain from acting in most situations (but possible not in situations in which an easy and comparatively efficacious action is available to the agent).

Fair Demands Rider: We must not forget that in chapter two we saw that there is some limited weight to be attributed to the motivations behind Murphy's compliance condition – fair demands. The MPB then, must enable agents under partial compliance to accord *some* weight to the interests of fair demands (in the way that their actions impact both themselves and others). Now, UCA duties of the MPB will not be impacted by the fair demands rider since it is dealing with actions of such efficacy that the interests of fair demands will be outweighed in every case. FCA duties of the MPB may be impacted by the fair demands rider – determining the exact balance to be struck between fair demands interests and other valid normative interests will be difficult in certain cases. Generally I think that we can safely say that whenever a moderately efficacious action is available to an agent at fairly little cost, fair demands interests will be outweighed.

Supplementary Notes:

Persons': The MPB includes within its purview *all* persons irrespective of geographic position. Whether or not it includes non-human but rational and autonomous animals and future generations are interesting but tangential questions that I will not explore here.

Determining Optimality: Optimality is to be determined through reference to the context and to the characteristics of the particular agent in question. Relevant aspects of context include the exact level and nature of the need for beneficence; the institutional framework within which beneficent actions are to be performed; the actions being taken by other agents; etc. There are three groups of relevant agent characteristics – skills, resources and preferences. It is clear I think that the skills of an agent must be accounted for in determining what action is optimal in terms of well-being promotion. It makes no sense to require a skilled orator to work as an accountant for OXFAM. Also clear is the fact that the resources of the agent must be considered – the resources of the agent of course contribute to determining whether or not anything at all is required, but the level and nature of those resources will also contribute to determining what action of those available and which do not leave the agent below M, will be optimal. Less obviously and more controversially I think that we must accord some weight to preferences – if an agent simply prefers the idea of tending to the needs of suffering children in Ethiopia rather to the needs of the destitute in her own town, then *ceteris paribus*, it will be optimal for her to devote her beneficent energies distantly rather than proximately. Of course the weight accorded to agent preferences will have to be restricted. Obviously, if there were very few suffering children in Ethiopia and throngs of them in her own town, then our

agent's preference might very well be outweighed. Other preferences may be more difficult to handle. Consider prejudicial preferences for instance – it might be optimal from a beneficence point of view if we allow racists to beneficently tend only to people of whatever race they prefer. If so we would certainly hope that some moral duty would address this racism. It will turn out in fact that the MPB itself will address it – but more of that later.

UCA vs. FCA: In cases of conflict, obviously agents must favor their UCA duties. However, in some situations even if an agent is doing quite a bit in terms of UCA duties he should not ignore the needs of those who are not below M. If a particularly easy and efficacious action of beneficence to help someone who is already above M becomes available then quite possibly the agent should perform it (in addition to his UCA duties).

Equality: If an agent can choose between two courses of action which are equal in terms of satisfying the aims of the MPB, the agent should choose that course of action which tends to promote equality in the distribution of well-being. Why? Simply because *ceteris paribus* we should choose equality over inequality. This is hardly controversial.

Inherent Vagueness in the MPB: Several facets of the MPB appear vague – quite a bit of discretion is left in the hands of individual agents. Is this a problem for the MPB? I do not think so – we should be surprised by any principle of beneficence which, quite apart from providing a guide for agents, was able to determinately direct them to particular actions in every available instance. Morality can be abstruse, human beings are cognitively limited and circumstances that arise in our world can be complex and

extraordinary. We should expect our principle of beneficence to provide solid guidance, but not to be peremptory in its dictates. The MPB does provide solid guidance to agents, and in a fairly wide variety of paradigmatic cases it is able to provide clear cut answers to normative questions. Hence the inherent vagueness of the principle should not concern us.

III.4 The MPB in Practice

What we are interested in is producing a practicable principle of beneficence. So I must address questions about the actual functioning of the MPB for real moral agents.

MPB Heuristics

I would like to begin by making some comments that revolve around the seemingly overwhelming complexity and apparent cumbrousness of the fully formulated MPB. How, one might ask, can this seemingly impracticable principle ever be utilized by real moral agents, in the real world – in situations where decisions must be made quickly, or in the absence of complete information?²²⁶

The first thing to note is that no plausible principle of beneficence (at least none of the candidates which I have considered thus far) can be utilized case by case. Situations change with too much rapidity, information is often too minimal and principles are always too complex. Consequentialist principles require massive calculations of the well-being that will result from a host of different actions. Kantian principles (in particular the weak KPB) may be somewhat easier to use on a case by case basis, but the thought of doing so remains

²²⁶ Murphy confronts the same question in reference to his highly complex 'collective principle of beneficence'. The answers I will give are influenced by what Murphy has to say on the matter. See Murphy, *Moral Demands*, 117-121.

rather impractical. And of course there is no way in which one could possibly utilize the MPB on a case by case basis. The problem though is not with the MPB, but with moral principles in general. And, rather than seeing it as a problem it can more fruitfully be viewed as an illustration of the proper role of moral principles in the lives of agents.

Principles should be used to formulate heuristics and to review already held heuristics that can be applied daily and without much thought. They should always stand in the back of one's mind as he goes about his moral life, ready to adjust his application of a heuristic if some particular situation should call for it. Now because of the need for heuristics, the recourse of blameless wrongdoing (discussed in chapter two) becomes quite valuable. There will be cases in which a heuristic yields an incorrect answer due to some subtle circumstantial variations of which we could not reasonably expect an agent to be aware of. In these cases we still want to condemn the action as being divergent from moral requirements, but we do not want to condemn the agent (we might of course hope that the agent's peripheral moral awareness will be stimulated in the future as a result of this case, but in an important sense she is not at fault for her current peccant act). We should also bear in mind that in some cases the circumstantial variations as compared to the baseline situation in which an agent developed her heuristic will be clear enough that we can reasonably expect a morally well-intentioned agent to espy them. If an agent still acts by her heuristic in this type of case then we will want to condemn both act and agent.

Sub-Duties of the MPB

I noted in chapter one that there is a multitude of methods by which one might promote well-being and a multitude of targets toward which one might direct her beneficent energies. In other words, the duty of beneficence abstractly yields a great many sub-duties of

beneficence, and those sub-duties in turn yield sub-duties of their own (specific ways of fulfilling the initial sub-duty). To determine which of the sub-duties (and sub-duties of sub-duties, and so on) become all-things-considered duties of whichever principle of beneficence we are dealing with – i.e. to determine whether or not the abstract sub-duties of beneficence are required of actual agents in actual moral practice – we must look internally to our principle of beneficence. We must locate its inherent set of sub-duty rules of choice and apply them in particular cases (more accurately apply them to general types of cases in order to develop heuristics) to determine which sub-duties become actual duties.

In determining which sub-duties are entailed by the MPB for agents we must take two steps. Firstly we need to enumerate the sub-duties that are abstractly entailed by the MPB. While most principles of beneficence abstractly entail the same set of sub-duties there may be slight variations – to refer to the same example used in chapter one, the strong KPB will not entail even abstractly any sub-duty of beneficence which requires agents to address non-acute need. The second step is to apply the sub-duty rules of choice of the MPB to particular sub-duties and particular agents to establish which sub-duties are entailed as all-things-considered duties for which agents.

I will not attempt here to enumerate all or even most of the sub-duties that are abstractly entailed by the MPB (and hence I will not establish a comprehensive list of which sub-duties are required in actual practice). I will consider what I take to be two of the most important – the duty of distant assuagement (the duty to promote the well-being of suffering innocents in the underdeveloped nations of the world) and the duty of proximate assuagement (the duty to promote the well-being of suffering innocents in our own nations) – continuing to focus on what I think is *the* most important, the duty of distant assuagement. These sub-duties both direct agents toward beneficence focused on persons who exist below the

minimally acceptable level of well-being. But it should be noted that there will be abstract (at least) sub-duties of the MPB that focus on non-acute need (i.e. beneficence toward those who have already attained the minimally acceptable level of well-being). The MPB abstractly entails these non-acute sub-duties in virtue of its dual aspect structure – it governs both UCA and FCA duties.

It is clear that both the duty of distant assuagement and the duty of proximate assuagement are abstractly entailed by the MPB. Each is clearly covered as a UCA duty of beneficence. The more interesting question is whether they are likely to be required as all-things-considered duties of the MPB. To answer that question requires utilization of the sub-duty rules of choice of the MPB.

Sub-Duty Rules of Choice of the MPB

Let us take a hypothetical agent named Spiro as an example. The MPB firstly looks to the empirical state of the world and to the situation of Spiro within it. It asks whether there exist any agents below the minimally acceptable level of well-being (M) whose suffering can be addressed by Spiro without leaving him below M. If the answer is yes, then Spiro must consider both UCA and FCA duties of the MPB. If the answer is no, then Spiro must consider only FCA duties of the MPB (which require him to consider the situation at hand, and his personal interests, skills, etc. plus the compliance condition). In determining what he is required to do in terms of the UCA duties of the MPB, Spiro must consider context and his personal characteristics. Generally he must perform actions that are optimal. An optimal act will be one (for instance) that is quite efficacious and which calls upon some of the agent characteristics possessed by Spiro, or one that is highly efficacious and which calls upon a few of the agent characteristics possessed by Spiro, or one that is comparatively inefficacious

(though of course even the least efficacious UCA act of the MPB will still be quite efficacious) but which calls upon all of the agent characteristics possessed by Spiro.

More generally we can say that a sub-duty of beneficence will be required in actual practice by the MPB whenever performance of an act of that sub-duty is optimal. Optimal acts will typically be highly efficacious should they be successfully performed, and will stand a good chance of being successfully performed, given the characteristics of the agent at hand.

All-Things-Considered Sub-Duties of the MPB

Suppose now that Spiro is a typical affluent moral agent. Are there any agents who exist below M who can be assisted by Spiro through actions that will not leave him below M? The answer is a resounding yes. Sending a few hundred dollars to OXFAM will not leave many agents in the affluent west below M, but it will have a great impact on the lives of distant innocents. And Spiro is also well positioned to assist people in his own nation who subsist below M. Spiro then must perform some UCA actions (in addition perhaps to some FCA actions depending on circumstances).

What UCA duties of beneficence will be optimal for Spiro? Let us consider the duty of distant assuagement first. The power of the affluent dollar (to take one example of distant assuagement) is immense in underdeveloped nations; there is incredible suffering in those nations; many agents have at least the potential to care about the well-being of distant innocents; many agents have the resources and skills required to assist distant innocents. I will not argue any further in support of these claims, since they seem self-evident. The point is that the duty of distant assuagement will be highly efficacious should it be successfully discharged. Even the least successful (but still successful to some degree) discharge of the

duty will prove highly efficacious. Saving a single life is unarguably an efficacious act of beneficence. Discharging the duty of distant assuagement seems to be at least as important in terms of well-being promotion as discharging any other sub-duty of beneficence. Further, for agents like Spiro there is a high chance of at least moderately successful discharge given his personal characteristics. Hence, the duty of distant assuagement will typically be entailed as at least one all-things-considered sub-duty of the MPB for affluent agents.²²⁷

What about the duty of proximate assuagement? Depending on what nation the reader inhabits, the duty of proximate assuagement will be more or less significant. However, in most 'affluent' nations of the world, there exists a minority who lack basic resources to ensure their attainment of the minimally acceptable level of well-being. Hence, even the least successful (but still successful to some degree) individual acts of proximate assuagement

²²⁷ In a variety of contexts many moral philosophers have also concluded that we have a duty to tend to the suffering of distant innocents. See for instance Garrett Cullity, 'International Aid and the Scope of Kindness', *Ethics* 105 (October 1994): 99-127; Robert Hanna, 'Critical Notice of Peter Unger: Must We Be Good Samaritans?' *Canadian Journal of Philosophy* 28, Number 3, (September 1998): 453-470; Singer, 'Rich and Poor', *Practical Ethics*, 218-246; Peter Unger, *Living High and Letting Die*.

One common disagreement with the duty of distant assuagement focuses on distance – it is often argued that distance makes a genuine difference to what is required of agents by morality. We might be required to be beneficent to those close to us, but distance prevents the duty of distant assuagement from arising even abstractly. Peter Unger provides powerful arguments to suggest that distance in fact makes no moral difference (See *Living High and Letting Die*). I will not enter this lively debate myself – note however that even if the duty of distant assuagement is rejected, none of my conclusions about the proper shape of the duty of beneficence will be impacted.

Other criticisms of the duty of distant assuagement are grounded in claims of impracticability – i.e. though the duty is abstractly entailed, it is never entailed in practice due to various practical difficulties. It is often argued for instance that because of corruption at high levels in the social structures of underdeveloped nations, charity does not get through to the right people. Even if this is true it of course merely shifts the focus of our discharge of the duty of distant assuagement. Rather than sending financial donations we should aim our beneficence more directly toward suffering innocents or we should concentrate on political causes to remove corrupt officials from power. It is also often argued that providing assistance to distant suffering innocents merely aggravates the suffering of future generations in virtue of population strains. Again this type of argument misses the point. For a start a policy of accompanying our assistance with education campaigns concerning population control would prevent this pessimistic picture of the future from coming about. The method by which we discharge the duty of distant assuagement is affected – not the existence of the duty itself. Secondly though, it is not clear that even in the absence of education about population control, providing assistance to distant suffering innocents worsens their plight in the long-term. I refer the reader to Peter Unger's work again for further discussion of this issue (Unger, *Living High and Letting Die*, 36-39).

might be just as efficacious as individual acts of distant assuagement – they might save lives. And, as with the duty of distant assuagement, the duty of proximate assuagement requires no peculiar skills or resources beyond those of Spiro-like agents for successful discharge. I tend to think in general (i.e. from a perspective which considers all agents at once) that the MPB will place less emphasis on the duty of proximate assuagement than on the duty of distant assuagement. Fewer agents will be required in practice to discharge the duty of proximate assuagement and of those who are, it will comprise a smaller proportion of their total MPB duties. Nonetheless, it will be required in actual practice in at least some cases.

So, for a typical affluent agent, both the duty of distant assuagement and the duty of proximate assuagement will be required as all-things-considered sub-duties of the MPB. To what degree they are required will depend on the particular circumstances and characteristics of the agent at hand. It might prove optimal for some agents to focus their beneficent energies on just one sub-duty of beneficence. For others it might prove optimal should they distribute their beneficent energies to various sub-duties.

It must be noted that though I have been talking in largely financial and material terms (as methods of discharging the duty of distant assuagement), there exists a broad variety of methods by which an agent may discharge the duty of distant assuagement (i.e. there are a great many sub-duties of distant assuagement), some of which involve no financial or material sacrifice. This will become evident and highly significant shortly.

Problems with Optimality?

Suppose that there exist three continents on an independent planet, one of which is very affluent and the other two of which are rather poor. Suppose further that it happens to be

optimal for the residents of the affluent continent to direct all of their beneficent energies to *one* of the poor continents. Is this not an unacceptable consequence of the MPB?

If such a situation were to obtain then I do not think that there is any problem to be found in the MPB. The MPB concerns beneficence, and though it would be unfortunate that some group of people stood outside the reach of another group's beneficence it would not do to simply give up on optimality. Further in such a situation it may well be that some other moral principle would require assistance to be directed toward the third continent. I do not think that we should regard the MPB as a complete morality.

Furthermore, note that such a situation could only obtain under partial compliance with the MPB. Under full compliance (or a relatively high level of partial compliance) it would surely never be optimal for every affluent agent to direct beneficence where it is most easily directed. Once some proportion of our affluent agents had begun to act beneficently toward one continent there would no longer be any demand for great beneficence on that continent. Optimality accounts for several factors – ease of beneficence is but one.

Some Case Studies

Let us now look at some specific examples of how the MPB will impact agents. Take firstly an undernourished adult living through the Eritrean famine. If he finds himself below the level of well-being which I have designated 'M', then no further loss of well-being will be required of him (he might still be expected to perform beneficent actions which do not decrease his well-being at all). Suppose though that he finds himself comparatively well-nourished, his mind clear and his body energetic. Then he might be required to perform some beneficent actions, ranging from speaking encouraging words to his less well-off peers, to fetching water and gathering food for his community, to some form of political activism.

He will almost certainly not be required to think about the needs of those far away from him or to be concerned with making material sacrifices (since he has no material goods to sacrifice). And of course it might be optimal if he acts in such a way that he is *not* left close to M – he might act more efficiently in terms of well-being promotion, if he saves some energy and maintains relatively good health.

What about an affluent agent living in Canada? Well, as I mentioned earlier it is quite likely that he will be required to discharge the duty of distant assuagement (as at least a part of his discharge of the MPB). What impact will the MPB have on his life? He will certainly not have to endanger his rational capacities; nor will he be required to abandon any of his commitments (and of course maintaining certain commitments might entail other things – one cannot stay married unless he spends some time with his spouse). Out of those actions which do not require him to sink below M, he must choose what is optimal. What is optimal may well be for him to maintain some life projects – that will depend on context and on agent characteristics. But it is possible. That being said, given the state of the world, he will have to sacrifice quite a bit from his life of relative luxury. His life will change significantly – he could be required to move or change jobs, to alter his dominant patterns of behavior and consumption, and to change the way that he interacts with other people. I will discuss the ways in which his social interactions must change shortly. For now I hope to have provided enough exposition of the MPB to give it some substance. I must move on to defending it against the charges which defeated the other principles of beneficence thus far considered.

IV. Demandingness and the MPB

In this section I will evaluate whether or not the MPB stands up to the charges of over-demandingness, inappropriate-demands and under-demandingness. The exact form of these demands-based charges against principles of beneficence was derived from a basic conception of the relationship between morality and the individual agent. That same conception is part of the motivating force behind development of the MPB. Hence, we should not be surprised that the MPB is not subject to any of the demands-based charges. However I will briefly discuss each in turn.

IV.1 Over-Demandingness

A principle is overly-demanding if it ever leaves an agent below a minimally acceptable level of well-being (M) unless allowing that agent to attain M would *necessarily* result in some other (or others) falling below or remaining below M. In such cases of moral misfortune a principle may still be overly-demanding if it (for instance) requires an agent to sacrifice her own life. In most cases of moral misfortune any demands will not be overly-demanding but there may still be a correct and incorrect answer to the question of what morality should demand.

I will consider over-demandingness and the MPB in three areas – active over-demandingness, passive over-demandingness, and cases of moral misfortune. The MPB certainly never leaves an agent, through active demands, below M except in cases of moral misfortune (where it may be justifiable to do so – refer to cases of moral misfortune below). Agents need not perform any action which leaves them below M unless doing so is the only way to raise some other (or others) above M. What about passive over-demandingness?

Again, the MPB will never leave an agent through passive effects, below M except in cases of moral misfortune. So, if it is possible for an agent to be brought or left passively above M without reducing another below it, then such action on the part of other agents will be required. The MPB then will never passively leave an agent below M except in cases of moral misfortune where doing so may be justified.

What about the following case: in the world as it is today given partial compliance with the requirements of the MPB, many agents in the underdeveloped nations of the world will find themselves below M; we might think that they could attain M without necessarily leading to any others falling below it. The way for that to happen would be if more affluent agents complied with the principle. So, since the MPB is apparently leaving some agents below M despite the fact that they could be brought above it without leaving others below it (i.e. it is leaving some agents below M in cases which are not moral misfortunes), it is overly-demanding.

There is an error in this argument. This case *is* one of moral misfortune and hence the MPB is not necessarily overly-demanding in it. Cases of moral misfortune are those in which there is no way for all agents to simultaneously attain M (or in which there is no way for some particular agent(s) to attain M). Consider the following case: an earthquake hits an isolated town. Given the number of near fatal injuries, the number of doctors in the town and the time it will take for more doctors to arrive, not everyone can be saved. This case counts as a moral misfortune because there is nothing that any principle of beneficence could do to raise all agents above M (no principle of beneficence could have stopped the earthquake). Consider another case: a group of terrorists bombs a building in an isolated town. Given the number of near fatal injuries, the number of doctors in the town and the time it will take for more doctors to arrive, not everyone can be saved. This case also counts

as a moral misfortune since there is nothing that any principle of beneficence could do to raise all agents above M (no principle of beneficence could have stopped the terrorist act). Take the MPB for example – it obviously required the terrorists not to do what they did. But it could not have done any more – no principle could have.

Now consider the above case: many agents fail to comply with the MPB or with any principle of beneficence. The result is that not all agents can attain M. This case also counts as a moral misfortune since there is nothing that any principle of beneficence could do to raise all agents above M (no principle of beneficence can force agents to comply). Principles of beneficence can and must (it is the second requirement of partial compliance) address the problem of compliance deficiency (and hence increase compliance levels). But if a principle of beneficence makes requirements which would if followed successfully solve the problem of compliance deficiency and yet partial compliance remains (because full compliance is in principle unachievable or because complying agents are not properly following the principle of beneficence at hand, or because not enough time has passed for the solution to fully manifest itself in results), then it must be said that no principle of beneficence could do anything to have prevented the partial compliance which is now causing a situation in which not all agents can attain M.

Whether the reason that not all agents can attain M is to be found in some natural calamity or in human action makes no difference. The comparison between the case of the earthquake and the case of the terrorists demonstrated this. What is important is whether or not the cause for the situation is one that could be addressed by a plausible principle of beneficence. If not then we simply live in a world in which no principle of beneficence can fully promote well-being – we live in a world of moral misfortune.

The MPB (as we will see later when in section V) does make requirements which if followed would successfully solve the problem of compliance deficiency. If partial compliance remains despite the presence of a correct solution, then we can say that no principle of beneficence can solve it completely and hence that we have a case of moral misfortune.

The final question to answer in this section is whether the MPB deals with cases of moral misfortune correctly. The MPB makes use of any factor which might lessen the severity of the moral misfortune – the three most obvious factors are the active vs. passive distinction, the numbers game and responsibility. It deals with cases of moral misfortune correctly simply because it attempts to minimize the misfortune of moral misfortunes. And so, the MPB avoids the charge of over-demandingness.

IV.2 Inappropriate-Demands

If the charge of inappropriate-demands was to apply to the MPB it would of course apply to FCA duties of the principle. UCA duties deal with acts that assist agents who exist below a minimally acceptable level of well-being; hence it deals only with acts that are highly efficacious. Will FAC duties of the MPB ever leave agents at levels of well-being for reasons which are relatively inefficacious in terms of well-being promotion given the impact on the agent's life? It will not do so actively – FCA duties of the MPB require agents to account for efficacy as well as their own personal preferences, and give them the right to refrain from a beneficent act at times of their choosing. Agents can only be required to perform an FCA beneficent act when the act is easy and highly efficacious, and of course this is not an inappropriate-demand.

For the same reasons, the MPB will never passively leave agents at levels of well-being for reasons which are relatively inefficacious in terms of well-being promotion given the impact on the agent's life. Consider a simplified example – Hector has no life projects. Monty could perform a beneficent act quite easily which would enable Hector to pursue life projects at the cost of a few trivial projects. Clearly Monty should, under the MPB, perform the beneficent act. Monty would not have to perform the act should it cost him quite a bit – say some of his own life projects. In such a case the passive demands on Hector would not be inappropriate. The reason that Hector is at the level of well-being he is at is quite efficacious in beneficence terms – namely, Monty is able to keep his own life projects. The general point is that in any black and white case the MPB will yield the correct answer. And in more difficult cases the MPB requires agents to consider the right kinds of factors (i.e. efficacy of the various options) to produce the correct answer.

IV.3 Under-Demandingness

The MPB cannot be charged with under-demandingness. Whenever there are significant promotions of well-being that are possible for agents to make, the MPB requires significant promotions of well-being. UCA duties of the MPB are clearly not under-demanding – agents must tend to the exigent need of others until they reach the limit of what morality can demand of individuals. FCA duties of the MPB are also not under-demanding – a world in which all agents have attained M is quite a good world and we would not expect a principle of beneficence to require very much. But the MPB does still require agents to live beneficently, and to take advantage of opportunities for the performance of comparatively efficacious and easy beneficent actions. Hence, the MPB is not susceptible to the charge of under-demandingness.

V. The Problem of Partial Compliance

We must next inquire as to whether the MPB addresses the problem of partial compliance in an acceptable fashion. It should be recalled that the problem of partial compliance consists of two individual but interconnected problems: 1) responsibility for the slack – how are we to deal with the slack left by non-compliers? 2) compliance deficiency – how are we to deal with non-compliance? As guides by which we determine how to act in relation to well-being promotion, principles of beneficence must provide answers to these two problems since each bears upon well-being promotion significantly.

I will address the first facet of the problem of partial compliance first since the answer of the MPB to it is fairly simple and can be delineated compendiously in comparison to the answer of the MPB to the second facet of the problem.

V.1 Responsibility for the Slack

The problem of responsibility for the slack arose in a discussion of Murphy's two questions which principles of beneficence must answer. Those questions were: 1) how should responsibility for the common aim of well-being promotion be distributed among agents in a situation of full compliance? 2) how should responsibility for the common aim of well-being promotion be distributed among agents in a situation of partial compliance? Note that responsibility includes active and passive effects – we are interested in how agents are impacted by the principle at hand. In chapter two, I discussed what the correct answers to these questions are. To both questions the correct answer is that responsibility should be distributed by the criterion of formal fairness. Formal fairness is the notion that responsibility should be distributed equally unless there is some good reason to depart from

full equality. It seems to me to be motivated by a fundamental egalitarianism combined with an acknowledgement that sometimes absolute equality will be impossible or at least untenable in our world.

Good reasons to depart from the ideal of equality can be located in the aim of the principle itself (so long as all facets of that aim are morally acceptable). What is the aim of the MPB? It is rather complex – but to phrase it rudimentarily we can say that the aim of the MPB is to promote well-being without making unacceptable (i.e. excessive, inappropriate, lax) demands and while recognizing the importance of an interest in the compliance condition (we might alternately say that the MPB has multiple aims; to promote well-being, to avoid making excessive demands, etc.). We know that all of these facets of the aim of the MPB are morally acceptable and in fact morally required since they manifest our underlying concern with the proper relationship between morality and the agent. An epistemic sign that they are so required, is that a principle of beneficence which is overly-demanding (for instance) must be rejected, and that its over-demandingness constitutes a sufficient ground for doing so.

The demands that are made by the MPB and hence the distribution of well-being which it requires, are dictated by the aim of the principle – by well-being promotion, and a concern for the nature of demands. If those demands result in an unequal distribution of well-being under either full or partial compliance we can say that the reason for the inequality is better achievement of the principle's (morally acceptable – in fact morally necessary) aim. And where two courses of action achieve the principle's aim with equal efficacy, but differ in terms of the level of equality in well-being distribution which they promote, the MPB requires agents to choose the more equal of the two. Hence, the MPB always distributes responsibility in a manner which meets the criterion of formal fairness.

Note an interesting fact about one particular facet of the aim of the MPB – that demands be made in a way which is *sensitive* to the compliance condition. By ‘sensitive’ I mean that in making demands the principle acknowledges that the compliance condition holds *some* weight and considers its claim. As part of the aim of the principle, the compliance condition may justify departures from the ideal of equality. But under full compliance the compliance condition is of course, impotent. It arises as an active force only under partial compliance.

So, the distribution of responsibility of the MPB under partial compliance will be formally fair – it will account for various factors which are built into the very structure of the principle. One of those is an interest in the compliance condition. When will the weight of the interest in the compliance condition be great enough such an agent need not perform some action which she should otherwise perform?

As I mentioned earlier, I think that in most cases, complying agents under partial compliance should treat increases in the need for beneficence due to the non-compliance of others in the same manner as they would treat increases due to natural circumstances. In other words the weight of the compliance condition will not be great enough to alter what would otherwise be demanded of them. Only in cases in which the weight of the compliance condition is very great and the weight of other relevant factors is relatively paltry will agents be excused from what would otherwise be required of them in virtue of the compliance condition. Suppose that an agent’s well-being under partial compliance is much worse than it would be under full compliance. Should she perform some action which would, compliance condition aside be required, her well-being will be very slightly decreased. Suppose further that the action in question is rather inefficacious – it involves helping another achieve a life project. It is reasonable to think in such a case that our agent should not have to perform the

action solely on the grounds of the compliance condition. But whenever taking up the slack of non-compliers is important – whenever doing so is efficacious and involves sacrifice which is not excessive – it is hard to see why the compliance condition would be consequential.

V.2 Compliance Deficiency

The question that I will answer in this section is: does the MPB provide an answer to, or at least provide space for the provision of an answer to, the second problem of partial compliance, what I have called the problem of ‘compliance deficiency’? Of course it would be superior should our principle provide an answer, rather than simply leave room for an answer. As we have seen the problem of compliance deficiency has a strongly negative impact on well-being and should ideally be addressed by our principle of beneficence.

‘Solving’ Compliance Deficiency

I have said that the MPB must provide an answer to the problem of compliance deficiency. In other words, it must provide a solution to that problem. But what constitutes a solution? Most obviously, to solve compliance deficiency would be to bring about a situation of steady full compliance. But even the best strategy for increasing compliance levels will be dependent in part upon various extraneous factors which may contingently be of help or hindrance, for its success. What we are looking for is the best strategy for dealing with compliance deficiency. Hence, any strategy that tends toward the production of stable full compliance will be considered a solution. As a contingent matter full compliance may or may not ever be achieved (certainly it will not be achieved any time soon). What is important is whether or not the proposed strategy makes some perpetual head way in the right direction.

But it is not enough that the MPB provide some strategy that counts as a solution to the problem. It must provide the ‘correct’ – in other words the best – solution to the problem, for *ceteris paribus* we have reason to prefer a principle of beneficence which provides a strategy for dealing with compliance deficiency that is more efficient than the strategy provided by some other principle.

Some Background: The Structure of Principles of Beneficence

The MPB does provide the correct solution to compliance deficiency, and that solution is implicit within the very structure of the principle. Recall that principles of beneficence are structured in the following fashion: a variety of sub-duties are abstractly entailed by any given principle of beneficence, and in turn those sub-duties have sub-duties of their own. All sub-duties represent more or less specific methods of discharging their source duty. But different sub-duties focus on different aspects of method. The first level of sub-duties concerns possible targets of beneficence – I might target my beneficence toward distant suffering innocents (the duty of distant assuagement) or toward proximate suffering innocents (the duty of proximate assuagement). The second level of sub-duties concerns possible strategies of discharging first level sub-duties.²²⁸ For instance, sub-duties of the duty of distant assuagement might include the duty to provide financial resources to charity organizations such as OXFAM. Whether or not abstract sub-duties become all-things-considered (i.e. required in practice) sub-duties for particular agents will be determined by the principle at hand – by an internal set of sub-duty rules of choice.

²²⁸ Note that there is no particular characteristic of targets of beneficence that make them ‘first-level’ nor any characteristic of methods of well-being promotion that make them ‘second-level’. The levels could be reversed without any functional alteration. I simply use the first-level/second-level parlance to simplify articulation of the basic ideas about the structure of principles of beneficence that I want to convey.

Every first level sub-duty arises in response to some problem concerning well-being (a beneficence-related problem). The duty of distant assuagement arises because a vast number of people in the underdeveloped nations of the world exist below a minimally acceptable level of well-being – we can call this the problem of distant suffering. Second level sub-duties arise out of an appreciation of the causal nexus that underlies each of these problems. The causal nexuses on which these problems stand consist of a series of interconnected factors that support, create or promote (whether intentionally or unintentionally) the given problem. Sub-duties of the duties that arise in response to these problems attack a cause or causes in the particular causal nexus at play.

Let us take the problem of distant suffering as our example. The causal nexus that underlies this problem is composed of a vast array of elements. For instance, the lack of financial resources and the lack of infrastructure in certain distant communities might be thought to cause the suffering that takes place there. But there are many more causes than this – the causal nexus is large, dense, complicated, and multifarious in its constitution. Some of the causes that form the nexus stand outside the purview of beneficence – one cause of current suffering might be past oppression. This issue might fall under the rubric of justice or recompense rather than beneficence. Hence, it will not yield a sub-duty of distant assuagement. Other causes of the nexus however do fall under the rubric of beneficence, and these give rise to sub-duties of distant assuagement.²²⁹

We can categorize causes of beneficence-related problems in a variety of ways. I will focus here on just one. Some causes will be very direct. For example, the lack of money in

²²⁹ A parallel point can be made for any sub-duty of beneficence. Some of the causes of proximate suffering (for instance) are better dealt with by some duty other than beneficence.

the communities of underdeveloped nations directly causes suffering.²³⁰ Addressing that cause would have a nearly immediate positive impact on the condition of the impacted people. Some causes though will be indirect. For example the lack of birth control in certain underdeveloped communities leads indirectly to increases in suffering. Addressing that cause would not have an immediate positive impact on the plight of people in the area. But it would have a positive impact eventually.

In society and in philosophical discourse about these matters, the direct causes of distant suffering receive most of the attention. This can be dangerous since the indirect causes of distant suffering can in fact be the more pernicious. And consequently, addressing the indirect causes of distant suffering can ultimately be much more beneficial than addressing the direct causes. Quite often addressing the direct causes of suffering will lead to only a short term beneficial impact. If we provide a poor town with money then in the short term the people there will suffer less. They will be able to purchase needed supplies. But the money will run out quickly and the abject conditions will return. Addressing indirect causes however, will frequently result in long-term and perhaps even permanent (at least as permanent as anything in our world can be) beneficial impacts. Should we for instance remove a corrupt government from power which has been siphoning funds from certain areas of its nation, then we may produce a semi-permanent alleviation of the suffering of people in those areas.

Analogous points can be made in reference to any other sub-duty of beneficence. The causal nexus underlying the problem of proximate suffering (which gives rise to the duty of

²³⁰ Of course we might say that even this lack of money is an indirect cause of suffering. Really it is the dearth of things that money might buy (like clean water) which directly causes suffering. But even then it is not a lack of clean water that causes suffering – it is the particular physiological condition which results in the human body when it is deprived of hydration. Whether some cause is direct or indirect is obviously a matter of perspective. I call lack of money a direct cause of suffering since if it would be addressed we would see a nearly instantaneous improvement in the condition of the people affected.

proximate assuagement) will be composed of some direct and some indirect causes. The general point is always the same – indirect causes often dwell at the foundation of causal nexuses. In attacking them we can simultaneously attack the direct causes of the nexus, and hence we increase our chances of eradicating the problem itself.

The Duty of Edification

One of the most insidious indirect causes of virtually every beneficence-related problem (e.g. the problem of distant suffering, the problem of proximate suffering, etc.) is non-compliance with the correlate sub-duty. The lower compliance levels with some particular duty are, the greater the demands of that duty on complying agents. But complying agents can do only so much. Take the duty of distant assuagement for instance – even supposing that every complying agent complied perfectly, there would still be only a fraction of the beneficence that would flow from the duty under full compliance, flowing toward the underdeveloped nations of the world. Quite obviously the greater compliance levels with the duty of distant assuagement are, the more sharply attenuated distant suffering will be. More generally, whenever there is a duty to promote ‘x’, the lower compliance levels with that duty are, the less well ‘x’ will be promoted. Of course, for some beneficence-related problems, non-compliance is not such a ruinous member of the causal nexus. For instance, suppose that a sub-duty of the MPB is the duty to be beneficent to one’s friends. Compliance with this particular sub-duty of the MPB is probably very high, and hence the duty of edification which aimed at addressing non-compliance with the duty to be beneficent to one’s friends would not be all that efficacious. For most beneficence-related problems though, it seems clear that non-compliance is an extremely potent member of the causal nexus.

For most beneficence-related problems then, increasing compliance levels with the correlate sub-duty of beneficence attacks an indirect and virulent cause of that problem. Hence, increasing compliance levels constitutes an indirect but powerful method of discharging the relevant sub-duty of beneficence. To put it technically, increasing compliance levels with any sub-duty of beneficence whose correlate beneficence-related problem is supported, created, or promoted in part by non-compliance with that sub-duty, constitutes a second level sub-duty of beneficence entailed directly by the first level sub-duty in question. For instance, increasing compliance levels with the duty of distant assuagement is a sub-duty of the duty of distant assuagement since non-compliance with that duty is a major cause of the problem of distant assuagement. We can call the species of duty to increase compliance levels, the ‘duty of edification’.

Duty of Edification: Agents are required to take steps toward increasing levels of compliance with the duty of ‘X’ where ‘X’ is whichever sub-duty of the MPB we are dealing with.

So then, the duty of edification is an abstract sub-duty of principles of beneficence in the world today. Obviously the duty of edification qualifies as a strategy for dealing with compliance deficiency – it is a solution to that problem. But we can only claim that the MPB provides a solution to compliance deficiency if the duty of edification is one of its all-things-considered duties, in enough cases and for enough agents that full compliance is tended toward more efficiently than under any other solution.

But it might be wondered how the duty of edification can amount to a solution of compliance deficiency even in theory, when that problem concerns the duty of beneficence

and the duty of edification commands agents to increase the compliance of agents only with particular sub-duties of beneficence. We must remember though that any sub-duty of beneficence for which compliance deficiency is a problem will yield a duty of edification. So even if individual duties of edification do not address the MPB in its entirety, the species of duty of edification will. As long as all sub-duties (or at least most) of beneficence for which compliance deficiency is a problem yield in actual practice the duty of edification, the general problem of compliance deficiency will be addressed.²³¹

An Alternate Derivation of the Duty of Edification

I have shown how the duty of edification is abstractly derivable from the MPB since increasing compliance levels increases beneficence and thereby increases the well-being of some other group of people. However, on a certain construal of well-being, we could derive the duty of edification from the MPB in an alternate fashion. Suppose (plausibly I think) that the cultivation of a strong moral sense and the life of moral virtue are taken to increase an individual's well-being. In that case, the duty of edification would be a duty of the MPB not because it increases compliance and thereby increases the well-being of some other group of people, but because in increasing compliance among non-compliers it increases the well-being of those non-compliers.²³²

²³¹ Though it will be shown that this is the case, it will also be shown that each individual duty of edification requires agents to increase compliance levels with the MPB generally in order to increase compliance levels with individual sub-duties. Hence, individual duties of edification do address the general problem of compliance deficiency.

²³² I will not discuss this possibility further but it should be kept in mind given the potential to make the duty of edification doubly important.

VI. The Duty of Edification: An Actual Sub-Duty?

We must now investigate whether the MPB entails the duty of edification as an all-things-considered duty, and whether it does so in enough cases to constitute the best solution of compliance deficiency. Now, the duty of edification can be derived from the MPB only through the medium of a sub-duty of beneficence. So, if no abstract sub-duties of beneficence for which compliance deficiency is a problem are entailed in practice by the MPB, then it will follow necessarily that the MPB cannot yield the duty of edification in practice. Hence, we must firstly consider whether any such sub-duties of the MPB are entailed as all-things-considered duties for any moral agents.

VI.1 First Level Sub-Duties of the MPB

Note firstly that compliance deficiency is a large problem for any sub-duty of the MPB that suffers from partial compliance. It becomes a larger problem as the level of compliance in question declines, and as the significance of the sub-duty in question increases. In order to establish the possibility of the duty of edification (in order to establish that the MPB does at least potentially contain a solution to compliance deficiency) we must demonstrate that at least some sub-duties of the MPB for which compliance deficiency is a problem are entailed as all-things-considered duties. Must we demonstrate that *all* such sub-duties are entailed as all-things-considered duties? No – we need only show that there are at least *some* such sub-duties. We need only show that there is some way for the duty of edification to get off the ground in actual practice. Once off the ground the duty of edification will serve to improve the material well-being of our world generally, and once that happens, sub-duties of the MPB for which compliance deficiency is a problem but which are not currently entailed as

all-things-considered duties of the MPB may come to be all-things-considered duties, and hence the duty of edification may come to be entailed in actual practice by those duties, resulting eventually in a comprehensive attempt to attain full compliance.

So are there any sub-duties of the MPB for which compliance deficiency is a problem that are entailed as all-things-considered duties?²³³ The answer is clearly yes. Both the duty of distant assuagement and the duty of proximate assuagement experience low compliance and I already argued in section III.4 of this chapter that both will be all-things-considered sub-duties of the MPB. I will not review those arguments here, but it is important to keep them in mind, since the existence of all-things-considered sub-duties of the MPB for which compliance deficiency is a problem and hence from which the duty of edification is at least abstractly entailed, such as the duty of distant assuagement is a key premise in the argument to establish that the MPB does contain a genuine solution to compliance deficiency.

VI.2 Second Level Sub-Duties of the MPB

The question now is whether an all-things-considered second level sub-duty of the MPB derived through the medium of either the duty of distant assuagement or the duty of proximate assuagement (taken simply as two examples of any first level sub-duty of the MPB for which compliance deficiency is a problem that are entailed as all-things-considered duties) will be the duty of edification for any agents.

In general we can say that for any given sub-duty of the MPB for which compliance deficiency is a problem, the duty of edification will be entailed in actual practice for some

²³³ Of course the question of whether they are entailed by the MPB will in part depend upon whether they in turn entail the duty of edification (since that latter issue impacts whether or not actions that direct beneficence at either distant assuagement or proximate assuagement are optimal under the MPB). However, I think that we can accurately judge whether sub-duties will be entailed by the MPB without first determining whether they will in turn entail the duty of edification.

agent if its successful discharge would be highly efficacious, and if given the characteristics of the agent in question, there is a good chance that the duty could be successfully discharged.

When considering the efficaciousness of successful discharge of the duty of edification and the agent characteristics needed for a high probability of successful discharge we must also consider the first level sub-duty from which the duty of edification has been derived. The duty of edification is efficacious if it contributes to the cause of whatever sub-duty it has been derived from; and the required agent characteristics are those that are required to increase compliance with the sub-duty in question. However, the kinds of agent characteristics necessary for successful discharge of the duty of edification do not change much as we derive the duty from different sub-duties of beneficence for which compliance deficiency is a problem. Hence in my discussion of agent characteristics I will consider the matter abstractly.

On the other hand, the efficacy of successful discharge of the duty of edification is partially dependent upon the particular sub-duty of beneficence from which it has been derived. It will not be as efficacious for instance if the sub-duty in question is an FCA sub-duty rather than a UCA sub-duty. The question of efficaciousness cannot be considered abstractly – hence I will take the two examples of distant and proximate assuagement that I have been frequently utilizing.

VI.3 Optimality of the Duty of Edification: Context

We must firstly determine whether successful discharge of the duty of edification would be highly significant – i.e. highly efficacious. Would it lead to great increases in well-being? The answer is clearly an assured yes.

Consider the duty of distant assuagement: for every agent who would be complying with that duty but for his decision not to comply, suffering in the underdeveloped nations of the world jumps – more innocents go without nutrition, hydration, health care, sanitation, and ultimately die. And because compliance levels are so low, the suffering which comes just from non-compliance is extensive.

Non-compliance is so devastating because it aggravates all other causes of distant suffering. For those other causes could be efficiently attacked if compliance levels with the duty of distant assuagement were higher. Some strategies for addressing causes of distant suffering simply require people power; others require special skills; others can only be implemented if the pool of complying agents is great enough that some people can work on them while still leaving other people to work on other strategies and causes. For instance, if we want the governments of affluent nations to increase the assistance they provide to underdeveloped nations then we require a large base of support for the idea, a great group of agents lobbying the government. Corrupt governments in underdeveloped nations persist in part because there is no international opposition. Such opposition would exist should there be higher levels of compliance with the duty of distant assuagement. Without high levels of compliance charity organizations receive too little support in order to be as effective as they might otherwise be. Individuals who travel to underdeveloped nations can have only isolated impact – but coalitions of doctors, engineers, educators, etc. could have widespread beneficial impact. Clearly, the duty of edification as a sub-duty of the duty of distant assuagement would, if successfully discharged be highly efficacious.

One might argue though that while a completely successful discharge of the duty of edification would indeed be quite a significant achievement in terms of well-being promotion, in the real world we can only reasonably expect partial success from the duty of

edification, and that such partial success lacks significance. I find such a claim to be at odds with the facts – in chapter one I briefly discussed the benefits that flow from oral rehydration therapy (ORT). In short, ORT costs very little to provide, and saves lives. Because it is easy to provide, a single complying agent could provide the financial backing for the provision of ORT for a community, or a family, or even an individual, saving at the very least one life. There is no plausible way to deny that saving a life is significant in terms of well-being promotion; it is highly efficacious. So, even if the success of the duty of edification is limited to encouraging the occasional agent to begin complying, this will still be a highly significant and efficacious achievement. Firstly because lives will be saved, and secondly because compliance levels increase exponentially – the more agents discharging the duty of edification, the greater the success of that duty will be – even a slow initial rate of increase will eventually lead to a greater one.

Analogous points can be made in reference to other beneficence-related problems too. Solving compliance deficiency in the arena of proximate suffering for instance would be highly efficacious. It will be highly efficacious in fact for any UCA sub-duty of the MPB. Even the most restricted discharge of a UCA duty of edification will be highly efficacious, since it involves saving lives, providing people with the conditions for rational agency, and putting them into positions from which they can pursue commitments, the defining features of human existence.

VI.4 Optimality of the Duty of Edification: Agent Characteristics

In order to determine what kinds of agent characteristics will be required by the duty of edification, and whether many agents possess such characteristics such that the duty will be

optimal in a wide variety of cases, we must look a little further at what the duty of edification actually requires agents to do.

Enforcement vs. Persuasion

There are two basic ways to increase compliance levels. We might force others to comply through physical means, coercion, trickery, etc. Or we might try to persuade others to endorse the duty in question through educating them about what the duty is and why it is a moral requirement. The duty of edification may require either of these methods at different times.²³⁴ It will usually though, require the persuasion option for two reasons; firstly, enforcement will usually be impossible and secondly, persuasion will usually be superior from the point of view of efficacy. Enforcement will usually be impossible since most individuals lack the means by which to force large groups of non-compliers to comply. Governments could in theory enforce moral codes, though doing so would not be very successful. Governments depend on voter allegiance, and voter allegiance is maintained through (at least to some degree) representing the will of the people. If most people are non-compliers, then enforcing a policy of compliance with some moral code or principle will quite possibly result in electoral revenge against the government. Enforcement is also comparatively inefficacious – its efficaciousness lasts only as long as the enforcement lasts. As soon as the metaphorical gun is removed from the heads of non-compliers they will return to their non-complying ways. Persuasion on the other hand seeks permanent compliance through genuine endorsement, not dependent on any metaphorical weaponry. When we combine this comparative inefficaciousness of enforcement with the fundamental

²³⁴ It might seem strange to classify the enforcement of a moral duty as part of the duty of *edification*. We could very easily simply discuss the duty of edification and the ‘duty of forced compliance’ as facets of the duty to increase compliance. I will not bother to do so here since it would unduly complicate matters.

idea of respecting rational agency that motivated the MPB we see that the enforcement option will very rarely be entailed by the duty of edification. The rational agency of those we force to comply is not respected – there would have to be some good justification for this. If the act of enforcement is comparatively inefficacious then no such justification exists.

Nonetheless situations might arise in which enforcement is necessary. Suppose that twenty children are about to drown in a shallow pond, and I have time to save only a few myself. Suppose further that there are ten other bystanders in the vicinity who could, but refuse to save some children themselves. Suppose finally that I happen to be carrying a volitional controller through which I can control the movement of other human beings using speech commands. In such a situation I think that enforcement (in this case of the duty of proximate assuagement) would be required. But such situations will be rare.

If the duty of edification is to constitute a solution to compliance deficiency then it will do so in virtue of its requirement that agents seek the endorsement of non-compliers (since the enforcement option is strictly short term and hence does not tend toward stable full compliance). Hence, we must study the persuasion option – what methods are used to put it into action, and are they within the reach of many agents?

Before progressing I must note one implication of this brief discussion about edification as persuasion. Suppose that I am discharging the duty of edification as a sub-duty of distant assuagement. If I must seek the endorsement of that duty from a non-complying agent then I will have to educate that agent about the duty. I will have to point out that the duty of distant assuagement is simply a part of the MPB; I will have to note the mechanism by which the MPB determines which abstract sub-duties are actually required. Hence, I will actually be espousing the MPB rather than its more specific duty of distant assuagement. Of course if I have properly explained the MPB and the pertinent facts about our world, then it will be

quite likely that the previously non-complying agent I am attempting to edify will end up discharging the duty of distant assuagement as at least one of his sub-duties of the MPB. Most duties of edification then will be basically equivalent despite coming from different sub-duties of the MPB.²³⁵

Edification as Persuasion

How can complying agents garner the endorsement of non-compliers? To answer this let us start with another question: for what reason do non-compliers fail to comply? There are, I think, three basic categories of reason:

- 1) **Factual Ignorance:** it might be that some non-compliers simply lack awareness of relevant empirical facts about our world.
- 2) **Mistaken Morality:** some agents might believe that morality does not in fact entail the MPB, or that the MPB is not structured in the way I have portrayed it here. Or, they might simply be unaware that the MPB is a part of morality.
- 3) **Absent Motivation:** a final group of agents might be aware of what morality requires, while simply lacking the motivation to act in what they acknowledge to be a moral manner.

The first group requires empirical education – information about the state of our world. The second group requires moral education. This group will pose pedagogical problems not encountered in education of the first group – empirical facts are usually easier to convey

²³⁵ Suppose that I am thinking about how to discharge my duty of distant assuagement, and I encounter a non-complier whose particular characteristics mean that the MPB actually will not require him to discharge the duty of distant assuagement (perhaps he will have to devote all of his energies to proximate assuagement). In such a case I should not, as part of my discharge of the duty of distant assuagement attempt to edify this man, since in so doing I do not successfully work toward a solution of the problem of distant assuagement. However, if I also have a duty of proximate assuagement to discharge then I will be required to edify him.

than moral ones. The third group is trickier. Some might appreciate moral requirements on an intellectual plane, but fail to truly acknowledge the significance of what is at stake – it is one thing to be aware of facts about suffering, but another to witness it, to truly understand it. Some agents might not appreciate the significance of the MPB or the duty of distant assuagement (for instance) until they witness with their own eyes the abject conditions in which distant innocents live. Others though might be aware, not just on a theoretical or intellectual plane, but also on deeper plane of understanding, of the importance of the MPB; they might understand exactly what is required of them and yet still lack the motivation to comply. Such non-compliance may be indefatigable. However, I think such non-compliance is rare and will not substantially impact whether or not the duty of edification is frequently required of agents.

So, the primary method of addressing non-compliance is education of one form or another. There are a variety of ways in which complying agents can seek to educate non-compliers – individual face to face moral discourse, public oration, the production of written materials, political activism, organization of rallies, recruitment of well-know figureheads, etc. The question to be answered now is whether any agents possess the necessary skills and resources to be capable of educating non-compliers in any of these fashions, and whether the preferences of those agents prepare them for such didactic enterprises.

A vast gamut of skills will be useful in discharging the duty of edification, and different agents will be more apt at different methods of education. What is clear is that many agents possess the necessary skills required to utilize all of the different methods of edification – some agents are excellent orators perfectly suited at giving speeches and lectures, and at rallying groups of demonstrators; some agents are highly skilled writers who could produce persuasive and informative written materials for mass publication; and virtually every agent

possesses the right kind of skills to engage non-compliers in potentially edifying face to face moral discourse.

In opposition, it might be claimed that every method of educating non-compliers about the MPB requires very abstruse and unique skills – namely, a thoroughgoing understanding of the principle, its origins, possible criticisms against it, as well as a profound analytical skill, and ability to debate. It is true that in some contexts this type of technical knowledge and ability will be required. But large groups of agents possess these skills – consider philosophers for instance. Philosophers certainly have the ability to develop a thoroughgoing understanding of principles of beneficence, to debate, to argue, and to educate about recondite matters. Even if the duty of edification was only a duty for philosophers and other similarly skilled individuals, there would still be a duty of edification entailed by the MPB, and it would still tend toward the production of full compliance.

Further though, in many contexts no such technical knowledge or ability will be required – depending on one’s audience (the non-compliers one is attempting to edify), all that might be required is a basic understanding of the requirements of the MPB, and an ability to communicate those requirements effectively. There is probably quite a bit of non-compliance that can be traced to ignorance of demands, or easily defeasible disagreements with the MPB. Hence most non-compliance will not require significant analytical or dialectic skill. It will require only a working knowledge of the MPB and of the relevant empirical data. Virtually all agents possess these skills. Hence, virtually all agents possess the necessary skills to edify *someone*.

What about resources? Engaging non-compliers in face to face moral discourse requires only time. Pretty much everyone has at least a little time to spare – if agents have time to socialize then they have time to start up conversations about morality. Other methods of

education require greater resources – more time, money, etc. But few of them require such extensive resources as to leave them out of the reach of a substantial number of agents. And what of preferences – what role will they play in all of this? Consider an agent who is a highly skilled orator and has the opportunity to give a public lecture about the MPB. Suppose that she really does not like public speaking very much; suppose that her preference is to simply give large amounts of money, and not to edify at all. In such a case the preferences of the agent will not be very weighty – in general preferences are accorded only minimal weight in the arena of UCA duties of the MPB. So, assuming that the duty of edification is efficacious when successfully discharged and assuming that agents possess the right kinds of skills and resources to successfully discharge it, it will be entailed by the MPB irrespective of agent preferences.

Over-Demandingness?

The duty of edification can be discharged in a highly efficacious fashion by most agents without leaving them below the minimally acceptable level of well-being (M). In fact, all of the methods of education which I discussed earlier can be efficaciously employed without leaving the complying agent below M. It is true that in writing a book, I may neglect some of my other commitments; but this is not a necessary feature of writing a book which might successfully edify non-compliers. Analogous points can be made for each method of education. Hence, the duty of edification will not be prevented from being entailed in actual practice by the MPB on grounds of excessive demandingness.

VI.5 A Solution?

The duty of edification if successfully discharged is highly efficacious when derived from any UCA duty of the MPB. Virtually all agents possess the requisite skills and resources to discharge the duty of edification in at least a restricted fashion – e.g. through engaging non-compliers in face to face moral discourse. And even restricted discharge of the duty of edification within the context of UCA duties of beneficence is highly efficacious. It is unlikely that any other competing sub-duties of the MPB will be so very efficacious and easy to perform that they will always be optimal in comparison to the duty of edification. Further, the duty of edification can be usually be discharged in a highly efficacious fashion without leaving a complying agent below the minimally acceptable level of well-being. Hence, we can safely say that in a wide variety of cases, many agents will be required, in actual practice, to discharge the duty of edification as at least a part of their overall MPB duties.

A typical agent then might be required to engage friends and sometimes strangers in moral discourse, and to provide financial support to charity organizations that work abroad, and to contribute something to the well-being of suffering innocents in her own nation. Other agents with different skills might be required to organize rallies, and to write books in the name of edification while giving some small amount of money to charity organizations. Other agents might be required to engage in political activism, but to give no money at all.

But I mentioned earlier that the duty of edification will not always be highly efficacious – suppose for instance that we derive it from an FCA sub-duty of the MPB. Should this cause us concern? No – we are interested in whether or not the MPB contains within it some solution to the problem of compliance deficiency – some strategy that tends toward the production of stable full compliance. Even if the duty of edification is required only for UCA sub-duties right now, this will tend toward improving the world in which we live.

Eventually the world would improve to such an extent that FCA duties of edification might become comparatively efficacious. The long-term trend will be toward full compliance. In the world as it is currently, the MPB entails the duty of edification as an all-things-considered duty in a variety of cases, derived from a variety of sub-duties for which compliance deficiency is a problem. There is at least the contingent possibility that given enough time, the MPB could produce full compliance. Hence, the MPB does contain within it a solution to the problem of compliance deficiency. This is all that is required to establish the long-term trend toward full compliance that we require.

VI.6 The Correct Solution?

The only question that remains to be answered is whether or not the MPB provides the *correct* solution to the problem of compliance deficiency. What are its competitors? The duty of edification is so flexible that it encompasses all plausible and morally acceptable methods of promoting compliance increases. There is no other way, formally speaking, for a principle of beneficence to increase compliance levels, but to require agents to discharge the duty of edification. What might differ from principle to principle however, is the degree to which compliance deficiency is addressed – the rate at which compliance is increased. For instance, suppose that some other principle of beneficence contained a deliberation mechanism such that for most agents the duty of edification exhausted their beneficence-duties. Agents would be working much more vigorously at edification under this principle than under the MPB.

However, the solution of this hypothetical principle of beneficence to compliance deficiency must be rejected (in substance, not in form) – it is implausible since it entails that even where well-being would be served more efficiently through requiring most agents to edify while simultaneously discharging other sub-duties of beneficence, most agents will still

be required to focus all of their beneficent energies on edification. Given that we are seeking a principle of beneficence that addresses compliance deficiency, not a principle of edification that addresses well-being promotion, we must reject a solution to compliance deficiency that decreases the overall effectiveness of the principle as a principle *of beneficence*. The only acceptable principle of beneficence is the MPB. Hence it is the most effective principle of beneficence, and so the solution of the MPB to compliance deficiency is necessarily the correct solution.

VII. Chapter Three: In Conclusion

Neither the weak form of the KPB nor the strong form survived the constraints which we learned must be placed on an acceptable principle of beneficence in chapter two. However, the basic Kantian idea of respect for rational agency can be interpreted in a third, moderate fashion, which enables us to produce an acceptable principle of beneficence – the moderate principle of beneficence. The MPB successfully avoids charges of over-demandingness, under-demandingness and inappropriate-demands whilst providing the correct answers to the problems of compliance deficiency and responsibility for the slack. In discussing the answer of the MPB to the problem of compliance deficiency we entered relatively uncharted territory in the form of the duty of edification. Despite going without acknowledgment in philosophical or social circles, the duty of edification turned out to be one of the most important facets of the duty of beneficence. In the postscript I will provide some further exposition of it.

Postscript

I. The Shape of the Duty of Beneficence

The aim of this thesis was to answer important questions concerning the proper shape of the duty of beneficence. Through considering various candidate principles of beneficence, we came to a better understanding of the criteria that an acceptable principle of beneficence must meet. We clarified the kinds of objections that can commonly be made against principles of beneficence, and discovered some new objections – or at least some objections which have not received a great amount of philosophical attention. Finally, we came to develop an acceptable principle of beneficence – the moderate principle of beneficence (MPB) provides the answers to questions about the proper shape of the duty of beneficence. In explaining its superiority over other candidate principles of beneficence – in explaining why it is not subject to the same kinds of criticisms which led to the downfall of those other principles – we came across a duty that is frequently overlooked in the relevant literature, as well as in the moral practice of typical moral agents. That duty is the duty of edification.

Because of the scope of this thesis, many questions have had to be left only partially answered; I have traversed territory that included numerous prominent normative debates without entering into those debates myself. This territory, over which I quickly traveled, is obviously important, and it behooves those of us interested in coming to a complete understanding of the duty of beneficence to revisit that territory again. What I have done here will hopefully make future sojourns into that territory more fecund. However, while much of the debate which I avoided digression into is common amongst philosophers, there are some debates which are not so common. In particular, debates surrounding the duty of

edification, in virtue of the relative obscurity of that duty within the relevant philosophical circles, are virtually nonexistent.

Because of the general obscurity of the duty of edification, I will provide in this postscript some further exposition of it. In section II I will attempt to make a preemptive strike in a debate concerning the duty that I think sure to crop up – a possible conflict between tolerance and edification. In closing my thesis, section IV will look in a little more detail at the practical implications of the duty of edification for one particular group of moral agents – philosophers. Because of the special skills and talents of philosophers, it is they who must provide a vanguard in the push for increasing compliance levels with the moderate principle of beneficence.

In section III I will note what I take to be the most important unanswered questions to flow from my discussion of beneficence. We have the MPB as the shape of the duty of beneficence; where do we go from here?

II. Tolerance and Edification

Hopefully I have either implicitly or explicitly provided cogent responses to most arguments that could be directed in criticism of the MPB, in my delineation and defense of the MPB and its various sub-duties. However, there is one argument against the duty of edification which I would like now to explicitly respond to, since I feel that it may be a common reaction to the thought of a duty to edify. This is the argument of tolerance. The basic claim might be that the duty of edification is inimical to an important moral obligation that we display tolerance toward other people and toward views that differ from our own. Among the most sacrosanct beliefs of human agents that tolerance must be displayed

toward, are moral beliefs. In requiring us to attempt to alter the moral beliefs and moral actions of others, the duty of edification requires us to be intolerant in an egregious fashion.

In responding to this argument we must firstly get clear on what the argument actually is. There are two questions to be answered. Firstly, what *is* tolerance? Secondly, *why* do we value it? Until we can answer these questions, we cannot say whether or not the duty of edification breaches some maxim of tolerance, nor whether tolerance should be valued over edification.

What is Tolerance?

So, what might tolerance be? An obvious answer is that to be tolerant is to show respect for the views or practices of others. But what does it mean to show respect? Any variety of answers might be given. I will consider a small subset which I hope represents in general the kinds of answers that are possible.

- 1) To be tolerant of 'x' (where 'x' refers to some set of beliefs or practices) involves accepting x as true, accurate, admirable, worthy of imitation, etc.
- 2) To be tolerant of x involves thoughtfully considering x.
- 3) To be tolerant of x involves abstaining from any attempts to alter x.
- 4) To be tolerant of x involves abstaining from any attempts to prevent others from practicing x.
- 5) To be tolerant of x involves permitting the holder or practitioner of x to promulgate x.
- 6) To be tolerant of x involves abstaining from any attempts to punish the holder or practitioner of x.

When we talk of tolerance I think that we usually mean one of the above, or else more than one of them simultaneously. Quite often we very clearly mean to exclude one or more of the above senses. What is abundantly clear is that no one is tolerant in all of the above senses at all times. All people breach one or more on some occasion; most people breach one or more on many occasions. But of course we are interested in normative ethics, not in behavioral descriptions. *Should* we breach any of the above forms of tolerance? To answer that we must consider why it is that tolerance is valued.

Why do we value Tolerance?

Now of course the different types of tolerance might be valued for different reasons. There seems to me to be no reason to value tolerance (1) – we might accept the views of others as true or we might not depending on the strength of those views. We certainly should not accept the views of others as true merely because they are the views of others. We might say that we should be willing to accept the veracious claims of others as true, but this merely requires us to give due consideration to the views of others – tolerance (2). Hence, we can reduce the list of types of tolerance to 5. Each of those five are I think, valued for basically the same reason.

We value tolerance because we value rational agency and the manifestation thereof. It cannot be that we value tolerance because of its consequent diversity of views – we value diversity of views and practices only in as much as we think those views and practices are themselves valuable. And we think that views and practices that derive from rational agency are valuable. It cannot be that we value tolerance because the views of others are intrinsically valuable – there are some views to which we ascribe no value. Again, it is only views that derive from rational agency that we value.

But we might now ask *why* we value rational agency. Do we value it because it is intrinsically important or because it is one of the most important sources of (human) well-being that there is? This is an important difference. If rational agency is valuable because of the impact it has on well-being then the argument against the duty of edification goes as follows: the duty of edification is never efficacious, since any increases in well-being it promotes are outweighed by decreases in well-being that flow from demonstrating intolerance (from showing disrespect in one of the above senses for the rational agency of non-compliers). In other words, the duty of edification might be attacked from within the structural walls of the MPB.

On the other hand, if we value rational agency because it is simply intrinsically important, then the argument against the duty of edification goes as follows: it might be true that the duty of edification is entailed by the MPB as one of the best ways to promote well-being, but it must be rejected on independent (of the MPB that is) grounds. A maxim of tolerance countervails the duty of edification since showing respect for rational agency (in one of the above senses) is more important than promoting well-being. This argument attacks the duty of edification from a point external to the MPB.

Does the Duty of Edification Entail Intolerance?

I will return to the distinction between the well-being based view and the intrinsic importance of rational agency view shortly. Firstly though we must ask whether or not the duty of edification does entail intolerance. The duty of edification usually demands education (persuasion), but in drastic situations it requires enforcement. These two types of edification demonstrate tolerance or intolerance in different ways and I will take them one at a time. Note firstly though that both types of edification actually *require* tolerance in sense (2) – to

know that an agent is not complying and to determine whether the situation calls for persuasion or enforcement require one to thoughtfully consider that agent's views.

Edification as enforcement entails intolerance in senses (3) and (4). In some situations it might entail intolerance in sense (5) – suppose for instance that a bad seed threatens to infect a large crowd whose beneficence is urgently required, with non-compliance. Only in the most extreme circumstances will it entail tolerance in sense (6).²³⁶

Edification as persuasion entails intolerance only in sense (3). It might be thought that even edification as persuasion involves attempting to prevent others from putting their views into practice – but it does so only by attempting to alter their views which is of course intolerance (3) (i.e. the contravention of tolerance (3)).

Now we must notice an interesting fact about intolerance (3). As currently phrased it is too broad – it covers acts and attitudes which are not accurately classed as intolerance in any sense at all. In attempting to alter the views of another I might do so in one of two ways: through education or through coercion or manipulation. Education demonstrates a fundamental respect for rational agency. The agency we are interested in is *rational* agency – autonomous decisions based upon rationality. Rationality craves information; when we seek to make rational decisions, we want them to be based upon as much salient information as is possible. Since education involves providing the 'student' (so to speak) with information, it also involves respecting, cultivating, and assisting the rational agency of that individual.

²³⁶ Suppose that India, China, North and South America and Russia will sink into the oceans killing countless innocents unless a massive switch is flicked within the next week. The switch is found on an isolated island that the outside world knows nothing of, and from which no travel to other destinations is possible. Suppose further that the population of this island is one thousand; all one thousand will be required to help should the switch be successfully flicked within the next week. Only one hundred people comply with the requirements of whatever duty requires the island population to assist the unaware Indians, Chinese, North and South Americans and Russians. But they happen to be the most powerful hundred residents of the island. They possess the capability to enforce compliance with the principle. However, only if they punish non-compliers will their enforcement be efficient enough that successful switch flicking will be achieved within the allotted time period.

Coercion and manipulation however try to use or to get around the rational agency of the individual.

So then, tolerance (3) must be rewritten. Attempting to alter the views of another through education coheres and harmonizes with the aims and values of tolerance; it cannot possibly be classed as intolerance. Ergo, tolerance (3) is accurately phrased in the following way:

- (3) To be tolerant of x involves abstaining from any attempts to alter x in a coercive or manipulative fashion.

It is now clear that edification as persuasion, since it seeks endorsement through education does not in fact entail intolerance in sense (3). Hence, edification as persuasion does not entail intolerance in any reasonable sense of that notion, and in reference to edification as persuasion there is no need to consider the two versions (well-being based and intrinsic importance of rational agency) of the objection to the duty of edification. At least part, the major part, of the duty of edification survives the charge of entailing intolerance.

Edification as Enforcement: Acceptable Intolerance?

Edification as enforcement on the other hand, does entail intolerance in several senses. However it is a leap to conclude instantly that edification as enforcement is prohibited. The question still remains: does tolerance outweigh edification as enforcement? And the answer to that question may depend on which version of the tolerance objection is being espoused.

Suppose that we are dealing with the well-being based version of the tolerance objection. The pertinent question is whether the well-being increases that are engendered through discharge of the duty of edification (as enforcement) outweigh or are outweighed by the

well-being decreases that supposedly flow from intolerance. Note firstly that the duty of edification will almost certainly only require enforcement in MPB UCA cases (cases in which what is at stake is the life, rational agency or ability to pursue commitments of some agent or agents). Note more generally that the MPB will only require edification as enforcement if doing so is optimal in terms of well-being promotion. Whenever displaying tolerance would more effectively increase well-being, the MPB will require that tolerance be displayed. Hence, the well-being based version of the tolerance objection is completely impotent.

An argument with greater potential sees rational agency as intrinsically important or as important for some reason that does not reduce to well-being. In this way, the dictates of the MPB may be outweighed by some other normative consideration. However, it does not seem clear that a reduction of the importance of rational agency to well-being can be avoided. Presuming for the sake of argument though that it can be avoided, just how great would the intrinsic importance of rational agency be? Surely it is clear intuitively and upon reflection that wherever edification as enforcement entails intolerance in senses (3), (4), or (5), the value that flows from such edification outweighs the intrinsic value of the rational agency of those non-compliers who are being forced to comply. For intolerance in senses (3), (4), and (5) does not damage or inhibit the rational agency of the agent in question (the agent toward whom we are being intolerant) *that* much; and we know that edification as enforcement will only be entailed by the MPB in situations of extreme, and exigent need (and hence where the rational agency of other agents is at stake). What about where edification as enforcement entails intolerance in sense (6) – where it involves punishing some non-compliers? Recall that edification as enforcement could only ever require punishment of non-compliers in the rarest and oddest of situations in which some unimaginable harm would befall a great many agents in the absence of action. Unless the

value we place on rational agency is virtually unsurpassable, it is hard to see how it could outweigh the motivations behind those incredibly rare cases of edification as enforcement requiring punishment.

In other words, defensible arguments can be made in support of the claim that wherever the duty of edification actually does involve intolerance (and such cases will as aforementioned be rare), we can take the attitude that the intolerance is justified. This is not such a strange view. We commonly treat many forms of intolerance as justifiable – when children are scolded for unacceptable behavior, when criminals are punished and excluded from participation in society, when our mores condemn certain groups or value systems. It should not be so strange to think that intolerance in the case of edification as enforcement is justifiable too.

III. Further Questions for Beneficence

I would like to very briefly consider what I take to be the most fecund future paths for normative study concerning the duty of beneficence. There are two categories of future thought which I think are necessary. The first is theoretical – we must expect a certain amount of vagueness to be inherent in our principle of beneficence for reasons which I touched upon in chapter three. However we also should try to minimize that vagueness. To that end, we should give further thought to how the variables involved in the various deliberations of the MPB – in calculations of optimality, in determining how and when one *must* act toward FCA causes, in drawing normative guidance in situations of moral misfortune – should be weighted. We should consider whether or not the duty of edification concerns not only indirect promotions of well-being (indirect in the sense that through

increasing compliance, there exists a larger pool of agents to work at promoting the well-being of others) but also direct promotions of well-being (direct in the sense that understanding morality and living morally increase an individual's well-being and that in edifying non-compliers we help them to understand morality and to live morally). We should give further thought to possible criticisms against the MPB and its various sub-duties, especially the before now largely unrecognized duty of edification. Such criticisms are important to consider since the duty of edification requires at least some agents to be capable to defending the MPB against deep seated and sometimes esoteric theoretical objections. We need finally to think further at a theoretical level about MPB-derived heuristics for action. The duty of edification will prove more effective if the MPB can be presented in a highly practicable form; if its technical formulation can be supplemented with useful general heuristics for action. *Generally* speaking, what will the duties of various different demographic groups be? Such information will, I think, prove quite useful in discharging the duty of edification.

The second category of potentially fruitful further research in the area of beneficence is empirical. Understanding how variables in MPB deliberations are to be weighted will require empirical knowledge. Take agent preferences for instance – to know what weight they should be accorded, we must understand how much their satisfaction or denial contributes to an agent's performance of some act; we must understand how much they contribute to an agent's own well-being; and we must understand how malleable they are, for if certain preferences can change in light of the requirements of morality, then we should perhaps aim for such changes. Empirical research will also prove vital in the more specific domain of the duty of edification. To edify requires an understanding of the causes of non-compliance. Obviously part of that understanding is gained by individual agents in individual encounters

with non-compliers. However, it would be useful to have some more general ideas about why non-compliers fail to comply with moral demands. To what degree is ignorance a factor? To what degree do theoretical objections play a role? With understanding of these kinds of issues will come greater efficacy for the duty of edification.

This is simply a sample of future research paths in the area of the duty of beneficence. But it should indicate some general strategies for coming to understand beneficence even more fully.

IV. Philosophers in Action

The MPB will require different things of different agents. I would like to close with a brief discussion of what it will likely require of one group in particular – philosophers. This is important since it is philosophers that must lead the way in the movement toward a society that fully complies with the duty of beneficence.

Let us take two prominent UCA sub-duties of the MPB – the duty of distant assuagement and the duty of proximate assuagement – to illustrate a more general point. What actions toward beneficence in these two areas will be optimal for a typical philosopher to perform? Firstly, given that many professional philosophers are at least moderately affluent, the typical philosopher will be required to make some financial sacrifices – that is a fact which should not be forgotten. More interesting however for our current purposes is that given the skills, abilities and general position of the typical professional philosopher, the duty of edification will be amongst the most important duties entailed by the MPB.

The typical philosopher is apt at analysis, at understanding complex notions, perceiving weaknesses and strengths in arguments, articulating abstruse ideas, and in general at dialectic

discussion. Further, the typical professional philosopher is experienced at teaching, at the didactic conveyance of ideas and arguments to a wide variety of individuals. Now while some methods of duty of edification discharge do not require these skills, some methods do – and it might be argued that the most important methods require them, the methods that are likely to do the most good. These skills are necessary in order to attack deep seated non-compliance; and quite often deep seated non-compliance gives rise to more ‘shallow’ non-compliance – i.e. non-compliance that is more easily expunged. For those who have no particular theoretical normative commitments that push them toward or away from the MPB, their opinions on the matter of beneficence might be governed in large part by the more firmly held opinions of those around them. In attacking these firmly held opinions, we may prevent non-compliance from permeating in more or less weak forms. Put simply, it is deep seated non-compliance that poses the most significant barrier to the ideal of full compliance. Non-compliance that is derived from ignorance or simple empirical errors can be eradicated with relative ease. But non-compliance that is enmeshed in a theoretical framework requires a more skilled edifier to bring it down.

But it is not simply the skills of philosophers that make them particularly adept at duty of edification discharge. It is those skills in conjunction with the position and hence the resources of the typical professional philosopher. Philosophers who work at educational institutions enjoy the opportunity to teach daily – to stand in front of groups of receptive minds and to promulgate view points. Of course the task of a philosopher in educating students is not to present view points dogmatically – but that is not what is required by the duty of edification. In most situations the duty of edification requires the complying agent to educate another – to present him with the relevant facts and hope that he draws the correct

conclusions. In promulgating the MPB one need not present it dogmatically; it need only be presented, placed alongside the alternatives, and its superiority will emerge.

Beyond the opportunity to teach, philosophers are well positioned to publish written works and to have some influence in intellectual and academic spheres of society. It is plausible to think that the influence of these spheres (eventually) trickles down into other spheres of society, even if the process is slow and imperceptible from the view point of the individual. A piece of written philosophy need not be read and studied by large portions of a population in order to impact large portions of that population. If it is read by some, and if it convinces some, then the duty of edification will have been launched and will enjoy exponential growth. An individual who is convinced by the arguments pertaining to the MPB and the duty of edification accepts not only the typical and commonly acknowledged (or at least discussed) duties of material sacrifice, but also the duty of edification. In this way the influence of a piece of written philosophy can be massive.

Skills and resources are crucial factors in determining the specific duties that are entailed by the MPB for particular agents. Given that both the skills and the resources of the typical philosopher make him or her especially adept at discharging the duty of edification, it is fair to say that a large proportion of a philosopher's MPB duties will revolve around the duty of edification. The same point takes on even greater emphasis in relation to a subset of philosophers – moral philosophers. Moral philosophers teach about ethics; they write about ethics; they think about ethics on a daily basis; it comes as no surprise should a moral philosopher incite a heated normative debate; and moral philosophers are ever conscious of living the ethically grounded life. Edification should of course not be limited to the classroom, nor to the academic book or conference, nor to any particular sphere of society. However, it must begin somewhere; the precedent that edification is not only acceptable but

morally required must be set. And it is moral philosophers who must take on much of the responsibility for setting this most important precedent.

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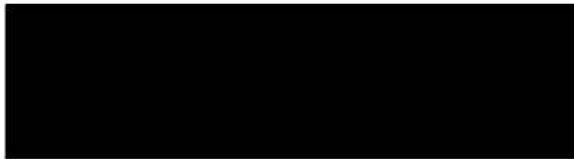
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