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To cite this article: Jørn Sønderholm & Jakob Thrane Mainz (2021) Why some defenders of positive duties serve a bad theoretical cocktail, Journal of Global Ethics, 17:3, 323-339, DOI: 10.1080/17449626.2021.1949377

To link to this article: <https://doi.org/10.1080/17449626.2021.1949377>



Published online: 07 Jul 2021.



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Why some defenders of positive duties serve a bad theoretical cocktail

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ABSTRACT

In the literature on global justice, there has been a lengthy debate about what the world's rich owe to the world's poor. Some have argued that rich individuals have positive duties of beneficence to help the poor, while others have argued that rich individuals only have negative duties not to harm them. A common objection to the former view is that once it is accepted that positive duties exist, fulfilling these duties will be overdemanding since rich individuals can almost always help a little more. Some have tried to overcome this overdemandingness objection by setting cut-off points for how demanding morality is. In this article, we aim to show that it is problematic to be committed to the following propositions: (1) Positive duties to aid exist; (2) The overdemandingness objection is a serious challenge for anyone who accepts that positive duties to aid exist; and (3) Setting cut-off points for how demanding morality is constitutes a plausible way to overcome the overdemandingness objection. Showing that a commitment to (1), (2) and (3) is problematic is of interest given that several influential theorists are committed to this set of views. This set of views is simply a bad theoretical cocktail.

ARTICLE HISTORY

Received 27 May 2020
Accepted 21 June 2021

KEYWORDS

Global justice; poverty; positive duties; cut-off points; Peter Singer

1. Introduction

Some philosophers, such as Robert Nozick (1974), Jan Narveson (2003, 2005a, 2005b) and David Schmidtz (2000) have argued that rich individuals have duties to aid the world's poor, if, and only if, the rich have either harmed the poor or have voluntarily contracted to aid them.¹ We refer to theorists with this view as 'minimalists'. Others, such as Peter Singer (1972, 2009), Larry Temkin (2005a, 2005b), Robert Huseby (2008), Pablo Gilabert (2010, 2004), Peter Unger (1996), Garrett Cullity (2004), Christopher Wellman (1996) and Richard Miller (2012) agree that rich individuals have duties to aid the world's poor, if the rich have harmed the poor, or if they have contracted to aid them. In addition to this, they think that rich individuals have duties to aid the poor even if they have not harmed them, or voluntarily contracted to aid them. We refer to theorists with this view as 'proponents'.

To understand the dispute between these two groups of theorists, it is important to understand the distinction between negative and positive duties. This distinction can be formulated in the following manner:

X has a negative duty to Y with respect to an object O when X ought not to deprive Y of access to O. X has, on the other hand, a positive duty to Y with respect to O when X ought to assist Y in gaining or maintaining access to O. (Gilbert 2010, 385)

The minimalists think that the world's rich only have negative duties towards the world's poor, while the proponents think that the world's rich also have positive duties towards the world's poor. One of the reasons the minimalists give for why they think that rich individuals do not have positive duties to aid the poor is the so-called overdemandingness objection, known from the critical literature on utilitarianism.² In this article, we adopt Liam Murphy's formulation of the overdemandingness objection:

Now the 'over-demandingness objection,' as I will call it, asserts that there is a limit to how great a sacrifice morality, or at least a principle of beneficence, can legitimately demand of agents. (Murphy 1993, 268)

Applied to the discussion about what the world's rich owe to the world's poor, the overdemandingness objection, as it is formulated here, only says that there is a limit to how many resources the rich ought to spend on providing aid for the poor. It does not specify that limit. Moreover, given that there is a significant number of poor people in the world, and given how much good even a minuscule transfer of wealth from the rich to the poor can do, a commitment to positive duties of beneficence threatens, according to those who push the overdemandingness objection, to take over our lives.³

A commitment to positive duties is especially demanding if there is a duty to pick up the moral slack of others.⁴ If rich individuals were to comply with the proponents' view, there is a danger that they will have little time to spend with their families and friends, little time to indulge in intellectual, artistic, cultural or athletic activities. As will become clear, all of the proponents we discuss in the next section agree. Proponents accept that positive duties to aid the poor exist, and they must either accept the overdemandingness objection, and try to overcome it, or reject it. If they *reject* it, they must accept that living up to the demands of morality puts severe constraints on what one can do with one's life. If the proponents *accept* the overdemandingness objection, then they must identify a cut-off point if their theory is supposed to be action-guiding with respect to what it takes to live up to the demands of morality. We acknowledge that proponents can say that it is vague where the cut-off point is situated. Proponents can add to this that even though the cut-off point is vague, there are clear cases of an individual being required to continue aiding and clear cases of it being permissible for an individual to cease aiding. One thing to note here is that the vaguer the cut-off point is, the less action-guiding the proponent's theory is with respect to what it takes to live up to the demands of morality.

2. Setting cut-off points

In this article, our focus is to show that it is problematic to be committed to the following three propositions:

- (1) Positive duties to aid exist.
- (2) The overdemandingness objection is a serious challenge for anyone who accepts that positive duties to aid exist.
- (3) Setting cut-off points for how demanding morality is constitutes a plausible way to overcome the overdemandingness objection.

What we have called a ‘proponent’ is someone who believes that the world’s rich have positive duties to aid the world’s poor. Thus, all proponents accept (1). In this section, we discuss a range of thought experiments. All of these thought experiments come from proponents who are committed to (2). The combination of (1) and (2) is commonly accepted in the global justice debate. Here are four brief passages from influential theorists that showcase such an acceptance.

Peter Unger writes:

It’s time to consider the cost, for a well-off adult like you and me, to live a morally decent life. By the chapter’s end, we’ll see reason to conclude that, compared with any ordinary estimate, the cost is enormous. At the same time, we’ll see reason to feel fortunate that, though living in this perennially rotten world, we needn’t literally give our lives, or even our legs, to lessen others’ serious suffering. (1996, 134)⁵

Christopher Wellman writes:

Although samaritanism derives from a benefit to others principle, it does not demand that one ceaselessly or excessively give to others. It requires one to assist others only when such assistance is not unreasonably costly and will save the person from peril. (1996, 235)

Pablo Gilabert writes:

... require us to embrace basic positive duties of help besides negative ones of harm avoidance. Furthermore, and crucially, some of the former are not mere duties of beneficence or charity, but stronger duties of justice that may require institutional expression and enforcement [...]. Is a cosmopolitan conception of just solidarity including basic positive duties to help all human beings achieve conditions of autonomous agency too demanding? Would it fail to be broadly shareable by all? This is an undeniable difficulty. (2004, 549)

Richard Miller writes:

Adequate reflection will lead you to embrace a more moderate principle of general beneficence, as an expression of the equal respect you owe to all: one’s underlying responsiveness to neediness ought to be sufficiently demanding that greater concern would impose a significant risk of worsening one’s life. Although this duty does require most relatively affluent people (American professors very much included) to give more than we do, it does not dictate giving up all luxuries and frills. (2012, 40)⁶

It should be clear that these four theorists accept (1), but they do not explicitly commit to (2). They commit to the proposition that there is a cut-off point for how demanding morality is. However, we contend that the most plausible interpretation of why these theorists are so explicit about the existence of a cut-off point is that they want to immunise their theory against what they take to be a powerful objection; namely, the overdemandingness objection. Acceptance of (1) and (2) is equivalent to acceptance of what has been called the ‘Kant-Ross Principle’. This principle says ‘We all have duties to help others who need it. However, after a certain point, you have “done your

part", and any additional help you give is good but no longer obligatory' (Van der Vossen and Brennan 2018, 155).

If a proponent is committed to (2), then she must accept that there is a cut-off point somewhere. Once this is accepted, she needs to present and defend a cut-off point (perhaps on a continuum). We recognise that it is a logical possibility for proponents who accept (2) to reject (3). This move would involve identifying a way of overcoming the overdemandingness objection that is distinct from setting cut-off points. From the academic literature, we know of no such distinct way to overcome the overdemandingness objection. So, a proponent who accepts (2) must accept (3) unless she can come up with a distinct and hitherto unknown way to overcome the overdemandingness objection. A proponent who accepts (2), rejects (3) and is unable to identify a way of overcoming the overdemandingness objection that is distinct from setting cut-off points is in a theoretically uncomfortable position. In virtue of accepting (2), she accepts that her position faces a serious challenge. In virtue of rejecting (3) and being unable to identify a way of overcoming the overdemandingness objection that is distinct from setting cut-off points, she accepts that her position faces a serious challenge that she has no answer to.

Acceptance of the Kant-Ross Principle is common (Van der Vossen and Brennan 2018, 155), and since those who accept this principle have a hard time rejecting (3), the argument we make has negative implications for the plausibility of the position of many writers in the global justice literature.⁷ Our argument has negative implications for the plausibility of many more writers than the ones discussed in this article. It has argumentative force against anyone who accepts (1) and (2).

It is important to note that we do not claim that the proponents we discuss in this section are explicitly committed to (1), (2) and (3). We claim three things. First, the proponents we discuss in this section are committed to this set of propositions either explicitly or implicitly. Second, in virtue of being committed to this set of propositions, these proponents (as well as anyone else who either explicitly or implicitly accepts this set) hold a problematic position. Third, it is not a logical contradiction to accept (1), (2) and (3).

Our strategy is to consider a range of thought experiments in the literature from proponents who want to show that (1) is true. All the proponents, whose thought experiments we consider in this section, also accept (2). We then assume that these proponents also accept (3), for the reasons already explained. We then set a cut-off point on their behalf when they have not done so themselves. We try to be charitable in setting the cut-off point on the proponents' behalf. This means that we try to set a cut-off point that is consistent with the relevant writer's other views and is a cut-off point that he would be sympathetic to. Then we construct a thought experiment very similar to the one the proponents themselves, respectively, use to vindicate (1), but with the slight change that now the cut-off point has been reached and thus it is permissible for the relevant individual to cease aiding. We demonstrate that in the new thought experiment, where the alleged cut-off point (vague or not) has been reached, the positive duty to aid suddenly no longer exists.

This should be counterintuitive for the proponents we discuss in this section (and anyone else who accepts (1), (2) and (3)). The proponents we discuss in this section use these thought experiments to demonstrate that it is counterintuitive to deny (1). However, if we are correct, it is hard to see why proponents who accept (2) and (3)

hold a view that is significantly less counterintuitive than the view of those who deny (1). This is so because these proponents have to accept that if one has reached the appropriate cut-off point, there are no further positive duties of beneficence in situations that are identical, in all morally relevant respects, to other situations in which such positive duties exist.⁸

Now, we go through the thought experiments one at a time. In some of the thought experiments, the currency is money, and in others, the currency is time. That is, in some thought experiments the alleged positive duty is a duty to give a certain amount of money away to someone poor. In other thought experiments, the alleged positive duty is a duty to spend a certain amount of time helping someone in need of help. Other currencies might be suggested, but if we are correct, changing the currency does not make a difference for the plausibility of our general argument.

We begin with a famous thought experiment, namely Peter Singer's Drowning Child. To recall, the thought experiment goes like this:

2.1. Drowning Child

On your way to work, you pass a small pond. On hot days, children sometimes play in the pond, which is only about knee deep. The weather's cool today, though, and the hour is early, so you are surprised to see a child splashing about in the pond. As you get closer, you see that it is a very young child, just a toddler, who is flailing about, unable to stay upright or walk out of the pond. You look for the parent or babysitter, but there is no one else around. The child is unable to keep his head above the water for more than a few seconds at a time. If you don't wade in and pull him out, he seems likely to drown. Wading in is easy and safe, but you will ruin the new shoes you bought only a few days ago, and get your suit wet and muddy. (Singer 2009, 3)

This thought experiment is meant to vindicate (1). Later in his book, Singer writes 'So you must keep cutting back on unnecessary spending, and donating what you save, until you have reduced yourself to the point where if you give any more, you will be sacrificing something nearly as important as a child's life ...' (Singer 2009, 18). Singer concedes that this is a demanding principle and that most people will probably not be able to live up to it. He, therefore, suggests a less demanding, more pragmatic alternative, by setting a concrete cut-off point for when people have donated enough money to the poor.

Singer's idea is to divide people's annual income into brackets. Each bracket then indicates how much an individual whose income falls within the given bracket ought to donate annually to the global poor. So, the income brackets set a limit to how demanding it is to live up to one's positive duties to assist the poor. According to Singer's scheme, those with the highest income have a positive duty to pay both a higher percentage of their annual income and a higher absolute amount of money to the poor, than those who find themselves in lower-income brackets. For example, people who earn less than US\$105,001 have no positive duty to donate to the global poor, while people who earn more than US\$10.7 million per year must pay 5.0 percent of the first US \$148,000, 10.0 percent of the next US\$235,000, 15.0 percent of the next US\$217,000, 20.0 percent of the next US\$1.3 million, 25.0 percent of the next US\$8.8 million, and 33.3 percent of the remainder (Singer 2009, 164).⁹ So, Singer is an example of a proponent who accepts (2) and (3).

We are open to the possibility that this might be a misinterpretation of Singer. An alternative interpretation is one according to which his cut-off point is much higher than the one(s) entailed by his concrete income scheme (Singer 2009, 18).¹⁰ On this alternative interpretation, Singer accepts that there is a cut-off point for how demanding morality is. You must keep giving up until a certain ceiling. For Singer, this ceiling is, however, very high. Morality is extremely demanding. Singer has this formulation of a principle of assistance: ‘if it is in our power to prevent something bad from happening, without thereby sacrificing anything of comparable moral importance, we ought, morally, to do it’ (Singer 1972, 231).

On this alternative interpretation of Singer, he falls outside the scope of our argument because he does not accept (2). The overdemandingness objection is not a serious challenge to his utilitarian position. Doing the right thing as a rich individual towards the world’s poor requires extreme sacrifices and the implication of his view that living up to the demands of morality requires that one can spend no resources on luxury items and little time on pursuits not devoted to combating world poverty is not one that he thinks diminishes the plausibility of his theory. This implication of his overall utilitarian theory is an implication that Singer accepts and is an implication that he thinks others should accept as well. However, Singer does seem to think that the income scheme should be understood as a cut-off point (Singer 2009, 152).

In what follows, we, therefore, interpret Singer’s income scheme as an attempt to overcome the overdemandingness objection by setting cut-off points. On this interpretation of Singer, his income scheme is not just a way to make people move towards compliance with his (extremely demanding) utilitarian driven cut-off point.¹¹ Now, consider this thought experiment.

2.2. *Thirsty Child*

Julia is a doctor and belongs to income bracket *x* in Singer’s scheme. Earlier this year, she donated the amount of money required of her plus an additional 10%. In the past month, she has been on a vacation and is now driving in a rural part of Texas close to the Mexican border. Late in the evening, she turns off the road to get gas. The gas station is deserted, so she pays with a credit card. She sees a vending machine and walks over to purchase a Coke. At the vending machine, she sees a young mother sitting with a new-born baby. Julia is convinced that the baby will die within the next fifteen minutes if she does not get some water. The vending machine has water bottles for sale for one dollar, money that Julia has in her pocket, but the mother has no cash. Julia ponders what to do. She gets a Coke, nods to the mother and drives off.

What should one think of Julia? It seems that one cannot blame her for having done something morally wrong if one accepts Singer’s income bracket scheme. Julia was not materially involved in causing the plight of the baby, so Julia did not fail to live up to a negative duty not to harm the baby. Moreover, Julia had not contracted to help the baby. So, if she has any duty to help, it must be a positive duty of beneficence. If Singer now insists that Julia has a positive duty to help, then the conclusion must be that the income scheme is not a scheme that sets limits to how demanding morality is. Even after having reached the limit dictated by that scheme, there are further duties of beneficence. If Singer says that Julia has done nothing morally wrong, then it is difficult to see how his overall position which involves acceptance of (1), (2) and (3)

amounts to a position that has implications that are significantly less counterintuitive than the (alleged) counterintuitive implications of the minimalist position.

Singer wants to show that rejection of (1) has counterintuitive implications, one of which is that the agent in Drowning Child does not have a duty to rescue the child. However, once he attempts to meet the overdemandingness objection by setting cut-off points, he has to accept that there is no further positive duty to aid if one is above the cut-off point like Julia. As a reply to our thought experiment, Singer could say that his suggested cut-off point for each individual is one that can change over time according to what will produce the most utility.¹² If an individual's motivation to donate increases, the cut-off point changes correspondingly. However, if Singer goes down that road, he still faces at least two new problems. First, his cut-off point is not overcoming the overdemandingness objection since it does not constitute a non-elastic limit to how demanding morality is. Second, Singer would still face the structural problem that the positive duty to save the dehydrated child disappears for any individual who has already reached the new cut-off point wherever that cut-off point is located.

Let us now consider another thought experiment from the literature. This thought experiment comes from Peter Unger.

2.3. *Vintage Sedan*

Not truly rich, your one luxury in life is a vintage Mercedes sedan that, with much time, attention, and money, you've restored to mint condition (...) One day, you stop at the intersection of two small country roads, both lightly travelled. Hearing a voice screaming for help, you get out and see a man who's wounded and covered with a lot of his blood. Assuring you that his wound is confined to one of his legs, the man also informs you that he was a medical student for two full years. And, despite his expulsion for cheating on his second-year final exams, which explains his indigent status since, he's knowledgeably tied his shirt near the wound so as to stop the flow. So, there's no urgent danger of losing his life, you're informed, but there's great danger of losing his limb. This can be prevented, however, if you drive him to a rural hospital fifty miles away. "How did the wound occur?" you ask. An avid bird-watcher, he admits that he trespassed on a nearby field and, in carelessly leaving, cut himself on rusty barbed wire. Now, if you'd aid this trespasser, you must lay him across your fine back seat. But, then, your fine upholstery will be soaked through with blood, and restoring the car will cost over five thousand dollars. So, you drive away. Picked up the next day by another driver, he survives but loses the wounded leg. (Unger 1996, 24–25)

Just like Drowning Child, Vintage Sedan is meant to vindicate (1). Unger also accepts (2) (134).¹³ Does Unger accept (3)? Not explicitly, but as we will see Unger himself defends a particular cut-off point. If Unger rejects (3), it is rather mysterious why he spends so much time discussing *several* cut-off points (chapter 6) and ends up defending one particular cut-off point (144). On the assumption that Unger accepts (2) and (3), his interest in several cut-off points, and defence of a particular cut-off point, is coherent and easy to understand.

Unger suggests the following, very demanding, precept for aiding. This precept constitutes Unger's cut-off point, and it sets the bottom line for what anyone must do to be behaving morally decently. Morality requires that one lives up to this precept:

2.4. Being appropriately modest about lessening early death

Other things being even nearly equal, if your behaving in a certain way will result in the number of people who very prematurely lose their lives being less than the number who will do so if you don't so behave and if even so you'll still be at least very modestly well off, then it's seriously wrong for you not to so behave. (Unger 1996, 144)

This precept requires some unpacking. Consider Lucy who is a middle-class, home-owning American who owns two cars. One type of behaviour open to Lucy consists of selling one of her cars (for US\$8000) and spending that amount of money on lessening early death among the global poor. She can, for example, donate the money to the Against Malaria Foundation. Let us use ' Φ ' to denote this act or type of behaviour. Now, make the further assumption that Lucy's Φ -ing does not result in her being less than very modestly well-off. This seems a reasonable assumption given that Lucy will still be a homeowner with a car after she has sold her second vehicle. We also make the second assumption that by Φ -ing Lucy brings about a situation in which the number of people who very prematurely lose their lives is less than the number who will do so were Lucy not to Φ and instead spend the money in a manner that expectedly would have no impact on reducing the number of people who very prematurely lose their lives (for example, investing the money in one of her children's college education). On these assumptions, Unger's precept for aiding dictates that Lucy should Φ , and if Lucy (and anyone else in a similar position) fails to Φ , she is engaged in behaviour that is morally wrong. It is instructive to see Unger's precept as a 'levelling' one that implies that compliance with it will turn an individual into someone who has reached the economic level of being no more than very modestly well-off (144).

Unger appreciates that for his precept to be actionable and for it to offer concrete guidance with respect to how much money one ought to give away to poverty relief, something more needs to be said about what it exactly means to be very modestly well-off.

With a properly global perspective in force, then, it's plain that a person at Bob's level is at least very modestly well off. Well, then, as long as you're doing even just a little better than old Bob, you'll certainly be at least very modestly well off. So, for almost any application of Being Appropriately Modest, we may take old Bob's one-legged level as a (generous enough) lower bound of how much of a cost you must incur to comply, well enough, with that modest proposition. (145)

Unger uses Bob to describe what it means to be very modestly well-off. According to Unger, Bob is a 70-year-old man who has US\$5200 in savings (for emergencies), lives in rental accommodation, has a hard time just making ends meet and has to watch every penny (135–136).¹⁴

With this unpacking in place, we submit that a reasonable interpretation of Unger's view is that his cut-off point translates, in plain terms, to the following standard for what must be done to live up to the demands of morality: whatever one's starting point is in terms of income and wealth, one should donate to activities aimed at lessening early death among the global poor up until the point where one has reduced oneself to a situation in which one has no more than US\$5200 in savings. Moreover, one must be prepared to have a daily existence where one has a hard time just making ends meet and where one has to watch every penny. Now consider this thought experiment.

2.5. Generous George

George is a mechanic who is concerned about the plight of the global poor, and he accepts Unger's precept/cut-off point for what the minimum requirement is for living a morally decent life. In January, George sold his house, moved into rental accommodation and kept only US\$5200 in assets. He donated all remaining assets to the Against Malaria Foundation. George now has a hard time just making ends meet, and he has to watch every penny. George has not put his US\$5200 in assets into a bank account. 10 years ago, George bought a cheap vintage sedan, and he has spent most of his free time and spare income, in the past decade, to put the car into mint condition. It is valued at exactly US\$5200. On a Sunday in October, George is taking his car for a spin and finds himself in the same situation as described in *Vintage Sedan*. Faced with the choice of either helping the wounded man or ruining his leather seats (and suffering an economic loss that will bring his overall assets somewhat under US\$5200), George decides to drive off.

What should one think of George? It seems that one cannot blame him for having done something morally wrong if one accepts Unger's cut-off point. George was not materially involved in harming the wounded man, so George did not fail to live up to a negative duty not to harm the man. Moreover, George had not contracted to help the man. So, if George has a duty to help the wounded man, it must be a positive duty of beneficence. If Unger insists that George indeed has a positive duty to help the wounded man and thereby a duty to accept a loss that reduces his overall assets to a level below US\$5200, it seems that Unger's cut-off point is not, after all, a cut-off point. Even after having reached the point, there are further duties of beneficence.

On the other hand, if George has already done what is morally required of him in terms of positive duties, by arranging his economic life such that it resembles that of Bob's (and giving all the rest of his assets away), it seems that Unger has to accept that George has done nothing morally wrong. If Unger says that George has done nothing morally wrong, then it is difficult to see how his overall position, which involves acceptance of (1), (2) and (3), amounts to a position that has implications that are significantly less counterintuitive than the (alleged) counterintuitive implications of the minimalist position.

Unger's views imply that an individual with US\$6000 in total assets fails to live up to the requirements of morality if she fails to spend US\$800 on a donation to, say, the Malaria Foundation. Minimalists say that such an individual does not fail to live up to the requirements of morality, and Unger thinks that this is a counterintuitive implication of the minimalist position. At the same time, Unger is committed to the view that Generous George is doing no wrong by driving off and thereby failing to perform an easy rescue that he can perform at no substantial cost to himself.

We contend that if it is counterintuitive that minimalists allow a US\$6000-in-total-assets-individual to spend \$800 on, say, philosophy books and running shoes instead of suffering-lessening donations to the Against Malaria Foundation, as Unger thinks it is, it is difficult to see why it is significantly less counterintuitive to allow, as Unger's theory does, George to ignore a plea for an easy rescue (that will save an individual from 24 hours of immense suffering and serious bodily damage (that leads to a leg amputation)) merely because such a rescue comes with a price tag that takes George somewhat under the US\$5200 cut-off point.

So far, we have discussed two famous thought experiments from the literature. In both thought experiments, the currency of the cut-off point was money. We now move on to

discuss a thought experiment where the currency is time. This thought experiment is offered by Christopher Wellman.

2.6. Hitchhiker

Imagine that Antonio is driving along a highway when he stops to pick up a hitchhiker, Bathsheba. Bathsheba asks for a ride to Pleasantville, a town about twenty miles ahead. Antonio's route will take him through Pleasantville, so he agrees to take her. But Antonio is very explicit that he prefers driving alone, he is taking her only as a favour (suppose that he picks her up only because a storm is on the horizon), and under no condition would he be willing to take her any further. Bathsheba nods in understanding and thanks him profusely for the favour. After a twenty-mile drive in which no words are uttered, they arrive only to find that Pleasantville is anything but pleasant. In fact, it is a lawless town, a contemporary Hobbesian state of nature. The only people visible are the roving gangs of thugs responsible for the burning buildings, broken glass, and other signs of chaos that litter the scene. Antonio looks around in horror as Bathsheba begs him to escort her safely out of Pleasantville. (Wellman 1996, 214)

Just like Drowning Child and Vintage Sedan, Hitchhiker is meant to vindicate (1). Antonio did not cause any harm to Bathsheba, and there was no contract between them committing Antonio to escort Bathsheba out of Pleasantville. If he has a duty to assist her to safety, it must be a positive duty of beneficence, or samaritanism as Wellman calls it. Wellman explicitly agrees (214–215). So, Wellman is committed to (1). He is also committed to (2). Wellman makes explicit that one has a moral obligation to assist others 'only when such assistance is not unreasonably costly and will save the person from peril' (235), and this feature of his discussion makes the best sense on the assumption that he accepts (2) and (3). What is the cut-off point offered by Wellman? We suggest that it is the following: one can stop assisting others either when one's assistance will not save a person from peril or when one's assistance becomes unreasonably costly to oneself.

It should be noted that this cut-off point is quite vague and offers little actionable guidance to rich individuals about how much they need to assist the poor to live up to the demands of morality. This is so because the phrase 'unreasonable cost' does *all* the work for Wellman. After all, what is, and what is not, an 'unreasonable cost' is a contentious issue, and different individuals are bound to have different intuitions on this issue.¹⁵ For Wellman to have offered a cut-off point that would have provided actionable guidance concerning the issue of when one has done enough to live up to the demands of morality, he should have been more careful in explicating what the necessary conditions are for a duty of beneficence to kick in.

This is further underscored by the fact that Wellman is not consistent when it comes to explaining what the second of the two necessary conditions are for a positive duty of beneficence to kick in. On one occasion, he writes that it is a necessary condition that the person being assisted is in *peril* (235). On another occasion, the condition of being in peril has been replaced with a condition of being in *dire need*: '... one is required to assist others only when they are in dire need and one can help them at no unreasonable cost to oneself' (216).

Let us now, on Wellman's behalf, set a new cut-off point which does not suffer from the conceptual vagueness of Wellman's cut-off point. This new cut-off point is conceptually less vague and more actionable than the one offered by Wellman.

Everyone must, each year, be prepared on 12 occasions to save another person from death or serious bodily damage if this can be done, on each occasion, in two hours or less.¹⁶

Such a duty of beneficence would leave plenty of time for people to spend time with their families and friends and nurture their intellectual, artistic, cultural or athletic interests. It also has the benefit of allowing Wellman, on certain assumptions, to stay committed to his view/intuition that Antonio has a moral obligation to help Bathsheba out of Pleasantville.¹⁷ However, if Wellman accepts this cut-off point, he faces the same problem as Singer and Unger do. To see why consider the following thought experiment:

2.7. *Mary the midwife*

Mary tries to do what morality demands of her. Previously, she worked as a midwife at a U.S. hospital but took a job with a development NGO to go to Sierra Leone to work in a rural maternity clinic for three months at the beginning of the year. She worked six days a week at the clinic and was the only individual there with any kind of advanced medical training. On numerous occasions, she tended to complicated births and saved many mothers/babies from peril. On Sundays, she relaxed and recuperated in her hut not far from the clinic. On more than 12 occasions, she was called to the clinic on Sundays to help with a complicated birth in which either the mother or the baby was in peril. On all of these occasions (on Mary's days off), Mary helped out and did so in less than two hours. After her three months in Sierra Leone, Mary flew to South Africa to spend a month at a spa resort. Arriving back in the U.S. in June, Mary is fully rested, both mentally and physically. On her way from the airport to her home, Mary finds herself in a scenario just like Wellman's Hitchhiker. Mary decides to leave Bathsheba in Pleasantville.

What should one think of Mary? It seems that one should think of her as we thought of Julia and George in the previous thought experiments. In particular, one cannot blame Mary for having done something morally wrong if one accepts the cut-off point we constructed on Wellman's behalf. If there is such a cut-off point, and Mary has already reached it, she is saddled with no further positive duty of beneficence to save Bathsheba. Again, if Wellman accepts that Mary has done nothing morally wrong in driving out of Pleasantville without Bathsheba, then it is difficult to see how his overall position, which involves acceptance of (1), (2) and (3), amounts to a position that has implications that are significantly less counterintuitive than the (alleged) counterintuitive implications of the minimalist position.¹⁸

Let us consider two additional cut-off points that a proponent might suggest. First, one could argue that our positive duties disappear at the point where more assistance will make the individual who assists worse off than the individual who is assisted.¹⁹ Given the empirical realities of the world as it is, this is an extremely demanding cut-off point. It is so demanding that anyone who defends it is unlikely to accept (2). After all, if one thinks that rich individuals ought to be giving their resources away to poverty relief up until this point, one is unlikely to accept that a moral theory/moral ideal is implausible because it is too demanding. Now, if a proponent proposes this cut-off point and does not accept (2), then she is not within the scope of our argument which only has force against proponents who accept (2) and (3).

Second, one could argue that the cut-off point is constituted by that amount of money/resources that would be sufficient to eradicate global poverty if each rich individual did her share and contributed with the required money/resources.²⁰ So, for example,

assume that it would take x to eradicate global poverty and that there were 10 rich individuals. The suggestion would then be that each of the 10 individuals should be giving away to charity $1/10$ of x . Having done that, each individual would then have reached the appropriate cut-off point and would be morally entitled to keep whatever money/resources she has left. However, this suggestion is not one, were it to be part of the theoretical package offered by a proponent who accepts (2) and (3), that immunises such a proponent from our criticism. Presented with such an overall theoretical package, our reply would consist in replaying our Thirsty Child thought experiment with the small twist that Julia has met this new cut-off point. Faced with this thought experiment, the proponent in question has to accept that Julia is not morally blameworthy for leaving the mother and the dehydrated child at the gas station. Our comment to this is by now familiar: we find it difficult to see how such an overall position, which involves acceptance of (1), (2) and (3), amounts to a position that has implications that are significantly less counterintuitive than the (alleged) counterintuitive implications of the minimalist position.

We end this section by considering an objection to our view that the position of the proponent who accepts (2) and (3) is not significantly less counterintuitive than the minimalist position. We name this the 'At-Least-You-Have-to-Do-Something Objection'. A proponent who accepts (2) and (3) might object that her position is significantly less counterintuitive than the minimalist position. The reason for this is that on the proponent's view, an individual at least has to perform *some* positive duties of beneficence before that individual is entitled to cease aiding. We find this objection unconvincing. An obvious question to ask any proponent who avails herself of the At-Least-You-Have-to-Do-Something Objection is: 'Where is the cut-off point at which you are entitled to cease aiding?' The proponent can now go one of three ways. First, she can set the cut-off point low. A clear motivation for this is to avoid running afoul of (2). The higher the proponent sets the cut-off point, the more demanding morality becomes, and the proponent sees the overdemandingness objection as a serious challenge for anyone who accepts (1). Therefore, there is a pull to set it relatively low. However, the lower the proponent sets the cut-off point, the more her position resembles the minimalist one, and she wants to distance herself from exactly that position: She accepts (1) while the minimalist rejects this proposition. Second, she can set the cut-off point high. A clear motivation for this is to distance herself from the minimalists. However, the higher she sets the cut-off point, the more vulnerable she becomes to the overdemandingness objection, and in virtue of accepting (2), she accepts that this objection is a serious challenge for anyone who accepts (1). Third, she can set the cut-off point somewhere in the middle. A clear motivation for this is to avoid the problems associated with the two previous solutions. However, if the proponent gives this reply, then her position implies that she agrees with the minimalists that there are cases where an individual does not have to perform a positive duty of beneficence even though she is uniquely positioned to do this and she can do so at close to no cost to herself.

We recognise that a proponent who accepts (2) and (3) and gives any of the three replies to our question can say that her position, in contrast to the minimalist one, implies that an individual at least has to perform *some* positive duties of beneficence before she finds herself in a situation where such duties no longer exist. On her position, an individual at least has to do *something*. However, we fail to see why such a position is significantly less counterintuitive than the minimalist position. We contend that if you

think that the minimalist position is implausible because it allows Julia in Thirsty Child to drive off without saving the dying child, then a proponent who accepts (2) and (3) does not end up with a position that is significantly less counterintuitive than the minimalist position.

3. Similarity and generalizability

The original thought experiments provided by the proponents in section 2, and our thought-experiments where the cut-off points have been reached, are identical in all morally relevant respects from the *victim* side. In both the original thought experiments and ours, the victims would either die or suffer immensely if they did not receive help. The original thought experiments and our thought experiments are also identical in all morally relevant respects from the *agent* side at the moment where the opportunity to aid someone in dire need presents itself. To see this, consider the important fact that in both the original thought experiments and ours, the relevant agent did not cause any of the victim's suffering, and the agent had no contractual obligation to help the victim. Moreover, all the agents could rescue the victims at little cost to themselves and each of these rescues would respectively do a lot of good for the victims. Each rescue would either save a life or protect someone from serious bodily damage.

Proponents might object that there is a morally relevant difference between the original thought experiments and ours. The morally relevant difference is that the *past* of the agents in question is non-identical. Let us illustrate this point by considering Julia as an exemplar. Julia's history is different from her counterpart in Drowning Child. Julia's past involves significant efforts to aid the poor, whereas the past of her counterpart does not (as far as we know), and it is this difference that explains why Julia does *not* have a duty to rescue, while her counterpart does have such a duty.

However, pointing to this difference in respective pasts between Julia and her counterpart does not discredit our argument. Here is why. It is difficult to see how Julia's past can diminish her duty to save the dehydrated child, given that Julia is (a) uniquely positioned to save a human life and (b) can do so at close to no cost to herself. Features (a) and (b) of Julia's situation are those, and only those, features that Singer uses to pump the intuition that Julia's counterpart in Drowning Child *is* saddled with a positive duty to rescue. The same goes for Vintage Sedan and Hitchhiker. In Vintage Sedan, Unger uses (a) and (b), and only (a) and (b), to pump the intuition that the driver of the vintage Mercedes has a duty to rescue the wounded man. Likewise, in Hitchhiker, Wellman uses (a) and (b), and only (a) and (b), to pump the intuition that Antonio has a duty to take Bathsheba to safety.

In Drowning Child, Singer says nothing about what the man on his way to work has done in the past. In Vintage Sedan, Unger says nothing about what the owner of the vintage Mercedes has done in the past. And, in Hitchhiker, Wellman says nothing about what Antonio has done in the past. Nevertheless, they all take these examples that crucially involve features (a) and (b) to showcase that the relevant agents *have* a duty to rescue. Now, given that the proponents are committed to the view that the past of the agent matters (setting cut-off points just is to commit oneself to the view that the history of the agent matters), it is odd that the original thought experiments are silent on the issue of what the relevant agents have done in the past.²¹

Even though we have only discussed a limited number of thought experiments and cut-off points, it is unlikely that proponents who accept (2) and (3) can make the structural problem we have identified disappear by either lowering or raising the cut-off point, changing the currency, insisting that the cut-off point is vague, or constructing new thought experiments. It should be observed that in our discussion of cut-off points, we have formulated the cut-off points in absolute numbers. Now, one might think that one can plausibly respond to our argument by suggesting that the proponents can formulate their cut-off points in terms of percentage (of income or time). So, instead of suggesting that one has to donate x amount of money/amount of time of one's income/time to poverty alleviation, one could suggest that one should donate x percentage of one's money/time to poverty alleviation. However, this move does not constitute a plausible reply to our argument. It will still be possible to construct thought experiments in which an individual has reached the required cut-off point (formulated in terms of percentage of one's income/time) and is in a situation in which features (a) and (b) apply. Such thought experiments will lead to the conclusion that proponents who accept (2) and (3) are committed to accepting that there are situations in which a positive duty to beneficence is non-existent even though an agent is uniquely placed to save a human life or protect someone from serious bodily damage, at little cost to herself. Being committed to this should be theoretically disturbing for proponents who accept (2) and (3). It should by now be clear that the argument we defend in this article is *not* one that seeks to show that proponents are doing something problematical in virtue of setting cut-off points at what seems to be arbitrary places. The argument is that it is problematic to be committed to (1), (2) and (3) (no matter where the cut-off point is placed). This set of views is simply a bad theoretical cocktail.

4. Conclusion

In this article, we have argued that anyone who accepts (1), (2) and (3) is committed to a problematic position. In essence, the problem is that a proponent who accepts (2) and (3) is committed to the view that in situation S , agent A has a positive duty to assist whereas in situation S_1 , which is identical to situation S in all morally relevant aspects, she has no such duty. Given this, it is difficult to see how a position that involves a commitment to (1), (2), and (3) amounts to a position that has implications that are significantly less counter-intuitive than the (alleged) counterintuitive implications of the minimalist position.

Notes

1. In this article, we use the terms 'duty of beneficence', 'duty to help' and 'duty to aid' interchangeably.
2. See (Brandt 1979).
3. As of 2015, 10 percent of the world's population lived on less than US\$1.90 a day. See: <https://www.worldbank.org/en/topic/poverty/overview> (accessed October 7, 2020). In comparison, the richest 3% of people in the world hold 20% of the total collective household income, according to data gathered by Gallup from 2006 to 2012 (Gallup 2014). The Against Malaria Foundation (AMF) provides funding for long-lasting insecticide-treated net (LLIN) distributions (for protection against malaria) in developing countries. There is strong evidence that distributing LLINs reduces child mortality and malaria cases. The cost to purchase and

- distribute an AMF-funded net is US\$4.53 or US\$4.29 excluding in-kind contributions from governments. See: <https://www.givewell.org/charities/amf> (accessed October 7, 2020).
4. See e.g. Singer (2009).
 5. We take this to be textual evidence that Unger implicitly accepts (2). After all, on the assumption that Unger accepts (2), it is easy to see why rich individuals should feel fortunate about the fact that there are limits to how demanding morality is. They should feel fortunate about this fact because it diminishes the plausibility of a moral theory/moral idea if this theory/idea is so demanding that it requires that rich individuals literally have to give up our lives or body parts to lessen others' serious suffering.
 6. It is clear from Miller's text that the 'more moderate principle of general beneficence' is a principle grounded in a positive, as opposed to a negative, duty to assist others. Miller discusses Singer's 'radical conclusion'. This is the conclusion that everyone has a duty to give up all luxuries and frills and donate the savings to help those in dire need (unless the purchase of a luxury or frill is part of a strategy that makes him or her more effective in relieving dire need). According to Miller 'People find this argument frightening, and rightly so' (Miller 2012, 42).
 7. An anonymous reviewer maintains that the global justice literature has an almost exclusive emphasis on duties. We agree. Note, for example, how the Kant-Ross Principle focuses exclusively on duties. However, it would require a separate article to decide whether this feature of the literature is problematic.
 8. In the final section of the article, we defend in detail our view that these situations are identical in all morally relevant respects.
 9. See Sonderholm (2013) for a detailed discussion of Singer's proposal. Singer says explicitly that people who donate according to the scheme are fulfilling their moral obligations (Singer 2009, 152).
 10. Recall the following quote:

So you must keep cutting back on unnecessary spending, and donating what you save, until you have reduced yourself to the point where if you give any more, you will be sacrificing something nearly as important as a child's life ... (Singer 2009, 18)
 11. Again, this interpretation might not give a correct depiction of what Singer really thinks. Is it a problem for us if this interpretation gives an incorrect depiction of Singer's real views? No. Singer's published ideas about how an income bracket scheme sets limits for how much rich individuals ought to donate to the fight against global poverty can just be seen as a paradigm example of a position that involves acceptance of (1), (2) and (3).
 12. We take no stance on whether physical distance to someone in dire need, that one can assist with no significant cost to oneself, is itself a morally relevant factor. However, we note that proponents commonly assume that physical distance to an individual in dire need is *not* a morally relevant factor. See, e.g. Singer 1972, 231–232: 'For the principle takes, firstly, no account of proximity or distance. It makes no moral difference whether the person I can help is a neighbor's child ten yards from me or a Bengali whose name I shall never know, ten thousand miles away'. Two things should be noted: First, our argument makes no assumptions about the moral relevance of distance that the proponents do not already make themselves. Second, if distance is a morally relevant factor, then an essential assumption of Singer's (and other proponents') argument about the extensive duties of affluent individuals towards the global poor is false.
 13. Keep in mind the Unger quote in the Introduction (Unger 1996, 134).
 14. US\$5200 is the inflation-adjusted 2020 amount that equals the US\$3000 mentioned in Unger's 1996 book. Inflation calculation is done via: <https://www.officialdata.org/> (accessed October 7, 2020).
 15. Just consider how different intuitions individuals even *within* the proponent camp have on this issue. Compare, for example, Richard Miller and Peter Singer's widely differing intuitions on what constitutes 'an unreasonable cost' when it comes to aiding the poor. See Miller quote in footnote number 7. Here Miller describes Singer's view on this as 'frightening'.

16. Of course, Wellman can reject this cut-off point and say that it is not one that he is prepared to accept. Our reply to this is to accept this response, but then immediately ask Wellman what his cut-off point then is. The one he initially offered in the article will not do, and if he does not offer another cut-off point, then he is in the theoretically dissatisfying situation of being a proponent who accepts (2) but offers no reply to the challenge embedded in (2).
17. These assumptions are that Antonio has not on 12 previous occasions, in the calendar year in question, saved other people from death or serious bodily damage and that Antonio can help Bathsheba in two hours or less.
18. It is worth keeping in mind that other thought experiments (involving, for example, doctors and nurses) can be constructed along the lines of the one involving Mary the Midwife.
19. This cut-off point has many affinities with one suggested by Singer (1972, 241).
20. This cut-off point has many affinities with the one entailed by Murphy's 'Cooperative Principle' (1993, 280).
21. It is an important feature of our thought experiments that a significant amount of time has passed between the time where the cut-off point has been reached, and the time at which the agent finds herself in a situation in which (a) and (b) apply. We have set up our thought experiments in this way because we want our thought experiments to resemble the original thought experiments. In all of the original thought experiments, the relevant agents are – for all we know – physically and mentally rested. They are not fatigued in any of these two respects. Now, one may have the intuition that, surely, the relevant agents in our thought experiments (Julia, George or Mary) have not reached an appropriate cut-off point. They ought to do more! After all, it is explicitly stipulated that they are mentally and physically rested, and have monetary resources at their disposal. However, it is also explicitly stipulated that they have already reached the cut-off point set by the proponents themselves. And, importantly, the entire point of having cut-off points is to carve out space for pursuing activities that are unrelated to assisting needy individuals. The very *raison d'être* of cut-off points is to make time and space for such important human activities. If the reader is still left with the intuition that the relevant agent in our thought experiments should help, and therefore has not reached an appropriate cut-off point, we invite the reader to explicate what the correct cut-off point is, and then to imagine a scenario in which the relevant agent has reached *that* cut-off point, and now faces the situation described in our thought experiments.

Acknowledgements

We would like to thank the following: Two anonymous reviewers, the editors Christine Koggel and Eric Palmer from the *Journal of Global Ethics*, Jens Damgaard Thaysen, Kim Angell, Rasmus Uhrenfeldt, Andreas Albertsen, Jason Brennan, Robert Huseby, as well as audiences at Nanyang Technical University (Singapore), Freie University (Berlin) and Aarhus University.

Disclosure statement

No potential conflict of interest was reported by the authors.

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