

KANTIAN BENEFICENCE AND THE PROBLEM OF OBLIGATORY AID

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Imagine that I am driving home on a secluded road. I am in a hurry because my husband and I have theater tickets for that evening, and we are hoping to have a leisurely dinner out before the show. As I round a bend, I notice a car that has gone off into the brush. When I stop to get a better look, I see an elderly man in the driver's seat, slumped over the wheel and apparently unconscious. It is probable that no one else will pass by in the near future. I ask myself whether I am required to set aside my other plans for the evening and render assistance.

This is no moral dilemma; obviously, I ought to stop and help the man, regardless of how it affects my evening plans. And yet such cases appear to pose a problem for Kantian ethics, according to which helping people falls under the wide imperfect duty of beneficence.¹ Calling it a wide imperfect duty implies that agents have some latitude in deciding when, where, and how they should perform beneficent acts. Although I must be beneficent on at least some occasions, I am not required to do so every time I am faced with an opportunity to help someone. Moreover, it appears that it is up to me to choose the occasions on which I will be beneficent. Thus, any given chance to help someone is, strictly speaking, optional for me.

¹ Most of Kant's discussion of beneficence is in the *Doctrine of Virtue*, especially 386-394 and 448-454. The translation of the *Doctrine of Virtue* in use here is by Mary Gregor in *Metaphysics of Morals* (Cambridge: Cambridge University Press, 1991). All references to it hereafter will use Prussian Academy numbers.

The difficulty, of course, is that in this case, helping the man is clearly not optional. There is no other morally permissible response to this situation than to help him. This problem, which I shall call the problem of obligatory aid, can be expressed as a conflict between two claims:

- 1) The duty of beneficence is a wide imperfect duty. Agents are required to adopt the maxim of beneficence, but they have considerable latitude in choosing the individual actions that manifest their commitment to the maxim.
- 2) Some individual beneficent actions are obligatory.

It is not easy to see how (1), which is a central claim of Kantian ethics, can be reconciled with (2), which has considerable intuitive plausibility. Indeed, some have seen the plausibility of (2) as giving us reason to reject (1) entirely, or at least modify it in substantial ways. My goal in this paper is to show how it is possible to accommodate the intuition in (2) without giving up the latitudinarian account of Kantian beneficence expressed in (1).

I. The Problem of Obligatory Aid

The question of whether any aid is absolutely obligatory strikes at the heart of a familiar and fundamental disagreement between Kantianism and utilitarianism. From a utilitarian standpoint, it looks as though Kantianism is not adequately demanding when it comes to beneficence. There are two elements to this charge. The first is that Kantianism apparently permits people to stand by and do nothing in the face of obvious need, such as in the opening example. Standard versions of utilitarianism, of course, generate moral requirements to aid whenever doing so is productive of the best consequences. Kantian

beneficence understood in the latitudinarian sense of (1) seems to generate no such requirements. One might say that it permits us to be moral slackers.

The second element of the charge is aimed at the distinction between perfect and imperfect duties and the priority given to perfect duties. Here the worry is that Kantianism permits a kind of “self-indulgent squeamishness” or an objectionable concern for one’s own moral purity insofar as it does not require helping others when doing so is a violation of other duties that intuitively seem much less pressing.² Consider, for instance, Bernard Williams’ famous example of Jim and Pedro, in which Jim has to choose between killing one villager and standing by while Pedro kills that villager and nineteen others.³ On most versions of utilitarianism, Jim is morally required to kill the one villager, since that will clearly produce the best outcome. Yet Kantianism seems likely to generate a conflicting answer; namely, that Jim should refrain from killing the one, despite the fact that in doing so, he fails to prevent twenty deaths.⁴

The Kantian reasons pointing toward this conclusion are straightforward. The requirement not to kill an innocent person, if there is such a requirement, would be an instance of a perfect duty. Saving someone’s life, by contrast, is an imperfect duty. Kant’s account suggests that in the case of a conflict between a perfect duty and an imperfect duty, the perfect duty always takes precedence. Let us call this the ‘trumping’ feature of perfect duties. The trumping feature implies that if the only way I can save a

² The phrase is from Bernard Williams. (‘A Critique of Utilitarianism’ in *Utilitarianism: For and Against*, J.J.C. Smart and Bernard Williams (Cambridge: Cambridge University Press, 1973), p. 102. See also W.D. Ross, *The Right and the Good*, ed. Philip Stratton-Lake (Oxford: Clarendon Press, 2002), pp. 18-20.

³ Williams, ‘A Critique of Utilitarianism’, pp. 98-99.

⁴ I do not think that Kantians are necessarily committed to this conclusion, nor is it clear that Kant himself would have endorsed it. But for purposes of argument, I will assume that it would be the Kantian conclusion about this case.

life (or twenty, for that matter) is to kill an innocent person, I am morally required to forgo the chance to save the life.

This is not a strange intuition; indeed, many people who are not Kantians share this view, at least with respect to killing people and saving lives. Even those who think that, in the end, perhaps Jim should kill the one villager may very well grant the point that for Jim, being the agent of the killing has a kind of moral significance that the utilitarianism analysis cannot capture.⁵ This is because most people agree that the requirement not to kill innocent people is a very stringent one, perhaps even inviolable.

But of course, there are perfect duties other than the duty not to kill innocents. Kant infamously takes the view that telling a deliberate lie is a violation of a perfect duty, even going so far as to insist it is wrong to lie to a murderer demanding to know the whereabouts of his intended victim.⁶ It would follow that if the only way I can save a life is to tell a deliberate lie, I must always refrain from the lie. The trumping feature of perfect duties is structural; it is not dependent on the relative importance of the respective duties in a particular situation. Thus, even if the lie involved is a very trivial one, the duty not to lie still takes precedence over the duty to save a life. And for many people—not just utilitarians—this seems counterintuitive.

We should take care not to overstate the seriousness of the problems arising from the trumping feature of perfect duties. Kant himself does not appear to have an extensive list of perfect duties.⁷ Moreover, few contemporary Kantians accept his arguments about

⁵ This is essentially Williams' point.

⁶ 'On a Supposed Right to Lie Because of Philanthropic Concerns', in Immanuel Kant, *Ethical Philosophy*, trans. James Ellington (Indianapolis: Hackett, 1983). Crucially, Kant does not insist that the murderer must be told the truth; the injunction extends only to not lying to him.

⁷ Although Kant is frequently thought to have said in the *Groundwork* that keeping promises is also a perfect duty, this is not quite right. What is significant about those promises is that they are lies, not that they are promises. I am grateful to Tom Hill for reminding me of this.

the universal wrongness of telling a lie. Even so, it is not hard to see why utilitarians might question the priorities reflected in the general division of duties into perfect and imperfect, particularly when it comes to beneficence. It looks like Kantianism gives too much importance to actions such as refraining from lying or behavior that is disrespectful to the self or others, and not enough importance to the substantive material needs of other people.

Worries of this sort have been raised more recently by Brad Hooker and David Cummiskey, both of whom reject, on consequentialist grounds, the latitudinarian account of beneficence expressed in (1). Hooker writes:

Underneath the surface plausibility of the imperfect duties view, however, lurk serious problems. Suppose I am faced with two strangers who each need help, but one of whom has greater needs and can be helped a lot more than the other. According to the imperfect duties view, I can simply choose which to help. But that answer seems wrong. Other things being equal, I should help the needier one. The imperfect duties view leaves too much room here for arbitrary choice. Or suppose I saved someone's life this morning and now I can save someone else's life at no cost to myself. Is it really morally optional whether I go on to save the second person? Surely not!⁸

Hooker's concern is twofold: that imperfect duties permit latitude where they should not and that even when they do direct us to help, they do not give us appropriate direction about how and toward whom to direct our help.

In a similar vein, Cummiskey has argued against the latitudinarian interpretation of Kantian beneficence, claiming instead that the texts suggest a different, more consequentialist way of reading Kant on the subject.⁹ Cummiskey thinks that it is possible to accommodate (2) within Kantianism by reinterpreting Kant on (1). His way of resolving the conflict between (1) and (2) is to argue for an "unconstrained" or "robust"

⁸ Brad Hooker, *Ideal Code, Real World* (Oxford: Clarendon Press, 2000), p. 161.

⁹ David Cummiskey, *Kantian Consequentialism* (Oxford: Oxford University Press, 1996), pp. 105-122.

principle of beneficence, by which he means a principle of beneficence that requires us to act beneficently whenever doing so is not in conflict with some other duty.¹⁰ Indeed, on his view particular acts of beneficence can sometimes be perfect duties.¹¹

Although there are passages in Kant that appear to support Cummiskey's reading of Kant, I myself do not find it convincing.¹² For purposes of this paper, I will set aside the interpretative issues. Instead, I will address the question of whether it is even necessary to reject or modify (1) in order to accommodate the intuition expressed by (2). My own view is that the priorities reflected in the perfect/imperfect duty distinction are generally correct; however, an adequate defense of those priorities will need to account for the intuition behind (2), that certain helping actions can be as obligatory as avoiding lies and other perfect duties. I will argue that we can account for that intuition without giving up (1) and hence, without giving up the traditional Kantian framework of perfect and imperfect duties that puts beneficence in the latter category.¹³

I will begin my argument by setting out the rationale for what Kant says about perfect and imperfect duties in general, and the duty of beneficence in particular. I will then consider a possible solution to the problem of obligatory aid proposed by Barbara Herman.¹⁴ Herman argues for a duty of mutual aid that would support the obligatoriness of certain helping actions (cases she calls "easy rescue") without undermining the general

¹⁰ Cummiskey, *Kantian Consequentialism*, p. 106.

¹¹ See, for instance, p. 118.

¹² For an extensive analysis of Cummiskey's reading of Kant, see Thomas Hill, 'Meeting Needs and Doing Favors', in *Human Welfare and Moral Worth* (Oxford: Clarendon Press, 2002), pp. 201-243.

¹³ In 'Meeting Needs and Doing Favors', Hill argues against Cummiskey by pointing out that we cannot infer from the claim that beneficence is an imperfect duty that all individual beneficent actions are thereby instances of imperfect duty. The concept of an imperfect duty, he argues, is applicable only at the level of general principle. This view has textual support, but I am not convinced that it is adequate to account for the intuition behind (2) and respond to the critics. I say more about Hill's position below.

¹⁴ The account I will be criticizing is in 'Mutual Aid and Respect for Persons' *The Practice of Moral Judgment* (Cambridge: Harvard University Press, 1993).

perfect/imperfect duty distinction. Her account, however, is subject to difficulties that we would do better to avoid. Fortunately, we can avoid them by shifting our focus away from the moral status of particular actions or omissions and toward the moral attitudes governing those actions and omissions, and what those attitudes indicate about the agent's commitment to beneficence itself. I will argue that we should understand the Kantian duty of beneficence as having two components: a wide duty to perform helping actions on occasion and a narrow duty to avoid an attitude of indifference toward others as end-setters. This distinction will make it possible for a generally latitudinarian account of beneficence to accommodate the intuition that at least some helping actions are obligatory.

I take it that our obligations toward strangers differ from our obligations toward friends, family members, and neighbors, in that the latter are structured by layers of moral norms and requirements that extend beyond the general duty of beneficence.¹⁵ Because these additional layers make it more difficult to see what work is being done by the duty of beneficence itself, I will restrict my argument to cases of helping strangers in need.

II. The Imperfect Duty of Beneficence

The usual interpretation of the perfect/imperfect duty distinction is as follows: perfect duties prescribe or prohibit specific actions whereas imperfect duties are duties to adopt a maxim. Generally speaking, we establish the existence of a perfect duty by applying some formulation of the categorical imperative—very often the first

¹⁵ Herman discusses some of these textured obligations in 'The Scope of Moral Requirement' *Moral Literacy* (Cambridge: Harvard University Press, 2007).

formulation—in order to see whether the proposed maxim is rationally defensible. If the maxim fails the universalizability test, the action is forbidden. An action is required if the negation of its maxim fails the test. Maxims that otherwise pass the test are permissible.

Imperfect duties, however, are not duties to perform or refrain from particular actions, but rather duties to adopt maxims, where adopting the maxim implies committing oneself to certain ends. For Kant, there are two morally obligatory ends: one's own perfection and the happiness of others. The commitment to my own perfection generates duties to cultivate both my good will and my natural capacities. The commitment to the happiness of others generates the duty of beneficence. On Kant's view, if I am truly committed to the happiness of others, I will have it as my maxim to make the permissible ends of others my own.¹⁶ Broadly speaking, this means that I will view those ends as worthy of promotion, insofar as they are the ends of rational beings, and moreover, I will commit myself to aiding in their promotion appropriately.

Kant is clear in his insistence that the general duty of beneficence is a wide imperfect duty:

But I ought to sacrifice a part of my welfare to others without hope of return because this is a duty, and it is impossible to assign specific limits to the extent of this sacrifice. How far it should extend depends, in large part, on what each person's true needs are in view of his sensibilities, and it must be left to each to decide this for himself....Hence, this duty is only a *wide* one; the duty has in it a latitude for doing more or less, and no specific limits can be assigned to what should be done.¹⁷

The duty is imperfect because it is a duty to adopt a maxim of making the ends of others my own, rather than a duty to perform specific actions.¹⁸ It is a wide imperfect duty

¹⁶ DV 450.

¹⁷ DV 393.

¹⁸ Here I follow Thomas Hill's account of imperfect duty in 'Kant on Imperfect Duty and Supererogation', reprinted in *Dignity and Practical Reason*, (Ithaca: Cornell, 1992).

because I am permitted to make judgments about which sacrifices are required, based on my estimation of my “true needs” in view of my “sensibilities.” In this passage, it seems evident enough that Kant intends that individuals should exercise reflective judgment about how the obligatory end of beneficence is to be carried out.

Thomas Hill has pointed to the need to distinguish at least three different things that might be meant ‘latitude’ in the context of obligatory ends:

(a) room for judgment in deciding whether or not a given principle is relevant to a particular situation;...(b) freedom to choose various ways of satisfying a principle in a particular situation, once we decide the principle applies;...(c) freedom to choose to do *x* or not on a given occasion, as one pleases, even though one knows that *x* is the sort of act that falls under the principle, provided that one is ready to perform acts of that sort on some other occasions.¹⁹

As Hill points out, perfect duties permit latitude of types (a) and (b). Thus, it is latitude (c) that sets wide, imperfect duties apart from perfect duties, which are always narrow. Consider, for instance, the perfect duty not to deliberately deceive others. Judgment is required in order to determine, say, whether a particular statement conveying information counts as deceptive and then again, to settle on a non-deceptive way of making the statement. But with regard to deception, there is no latitude (c). One may not exercise judgment over whether or not this is an appropriate occasion for deliberate deception; there is no such thing as an appropriate occasion for deliberate deception on Kant’s view. With respect to beneficence, Hill takes the position that the duty to promote the happiness of others admits of latitude (c). He suggests that adopting the obligatory end of the happiness of others commits one to an indefinite principle of the form, “Sometimes, to

¹⁹ Hill, ‘Kant on Imperfect Duty and Supererogation’, p. 155.

some extent, one ought to x”, where x is understood to encompass various acts of beneficence.²⁰

Cummiskey is critical of Hill’s latitudinarian account of beneficence, calling it “anemic.”²¹ His concern is that interpreting beneficence this way produces the counterintuitive result that we are not morally required to put forward much effort on behalf of other people, that the standard for having fulfilled the commitment to beneficence is objectionably low. On Hill’s view, if I have committed what good practical judgment says is an appropriate amount of time to charity work, I am morally permitted to decline to take on yet another charitable commitment so that I can practice the clarinet, play with my dog, or read a novel. This is not simply to enable me to renew my energies for more charitable work in the future. Rather, it is an acknowledgment that there is such a thing as having done enough when it comes to beneficence. Moreover, Hill takes this to be a “sensible feature” of Kant’s ethics, especially in the face of what one might see as the overly demanding conclusions of utilitarianism.²²

The difficulty for a latitudinarian account like Hill’s lies in reconciling the claim that beneficence itself admits of latitude (c) with the intuition that helping is obligatory in cases like the opening example. Suppose I have had a very unlucky day and have already run across three such cars on the side of the road. Each time, I’ve stopped to render assistance, but it’s been a long drive home and I’m hungry and tired. It might seem as if Hill’s interpretation permits an agent to say, “I’ve saved enough lives today. I’ve fulfilled

²⁰ Hill, ‘Kant on Imperfect Duty and Supererogation’, p. 156.

²¹ Cummiskey, *Kantian Consequentialism*, p. 110. Marcia Baron has also criticized Hill’s account of imperfect duty as it applies to duty to increase one’s moral perfection (*Kantian Ethics (Almost) Without Apology* (Ithaca: Cornell University Press, 1995), pp. 89-102.) See also Nancy Sherman, *Making a Necessity of Virtue* (Cambridge: Cambridge University Press), pp. 331-350.

²² Hill, ‘Meeting Needs and Doing Favors’, p. 201.

my commitment to the happiness of others, and so it's morally permissible for me to go straight home rather than stop and save yet another life." And surely this is not the right conclusion.

That conclusion, however, does not follow from Hill's account, at least not immediately. The point of expressing the duty in terms of 'sometimes' and 'to some extent' is simply to contrast such duties with duties that take the form of 'always do *x*.' It does not mean 'occasionally' or 'not very often' as Cummiskey suggests.²³ At least in principle, the latitudinarian interpretation of beneficence leaves open a wide range of possible accounts of what the duty of beneficence entails in particular instances. Resolving the question of just what beneficence demands of us in a given situation requires a substantive account of what it means to be genuinely committed to the ends of others and how such a commitment would structure choices like the one in the opening example.

What Cummiskey's criticism suggests, I think, is that there needs to be a constraint on this substantive account of what it means to adopt the ends of others as one's own. The constraint is that the account must be compatible with the intuition in (2), that some individual beneficent acts are strictly required. If the latitudinarian account of beneficence is to be plausible, it must somehow allow for the possibility that a wide imperfect duty can produce strict obligations to act on certain occasions.

²³ Cummiskey, *Kantian Consequentialism*, pp. 110-113.

III. Barbara Herman and the Duty of Mutual Aid

In “Mutual Aid and Respect for Persons” Barbara Herman resolves the problem of obligatory aid by restructuring the duty of beneficence itself.²⁴ She argues that the duty to help a stranger when rescue is easy is grounded in the rational necessity of seeing ourselves and others as members of a community of dependent beings. This duty, which she calls the duty of mutual aid, arises from the acknowledgment that such beings have true needs and that a failure to meet such needs can preclude the possibility of further rational agency. I cannot rationally will that I ignore the true needs of others, because I must will that others provide for my true needs insofar as my own rational agency depends on those needs being met. The duty of mutual aid is thus based in the duty of respect for rational agency. Failing to meet someone’s true needs in circumstances where I could do so without sacrificing any true needs of my own constitutes a rejection of her standing as a member of the moral community. As such, meeting the true needs of others when I can is strictly required of me.

Herman’s argument is rich and compelling, and it successfully creates the basis of an obligation to help the man in my example. But there is a difficulty that arises from her attempt to ground the duty of mutual aid in the concept of a true need, however plausible the results. Because she does not want all helping acts to be strictly obligatory, she distinguishes the duty of mutual aid from the virtue of kindness or helpfulness, suggesting that the two have a different moral structure:

So if someone needs help changing a tire, a helpful person, in the absence of pressing demands of his own, will help. There is no moral requirement that he do so; it is not impermissible not to help. If, however, the person who needs this help

²⁴ Although I will be criticizing the account that Herman offers in ‘Mutual Aid and Respect for Persons,’ I have also benefited enormously from her work on obligatory ends, especially ‘The Scope of Moral Requirement,’ ‘Obligatory Ends,’ and ‘Moral Improvisation’ in *Moral Literacy*.

is in great distress (someone on the way to the hospital, an elderly person who cannot tolerate exposure to bad weather), it is no longer an act of kindness but a duty to help. When if help is not given, a life will be in jeopardy or gravely diminished, then changing a tire is addressing someone's true need. It is not the action (its strenuousness, and so on) but the nature of the need to be met that determines whether it is an occasion where helping is required of us. I am not saying that kindness and benevolence are without moral structure or content (they are not "mere inclinations"). The claim is rather that they have a different moral structure, one that parallels the difference between interests and true needs.²⁵

On Herman's view, beneficent acts are divided into two categories, each with a corresponding moral requirement. The duty of mutual aid is grounded in the necessity of seeing ourselves as members of a community of dependent beings. As such, it produces narrow obligations to help when the true needs of others are at stake, and our own are not. The duty of kindness, by contrast, is based in a more general concern for the interests of other rational agents, and appears to admit of latitude (c) in Hill's sense.

Although Herman's argument takes us to what I would say is the right conclusion, I am skeptical about the viability of dividing up acts of helping actions into these two categories, when intuitively they seem to be all of a piece. It is hard to see just where we might locate the necessary distinction between a person's interests and her true needs, particularly when Herman is willing to grant, as seems reasonable, that true needs extend beyond what are strictly life and death matters to circumstances that would "gravely diminish" one's life. As she describes them, the ends set to meet our true needs are those that "we cannot on rational grounds forgo....for the sake of other contingent ends."²⁶

And yet, there are obvious difficulties in determining just which needs are the ones we cannot forgo without compromising our rational agency. Consider: if I provide

²⁵ Herman, 'Mutual Aid and Respect for Persons', p. 71. I find the use of 'benevolence' here somewhat confusing, since it does not seem to track Kant's own use of the term. I will thus use 'kindness' to refer to the less stringent kind of obligation.

²⁶ Herman, 'Mutual Aid and Respect for Persons', p. 55.

for the education of a child in a foreign country, am I meeting her true needs insofar as a lack of education will gravely diminish her capacity as an end-setter? Or am I acting in accordance with the virtue of kindness by taking her interests seriously and promoting them? It is not that it is impossible to make some distinctions here; it's reasonable to think that basic literacy meets a true need whereas advanced calculus does not. But there's a great deal of space in the middle, and on Herman's account, the distinction between true needs and interests will have to carry considerable weight, since it serves as the basis for distinguishing two different duties with two very different structures of obligation.

Herman supports the distinction between the duty of mutual aid and the duty of kindness in part by pointing to differences in the excusing conditions for failing to fulfill each of them:

According to the casuistry of mutual aid, when the true needs of another constitute a claim on one's help, it does not count as a reason to justify not responding that one gave yesterday or that the price in terms of sacrificed interests (not sacrificed true needs) is high. The casuistry of benevolence accepts these as excusing considerations. When someone's life is at stake, benevolence might have us see that the cost of helping is outweighed by the gravity of the need. Mutual aid, by contrast, instructs us that, if one's own true needs are not at risk, one is simply to help as one can. The needs of the other do not outweigh the losses that will be involved in giving help. The losses have no moral weight in such cases.²⁷

Although I think that focusing on excusing conditions will prove helpful in the end, I do not think that it can support the necessary distinction between true needs and interests. Intuitively, it does not seem true that the acknowledgment of another's true need implies that any costs to oneself not involving the sacrifice of true needs forfeit their moral weight. If stopping to help the man means that I will miss my daughter's first violin

²⁷ Herman, 'Mutual Aid and Respect for Persons', p. 71.

concert, or a ceremony honoring some significant achievement on the part of my spouse, I have reason to count these as losses with moral significance, despite the fact that that they are clearly not true needs.²⁸

Moreover, it is not obvious that the duty of mutual aid should admit no excusing conditions other than one's own true needs. Imagine a surgeon who has skills needed to perform life-saving surgery on impoverished people in developing countries. Imagine too that this surgeon is independently wealthy, has no family members in need of immediate attention, and so forth. Would the duty of mutual aid require her to commit her time to travel to a developing country and perform surgery? And supposing that it does (which is certainly not implausible), what would that commitment look like? Could she, morally speaking, commit herself to volunteering for a fixed amount of time (say, two weeks), at which point she would return home? On Herman's account, it's hard to see how she could justify coming home after two weeks, given that she could undoubtedly save more lives if she stayed, and that her own true needs are not likely to be at stake at that point.

Of course, much depends on how we define true needs. A more expansive definition of true needs would enable her to return home after a decent, but reasonably short interval, since presumably she has a life to live in her own country. But of course if the scope of true needs is widened this way, then even more (perhaps most) helping actions will fall under the duty of mutual aid, rather than the duty of kindness, and hence, will be obligatory.²⁹

²⁸ They are, of course, comparatively trivial losses, but the loss is real. I discuss this in 'Moral Cacophony: When Continence is a Virtue' *Journal of Ethics* 7, no. 4 (2003): 339-363.

²⁹ Certainly, this might be the right moral conclusion. I do not know whether Herman thinks it is, but what she says in both 'Mutual Aid' and 'The Scope of Moral Requirement' suggests that she does not.

If it's true that it is morally permissible for the surgeon to go home after her two weeks are up, then it will have to be the case that meeting another's true needs is not always strictly required, even when one's own true needs will not be sacrificed in the process. Herman's account cannot readily accommodate this intuition as it stands. But problems arise from the opposite direction as well. Intuitively, helping actions can sometimes be morally required even when they are not aimed at meeting another's true needs.³⁰

Suppose that Fred is on an elevator that stops at a floor where a group of elderly people are waiting to get on. Fred can see that if he does not press the button that holds the doors open, there will not be time for all of them to board the elevator. It is, I should think, obligatory for him to press the button and hold the doors. If we presume that the remaining people would simply take the next elevator, then the need Fred is meeting by holding the door for them this time is a minor one at best. It is certainly not a true need. And yet, if he decides not to hold the door because he just doesn't feel like waiting an additional ten seconds for them to board, he will be acting quite badly.

Of course, refusing to hold an elevator door for someone is hardly as serious a moral failure as refusing to save his life. But that does not mean that it is not a moral failure at all. In fact, as I will argue later, a person who cannot be bothered to hold an elevator door in these circumstances has something in common with a person who cannot be bothered to save another person's life because she has dinner plans. They fail in the same way, albeit not to the same extent, and we miss the similarities in the cases if we are focused solely on the question of whether the need to be met is a true need or not.

³⁰ I am grateful to an anonymous referee for directing me to this point.

Thus, although Herman's duty of mutual aid solves the problem posed by the opening example, its boundaries are troublingly fuzzy and her account seems inadequate for capturing the full range of obligatory beneficence. There are cases where helping is not required, despite the fact that someone's true needs are at stake, and there are other cases where helping is required in order to meet a desire or a relatively insignificant need.

Fortunately, there is a way to preserve the central intuition of Herman's argument that does not depend on being able to draw the distinction between duties of mutual aid and acts of kindness. It turns out that we do not need the duty of mutual aid in order to account for the obligatoriness of easy rescues. We can account for them readily enough with the duty of beneficence itself. What makes certain helping actions strictly required is not that they fulfill a specific duty of mutual aid to a particular needy person, but rather that refusing to perform them constitutes a failure with respect to the obligatory end of beneficence itself. Herman's account depends on a distinction among kinds of needs; mine will depend on a distinction among kinds of responses to need, and what those responses reveal about the would-be benefactor's underlying commitment to beneficence.

It is worth noting how natural it is to frame the question of mandatory aid not in terms of what a gravely injured man is owed by his fellow rational beings (as Herman's account would suggest), but rather in terms of the moral character of the person who would leave him there. We wonder, 'What kind of person would abandon someone to die on the side of the road so as not to miss an evening out on the town?' I will argue for this answer: the kind of person that we are morally obligated, on Kantian grounds, not to be.

In the next section of this paper, I will give an account of the Kantian duty of beneficence that can explain our intuitions about when it is permissible to exercise

latitude about helping actions. From my account it will follow that while we are ordinarily required to undertake easy rescues and hold open elevator doors, it is nevertheless also ordinarily permissible for the surgeon to return home at the end of her trip.³¹ My account will also give some basis to the intuition that although it is contrary to beneficence to ignore the plight of nameless others in distant lands, there may be something additional going wrong when we refuse to help needy people who are in our immediate vicinities or who directly ask for our aid.

IV. Beneficence as a Two-Part Duty

In his discussion of the humanity formulation of the categorical imperative in the *Groundwork*, Kant distinguishes the treatment of humanity as a negative end from the treatment of humanity as a positive end, a distinction that more or less tracks the perfect/imperfect duty distinction:

Now humanity might indeed subsist if no one contributed anything to the happiness of others but yet did not intentionally withdraw anything from it; but there is still only a negative and not a positive agreement with *humanity as an end in itself* unless everyone also tries, as far as he can, to further the ends of others. For, the ends of a subject who is an end in itself must as far as possible be also *my* ends, if that representation is to have its *full* effect in me.³²

If I have a good will, I will certainly fulfill my perfect duties, and doing so would be consistent with my recognizing humanity as an end in the negative sense. But in order to have a thoroughly good will, I must do more. Specifically, I must see rational agents not simply as ends not to be acted against, but also as setters of ends. This demands that I take on certain commitments that will structure and shape my own goals and my

³¹ It may, of course, still be morally admirable if she does not.

³² *Groundwork of the Metaphysic of Morals*, trans. H.J. Paton (Harper and Row, 1964), p. 98.

interactions with others. In the *Doctrine of Virtue*, this commitment to humanity as a positive end is expressed in the two ends that Kant says are obligatory for us to take up: our own moral perfection and the happiness of others. The latter is the source of the duty of beneficence, which Kant goes on to express as an obligation to “make others’ ends my own.”³³

But what does it mean in practice to make the ends of others my own, and what counts as success in having done so? Kant restricts the requirement to permissible ends; I am not, for instance, required to lend a hand to someone robbing a bank.³⁴ Even taking that exclusion into account, the field of possible ends that I might promote remains very large. I will have to make some choices, and the question here is the extent to which the duty of beneficence itself governs how those choices get made.

It seems reasonable to suppose that if an agent never performs *any* beneficent actions, she has not adopted the required maxim of beneficence at all.³⁵ She has not made the ends of others her own in any respect, and as such, has failed in her Kantian obligation to treat them as setters of ends. Likewise, a racist who commits himself to helping only people who share his skin color has also failed to adopt the required maxim of beneficence. What he has adopted is a corrupted version of the maxim of beneficence (e.g., ‘make the ends of white people my own’), not the one that Kant directs us to take up (‘make the ends of rational agents my own’). Success with respect to the end of beneficence requires, at minimum, that we help others with their ends at least on occasion

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³⁴ I assume that I am also morally required *not* to lend a hand, and probably also to do something to impede the robber’s pursuit of his end.

³⁵ See, for instance, Herman, ‘Mutual Aid and Respect for Persons’, p. 65; Hill, ‘Kant on Imperfect Duty and Supererogation’, p. 151; Baron, *Kantian Ethics (Almost) Without Apology*, p. 88.

and that we do so as an expression of respect for them as setters of those ends. Thus, a commitment to beneficence is inadequate or absent if it is never acted upon or if it has the wrong scope.

Hill has suggested further that there may be situations in which an agent's commitment to an obligatory end (in his example, the end of one's own natural perfection) will rest on whether she pursues a single course of action:

in dire straits an unfortunate person might have only one (permissible) chance to escape a debilitating, brain-numbing life of physical labor. Given background conditions, taking the chance might be strictly required because nothing else would count as having seriously made developing her talents as an end.³⁶

It is the gravity of the circumstances that does the work here; the particular action is so central to the end that failing to do it would constitute a rejection of the end itself.

According to Hill, this would apply to beneficence as well, and indeed, might explain the wrongness of failing to help in situations like the opening example. We might say that in such a case, if I fail to help a dying person, I have not seriously made the ends of others my own in the relevant way. As will become clear later, I think that this is the right general direction in which to go, but as it stands, Hill's account is not well-suited to explaining requirements to press elevator buttons, or to help regardless of how many times we have helped before.

This last type of case presents us with a problem about how the duty of beneficence should structure the reasoning of agents who have a decent track record of helping on other occasions. Let us return to the situation in which I have already encountered three cars off the side of the road on my way home, and have dutifully stopped to help on each occasion. Intuitively, it does not seem as though the fact that I

³⁶ Hill, 'Meeting Needs and Doing Favors', p. 208.

have already helped three times today justifies me in passing by the fourth person who needs me. And yet, a person who has already helped three times obviously has *some* commitment to beneficence. Given that, how can a latitudinarian account of beneficence like Hill's rule out, 'I've helped enough today' as a reason for not helping in this case?

An advantage of Herman's duty of mutual aid is that it does rule it out, because the duty of mutual aid, unlike the duty of kindness, permits no latitude (c) when one's own true needs are not at stake. In fact, she suggests that an agent who ignores another's true needs for trivial reasons cannot be said to have adopted the maxim of mutual aid:

Suppose someone passes by a serious request for aid with the thought, "I helped someone yesterday." The agent acknowledges that the duty of mutual aid applies when he registers that help is needed, his would serve, and that some excuse, or excusing idea, needs to be brought forward to justify his passing by. We want to say that someone who passes by with such an excuse cannot have adopted the required maxim of mutual aid (as the principle of his maxims of action), even though he seems to accept the idea of helping someone, sometime.³⁷

I have already argued that we should reject the duty of mutual aid, but Herman is, I think, right to focus on the relationship between the need and what is being offered as an excuse for failing to meet it. Our intuitions about cases of easy rescue are largely driven not by the fact that they are actually easy (for they may not be), but that the necessary sacrifice of time, energy, or evening plans is minor compared to the harm that will come to the other if I don't help. It is the disproportion between the need and the sacrifice required to meet it that generates the intuition that helping is required, both in that case and in the case of the elevator button. Although the good I can do by pressing the button is not terribly important in the grand scheme of things, the effort involved is so small as to be trivial. My refusal to help in both cases reveals a chasm between the way I see myself as

³⁷ Herman, 'Mutual Aid and Respect for Persons', p. 65.

an end-setter and the way I see others, and that chasm, in turns, reflect a flawed commitment to beneficence.

If we understand the duty of beneficence to be manifested exclusively, or even primarily, in particular helping actions, we will miss something quite important about the commitment, which is that it rests upon a general requirement to see others in a particular light; namely, as setters of ends (or positive ends). This is why I think it will prove more useful in the end if we interpret the duty of beneficence as implying a two-part moral requirement. There is, of course, the familiar obligation to adopt the wide maxim of helping others on occasion, as expressed in Hill's 'Sometimes, to some extent, one ought to X'. But let me suggest that beneficence also carries with it a narrow duty parallel to the narrow duties of respect, which prohibit contempt, arrogance, defamation, and mockery.

Violations of the duties of respect express an objectionable moral stance toward another person as a negative end. If I mock someone for the amusement of my friends, I treat her as a mere means to the end of their entertainment and hence, fail to acknowledge her status as an end in the negative sense. My proposal is that we interpret beneficence as implying a narrow duty to avoid indifference to others as ends in the positive sense, or as setters of ends. By 'indifference' toward someone, I mean the attitude that her (permissible) ends are not worth factoring into my plans in any way. To acknowledge her status as a setter of ends, I am required to adopt the attitude that her ends carry moral significance insofar as they are her ends. The attitude is always required of me, even when I am not actively helping her pursue those ends. What I will now argue is that when helping actions are obligatory, it is because refusing to help in those circumstances would express indifference in the way that the narrow aspect of beneficence prohibits.

Generally speaking, there is a wide range of ways in which we can acknowledge the status of others as positive ends. Suppose you have it as your end to see a particular concert. Beneficence permits me to be indifferent to the concert itself; what it prohibits is my being indifferent to the fact that you want to see the concert. Certainly, one way in which to show that I am not indifferent to you as an end-setter here is to help you achieve your end by standing in the line in the rain to buy you a ticket. But that is hardly the only way. If I wish you luck as you go out the door, or lend you my umbrella so that you can stay dry while you wait, or say, ‘hooray!’ when you come back with a ticket in your hand, I am acknowledging your status as an end-setter.³⁸ The requirement *that* we avoid indifference to the status of others as end-setters is a strict one, but we ordinarily have latitude in determining *how* we acknowledge that status (latitude (b) in Hill’s sense), and it is usually possible to acknowledge it in ways that fall short of actually helping.

But not always. I propose that if a given helping action is ever morally required, it is because in that circumstance, helping is the *only way* to acknowledge the other person’s status as a positive end. Any other response would constitute indifference to the other as a setter of ends, and hence, also constitute a violation of the duty of beneficence. We can put it this way: although we are not always required to help, we are always required not to be indifferent. When helping someone is the only way not to be indifferent to her, we are required to help.

Under what circumstances is helping someone the only way to acknowledge her status as a setter of ends? Much depends on the nature of the end itself and the

³⁸ Sarah Buss has argued convincingly that the rules of ordinary politeness have moral force because they are vehicles for communicating respect to other people. See ‘Appearing Respectful: The Moral Significance of Manners’ *Ethics* 109 (July, 1999): 795-826.

reasonableness of the expectation that a given person will offer help of a particular sort. Not all expectations of help are reasonable.³⁹ We are not, for instance, normally obligated to drive strangers from Philadelphia to Las Vegas simply because they ask us for help in getting there. Acknowledging the other as a setter of ends may require me to give *some* response to his request; indeed, I would argue that in most circumstances, ignoring requests entirely expresses indifference toward the requester as a positive end.⁴⁰ But the narrow aspect of beneficence need not oblige us beyond this; my duty to acknowledge the other as a positive end in such circumstances can be satisfied by an acceptably polite “no”.

More reasonable requests, however, may very well generate obligations for more robust responses, if we are to avoid indifference. Although polite responses are ordinarily necessary for treating others as end-setters, it doesn’t follow that they are always sufficient. If a homeless person asks me for spare change as I walk past him on the street, a polite ‘no’ may not always be adequate to acknowledge him as an end-setter.⁴¹ But whether that is true depends in part on what else I do and what other commitments I have.

Suppose that my community runs an excellent program for homeless people, offering them food, shelter, medical care, job training, and addiction treatment. And let us suppose that while I normally say ‘no’ to homeless people who ask me for change, I do contribute generously to this program. Moreover, I do so as an expression of genuine concern about the plight of homeless persons qua rational beings. If this is the case, I will

³⁹ The extent to which a given request for help is reasonable surely depends to some extent on social and cultural conventions, but that needn’t concern us here.

⁴⁰ There are, of course, exceptions. I assume that threatening, vulgar, or deliberately offensive requests for help can properly be ignored.

⁴¹ Let me also assume that I have good reason to think that his need is genuine; he is not a swindler posing as a homeless person.

have a plausible defense if the man whose request I have declined charges me with not caring about his plight. My support for the community programs shows that to be false. Although I am refusing to promote his particular end of acquiring change from passers-by, I am not indifferent to him as an end-setter.⁴² By contributing to the programs, I am concerning myself with his fate in a way sufficient to meet the narrow obligation of beneficence. Because of this, I can exercise latitude (c) about giving him change while still acknowledging him as a positive end.⁴³

In this case, I am contributing to programs that could directly benefit the person asking for my help. This is why I can say, truthfully, that I *am* helping him, even as I refuse to give him change. But in cases where my reason for not helping here is that I have already helped others in similar circumstances, that particular defense is not available to me. “I care about people in your circumstances” is not, after all, the same as “I care about you.”

Here I think it is important to note that it can be reasonable to expect help without it being reasonable to expect that a particular person will help. Intuitively, it seems that people requiring life-saving surgery might have a reasonable expectation of help, but not a reasonable expectation that a particular surgeon will help them. It is true that proximity to the one needing help and a unique ability to provide the needed help do seem to make a difference. The obligation to stop and help an injured motorist is greater both when one

⁴² Kant does say that beneficence must be directed at the ends that the other actually has. If this particular homeless person does not want to be helped via the community program, it might be thought that my support of them does not count as beneficence toward him in Kant’s sense. Even if this is the case, I would argue that providing community aid is sufficient to fulfill the strict duty to avoid indifference toward others. The homeless person may not care for my particular form of aid, but he would be hard pressed to deny that I am concerned with his plight.

⁴³ It strikes me as plausible to suggest that people who routinely encounter homeless persons asking for change have an especially stringent obligation to support community programs for the homeless, particularly if they do not normally give change in response.

is the only one around and also when one is the only one in a crowd with the necessary medical training. And yet, we do not want it to be the case that the duty of beneficence comes with built-in disincentives to avoid either foreign relief travel or the acquisition of life-saving skills.⁴⁴ If we assume it is permissible for me to become a philosopher rather than a surgeon, it should not be possible for me to dramatically reduce the demands beneficence places on me by choosing the life of a philosopher.

Whether not helping someone constitutes indifference to him as an end depends on many things, including the urgency of the need, my proximity to the person needing help or to the means of helping, my ability to provide useful help, my other obligations, the extent of the costs I would incur, the ability of others to help and the likelihood that they will, and my relationship with the one needing help. The cases where refusing to help is most likely to be obligatory seem to be those in which it is reasonable for the other to expect *me* to help, and where there is considerable discrepancy between the need I could meet and the costs I would incur by helping. In such cases, I disregard an expectation of help that is reasonably directed at me by another rational agent without having anything plausible to offer as an excuse for not helping. And that is what expresses the prohibited indifference toward others as setters of ends.

This account explains why it is wrong for Fred to refuse to press the elevator's 'door open' button so that the remaining elderly people can get on. The expectation of help is both reasonable in itself, given what little effort it takes, and reasonably directed at him, since he is the one standing next to the buttons. If Fred happened to be juggling a

⁴⁴ Here it is worth remembering Philippa Foot's remark that it is contrary to charity not to learn elementary first aid. ('Virtues and Vices' in *Virtues and Vices*. Oxford: Oxford University Press, 2002, p. 4.) This strikes me as both true and something that a Kantian could and should say.

baby in one arm and heavy packages in the other, the request would be much less reasonable, and also, if there are others near the buttons, less reasonably directed at him. But if he is unencumbered, doing anything other than pressing the button shows that Fred does not take the ends of these others to provide him with a reason for doing anything at all. The fact that they themselves are end-setters leaves him cold.

One way to see this is to notice that were the unencumbered Fred to offer an apology or express regret for not holding the door, it would surely be interpreted as sarcastic or insincere. Generally speaking, sincere apologies and expressions of regret for not helping serve the function of acknowledging the other's claim on one's help. If the baby-holding Fred says, "I'm sorry I can't hold the door" to those waiting outside, he expresses his recognition both that they are end-setters in their own rights and also that these are circumstances where an unencumbered person next to the elevator buttons is reasonably expected to help. Of course, it is clear that the costs Fred (and the baby!) would incur by Fred's dropping everything to hold the door mean that in these circumstances, he is not obligated to help. But what he conveys through the expression of regret to those left behind is that he stands in a moral relationship to them and their needs. It is the acknowledgment of that relationship that beneficence always requires. When refusing to help denies the existence of such a relationship, it will constitute objectionable indifference. There is no good way to offer a sincere apology for refusing to do CPR because one has other evening plans, and that is because not helping in those circumstances itself expresses a total disregard for the other as a positive end.

Returning to the surgeon, I think it's fair to say that the mere fact that there are other people in the country whom she might save if she stayed does not itself generate a

reasonable expectation that *she* will stay and save them.⁴⁵ This is true even if there are many such people; indeed, it may be that the more people there are who need her help, the less reasonable is the expectation that she will help any particular one of them. Their reasonable expectation of help is of a general sort, not directed at the surgeon herself. In such circumstances, the fact that the surgeon has already helped some of the people who need help does constitute evidence of her general commitment to the welfare of all those in the group. Her volunteer commitment is a response to a reasonable expectation of help in general; by helping, she has done what we might call “her part” in providing that response. In doing so, she shows that she is not indifferent to the plight of those who have no way of meeting their major medical needs.

But now let us suppose that when it is time for her to fly home, there is one person remaining in the hospital waiting room. Intuitively, it seems that the surgeon ought to squeeze in one last surgery if she possibly can, and perhaps even delay her flight if it means that she can help him. The fact that there is just one of him makes his expectation of being helped more reasonable, just as my being a lone autograph seeker outside of a baseball stadium makes it more reasonable to expect that I will get an autograph than it would be if I were part of a large crowd. But there is an additional element of this situation that also plays a role, which is the fact that he is in the waiting room. He has come with a reasonable request of help directed at her, and that changes the nature of the response that she owes him. In these circumstances, “I’ve helped lots of other people like you” will not count as a fully adequate response to *his* need—the one he has brought before her.

⁴⁵ It might generate a reasonable expectation that upon returning home, she will do her best to persuade her surgeon colleagues to take similar trips.

Kant recognized that asking others for help produces alterations in ordinary moral relationships, and not always for the better. The act of presenting oneself as a supplicant has the potential to undermine both the supplicant's self-respect and the respect that others have for her. Asking for help affects the standing of the two parties in what would otherwise be a relationship of moral equals. This is why Kant directs benefactors to act in secret if they can, and if they cannot, to confer the benefit in a way that implies that providing the benefit is an honor.⁴⁶ In doing so, benefactors return balance to a moral relationship that supplication has thrown off kilter.

If I refuse to help someone who has presented herself to me as a supplicant, whether by request or by circumstance, it is particularly incumbent on me to acknowledge her moral standing in my refusal. I must show that I am not indifferent to *her*, and the fact that I have helped others like her does not show that by itself. As a result, the strict duty to avoid indifference to others as end-setters, while applicable to all rational beings, takes on a particular shape when I am confronted with someone making a direct appeal to me. For indifference to someone as a positive end, when communicated through a refusal to hold a door or provide emergency aid, can turn into humiliation. It sends the message to that person and those around that she is (literally, in the case of the elevator buttons) not worth lifting a finger for. In other words, it communicates an attitude that is fundamentally at odds with Kant's view of appropriate human relationships.

It is often argued by utilitarians that failing to help someone right in front of me is no worse than failing to help those far away. On this view, driving by an injured man so I

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can go out to dinner expresses as much indifference as choosing to eat dinner at a restaurant in the first place, rather than eating cheaply at home and sending the extra money I would have spent to Oxfam.⁴⁷ In both cases, I disregard someone's need for survival in order to give myself a relatively trivial pleasure.

I would not want to deny that eating dinner in expensive restaurants while others starve might well constitute morally objectionable indifference to others as end-setters, nor is there any reason for a Kantian to deny this. It is quite possible that Kantian beneficence demands more of us than we tend to recognize, and that "doing our part" in response to reasonable general expectations of help requires much more of us than most of us presently do.⁴⁸ But what the utilitarian analysis does not capture is the fact that in failing to help nameless others who are starving, my indifference is not directed toward any particular individual and it is not ordinarily communicated to them. Generalized indifference is bad, but it does not humiliate in the way that indifference toward a specific individual can, particularly when that indifference is communicated. This does not mean that it is worse to refuse to hold open an elevator door than to refuse to help people who are starving in distant lands. Rather, what it suggests is that indifference to those who present themselves to us as needy takes on additional moral layers. Those extra layers help account for the intuition that our reasons for responding to needs we encounter directly are not entirely the same as the reasons we have for responding to the needs of distant, nameless others.

⁴⁷ This, of course, is the position that Singer takes. I am grateful to Kelly Sorenson for reminding me of this, and for this particular objection.

⁴⁸ Cummiskey's view is not far off from this, which makes me think that he rejects more of the Kantian framework than is strictly necessary for making his point.

The cases that are candidates for obligatory aid are, I think, limited to those instances where helping is reasonably expected of me. But even when helping is reasonably expected of me, it is often possible to acknowledge the other's status as an end-setter, which is what the narrow element of beneficence requires, through other means. Thus, helping is not always required of me even when it is reasonably expected of me; it is obligatory only when there is nothing else I could do that would avoid expressing indifference toward the person who needs the help.

On the account I have been presenting, beneficence remains a wide imperfect duty in the sense that decisions about whom to help, when to help, and how much to help are a matter of judgment and hence, admit of latitude (c). But beneficence also carries with it a narrow duty to avoid indifference to others as end-setters. It is wrong not to help when helping is the only way to avoid indifference. Intuitively, the person in my opening example acts badly in passing by the injured man, but the problem lies primarily in her reasons for not helping and what those reasons reflect about her priorities and attitudes. Those same troubling priorities and attitudes are present in the elevator case, albeit to a lesser extent, and my account shows what those two cases have in common.

The account for which I have argued is latitudinarian about helping actions, and hence, avoids some of the difficulties associated with the rigorism defended by Cummiskey and others. It is not, however, latitudinarian with respect to attitudes, and this is what enables the conclusion that certain helping actions are obligatory. They are obligatory whenever failing to do them would express an attitude toward other people that the narrow aspect of beneficence strictly prohibits. I think it is an advantage of this approach that it locates the moral failure in the person who refuses to help, rather than in

the nature of the needs being met. This enables us to explain a wider array of intuitions about what Kantian beneficence requires of us in a variety of situations without losing anything central to the Kantian account.⁴⁹

⁴⁹ An earlier version of this paper was presented at the Pacific Division Meetings of the American Philosophical Association. I am grateful to Kelly Sorenson for his thought-provoking comments there, and to the audience members for their questions and comments. I would also like to thank the following people for their help with the paper in its various stages: Alisa Carse, Kyle Fruh, Kelley Heuer, Tom Hill, Judy Lichtenberg, Maggie Little, Luke Maring, Henry Richardson, and two anonymous referees for the *Journal of Moral Philosophy*. Finally, I am grateful to the Graduate School at Georgetown University for research support during the writing of the paper.