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Must One Be an Ogre to Rationally Prefer Aiding the Nearby to the Distant Needy?

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Abstract. Caspar Hare [“Rationality and the Distant Needy,” *Philosophy & Public Affairs* 35 (2007): 161–78] has offered two distinct, but related, arguments whose purpose is to show that anyone in a position to help someone in great need at little personal cost who is minimally decent must violate one or more of the conditions that characterize a rational preference if he conditions assistance on the beneficiary being nearby. In this paper, it is shown that Hare’s arguments for this conclusion have limited scope; they are only valid if the nearby and distant needy are the same person. Therefore, he has not established his conclusion for the more morally problematic case in which they are different. Moreover, even if the two beneficiaries are the same person, Hare’s arguments only apply in very special circumstances or if distance is interpreted temporally.

This paper is based on my Presidential Address to the Society for Social Choice and Welfare. It has also been presented at the Symposium in Honor of Bengt Hansson at Lund University, the Philosophy Department of the University of Bristol, and the Social and Political Thought Workshop at Vanderbilt University. I have benefitted from the lively discussions at each of these events. I am particularly grateful to Scott Aikin, Nicole Hassoun, Jamie Small, Robert Talisse, and Jeffrey Tlumak for their comments.

I. INTRODUCTION

Caspar Hare has offered two distinct, but related, arguments whose purpose is to show that anyone in a position to help someone in great need at little personal cost who is minimally decent must violate one or more of the conditions that characterize a rational preference if he conditions assistance on the beneficiary being nearby.¹ In this paper, it is shown that Hare's arguments for this conclusion have limited scope; they are only valid if the nearby and distant needy are the same person. Therefore, he has not established his conclusion for the more morally problematic case in which they are different. Moreover, even if the two beneficiaries are the same person, Hare's arguments only apply in very special circumstances or if distance is interpreted temporally.

Quandry ethics is concerned with identifying rational grounds for deciding what one should do when faced with a moral dilemma.² *Rescue situations* in which it is possible for someone to prevent something bad from happening to someone else by making a sacrifice are prototypical examples of moral quandries. Rescue situations can differ in a number of ways: (i) the extent of the harm incurred in the absence of a rescue, (ii) the cost of providing the assistance, (iii) the proximity of the beneficiary and the rescuer, (iv) the urgency of the situation, (v) whether other individuals or agencies are in a position to help, (vi) whether the need for assistance is a one time event or recurring, (vii) the psychological salience of the situation to the rescuer, and so on.³

Peter Singer has famously argued that moral obligations in rescue situations can be determined by applying the following principle.

The Demanding Sacrifice Principle: If it is in our power to prevent something bad from happening, without thereby sacrificing

¹Hare's arguments were first presented in Caspar Hare, "Rationality and the Distant Needy," *Philosophy & Public Affairs* 35 (2007): 161–78. See also his *The Limits of Kindness* (Oxford: Oxford University Press, 2013), chap. 12.

²This terminology is due to Edmund Pincoffs, "Quandry Ethics," *Mind* 80 (1971): 552–71. See also Kwame Anthony Appiah, *Experiments in Ethics* (Cambridge, Mass.: Harvard University Press, 2008), pp. 193–8.

³For discussions of the ways in which rescue situations can differ, see Peter Unger, *Living High and Letting Die: Our Illusion of Innocence* (New York: Oxford University Press, 1996), chap. 2; Gillian Brock and Nicole Hassoun, "Distance, Moral Relevance of," in *The International Encyclopedia of Ethics*, ed. Hugh LaFollette (Chichester, UK: Wiley-Blackwell, 2013): 1418–26; and Hare, *The Limits of Kindness*, chap. 12.

anything of comparable moral importance, we ought, morally, to do it.⁴

As Singer has demonstrated, this principle has strong implications about what kinds of sacrifices a prosperous individual should make. In particular, if it is possible for an individual to save someone from death or starvation without making a substantial sacrifice (e.g., in terms of money or risk of injury), then according to Singer's principle he is morally obligated to do so. Moreover, only the harm to the beneficiary in the absence of the assistance and the cost to the rescuer of providing the assistance are relevant for determining that there is such an obligation; the other ways in which rescue situations may differ are morally irrelevant. Let me call the morally non-relevant features of a rescue situation according to the Demanding Sacrifice Principle the *contextual features*.

There is a large literature that examines the validity of Singer's Demanding Sacrifice Principle.⁵ Many critics argue that it is too demanding and instead subscribe to less onerous rescue principles. The one considered by Hare is the following.

The Undemanding Sacrifice Principle: If I can save someone nearby from severe harm at the cost of a moderate sacrifice to myself, I am the only person or agency in a position to aid the needy person, and this situation is an isolated event, then I am obligated to help this person. However, I am not obligated to provide such aid if the needy person is distant, can be helped by others, is only one of many such individuals who need such assistance now or in the future, etc.⁶

⁴See Peter Singer, "Famine, Affluence, and Morality," *Philosophy & Public Affairs* 1 (1972): 229–43. Singer's principle is stated on page 162.

⁵Many of the issues raised in this literature may be found in the essays in *Singer and His Critics*, ed. Dale Jamieson (Oxford: Blackwell, 1999) and *The Ethics of Assistance: Morality and the Distant Needy*, ed. Deen K. Chatterjee (Cambridge: Cambridge University Press, 2004).

⁶This formulation of the Undemanding Sacrifice Principle is based on Hare, "Rationality and the Distant Needy," pp. 161–2. There are a number of other proposals for identifying limits to assistance that fall short of what is required by the Demanding Sacrifice Principle. For a critical analysis of five of them, see Jon Sonderholm, "World Poverty, Positive Duties, and the Overdemanding Objection," *Politics, Philosophy & Economics*, 12 (2013): 308–327.

Nevertheless, Singer has his defenders, of whom Peter Unger is the most prominent. Unger offers support for the Demanding Sacrifice Principle by considering pairs of examples that apparently only differ in contextual features, arguing that either in some initially nonobvious way there is in fact no difference in any contextual feature or that the differences are morally insignificant according to our “basic moral values”.⁷

If two rescue situations differ in only one contextual feature, we have what Frances Kamm calls an *equalized case*. But as Kamm notes using distance as an illustrative contextual feature:

We cannot conclude that distance is *never* morally relevant by showing that one time or even sometimes it makes no difference to the strength of a duty in equalized cases. . . . By contrast, we can show that distance *is* morally relevant by showing that it matters—even one time—even if it does not always make a difference.⁸

In other words, in order to demonstrate that a contextual feature is morally irrelevant, it is insufficient to identify some equalized cases in which it is irrelevant—the approach employed by Unger—because the strength of the duty attributed to a contextual feature, if any, may depend on the precise way in which this feature differs in the equalized case at issue.

Hare has mounted a serious challenge to anyone who believes that duties of assistance are limited to those required by the Undemanding Sacrifice Principle by appealing to the moral decency and rationality of the potential rescuer. Hare contends that someone who conditions assistance on a non-contextual feature in a rescue situation that involves making a moderate sacrifice for someone in great need either is not minimally decent—he is an *ogre*—or he has an irrational preference, neither of which are attractive options. For Hare, an individual is *minimally decent* if he willingly conforms in all respects to the demands of morality.⁹ Hare, like Singer, develops his arguments using distance as the contextual feature of interest. While in his examples, Hare interprets distance literally in terms of the physical proximity

⁷Unger, *Living High and Letting Die*, chap. 2.

⁸The quotation is from pp. 62–3 of F.M. Kamm, “The New Problem of Distance in Morality,” in Chatterjee, *The Ethics of Assistance*, pp. 59–74.

⁹Hare elaborates on the requirements for an individual to be minimally decent in “Rationality and the Distant Needy,” pp. 171–2.

of the rescuer and the person in need, one can instead interpret distance in terms of social proximity, with a member of one's family or community regarded as being closer than a distant stranger.

In the first of the two arguments that he offers in support of his proposition, Hare contends that the conundrum that he has identified follows from a general result about individual preferences which shows that there is an incompatibility between rationality, dominance, and context-dependence principles when outcomes are multidimensional provided that certain structural features are satisfied. In this result, the outcome in each dimension is a good, so more of it is preferred to less. The *rationality* principle appealed to here is that an individual's preferences should not exhibit a preference cycle.¹⁰ The *dominance* principle regards one alternative as being strictly better than a second if with the former there is more good in some dimension and no less in any other. Applied to a rescue situation, this principle requires an individual to be *minimally benevolent* in the sense that he prefers to make someone else better off if there is no harm to himself or anybody else.¹¹ Being minimally benevolent is one of the demands of being a minimally decent individual, as is the willingness to make a small sacrifice for a needy nearby stranger. The *context-dependence* principle permits the use of contextual features when ranking alternatives. Hare's context-dependence principle for rescue situations is the Undemanding Sacrifice Principle.

Hare's second argument is more direct and is developed using a rescue situation in which the proximity of the needy person is not initially known. This argument makes use of an additional rationality condition which requires that the rescuer's preference between two possible alternatives should not change if he learns that some other alternatives that had been thought to be possible are not actually possible.

Hare, in effect, argues that a potential rescuer who is both minimally decent and rational must be a *consequentialist*—someone who judges the relative goodness of acts or states or affairs solely in terms of their consequences. For Hare, the relevant consequences are individual utilities, with

¹⁰Unger, *Living High and Letting Die*, pp. 20–1, dismisses the claim that morality requires the backing of rationality, but he does not explicitly say what he means by “rationality”. It appears that he is concerned with an instrumental conception of rationality in which an action is rational if it is an appropriate way to achieve given ends, which is not the sense of this term used by Hare.

¹¹This formulation of minimal benevolence follows Hare, “Rationality and the Distant Needy,” p. 168.

utility understood as being a quantitative measure of well-being. Thus, Hare subscribes to *welfarism*, which is the version of consequentialism in which the consequences are individual utilities.¹² Minimal benevolence is then a dominance condition that regards one alternative as being strictly better than a second if with the former somebody has more utility and nobody has less. My critique shows that Hare's arguments do not, in fact, undermine taking account of non-welfarist information, such as the contextual features of a rescue situation, when determining a potential rescuer's moral obligations. As a consequence, Hare has failed to counter the skeptic who believes that non-contextual features, such as distance, may sometimes be morally relevant in rescue situations, particularly when the identity of the person in need depends on his proximity to the potential rescuer.

II. HARE'S THEOREM

Hare's first argument begins by establishing a general result, what I call *Hare's Theorem*, from which the conflict between minimal decency, rationality of the rescuer's preferences, and the Undemanding Sacrifice Principle are purported to follow. Hare's general result is valid and I begin by describing it.¹³

An individual has preferences that rank pairs of entities. Depending on the application, these entities could be, for example, actions, world histories, or social alternatives. Associated with each entity is a list of n numbers ordered in a particular way, with each number specifying the value of one of the entity's consequences. In the rescue application, these consequences are the utilities of the relevant individuals. Such a list may be written as a vector $x = (x_1, x_2, \dots, x_n)$, where x_1 is the value of the first consequence, x_2 is the value of the second consequence, etc.¹⁴ Here, it is supposed that the consequences are goods and that more of any good is better than less.

¹²For a critique of welfarism, see Amartya Sen, "Utilitarianism and Welfarism," *Journal of Philosophy* 76 (1979), 463–89.

¹³There is a rather large literature that has identified conflicts between rationality, dominance, and context-dependence principles. For synthetic accounts of these results, see Prasanta K. Pattanaik and Yongsheng Xu, "On Dominance and Context-Dependence in Decisions Involving Multiple Attributes," *Economics and Philosophy* 28 (2012): 117–32 and John A. Weymark, "Conundrums for Nonconsequentialists," Working Paper No. VUECON-13-00010, Department of Economics, Vanderbilt University, 2013.

¹⁴To say that a list of numbers x is a *vector* indicates that the order in which the numbers appear in the list matters.

The preference that ranks entities is *acyclic* if there are no strict preference cycles. For example, if E_1 is strictly preferred to E_2 and E_2 is strictly preferred to E_3 , then acyclicity requires that it is not the case that E_3 is strictly preferred to E_1 . Thus, either (i) E_1 is strictly preferred to E_3 , (ii) they are indifferent to each other, or (iii) they are noncomparable. A preference that is cyclic (i.e., not acyclic) does not satisfy even a minimal conception of rationality.

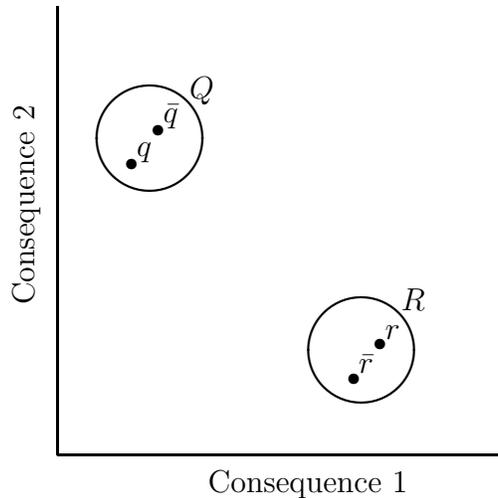
Suppose that entity E_1 has more of every consequence than entity E_2 . *Dominance* then requires that E_1 is strictly preferred to E_2 .

Dominance: If one entity has more of every consequence than a second, then the former is strictly preferred to the latter.

The next condition allows for nonconsequentialist information to play a role in ranking entities. The statement of this condition makes use of an assumption about the structure of the problem that I shall call *Property α* .

Property α : There are two regions Q and R in the space of consequence vectors that are achievable with the entities being ranked with the property that for any vector of consequences q in Q , there is no vector of consequences r in R with the property that q has at least as much of every consequence as r and vice versa.

Property α is illustrated in Figure 1 for the case in which there are two consequences associated with each entity. In this figure, the quantity of the first consequence is measured on the horizontal axis and that of the second is measured on the vertical axis. Hence, moving to the right increases the value of the first consequence, whereas moving up increases the second. The regions Q and R described in Property α are the areas enclosed by the two circles in the figure. The consequence vector $q = (q_1, q_2)$ lies in Q and the consequence vector $r = (r_1, r_2)$ lies in R . Because $q_1 < r_1$ and $q_2 > r_2$, q has less of the first consequence and more of the second than r . For example, if $q = (1, 3)$ and $r = (4, 2)$, then the entity with consequence vector q has one unit of the first consequence and three units of the second, whereas the entity with consequence vector r has four units of the first consequence and two units of the second, so the former is better according to the second criterion, but worse according to the first. In the kinds of rescue situations to which Hare's Theorem is meant to apply, the consequences are the utilities

Figure 1: Illustration of Properties α and β

of the potential rescuer and the needy beneficiary. As we shall see in the next section, Property α is satisfied if the former provides the latter with a cash transfer above some positive threshold.

When Property α is satisfied, no consequence vector from one of the two regions has more of every consequence than any consequence vector in the other. If this were not the case, then Dominance would apply across regions in some cases. For example, if a in region Q had more of every consequence than b in region R , then Dominance would imply that any entity whose consequences are a is strictly preferred to any entity whose consequences are b . So, Property α ensures that there are entities that cannot be ranked using Dominance.

Now consider two entities, one of which has a consequence vector in region Q and one of which has a consequence vector in region R . Dominance does not apply, so their ranking must be determined by other considerations. *Variable Trade-Offs* says that nonconsequentialist information is used to provide the ranking in such circumstances.

Variable Trade-Offs: Property α is satisfied and there is a non-consequentialist *Condition X* such that for any entity E_1 with consequence vector in region Q and any entity E_2 with conse-

quence vector in region R , (i) E_1 is strictly preferred to E_2 if Condition X is satisfied by both of these entities and (ii) E_2 is strictly preferred to E_1 if neither of these entities satisfy Condition X .¹⁵

For the entities E_1 and E_2 described in the statement of *Variable Trade-Offs*, E_1 is better than E_2 in at least one dimension, but worse in at least one other dimension. It is therefore necessary to determine how to trade off the values in the different dimensions in order to make an overall judgment. Variable Trade-Offs says that this trade-off is determined by some nonconsequentialist features of the entities being compared. For example, in a rescue situation, Condition X may say that the beneficiary is nearby. Variable Trade-Offs would then require E_1 to be strictly preferred to E_2 if the beneficiary is nearby in both entities, but require the reverse preference if he is not nearby in either of them. In other words, contextual features matter, at least in the circumstances in which Variable Trade-Offs applies.

Hare requires the two regions Q and R described in Property α to satisfy an additional structural property; they must be n -dimensional. This is not an innocuous assumption, so I state it separately and call it *Property β* .

Property β : The regions Q and R described in Property α are n -dimensional.

Property β amounts to saying that regions Q and R have interiors.¹⁶ This rather technical condition has an important implication that is more intuitive, and it is only this implication that matters for Hare's argument: For a vector of consequences in the interior of either of the two regions, it is possible to find an entity with more of every consequence and one with less of every consequence. For example, in Figure 1, for an entity with consequence vector q , there is another entity with consequence vector \bar{q} which has more of every consequence. Moreover, for an entity with consequence vector r , there is another entity with consequence vector \bar{r} which has less of every consequence. Thus, Property β ensures that for each of the two regions, there are entities for which Dominance does apply.

¹⁵Variable Trade-Offs places no restriction of the ranking of E_1 and E_2 if one of them satisfies Condition X but the other does not.

¹⁶A point x is in the *interior* of a set S if all points arbitrarily close to x are also in S . A line in the plane has no interior because any point in the line has points arbitrarily close to it that are not contained in the line.

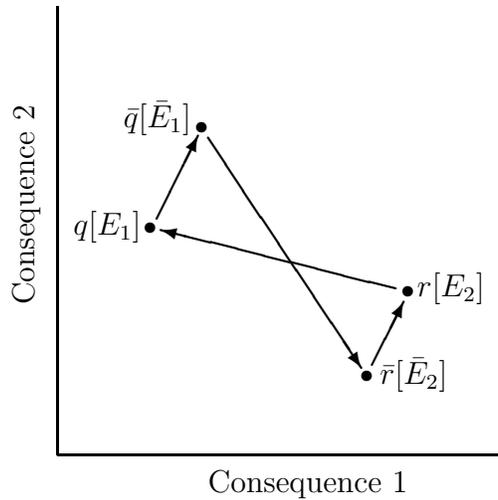


Figure 2: A Preference Cycle

What Hare has established is the following theorem.

Hare's Theorem: If Properties α and β are satisfied, then a preference that satisfies Variable Trade-Offs cannot be both acyclic and satisfy Dominance.¹⁷

The proof of this theorem is quite simple. An analysis of it will play a role in my critique of the inferences Hare has made about the moral relevance of distance in rescue situations from his theorem.

By Properties α and β , there exists an entity E_1 whose consequence vector q is in the interior of region Q and an entity E_2 whose consequence vector is in the interior of region R . Moreover, there is also an entity \bar{E}_1 which has a consequence vector \bar{q} in region Q with more of every consequence than q and there is an entity \bar{E}_2 which has a consequence vector \bar{r} in region R with less of every consequence than r . The relative positions of these four consequence vectors are illustrated in Figure 2. In this figure, beside each consequence

¹⁷This is a somewhat more precise statement of what Hare has shown in sec. I of “Rationality and the Distant Needy” and in chap. 12 of his *The Limits of Kindness* than what he has provided. For a more formal statement of Hare’s Theorem, see Weymark, “Condundrums for Nonconsequentialists.”

vector, the entity that generates it is shown in square brackets. It is further supposed that E_1 and E_2 satisfy Condition X , but \bar{E}_1 and \bar{E}_2 do not. By Variable Trade-Offs, E_1 is strictly preferred to E_2 because Condition X is satisfied. By Dominance, E_2 is strictly preferred to \bar{E}_2 because r has more of every consequence than \bar{r} . By Variable Trade-Offs, \bar{E}_2 is strictly preferred to \bar{E}_1 because Condition X is not satisfied. By Dominance, \bar{E}_1 is strictly preferred to E_1 because \bar{q} has more of every consequence than q . We thus have a strict preference cycle involving the four entities E_1 , E_2 , \bar{E}_2 , and \bar{E}_1 as indicated by the arrows in Figure 2 that point towards more preferred entities, violating acyclicity.

The only rationality condition used in my statement of Hare's Theorem is acyclicity. In Hare's own statement of his theorem, he regards a preference as being irrational if it is either irreflexive or if it is not transitive. A preference is *irreflexive* if there is nothing that is strictly preferred to itself. Irreflexivity follows from the very meaning of "strictly preferred to". *Transitivity* requires that if E_1 is weakly preferred to E_2 and E_2 is weakly preferred to E_3 , then E_1 is weakly preferred to E_3 , where "weakly preferred to" means "strictly preferred or indifferent to". It follows from transitivity that if E_1 is strictly preferred to E_2 and E_2 is strictly preferred to E_3 , then E_1 is also strictly preferred to E_3 .¹⁸ Hence, transitivity is a more demanding condition than acyclicity, so if a preference is not acyclic, then it is irrational according to Hare's criteria. As a consequence, my version of Hare's Theorem identifies a more fundamental conflict than Hare did himself.¹⁹ However, in order to substantiate my claim that taking account of distance in a rescue situation does not result in a conflict between rationality and minimal benevolence, I need to do so using Hare's more demanding rationality criteria, which require the full force of transitivity.

If we think of the consequences as being utilities in a rescue situation, then the dominance principle used in Hare's Theorem does not correspond to his informal statement of minimal benevolence, which is the dominance principle Hare employs for rescue situations. Minimal benevolence requires the rescuer to aid a needy beneficiary even if there is no cost or benefit to himself. However, Dominance only applies if everybody, including the rescuer, is made better off. Nevertheless, Hare's Theorem can be restated using the dominance

¹⁸See Lemma 1*a in Amartya K. Sen *Collective Choice and Social Welfare* (San Francisco: Holden-Day, 1970).

¹⁹In Hare's proof of his theorem, he in fact never uses irreflexivity or transitivity, only acyclicity.

concept underlying his formulation of minimal benevolence as follows.²⁰

Strong Dominance strengthens Dominance by requiring entity E_1 to be strictly preferred to E_2 if E_1 has strictly more of at least one consequence and no less of any consequence than entity E_2 .

Strong Dominance: If one entity has more of some consequence and no less of any consequence than a second, then the former is strictly preferred to the latter.

Because the antecedent in Strong Dominance is satisfied by the antecedent in Dominance, Strong Dominance implies Dominance. Hence, Hare's Theorem also holds with Strong Dominance substituting for Dominance.

Corollary to Hare's Theorem: If Properties α and β are satisfied, then a preference that satisfies Variable Trade-Offs cannot be both acyclic and satisfy Strong Dominance.

While, for the reason given above, this result is an immediate implication of Hare's Theorem, it is also possible to prove it directly. The proof is the same as the proof of Hare's Theorem except that the consequence vectors \bar{q} and r only need to be larger than q and \bar{r} , respectively, in one or more dimensions without being smaller in any other dimension. This may not be possible if Property β is not satisfied. As I shall argue, in the kinds of rescue situations considered by Hare, it is not natural to assume that it is.

III. THE MODERATELY PROSPEROUS PERSON AND THE DESPERATELY NEEDY STRANGER

Hare's application of his theorem to rescue situations supposes that there are two individuals, the first of whom is moderately prosperous and the second of whom is a desperately needy stranger.²¹ For concreteness, let me assume that the sacrifice needed to aid the needy stranger is monetary. In particular, I assume that moderately prosperous person 1 considers providing needy person 2 with a small amount of money that exceeds some threshold ω_1 but does not exceed some larger amount ω_2 which is much smaller than person

²⁰The dominance principle used in chap. 12 of Hare's *The Limits of Kindness* incorporates Strong Dominance.

²¹See Hare, "Rationality and the Distant Needy," pp. 167–8.

1's wealth. Any assistance below the threshold ω_1 provides no benefit to the recipient. By requiring that the upper bound on the amount of assistance ω_2 be much smaller than person 1's wealth, it is being supposed that the moderately prosperous individual is considering making a *small* monetary sacrifice to aid the needy stranger. Further suppose that any such sacrifice on the part of person 1 only reduces his utility by a small amount, but greatly increases that of the needy stranger.

With these alternative actions (or entities, to use the terminology in Hare's Theorem), Property α is satisfied. Consequence vectors are now vectors of utilities with two components, one for each of the two individuals. Region R consists of a single vector of utilities, the utilities obtained by the two individuals if the potential rescuer does not provide any aid. Region Q consists of all the utility vectors that can be obtained by person 1 providing person 2 with an amount of monetary assistance in an amount somewhere between ω_1 and ω_2 . The more aid that is provided, the better off the needy stranger is, and the worse off is the rescuer. No vector of the two peoples' utilities in region Q dominates the single utility vector in region R for both individuals and, hence, Property α is satisfied.

The preferences used in Hare's Theorem are interpreted as being the preferences of the moderately prosperous individual. These preferences satisfy Dominance if one action is preferred to a second when the former results in more utility for both people than the latter. Similarly, they satisfy Strong Dominance if one action is preferred to a second when both people have at least as much utility with the first action and at least one of them has strictly more.

The stranger can be nearby or distant. Thus, if Condition X in the statement of Variable Trade-Offs is interpreted as meaning "the needy stranger is nearby", Variable Trade-Offs amounts to saying that if the needy stranger is nearby, then the moderately prosperous individual prefers to provide some assistance, but not otherwise. It provides a formalization of the Undemanding Sacrifice Principle when the only contextual feature is distance. That is, it captures the "morally undemanding" view that it is acceptable for a prosperous individual to make a small sacrifice for the nearby needy, but not for the distant needy, even if the benefits from doing so for the recipient are substantial.

With this description of the problem, Hare's Theorem says that if this morally undemanding sacrifice principle is satisfied, then the rescuer must either have preferences that are irrational in the sense of being cyclic or he

must not be benevolent in the sense that he would sometimes prefer not to aid the needy stranger even if he benefits himself, provided that Property β is satisfied. However, Property β is not satisfied here; neither region Q nor region R is two-dimensional for the simple reason that there is nothing person 1 can do to make both individuals better off.²² As a consequence, Hare's Theorem does not apply to the rescue situation being considered. Moreover, because it is not possible for the prosperous person to make both people better off, Dominance has no role to play in the argument. Indeed, it is a characteristic feature of rescue situations that the rescuer does not have access to options that would benefit both him and the person in need.

In order to apply Hare's Theorem, it is therefore necessary to expand the actions available to the moderately prosperous person to include ones that would make him and the needy stranger both better off or both worse off. In other words, the moderately prosperous person must decide how to behave both in the kind of rescue situation being considered and in some non-rescue situations in which mutually beneficial or mutually disadvantageous actions are possible. In particular, it must be supposed that person 1 has actions available that ensure that Property β is satisfied. Let me suppose that there are such actions without specifying what they are.²³

However, even if Property β is satisfied, there is a more fundamental problem with applying Hare's Theorem to the rescue situation faced by the moderately prosperous individual. In Hare's formalization of this situation, consequence vectors are utilities for two individuals, the moderately prosperous rescuer and the needy stranger. There is only one potential rescuer, so there can only be two individuals in total if the nearby and the distant needy strangers are in fact the same person. Such situations are very special and of limited applicability. So, to formalize the kind of rescue situation faced by Hare's moderately prosperous individual when the nearby and distant needy are different individuals, there need to be three people: the rescuer (person

²²A consequence vector x in one of these regions specifies the utilities of the two individuals. In order for x to be an interior point of a region, by increasing both people's utilities by an arbitrarily small amount the resulting vector of utilities must remain in this region. But this is not possible because any transfer benefits the recipient at the expense of the donor. Hence, neither region has an interior; that is, each of them are one-dimensional.

²³If it is not assumed that there is a threshold for effective aid, then it would not be possible to satisfy both Properties α and β . The reason is that if the aid can be arbitrarily small, then any two-dimensional set of utility vectors that includes those that are obtainable by providing some small amount of aid necessarily includes utility vectors that make both people better off than in the no aid situation, violating Property α .

1), the nearby stranger (person 2), and the distant stranger (person 3).

To see why Hare's argument fails when the nearby and the distant needy are separate individuals, I will use specific utility numbers for the consequences of the rescuer's actions, but only their relative magnitudes actually matter. Moreover, I shall suppose that the prosperous individual's preferences are transitive and irreflexive, not just acyclic, so as to demonstrate that there is no conflict with Hare's more demanding rationality criteria.

Let E_2 be the action in which no aid is provided, which results in the utilities $r = (20, 3, 7)$. Using E_2 as the *status quo*, person 1 undertakes action E_1 , which involves providing aid in an amount between ω_1 and ω_2 to the nearby stranger, thereby resulting in the utilities $q = (17, 13, 7)$. Person 1 has sacrificed three units of utility so as to increase person 2's utility by ten, but there is no change to person 3's utility because he has received no assistance. If a different amount of aid had been provided, the numbers for the first two individuals' utilities would be different, but that is unimportant. Note that the utility of the distant stranger is the same in both q and r . Because Condition X is satisfied (the aid goes to the nearby stranger), Variable Trade-Offs implies that the person 1 strictly prefers E_1 to E_2 . By assumption, there is some action \bar{E}_2 that he could take that would make everybody worse off than with E_2 , say yielding the utility vector $\bar{r} = (19, 2, 1)$. It follows from Dominance that person 1 strictly prefers E_2 to \bar{E}_2 . Transitivity then implies that E_1 is strictly preferred to \bar{E}_2 . Now using \bar{E}_2 as the *status quo*, suppose that person 1 provides aid in an amount between ω_1 and ω_2 to the distant stranger. This is action \bar{E}_1 , which results in the utilities $\bar{q} = (18, 2, 9)$. The relevant features of the new utility vector \bar{q} are that the aid has made person 1 worse off, person 3 better off, and left person 2 unaffected compared to \bar{r} . Because the stranger is distant, person 1 prefers not to help him, so he strictly prefers \bar{E}_2 to \bar{E}_1 . Transitivity then implies that E_1 is strictly preferred to \bar{E}_1 because he also strictly prefers E_1 to \bar{E}_2 .

In order to apply Variable Trade-Offs in the first step of the preceding argument and Dominance in the second, it must be the case that person 2's utility decreases in going from q to r to \bar{r} . Furthermore, because he does not receive any assistance in \bar{E}_1 and \bar{E}_2 , it must be unchanged in going from \bar{r} to \bar{q} . Thus, necessarily, person 2 is better off in q than in \bar{q} . However, unlike in the proof of Hare's Theorem, it not possible at this stage to appeal to Dominance to show that there is a strict preference cycle. That would require that everybody is better off in \bar{q} than in q , which I have just shown to be impossible.

For the utility numbers I have used, Dominance cannot be used to compare E_1 with \bar{E}_1 because person 2 is better off with E_1 than with \bar{E}_1 , while the reverse is true for the other two individuals. I could have appealed to Dominance if I had chosen different utility numbers in my argument, but only if they are chosen so that individuals 1 and 3, not just person 2, are better off with E_1 than with \bar{E}_1 . For example, this would be the case if I had chosen $\bar{q} = (16, 2, 4)$. But then Dominance implies that E_1 is strictly preferred to \bar{E}_1 , which is what we have already seen must be the case; there is again no strict preference cycle. Indeed, my argument shows that person 1's preferences can satisfy both Dominance and Variable Trade-Offs without violating either irreflexivity or transitivity.

Nothing of substance in the preceding argument would change if Strict Dominance is used instead of Dominance. The conclusion that E_2 is strictly preferred to \bar{E}_2 would then also be valid if nobody's utility is larger in \bar{r} than in r and somebody's utility is smaller. In particular, person 2 could have the same utility in both cases. But even if this is the case, it remains true that person 2 must be better off in q than in \bar{q} , and so the preceding argument applies. Hence, there is no conflict between Strong Dominance and Variable Trade-Offs when the moderately prosperous individual has irreflexive and transitive preferences. As a consequence, he need not be an ogre in order to be rational.

Hare's argument is however valid if distance is interpreted in terms of temporal distance, rather than in terms of physical proximity.²⁴ Suppose that the needy stranger is in fact the same person but his need can arise either now or sometime in the future. It does not matter for Hare's argument if future utilities are discounted or not, but if they are, then it is the discounted values of the temporally distant stranger's utilities that should be used. Provided that Property β is satisfied (i.e., that actions are available to the potential donor that are mutually beneficial to both him and the stranger), Hare's Theorem does apply to this kind of rescue situation, and so the moderately prosperous individual must not condition aid on the time that it is provided to a single needy stranger if his preferences are acyclic and satisfy either form of the dominance condition.

²⁴Jamie Small suggested that I consider the temporal interpretation of distance.

IV. THE CRYPTIC OXFAM WORKER

I now turn to Hare's second argument. It is couched in terms of a scenario in which a "cryptic Oxfam worker" requests aid from a bystander who happens to be in the neighborhood. Hare describes the situation as follows:

One winter morning, walking beside a stone wall, I am accosted by an Oxfam worker who tells me, breathlessly, that sacrificing my coat will save the life of an innocent child, 'little Peter.' What's going on? It could be that the worker has been given a list of distant children, and that it is his job to generate funds to vaccinate them against rubella. That is the most likely explanation . . . but the urgency of the worker's tone gives me pause. It could be that this is a real emergency. There could be a child on the other side of the wall who has fallen into a canal. My coat, wrapped around his muddy body, will save him from hypothermia.²⁵

At the time t_0 that the bystander is approached, he thinks that there are four possible *complete world histories*:

W_{SN} : The bystander sacrifices his coat and saves nearby Peter from hypothermia.

W_{KN} : The bystander keeps his coat and nearby Peter dies of hypothermia.

W_{SD} : The bystander sacrifices his coat and saves distant Peter from rubella.

W_{KD} : The bystander keeps his coat and distant Peter dies of rubella.

The subscripts used to distinguish these world histories have the following meanings: (i) S denotes that the bystander sacrifices his coat, (ii) K denotes that the bystander keeps his coat, (iii) N denotes that Peter is nearby, and (iv) D denotes that Peter is distant. The collection consisting of all four of these world histories is denoted by H .²⁶

²⁵Hare, "Rationality and the Distant Needy," p. 171.

²⁶Because there are only four world histories in H , Property β is not satisfied and, hence, Hare's Theorem cannot be applied to the cryptic Oxfam worker scenario. Nevertheless, Hare's analysis of this scenario employs arguments that partly parallel the proof of his theorem.

After making inquiries, at some later time t_1 , the bystander learns if Peter is nearby or distant. At t_1 , there is still time to save Peter before he perishes should the bystander choose to do so. If Peter is nearby, the actual world history can only be either W_{SN} or W_{KN} , whereas if he is distant, the actual world history can only be either W_{SD} or W_{KD} . I denote the first of these pairs of world histories by H_N and the second by H_D . In each of these two cases, which world history is realized is under the control of the bystander.

The bystander has preferences over complete world histories that, in principle, can depend on which options he thinks possible. Only strict preferences are used in Hare's argument, so I shall not consider the possibility that the bystander is ever indifferent between two world histories or cannot compare them. To keep track of the different preferences, it will help to introduce notation to distinguish between them. I let \succ_H , \succ_{H_N} , and \succ_{H_D} denote the bystander's preferences over world histories in H , H_N , and H_D , respectively. For example, the statement $W_{SN} \succ_H W_{KD}$ means that the bystander strictly prefers world history W_{SN} to world history W_{KD} at time t_0 when all four world histories are thought possible.

Hare regards it as being irrational for the bystander's preference ranking of the two world histories that can be actualized at time t_1 to be different from what it was at time t_0 when all four world histories were thought possible. That is, preferences over possible world histories must be *maintained* over time as the bystander's information improves.

Maintenance: (i) The preference ranking at time t_1 of the world histories in H_N according to the preference \succ_{H_N} must be the same as the preference ranking at time t_0 of these two world histories according to \succ_H . (ii) The preference ranking at time t_1 of the world histories in H_D according to the preference \succ_{H_D} must be the same as the preference ranking at time t_0 of these two world histories according to \succ_H .²⁷

As a normative constraint on preferences, the time-consistency principle that Maintenance embodies has considerable appeal. I shall not take issue with it here.

²⁷Hare, "Rationality and the Distant Needy," p. 170, states this principle somewhat more abstractly. I have particularized his definition to the rescue situation being considered. As Hare notes, Maintenance applies to situations in which what is *thought* possible changes, not to situations in which what is *actually* possible changes.

The bystander is minimally decent and rational. In this context, according to Hare, minimal decency requires the bystander to act so as (i) to do the most good for Peter if there is no cost to himself and (ii) to aid Peter if he is nearby because the benefit to Peter is large and the sacrifice to himself is small. For the purposes of Hare's argument, rationality requires the bystander's preferences to be transitive and to satisfy Maintenance.²⁸

The requirement that the bystander is minimally decent has three relevant implications in Hare's argument, the first two of which depend on empirical claims. First, at time t_0 , the bystander strictly prefers to sacrifice his coat if Peter is distant than if he is nearby. The reason is that the bystander is equally well off in both of these world histories, but it is much better for Peter to be saved from rubella than to recover from hypothermia. Formally,

$$(1) \quad W_{SD} \succ_H W_{SN}.$$

Second, at time t_0 , the bystander strictly prefers to keep his coat if Peter is nearby than if he is distant. As in the previous case, the bystander is equally well off in both of these world histories. However, now Peter suffers less if he dies a quick death from hypothermia than a lingering, painful death from rubella. Formally,

$$(2) \quad W_{KN} \succ_H W_{KD}.$$

Third, at time t_1 , knowing that Peter is nearby, the bystander willingly prefers to make the small sacrifice of his coat in order to save Peter's life, so

$$(3) \quad W_{SN} \succ_{H_N} W_{KN}.$$

Next, the rationality of the bystander's preferences is used to make further inferences about his preferences. Maintenance requires that the bystander's preferences for aiding or not aiding Peter if he is nearby are time invariant. Thus, it follows from (3) that at time t_0 , he also strictly prefers to make the sacrifice should it be the case that Peter is nearby,

$$(4) \quad W_{SN} \succ_H W_{KN}.$$

²⁸Hare actually only invokes the transitivity of strict preferences, which is a property known as *quasitransitivity*. Quasitransitivity is somewhat less demanding than transitivity. Unlike in Hare's Theorem, acyclicity cannot be used instead of transitivity. Because there are only two world histories that are thought possible at time t_1 , transitivity only places restrictions on the preferences at time t_0 .

The comparisons in (1), (2), and (4) are all made using the bystander's preferences at time t_0 . The transitivity of these preferences, (1), and (4) jointly imply

$$(5) \quad W_{SD} \succ_H W_{KN}.$$

A second application of transitivity to (2) and (5) implies

$$(6) \quad W_{SD} \succ_H W_{KD}.$$

That is, at time t_0 , the bystander prefers to help Peter should it turn out that he is distant. Comparing (4) and (6), we see that when the bystander is first approached at time t_0 , he should not take distance into account in evaluating whether to provide assistance; he should instead prefer to save Peter wherever he is located.

Now, suppose that the bystander discovers at time t_1 that Peter is in fact distant. Because his preferences for aiding or not aiding Peter if he is distant are time invariant, (6) implies

$$(7) \quad W_{SD} \succ_{H_D} W_{KD}.$$

From (3), (6), and (7), we see that the bystander should prefer to provide assistance to Peter wherever he may be regardless of what he knows about Peter's location. In other words, a rational, minimally decent bystander should sacrifice his coat unconditionally.

While the bystander has an unconditional preference for sacrificing his coat to aid Peter, is he morally required to act on this preference when he learns where Peter is located? Hare argues that he is because when it is in the power of a rational individual to decide what outcome will eventuate and he knows that this is the case, which is the situation facing the bystander at time t_1 , then he should act on his all-things-considered preferences.²⁹ Hence, a minimally decent bystander's moral obligations exceed what the Undemanding Sacrifice Principle requires unless he is irrational.

One could take issue with some of the principles that Hare appeals to or with his empirical claims, but let me put such concerns aside for now so as to focus on a problem with the scope of his argument.³⁰ As I shall now show, like in the preceding section, Hare's argument in the cryptic Oxfam

²⁹Hare, "Rationality and the Distant Needy," p. 173.

³⁰I shall consider the empirical claims below.

worker scenario requires treating the nearby and distant needy individuals as if they are the same person, and so has no relevance to the more morally problematic case in which they are different. Below, I shall also argue that the kinds of situations to which Hare's argument applies are of quite limited applicability.

The justifications offered for the preferences $W_{SD} \succ_H W_{SN}$ and $W_{KN} \succ_H W_{KD}$ in (1) and (2), respectively, both turn on claims about whether Peter benefits more if he is nearby or distant. When the bystander sacrifices his coat, it is distant Peter that benefits most. However, when the bystander keeps his coat, the reverse is true. In both cases, once the empirical facts about the benefits to Peter have been ascertained, how the two world histories are to be ranked is determined by appeal to minimal benevolence.

But minimal benevolence only applies if the beneficiary is the same person when making these comparisons. When nearby Peter and distant Peter are treated as two separate individuals, Hare's justification for these two preferences amounts to little more than a commitment to utilitarianism. For example, the preference $W_{SD} \succ_H W_{SN}$ is endorsed because (i) the benefit to distant Peter if the coat is sacrificed for him exceeds the benefit obtained if it is instead sacrificed for nearby Peter and (ii) the bystander is equally well off in both of these world histories. It is utilitarian calculations that underpin the two preferences in (1) and (2), and they take no account of the proximity of the needy child. Contextual features like distance are irrelevant for a utilitarian. But to those who do not endorse the Demanding Sacrifice Principle, an appeal to utilitarianism will fail to be convincing.³¹ Some other justification for regarding distance as being morally irrelevant is needed.

Perhaps there are grounds other than those offered by Hare for the preferences in (1) and (2). If so, do they vindicate Hare's conclusion that a rational potential rescuer is an ogre if he takes distance into account when deciding whether to make a small sacrifice for someone in great need? The answer is "no". They would only help establish the moral irrelevance of distance in rescue situations that share the same features as in the cryptic Oxfam worker case. However, as Kamm's observation quoted in the introduction

³¹Hare's argument will also fail to be convincing to a welfarist who is not a utilitarian. A welfarist aggregates individual utilities into a summary measure that is then used to rank the available alternatives, in this case world histories. A utilitarian aggregates utilities by adding them, what Sen in "Utilitarianism and Welfarism" calls *sum-ranking*. Hare's way of rationalizing the preferences in (1) and (2) is not only welfarist, it also depends on the use of sum-ranking as the method for utility aggregation.

reminds us, showing that distance is *sometimes* morally irrelevant does not demonstrate that it is *never* morally relevant.

Indeed, there are good reasons to believe that a morally decent person could have the preference

$$(8) \quad W_{SN} \succ_H W_{SD}$$

instead of the reverse preference in (1). With the preference in (8), at time t_0 , the bystander prefers to sacrifice his coat if the child in need is nearby instead of distant. One, but not the only, reason for such a preference is provided by any theory of ethics that provides a role for *associative duties*. Samuel Scheffler describes these duties as “duties that the members of significant social groups and the participants in close personal relationships are often thought to have toward one another.” Associative duties require that “one must provide positive benefits to one’s associates which one need not provide for other people at all, and which one need not provide for others in preference to one’s associates.”³² While morally significant, being a potential beneficiary of the bystander’s actions is not the only morally significant relationship someone may have with him. Being a member of the same community is another. Even though the nearby child is a stranger, he is nevertheless part of the bystander’s community, which the distant child is not, and this provides a good reason for the bystander to adopt the preference in (8).³³ But with the preference in (8) instead of the one in (1), Hare’s argument breaks down when transitivity is first invoked. As a consequence, the bystander can prefer to sacrifice his coat for nearby Peter, as in (3), without thereby preferring to do the same if Peter is distant, as in (7). Thus, distance can be taken into account when deciding whether to help Peter without violating Hare’s rationality and minimal decency criteria.

Hare’s description of the cryptic Oxfam worker scenario suggests that the bystander *believes* at time t_0 that there is only one person called Peter who can benefit from his sacrifice; he simply does not know where Peter is located. This epistemic limitation on the facts of the case is removed at time t_1 when

³²Samuel Scheffler, *Boundaries and Allegiances* (Oxford: Oxford University Press, 2001). The quotations are from pages 4 and 53, respectively.

³³See W. D. Ross, *The Good and the Right* (Oxford: Clarendon Press, 1930), p. 19 on community membership as a foundation for a *prima facie* duty. I am not claiming that an appeal to associative duties always provide a compelling reason for differential treatment of the nearby and distant strangers. It is sufficient for my argument that it sometimes does.

he learns if Peter is nearby or distant. But if this epistemic constraint is removed prior to the need for action, as Hare says it is, then the preference at time t_0 should not play any role in determining the bystander's obligations. However, without the preference \succ_H at time t_0 , there is no argument relating the preferences \succ_{H_N} and \succ_{H_D} at time t_1 , which are the only action-guiding preferences, and so there is no reason to require the bystander to prefer sacrificing his coat regardless of whether Peter is nearby or distant.

Now, consider modifying the scenario by requiring the bystander to make his decision at time t_0 in ignorance of Peter's location, but believing that Peter is the same person whether nearby or distant. In this case, it is impossible to condition assistance on Peter's location; the bystander must either make the sacrifice or not. It is not an option to behave in accordance with the Undemanding Sacrifice Principle because the bystander does not have the information needed to apply it. Nevertheless, we can investigate whether the constraints morality and rationality place on the bystander's preferences at time t_0 for the four possible world histories imply that he should prefer to make the sacrifice unconditionally. Let me initially suppose, as above, that the preferences in (1) and (2) are morally required. Furthermore, let me suppose that the bystander regards the preference in (4) as being what a minimally decent person should prefer at time t_0 , rather than deriving this preference by applying Maintenance to the preference he should have if he knew for certain that Peter is nearby. But then reasoning as above, we can conclude that (6) holds, which in combination with (4) implies that the bystander should prefer to make the sacrifice unconditionally.³⁴

However, this scenario is quite contrived and of limited applicability. Moreover, the conclusion that the bystander should prefer to make the sacrifice unconditionally depends on the empirical suppositions that underly the preferences in (1) and (2). Hare's conclusion only follows if both empirical claims are true. For example, if it is in fact the case that it is better for Peter to recover from hypothermia than to be saved from rubella, Hare would have to endorse the preference in (8), not the one in (1). But then, as we have seen, his argument fails; we cannot conclude that the bystander is an ogre or irrational if he does not make the sacrifice of his coat.

As in the preceding section, nearby and distant Peter could be the same person if distance is instead interpreted temporally. A variant of the cryptic

³⁴ "The Wall" scenario in chap. 12 of Hare's *The Limits of Kindness* corresponds to this case, as does his analysis of it.

Oxfam worker scenario can be devised that applies to temporal distance. For example, Peter could be in the canal now on a cool Fall morning and the sacrifice of the coat would save him from hypothermia, or he could later in the Winter avoid catching a fatal case of pneumonia if only the bystander would give him his warm coat to replace the thin covering that is all that he can afford. It is then possible to compare the relative benefits to temporally nearby or distant Peter as Hare has done because they are the same person, thereby validating his argument, at least if the empirical claims needed to support the preferences in (1) and (2) are true. But even with a temporal interpretation of distance, the rescue situation being considered must exhibit rather special features in order for Hare's reasoning to apply. So, at best, one can conclude that there exist *some* temporal rescue situations with a single needy stranger in which a rational bystander need not be an ogre if he does not aid the stranger in the future. However, this does not establish that he cannot take temporal proximity into account without being an ogre if these rather special circumstances do not prevail.

V. CONCLUDING REMARKS

I have argued that Hare has not demonstrated that one must be morally deficient or irrational if one's duties of assistance are limited to those prescribed by the Undemanding Sacrifice Principle. For the morally problematic rescue situations in which the nearby and distant needy are distinct individuals, Hare's arguments are not valid. His arguments do apply to some rescue situations in which the nearby and distant needy are the same person. However, such situations are either of quite limited applicability or involve treating distance temporally. As a consequence, Hare has not succeeded in countering the critics who argue that extensive obligations to aid the needy, such as those prescribed by the Demanding Sacrifice Principle, necessitate unduly sacrificing much of what individuals value most in their lives.

Both Hare's and Singer's arguments, if successful, would prevent one from favoring those one has special attachments to, such as members of one's own community, when determining the strength of one's duties of assistance. It would require treating oneself as the means for promoting the ends of others, rather than valuing one's own ends for themselves. Or as Kwame Anthony Appiah has put it in his critique of the description of agents in quandry situations: "It's as if everything that a particular individual holds dear, derives consolation from, or aspires to—everything that confers her

individuality—cannot much matter.”³⁵ But if one’s individuality is excluded as being merely personal, “then the decision-process has been distorted in the interest of a mistaken conception of ethics.”³⁶

³⁵Appiah, *Experiments in Ethics*, p. 195. On the treatment of potential rescuers as means for promoting the ends of others, see Colin McGinn, “Our Duties to Animals and the Poor,” in Jamieson, *Singer and His Critics*, pp. 150–61, especially pp. 156–7.

³⁶Pincoffs, “Quandry Ethics,” p. 560.