

Rescue and personal involvement: a response to Woollard

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Singer (1972) and Unger (1996) argue that widely shared intuitions about the duty to assist in emergency cases support comparably stringent duties to aid distant persons living in extreme poverty. In Part III of her ingenious book *Doing and Allowing Harm* (2015), Fiona Woollard rejects their arguments, claiming that while we are morally required to make substantial sacrifices to aid others when personally involved in an emergency, as in Singer's famous case in which you can pull a drowning child out of a pond, we are not so required otherwise.

On the basis of a number of cases, Woollard argues that there are three ways in which one could be personally involved in an emergency: by being physically proximate to the victims of the emergency (proximity); by being the only person who can help the victims (uniqueness); or by having a personal encounter with the victims (personal encounter). Each of these factors is claimed to be intuitively defeasibly sufficient to ground personal involvement, and thus a requirement of substantial sacrifice to aid. We show that Woollard's cases contain various confounding factors. In view of the more precisely drawn cases we offer here, it is clear that neither proximity nor uniqueness nor personal encounter is intuitively defeasibly sufficient in the way Woollard claims.¹

1. Proximity

Woollard's argument for the sufficiency of proximity for personal involvement revolves around two cases (2015: 134):

(Door) You learn from the radio that a child is drowning outside your door. There are other people who could save the child, but none of them are likely to do so.

(Distant Pond (Many Saviours)) You hear on the radio that a child is drowning about 10 miles away. If he is not rescued, he will die. You realize that you are able to save the child. There are many other people who can help, but thus far no one looks likely to come forward.

According to Woollard's intuitions, you are required to make a substantial sacrifice to save the child in Door, but not the child in Distant Pond (Many Saviours). On her view, a 'substantial' sacrifice might consist in paying \$500

1 We here focus on Woollard's intuition-based arguments, presented in Chapter 7.

upfront (a means to aiding), or acting in a way that would result in the loss of body parts or long-term financial security (side effects of aiding) (2015: 130–31).

As Woollard herself notes, it is important that her two cases differ with respect to proximity only (2015: 133–34). Yet it is much easier to see how aiding comes with risks to one's bodily or financial security in Door than in Distant Pond (Many Saviours). Further, in Door, there is a possibility that one's intuitions will be affected by views about special duties to assist those on one's property or within one's community, and also by the tendency most of us have to rush directly to aid those in urgent need. Consider, then, the following cleaned-up variations on Woollard's original cases:

(Nearby Pond (Many Saviours)) While out for a hike in a foreign land, you hear on the radio that a child is drowning on the other side of a very tall brick wall, about 10 metres away. If he is not rescued, he will die. You cannot reach the child yourself, but realize that you are able to save the child by paying \$500 to activate a machine that will scoop him out of the pond. There are many other people who can help, but thus far no one looks likely to come forward.²

(Distant Pond (Many Saviours)*) Same as Nearby Pond (Many Saviours), except here the child is about 10 miles away.

We do not find it intuitive that you are required to make a substantial sacrifice to save the child in Nearby Pond (Many Saviours), but not the child in Distant Pond (Many Saviours)*.³ Next consider:

(Nearby and Distant Ponds (Many Saviours)) While out for a hike in a foreign land, you hear on the radio that six children are drowning on the other side of a very tall brick wall, one child just 10 metres away, the other five 10 miles away. If they are not rescued, they will die. You cannot reach any child yourself, but realize that you are able to pay \$500 to save the nearby child, or instead to save the distant five. There are many other people who can help, but thus far no one looks likely to come forward.

We find it intuitive that you are required to pay \$500 to save the distant five rather than to save the nearby one. You are surely at least *permitted* to pay \$500 to save the distant five rather than to save the nearby one. This last claim, however, is problematic for Woollard's view. For on her view, when

2 This case is inspired by Frances Kamm's 'Near Alone' case (2007: 348).

3 At various points, Woollard indicates she has a nuanced understanding of proximity in mind (2015: 135–36, 151–52). Although she does not develop this idea herself, she might claim that, while the child in Nearby Pond (Many Saviours) is only 10 metres away, the fact that he cannot be reached makes it the case that he is not proximate. We have more to say on this point, but cannot say it here.

we are required to aid the particular victims of emergencies in which we are personally involved, we are intuitively not permitted instead to aid even a far greater number of other victims with whom we are not so involved.⁴

These cases bring into focus the inability of physical proximity to ground personal involvement, if, as Woollard claims, we are required to make substantial sacrifices when personally involved in an emergency, but not so required otherwise.⁵

2. Uniqueness

Woollard begins by comparing Distant Pond (Many Saviours) with the following case (2015: 136):

(Distant Pond (Only Hope)) You hear on the radio that a child is drowning about 10 miles away. If he is not rescued, he will die. Unfortunately, specialized skills and equipment are needed to save the child. Listening to the announcement, you realize that you are the only one who could save him.

According to Woollard's intuitions, you are required to make a substantial sacrifice to save the child in Distant Pond (Only Hope), but not the child in Distant Pond (Many Saviours).

Distant Pond (Only Hope) does not yield a proper comparison with Distant Pond (Many Saviours). As with Door, intuitions about Distant Pond (Only Hope) may be affected by our tendency to rush directly to aid those in urgent need. Moreover, Distant Pond (Only Hope) may trigger intuitions about professional duties (the reference to specialized skills and equipment brings to mind activities such as cave-diving). What we need is an (Only Hope) analogue of our Distant Pond (Many Saviours)*:

(Distant Pond (Only Hope)*) You hear on the radio that a child is drowning about 10 miles away. If he is not rescued, he will die. You

4 At (2015: 132) and elsewhere throughout Chapter 7 Woollard claims that the sacrifices required when personally involved in emergencies are in this sense intuitively *non-transferable*, though in Chapter 8 (2015: 155–56) she briefly expresses doubts about this claim.

5 One might, on the basis of Nearby Pond (Many Saviours) and Distant Pond (Many Saviours)*, claim that proximity is *intuitively irrelevant*. This is a controversial argumentative strategy – see Kamm 2007: 17–18, 347–49. To respond to Woollard, we need claim only that our cases show that proximity is *not intuitively defeasibly sufficient*. If it is not intuitive that you are required to make a substantial sacrifice in Nearby Pond (Many Saviours) but not in Distant Pond (Many Saviours)*, then to defend her position Woollard must argue that our cases introduce some defeating condition (that prevents the difference with respect to proximity from making the moral difference it otherwise would). But we do not see how our cases do this, and nothing Woollard says suggests they would. The same remarks apply, *mutatis mutandis*, to our cases involving uniqueness and personal encounter.

cannot reach the child yourself, but realize that you are able to save the child by paying \$500. There is no one else who can help.

There is, however, a further issue here. Woollard's Distant Pond (Only Hope) is not made appropriately equivalent to Distant Pond (Many Saviours), nor is our Distant Pond (Only Hope)* made appropriately equivalent to Distant Pond (Many Saviours)*. The (Only Hope) cases are not made appropriately equivalent to the (Many Saviours) cases with respect to the child's chance of surviving if you refrain from helping. The (Only Hope) cases make it clear that if the child is not rescued, he will die, and that you are the only person who can help, and hence certain that the child will die if you refrain from helping. The (Many Saviours) cases, by contrast, state that many other people can help but thus far no one *looks likely* to come forward. To make the cases appropriately equivalent, we need a further case:

(Distant Pond (Many Saviours, Certainty)) You hear on the radio that a child is drowning about 10 miles away. If he is not rescued, he will die. You cannot reach the child yourself, but realize that you are able to save the child by paying \$500. There are others who can help, but you are certain they will not.

In this case, you are still the child's only hope in that you are the only person he has any hope of being rescued by. But you are not unique in Woollard's sense. We do not find it intuitive that you are required to make a substantial sacrifice to save the child in Distant Pond (Only Hope)*, but not the child in Distant Pond (Many Saviours, Certainty). Moreover, as with Nearby and Distant Ponds (Many Saviours), it seems hard to believe it would not be permissible to save five children in a situation like that of the child in Distant Pond (Many Saviours, Certainty) when you could instead save one child in a situation like that of the child in Distant Pond (Only Hope)*.

These cases bring into focus the inability of uniqueness to ground personal involvement.

3. *Personal encounter*

Woollard begins with the following case (2015: 127) (based on Unger 1996: 39):

(Wealthy Drivers) Over your CB radio, you hear the pleas of a man. He has a major wound in his leg. As he has had medical training, he can tell you that if he does not get to the hospital soon, he is almost certain to lose it. If you help the man, your car will sustain \$5,000 worth of damage. Three other drivers are also in radio contact. Each of the

others is nearer to the man and far wealthier than you. But, as each of the three complain, she doesn't want to get involved.

Woollard's intuition is that you are required to make a substantial sacrifice to help the man, even though you are not near to him and not the only person who can help him. The crucial factor here, Woollard claims, is personal encounter. It seems clear that there is a personal encounter between you and the child in Singer's classic pond case. It may be less clear how you also have a personal encounter with the man in *Wealthy Drivers*. On this, Woollard writes:

I also think there is a personal encounter in the *Wealthy Drivers* case: the victim appeals to you over the CB radio ... An appeal over a CB radio, unlike an appeal over a standard radio, is the beginning of a two-way conversation ... Being part of a conversation with someone is enough to count as having a personal encounter. (2015: 137)

We believe that *Wealthy Drivers* is insufficiently cleaned up to enable a proper test of the intuitive moral relevance of personal encounter. *Wealthy Drivers* brings in the 'rushing directly to aid' factor to which we already called attention in our discussions of proximity and uniqueness. Furthermore, intuitions here are likely affected by the thought that you at least have a duty to *respond* to the man over the CB radio (apart from any duty you may also have to make a substantial sacrifice to aid him), and the likelihood that, once you start talking to him, you'll get yourself on the hook to do more by promising him that you are on your way. It seems likely you'd want to say something to reassure him, and feel pressured to tell him you are on the way, in response to his frantic cries for help.

We need to remove these potentially confounding factors, using a case in which personal encounter is present but otherwise matches *Distant Pond* (*Many Saviours*)*. To that end, we offer a version of the latter involving a CB radio rather than a standard one:

(*Distant Pond* (*Many Saviours*, CB Radio)) Over your CB radio, you hear the pleas of a child who is drowning about 10 miles away. If he is not rescued, he will die. You cannot reach the child yourself, but realize that you are able to save the child by paying \$500. However, the only way to pay the \$500 is by switching off your CB radio immediately, as if left on it would (we can suppose) prevent the life-saving payment from going through. There are many other people who can help, but thus far no one looks likely to come forward.

We do not find it intuitive that you are required to make a substantial sacrifice to save the child in *Distant Pond* (*Many Saviours*, CB Radio) but not the child in *Distant Pond* (*Many Saviours*)*. Moreover, as with *Nearby* and *Distant Ponds* (*Many Saviours*), it seems hard to believe it would not be

permissible to save five children in a situation like that of the child in Distant Pond (Many Saviours)* when you could instead save one child in a situation like that of the child in Distant Pond (Many Saviours, CB Radio).

These cases bring into focus the inability of personal encounter to ground personal involvement.

4. *Other factors*

We have argued that Woollard's cases do not provide a sound intuitive basis for claiming that proximity, uniqueness and personal encounter are each defeasibly sufficient to ground personal involvement, where the latter is understood to ground a requirement of substantial sacrifice to aid that we would not otherwise have. Does this mean we must accept the arguments by Singer and Unger that intuitions about the duty to assist in emergency cases support comparably stringent duties to aid distant persons living in extreme poverty? No. There are other differences between Singer's pond case and the case in which you can save a life by giving to charity. For all we've argued, some of them are morally relevant (see Mogensen 2019).

Finally, perhaps we are not required to save lives *whenever* we can do so 'without thereby sacrificing anything of comparable moral importance' (Singer 1972: 231). Consider:

(Never-Ending Ponds) Young children are constantly falling into ponds in your country. You cannot go out for a walk without running across a child drowning in a pond. You've saved many drowning children, at substantial cost to yourself. Today when you see a child drowning in a pond, surrounded by other potential saviours all doing nothing, you just keep walking. (Woollard 2015: 126)

Woollard writes that the agent here:

... is not required to make substantial sacrifices every single time. When the agent has already made substantial sacrifices in a number of cases or anticipates being required to do so in the future, the agent may refuse to help in a given case. (Woollard 2015: 131)⁶

If this is correct, we can avoid Singeresque conclusions without appealing to the moral relevance of factors such as proximity, uniqueness or personal encounter.⁷

6 Others would agree. For example, Cullity (2004) and Timmerman (2015).

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Abstract

Fiona Woollard argues that when one is personally involved in an emergency, one has a moral requirement to make substantial sacrifices to aid others that one would not otherwise have. She holds that there are three ways in which one could be personally involved in an emergency: by being physically proximate to the victims of the emergency; by being the only person who can help the victims; or by having a personal encounter with the victims. Each of these factors is claimed to be defeasibly sufficient to ground personal involvement, and thus a requirement of substantial sacrifice to aid. Woollard defends this view on the basis of a number of cases. We show that Woollard's cases contain various confounding factors. In view of the more precisely drawn cases offered here, it is clear that neither proximity nor uniqueness nor personal encounter is intuitively defeasibly sufficient in the way Woollard claims.

Keywords: duties of rescue, personal involvement, physical proximity, uniqueness, personal encounter, charity, intuitions, Fiona Woollard, Peter Singer, Peter Unger, Frances Kamm