# It Ain't My World

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The famine, the rot
The indescribable red, raw pain – screeching
Even the select symphonies
It's not mine:
Didn't make it; don't sustain it
Barely live in it.
So don't look at me

It seems we have some obligation to aid some others, but it's unclear why, to whom, and to what extent. Many consequentialists claim that we are obligated to help everyone to the marginal utility point but they do so without examining why we are obligated to aid others at all. I argue that we must investigate the basis of our duty to aid others in order to determine the nature and extent of our obligation. Although some consequentialists, notably, Kagan, Singer and Unger, present arguments intended to justify some of consequentialism's most counter-intuitive demands, they take the less counter-intuitive demands for granted and justify the steeper demands on the basis of their relevant similarity to the more palatable ones. The result of this strategy is that many of consequentialism's steeper demands free-ride on a superficial similarity with less taxing demands. This allows consequentialism to broaden our obligations beyond the reach of justification. I examine three possible explanations of our duty to aid others, namely, intuition, fairness and self-interest, and argue that none of them justify consequentialism's runaway demands.

A reasonable assessor of our world may deem it fairly dismal. Our environment seems to be deteriorating, much of life is beset with innumerable difficulties, and many living beings spend most of their time desperately trying to meet their basic needs, and failing. The world is a terrible mess. It would be nice if someone cleaned it up. Must I? As an inhabitant of the world, albeit an unusually fortunate one, I too am a victim, of sorts, of a world I have barely fashioned. At worst, I am a bystander. What obligates me to the mess that is the universe? When did I volunteer to be the world's janitor?

Let's call this question 'The bystander challenge':

*If I have committed no wrong associated with someone else's problem, what obligates me to help them? How does someone else's problem become my obligation?*

The bystander challenge does not ask for a factual explanation of how we have come to be social beings who typically take ourselves to be under some obligation to aid others. Explanations of this sort have

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been offered by sociobiology and psychology.[1] Instead, the bystander challenge asks for justification of our moral obligation to aid others. This distinction is important because sociobiological or psychological explanations do not necessarily lead to any obligations at all. For example, even if sociobiology can explain why it may be more common for men than it is for women to cheat on their spouses, that still provides men with no moral obligation to cheat on their spouses (whether it provides an excuse is a different debate entirely). The way things have evolved is not, by itself, a justificatory argument for the way we are morally obligated to act.

The bystander challenge does not claim that I'm not obligated to clean up any part of the world. I might have made a mess myself, accepted a janitorial position, or entered into a clean-up agreement with my neighbours. These responses point to causal, intentional and contractual attempts to address the bystander challenge. It seems that most of us think that we have *some* obligation to aid *some* others, but it is important to ascertain the basis of our obligation to aid others in order to determine the nature and extent of the obligation. (The intuition that we have some obligations to aid others does not, by itself, establish arguments regarding the nature and extent of that obligation.)

I wish to draw attention to the lack of attention that an influential form of consequentialism, namely, maximizing act consequentialism, has paid to the bystander challenge. (The bystander challenge may pose problems for other forms of consequentialism as well but my focus here is on the challenge it poses to maximizing act consequentialism.) For the purposes of this article, unless otherwise specified, when referring to consequentialism, maximizing act consequentialism is the version of consequentialsm to which I refer and a maximizing act consequentialist is the kind of consequentialist I am talking about.

Consequentialism has vigorously attended to *broadening* and *deepening* our obligation to aid others, but it has said little to establish that we have *any* obligation to aid *any* others,[2] much less an unrelenting obligation to *all* others. Therefore, consequentialists shouldn't be surprised or dismayed by the ease with which many shrug off their theory's most burdensome demands. Consequentialism has built an edifice without due regard for its foundation. The bystander challenge demands the foundation of our obligation to aid others rather than an explanation for its escalation. (However, the justification of our obligation to aid others will likely provide some clues regarding the extent of

[1] See P. Singer, *The Expanding Circle* (New York, 1981); Robert Trivers, 'The Evolution of Reciprocal Altruism', *The Quarterly Review of Biology* 46 (1971), pp. 35–57; and E. Wilson, *Sociobiology: The New Synthesis* (Cambridge, MA, 1975), among others.

[2] See S. Kagan, *The Limits of Morality* (Oxford, 1989); Peter Singer, 'Famine, Affluence, and Morality', *Philosophy and Public Affairs* 1 (1972), pp. 229–43; and P. Unger, *Living High and Letting Die* (Oxford, 1996), among others.

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the obligation.) Fundamentally, the bystander challenge presses for the hook that draws one into the realm of obligation to aid others, for the argument substantiating the course of travel from bystander to duty to aid.[3] The bystander challenge does not claim that we have no *reason* to aid others (obviously, there is no shortage of reasons to aid); rather, it asks for justification of our *obligation* to aid others.

Of course, the bystander challenge can be put to *any* moral theory that obligates bystanders to aid. Most moral theories do require something of bystanders, although some theories try to address the bystander challenge and others disregard it. Consequentialism is in a particularly vulnerable position, vis-à-vis the bystander challenge, because it is both highly demanding of bystanders and highly dismissive of the bystander challenge. Other moral theories, e.g. Kantian or contractarian theories, tend to demand less of bystanders and they also make some attempts to justify bystander obligation (Kant, via the rational consistency demanded by the Categorical Imperative; contractarianism via the reciprocity, reasonable objector, or unbiased agreement standards). Other theories may or may not succeed in their attempt to address the bystander challenge and justify their demands of bystanders. However, the bystander challenge is still especially problematic for consequentialism because of consequentialism's extreme demands of bystanders, its frequent refusal to even acknowledge bystander as a morally relevant or legitimate status and its lack of arguments explaining why bystanders are obligated to aid others at all. These characteristics of consequentialism are non-accidentally related: it is because consequentialism does not explain why bystanders are obligated to aid that it is left free to demand so very much of them. It is likely that providing a basis for bystander obligation (instead of simply relying on the common intuition that we should aid others when we can, generally) will point towards a limit on what sort of demands that basis can justify. Thus, I will focus, in this article, on the difficulties that the bystander challenge presents for consequentialism.

It is important to distinguish between duty to aid others and duty to redress our wrongs. Moral, political and legal theories have much to say regarding what constitutes a wrong and what constitutes proper redress of a wrong.[4] That is not my concern here. The bystander challenge is a demand for the basis of our duty to aid others even when, although we have committed no wrong responsible for putting them in

[3] The Bystander Challenge differs from the Doctrine of Doing and Allowing, which is centrally concerned with constraints against harm vs. duties to aid. See Warren Quinn, 'Actions, Intentions, and Consequences: The Doctrine of Doing and Allowing', *The Philosophical Review* 98 (1989), pp. 287–312, and Kagan, *Limits of Morality*, ch. 3.

[4] See A. Ripstein, *Equality, Responsibility, and the Law* (Cambridge, 1999), for a theory regarding the scope and rationale of the fault system.

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a miserable state, they may, nonetheless, still have claims on us. The bystander challenge assumes a fault system, which draws a wrongdoer/bystander distinction, and it then demands justification of obligations beyond the fault system (when one isn't at fault). Consequentialism, without adequate defence, denies the legitimacy of innocent bystander status, making the intuitive distinction between bystander and perpetrator hard to explain. Hence, the bystander challenge.

I will defend the bystander challenge's legitimacy and importance and show how many consequentialists fail to acknowledge that their case for extensive obligations must do more to overcome the bystander challenge and provide a foundation for their view of the individual's obligation to the state of the world. The foundation would have to support the extensive demands of the theory. But, because consequentialism dismisses the bystander challenge, it provides no foundation for the basis of our obligations to aid others, thereby enabling a broadening of obligations beyond the reach of justification. Consequentialists may be relying on some nascent responses to the bystander challenge – namely, intuition, fairness and self-interest – although their arguments tend to centre on cases. I will argue that these responses to the bystander challenge, while promising, will not justify consequentialism's runaway demands and I will provide an alternate explanation of some central cases.

## I. DEFENDING THE BYSTANDER CHALLENGE

The bystander challenge is a common intuition that expresses moral distance between our obligation to states of affairs to which we have contributed and our obligation to states of affairs that are simply there. After all, did I contribute to the problems plaguing the universe? If not, why am I obligated to fix them? How is it that I'm born into involuntary servitude, a slave to the state of the universe? You ought to do your part', or 'this will be better for you', you might say. These responses are promising beginnings, a gesture towards a case. Although we might be able to explain why I'm morally obligated to help others, especially when such help will cost me little, it certainly seems reasonable for me to ask for justification for what I haven't volunteered to do but am still taken to be obligated to do.

Discounting the bystander challenge and assuming, instead, that one is obligated to all others, regardless of one's actions or commitments, does damage to our conception and treatment of ourselves as agents by holding no one particularly obligated to redress *their* wrongs, making everyone equally obligated to the *current* state of the universe, as if what one has or hasn't done to get the universe into its awful

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state is irrelevant.[5] But, our miserable world is not disconnected from the agents who voluntarily and intentionally shaped it; the present flows from the past. We are neither forces of nature nor automatons; rather, we are agents. By not acknowledging 'bystander' as a morally permissible status, consequentialism, without explaining why it is fair or right to do so, grants insufficient moral weight to the fact that acts of agency have helped create the present state of affairs.

The bystander challenge also respects the separateness of persons. We are not naturally tethered to each other, even though we do have social ties. Rather, we are, to some extent, separate persons, theoretically capable of living our own little lives. Why shouldn't that be morally permissible? The burden of proof lies with the positive claim regarding the individual's obligation to the overall state of affairs. We must justify requiring people to consider themselves morally attached to all others, especially to others with whom they have virtually no social relationship. We must explain how other people's problems become mine. Consequentialism doesn't take the gap between persons too seriously, leaving the gap wide open, and the theory without sufficient basis for its obligation to aid others. (That those obligations are unusually extensive is ironic, but not surprising, because it is the need for justification that exerts a limiting force on claims.) By not attending to the justification of our obligation to aid others, consequentialism sets itself up to neglect placing proper limitations on that obligation.

It is possible, I suppose, for consequentialists to recognize some degree of difference between my obligation to states of affairs that I helped bring about and my obligation to states of affairs that I did not help bring about. This recognition can be based on the view that obligating people more to the predictable results of their own actions can reinforce proper behaviour and perhaps lead to better consequences, overall. This is not the view that I have seen most commonly espoused by consequentialists, but it is, perhaps, a plausible view for them to hold. However, the more deeply this view is held, the weaker our obligations, as bystanders, become. Thus it seems difficult to imagine consistently recognizing the validity and importance of bystander status while simultaneously obligating bystanders to make very significant sacrifices to improve states affairs to which they have not contributed. And that is one way of putting the special difficulty that the bystander challenge presents for consequentialism (a difficulty that is not as difficult for theories that demand less of most bystanders).

[5] For a similar argument in favour of some distinction between doing and allowing, see Samuel Scheffler, 'Doing and Allowing', *Ethics* 114 (2004), pp. 215–39.

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## II. CONSEQUENTIALISM'S DISREGARD OF THE BYSTANDER CHALLENGE

### *Justified disregard?*

Many consequentialists don't seem to regard the bystander challenge as legitimate. Kagan, for example, has radically different intuitions: 'We have a natural obligation to aid others – an obligation which can be generated from the mere fact that these other people are in significant need, and we are in a position to help.'[6] I don't see how others' needs and my ability to alleviate their need generate a *natural* obligation to aid. There is nothing natural about assuming that those who can increase overall good must increase overall good. 'Ought implies can' does not mean that 'can implies ought'. We are missing an argument here. (I'm not saying that the is–ought gap cannot be bridged, but I don't see how it can be bridged by a simple appeal to 'nature' as the 'is'.) If we accept Kagan's can-implies-ought view (with regard to maximizing the good), then even if we accept constraints to can-implies-ought regarding cost to agent, we get some unnatural results. For example, if you really need sexual companionship and I could provide you with that, at little cost to me – I am not especially busy, I'm not committed to someone else, I don't find you repellent – then I am probably obligated to relieve your need. (This conclusion would at least sometimes withstand consideration of indirect societal consequences, especially when publicity is unlikely.) But, if this is so, it seems that we must look to something other than nature to justify the obligation.

However, maybe by 'natural', Kagan means 'self-evident'. Consequentialists often take individual obligation to the state of the universe as too obvious to merit demonstration. They often seem to assume that we are born 'in the soup', a bona fide member of our messy world, obligated to its state, which they take to be, obviously and essentially, *our* state. But, the soup is a misleading metaphor. Why are we not born more 'up the creek' than 'in the soup'? If we are up the creek, we need others to hand us a paddle. We had better help others so that they will help us. That may make cooperation prudent, but prudence alone, I will argue, is not likely to support consequentialist obligations. (See *Self-interest*, section III, below.)

An 'in the soup' mentality seems to underlie Railton's scepticism of the bystander challenge as well. Railton argues that a sharp self–other dichotomy is false and lends the 'Why should I care about others?' question undue force. When we act for the sake of loved ones, we don't

[6] Shelly Kagan, 'Causation and Responsibility', *American Philosophical Quarterly* 25 (1998), p. 293. Cullity also claims that our obligation to aid others is based on the simple fact that they need aid, *The Moral Demands of Affluence* (Oxford, 2004), p. 191.

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commonly regard our actions as self-sacrificing, Railton argues, because being a spouse, parent, child, friend, etc. is part of who we are:

> [I]t becomes artificial to impose a dichotomy between what is done for the self and what is done for the other . . . The other has come to figure in the self in a fundamental way . . . Our identities exist in relational, not absolute space, and except as they are fixed by reference points in others, in society, in culture, or in some larger constellation still, they are not fixed at all.[7]

Surely, there's much truth to this. But, the fact that the self is inextricably intertwined with others doesn't preclude degrees of separation between oneself and others. There is probably a practical limit to the number of people to whom I can actually be deeply and essentially connected[8] and there is probably a conceptual limit to the number of people to whom I can actually consider myself essentially connected without losing myself entirely. If I really melt into the crowd, I disintegrate. In so far as others are a part of my identity, as Railton points out, I will feel less like a bystander in relation to them and therefore less likely to mount the bystander challenge with respect to them. This, though, does nothing to respond to the bystander challenge. Instead, it reduces the occasions on which the bystander challenge may arise. But what do we say when the bystander challenge is, in fact, relevant? There are bound to be numerous such occasions.

Although some people may drink enough wine, smoke enough pot, and meditate enough to shed their egos and feel at one with the universe, others may, like Woody Allen, be 'at two with nature'. It is likely that most people will fall somewhere in between. A sense of interconnectedness with certain others may make aid to those others more intuitive, reducing the apparent urgency of the bystander challenge, but it won't provide an argument in favour of our obligation to aid others. The more often a theory claims that one is obligated to those least connected to oneself, the more pressing the bystander challenge will be for that theory. Since consequentialism, even of the most sophisticated variety,[9] ultimately demands some kind of allegiance to an impersonal perspective, it obligates us, at some level, to *all* others (even if the sophisticated variety will often turn out, in practice, to obligate us most to those we care about most and least to those least connected to us). Therefore, the bystander challenge

[7] Peter Railton, 'Alienation, Consequentialism, and the Demands of Morality', *Philosophy and Public Affairs* 13 (1984), pp. 166–7.

[8] See R. I. M. Dunbar, 'Neocortex Size as a Constraint on Group Size in Primates', *Journal of Human Evolution* 20 (1992), pp. 469–93 and S. L. Washburn and R. Moore, *Ape Into Man* (New York, 1973).

[9] Railton, 'Alienation', pp. 134–71.

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remains an important challenge to consequentialism, our social ties and intertwined identities notwithstanding.

### *Unjustified disregard*

The above arguments against the bystander challenge don't succeed, but most consequentialists don't rely on them. Instead, although some, notably, Kagan,[10] Singer[11] and Unger,[12] present arguments intended to justify some of consequentialism's most counter-intuitive demands, they take the less counter-intuitive demands for granted and justify the steeper demands on the basis of their relevant similarity to the more palatable ones. These kinds of arguments assume some obligation to aid and place the burden of proof on those who want to constrain that obligation. 'Go ahead and show me why distance should matter or why biological accidents, such as to whom one is related, should matter', the argument goes. 'Show me the relevant differences between intuitive and counter-intuitive cases and maybe we will let you off the hook', they claim. I suggest that this strategy may be inadequate for two reasons: First, arguably, the burden of proof belongs to those making the positive claim to obligation rather than to those who may question that claim. Second, and more fundamentally, without investigating the basis of our duty to aid, we can't be sure that the reason that obligates us to aid in one case applies equally to another case. In order to be sure, we have to know what the reason actually is. Therefore, it is quite possible that many of consequentialism's steeper demands free-ride on a superficial similarity with less taxing demands.

Consider the demand that I devote myself to relieving the serious suffering of others to the point of marginal utility.[13] This is usually justified by the following reasoning: since we agree that I'm obligated to toss a life preserver to a child drowning in front of me and since (a) non-vital costs to myself don't outweigh the cost to the person in peril and (b) distance (physical and psychological) from the person in peril doesn't make a moral difference, I must devote myself to all in peril.[14] This reasoning, which entails that if I have to toss a life preserver to a drowning child in my path, I have to join the Peace Corps, neglects to examine why I'm obligated to toss the child a life preserver in the

[10] Kagan, *Limits*.

[11] Singer, 'Famine', pp. 229–43.

[12] Unger, *Living High*. Unger need not be a consequentialist to make his arguments. However, for the purposes of this article, he is treated as such because his arguments and conclusions regarding extensive obligation are sufficiently similar to those of prominent contemporary consequentialists.

[13] Kagan, *Limits*, preface; Singer, 'Famine', pp. 230–31; Unger, *Living High*, pp. 134 and 151.

[14] Kagan, *Limits*, p. 249; Singer, 'Famine', pp. 229–30; Unger, *Living High*, ch. 2. Cullity is partially persuaded by this argument as well (Cullity, *Moral Demands*, chs 1 and 2).

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first place.[15] Taking the intuition at face value is not justifiable for a theory that insists on radical departures from intuition in many other instances. Perhaps what justifies my obligation in the drowning child case doesn't apply to famine relief type cases, regardless of the ways in which the cases are otherwise similar. (See section III, *Self-interest*, for one way to explain why we may be highly obligated to aid the drowning child in our path but much less obligated to aid famine relief worldwide.)

Given the severely burdensome demands of consequentialism, one would think that significant effort would be devoted to justifying these demands from the ground up. Indeed, the severity and counter-intuitive nature of consequentialism's demands led Mill to reassure his readers that they would rarely be required to devote their lives to the overall good:

> It is a misapprehension of the utilitarian mode of thought, to conceive it as implying that people should fix their minds upon so wide a generality as the world, or society at large .... The multiplication of happiness is, according to the utilitarian ethics, the object of virtue: the occasions on which any person (except one in a thousand) has it in his power to do this on an extended scale, in other words, to be a public benefactor, are but exceptional; and on these occasions alone is he called on to consider public utility; in every other case, private utility, the interest or happiness of some few persons, is all he has to attend to .... The amount of regard for the public interest implied in this recognition is no greater than is demanded by every system of morals; for they all enjoin to abstain from whatever is manifestly pernicious to society.[16]

Contemporary consequentialists are bolder, as they must be, considering that technology continually increases each individual's potential to affect many others who are very far away.

Yet, some contemporary consequentialists argue that consequentialism needn't require us to save the world: Slote argues that consequentialism should set a 'good enough' standard; 'satisficing'[17] rather than maximizing.[18] Murphy argues that consequentialism's demands are restricted to what one's share would be under the

[15] The 'equal consideration of equal interests' standard, on which Singer seems to rely, begs the question against the bystander challenge, for unless I've accepted an impersonal perspective, I may resist giving equal consideration to equal interests. Instead, I'll give greater consideration to the interests of those closest to me. See Singer, 'Famine', pp. 229–43, and Peter Singer, 'Not for Humans Only: The Place of Nonhumans in Environmental Issues', *Ethics and Problems of the 21st Century*, ed. K. E. Goodpaster and K. M. Sayre (Notre Dame, 1979).

[16] John Stuart Mill, *Utilitarianism* (1863), ch. II.

[17] Michael Slote, 'Satisficing Consequentialism', *Proceedings and Addresses of the Aristotelian Society* 58 (1984), p. 142.

[18] Slote, 'Saticficing', pp. 139–64.

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assumption of full compliance.[19] Railton argues that sophisticated consequentialism will recognize the value of putting those closest to us first, the benefit of caring for others for their own sake and the efficiency of dispensing aid through a global institutional network rather than doing so individually,[20] and, therefore, won't require 'setting out individually to save the world'.[21] I cannot give full consideration to 'moderate' consequentialists here – although my arguments regarding disregard for the bystander challenge may pose difficulties for many consequentialists, my arguments regarding the difficulty of finding an answer to the bystander challenge that will justify consequentialism's extreme demands are directed towards the more demanding consequentialists.[22]

Let's return to our bold consequentialists. Unger argues that you're obligated to choose a lucrative profession, despite the personal enjoyment and meaningfulness costs.[23] Then, you must give much of your earnings away (most likely to strangers):

> On pain of living a life that's seriously immoral, a typical well-off person, like you and me, must give away most of her financially valuable assets, and much of her income, directing the funds to lessen efficiently the serious suffering of others.[24]

In conversation, Unger is more demanding still. Of course, philosophical standards of justification apply far less rigorously to conversation. However, I note this conversation to illustrate an attitude towards the bystander challenge that I suspect is not uncommon amongst consequentialists. Unger, in conversation, insists that you're probably obligated to kill yourself to save two others. Why? Because you're one and they're two.[25] When directed to the scale of his demands and asked, in that context, to explain why one is obligated to help others at all, Unger replied, 'Because they're there.'[26] (Do I have to climb Mt Everest too?) I suspect that Unger meant that the burden is on the non-consequentialists to show that people are not obviously obligated to help each other, especially if some are glaringly well off while others suffer extreme deprivation. However, this reply neglects to address the bystander challenge. Unger must substantiate his shifting the burden

[19] Liam Murphy, 'The Demands of Beneficence', *Philosophy and Public Affairs* 22 (1993), pp. 267–92.
[20] Railton, 'Alienation', pp. 157–64.
[21] Railton, 'Alienation', p. 161.
[22] See Appendix A.
[23] Unger, *Living High,* p. 151.
[24] Unger, *Living High,* p. 134.
[25] Unger, stated explicitly, in conversation, New York University, spring 1997.
[26] Verbatim conversation between Unger and myself, at New York University, spring 1997.

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of proof from those who make the positive claim to those who question it.

The 'they're there' reply is in the spirit of the can-implies-ought view. In keeping with can-implies-ought, Kagan argues that people are required to 'relentlessly pursue'[27] the overall good:[28]

> Morality . . . demands that I ask how I can make my greatest possible contribution, all things considered – even though this may impose considerable hardship on me – and it forbids me to do anything less. If the claim is correct, most of my actions are *immoral*, for almost *nothing* that I do makes optimal use of my time and resources . . .[29]

Kagan neither defends his position against the bystander challenge, nor establishes it on the basis of nature and/or can-implies-ought. Instead, like Unger, he argues that the burden of proof regarding the requirement to devote our lives to the overall common good lies not with those who make the positive claim but, instead, with those who question it. He argues that since there is *a* reason to promote overall good (it will increase the good, which, all things being equal, seems good), in order for that reason not to generate a *requirement* to promote the overall good, we must show how countervailing considerations outweigh this reason (Kagan refers to this as *pro tanto* reasoning).[30] In other words, unless outweighed by other reasons, the reason to promote the overall good generates a (rational) requirement to do so.

Let's think about this. Say that attending the city opera would make a positive contribution to the city. I don't despise opera, I have free tickets to great seats at an excellent opera being performed by an outstanding company and a free limousine is waiting to transport me. But, I don't feel like going. I'm not in the mood. I stay home. Is it time to cart me off to the home for the irrational? I doubt it. 'Aha,' you might say, 'but you do have a reason not to go to the opera, namely, like Bartleby the Scrivener,[31] you would prefer not to.' Well, what if I'd prefer not to devote my life to others? I have a *pro tanto* reason to follow my preferences. If my preferences alone provide a *pro tanto* reason against Kagan's *pro tanto* argument in favour of our obligation to promote overall good, *a fortiori* the fact that I love myself far more than I love my neighbours does. *Pro tanto* reasoning cannot successfully shift the burden of proof from those who claim that we are obligated to maximize impersonal good to those who question that claim.

[27] Kagan, *Limits*, p. 188.
[28] Kagan, *Limits*, p. xi.
[29] Kagan, *Limits*, pp. 1–2.
[30] Kagan, *Limits*, pp. 69–71.
[31] Herman Melville, 'Bartleby the Scrivener' (1853).

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In order to override my self-interested preferences, you must show why it makes no sense to act on them, or why I'm otherwise obligated not to do so. The burden of proof lies with the one handing out the jobs. We are back to square one: back to the bystander challenge. It's up to those who think we are obligated to devote ourselves to the common good, whether we are so inclined or not, to build this obligation from the ground up.

## III. POSSIBLE RESPONSES TO THE BYSTANDER CHALLENGE

I will now address three candidates for overcoming the bystander challenge. Although these candidates may respond to the bystander challenge, they won't support consequentialist obligations. Consequentialists must find a response to the bystander challenge that goes the consequentialist distance; responses that only justify the moderate obligations of other theories won't suffice.

### *Intuition*

It's intuitive to claim that we are obligated to help others if they need help desperately and providing help will cost us virtually nothing (to take the most intuitive case). It's a 'natural sentiment'[32] seemingly inconsistent with the bystander challenge. But, if we follow intuition when it tells us to aid, why can't we follow it when it tells us we don't have to aid? If intuition is used to ground our obligation to toss a drowning person a life preserver, why must we reject intuition when it tells us we aren't obligated to join the Peace Corps or give away anything that could produce more good elsewhere? Because intuition often doesn't support consequentialism's demands, if intuition is used to respond to the bystander challenge, we will be led to a less demanding theory. Since intuitions can be matched by contrary intuitions, arguments based solely on intuition are highly vulnerable (the problem here is worse than usual because consequentialists agree that intuitions regarding duty to aid cut both ways).[33]

### *Fairness*

Maybe the consequentialist demand that we consider everyone's interests, including our own, from 'a disinterested and benevolent spectator'[34] perspective (a demand which opposes the bystander challenge and entails a very strong duty to aid) is derived from rational regard for fairness and consistency. Fairness may be taken to argue

[32] Mill, *Utilitarianism*, ch. III, sect. 10.
[33] Kagan, *Limits*, p. 2; Unger, *Living High*, pp. 10–13.
[34] Mill, *Utilitarianism*, ch. I, sect. 18.

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against a 'bias' in favour of oneself[35] and, thereby, against the bystander challenge. However, it's only unfair of me to favour myself if I don't allow others to favour themselves. Even the view that being moral simply is about giving everyone's interests equal moral weight, which seems the antithesis of the bias towards the self, does not necessarily require us to stop favouring ourselves. So long as we allow each person to favour herself equally, each person's interests are, in that way, given equal moral weight.

Of course I care about myself more than others – I will experience all and only that which happens to me. It seems irrational for me *not* to care more about what happens to me than I care about what happens to others. One might argue that my being the person who will experience all and only that which happens to me is not itself a *reason* to act in accordance with my bias towards myself. On this view, the personal perspective cannot serve as the basis for a reason. But why is the only good reason an impersonal reason? That seems to be part of what one who denies the bystander challenge must show rather than assume. Fairness considerations will not accomplish this because the impersonal perspective is not demanded by fairness. Being fair and consistent, even when taken to mean 'treat others as you would like to be treated', does not entail strict impartiality. So long as all are allowed to be equally partial to themselves, fairness and consistency are preserved. Fairness doesn't justify consequentialist impersonal obligation because the impersonal perspective isn't demanded by fairness.

### *Self-interest*

Maybe requiring disinterested servitude to the state of the universe is in each individual's interests. If so, then it's in each person's interests to disregard the bystander challenge. Mill thinks it is[36] and Kagan probably does too.[37] Consistently claiming bystander status would leave us dangerously vulnerable to our cruel world, floundering about on our own, with no one obligated to help us, regardless of how easy it might be for them to do so. In exchange, we will have the freedom to stand by while others suffer, regardless of how easy it might be for us to help them. Our moral obligations would be limited to redressing our wrongs. This hardly seems a worthwhile trade: if it's easy for me to help someone, I'd rather help him so that he'll toss me the life preserver when I need one than walk away without bothering to toss him the life preserver when he needs one. Prudence, a practical expression of self-interest, can play a vital role in providing a basis

[35] Kagan argues against what he takes to be an unjustified bias in favour of oneself, *Limits*, chs 7 and 9.
[36] Mill, *Utilitarianism*, ch. I, sects. 12–14.
[37] Kagan, *Limits*, pp. 39–45.

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for a rational, self-interested tug that pulls us from the bystander position to a position of obligation to aid others. It may be a plausible response to the bystander challenge. However, consequentialism cannot rely on this response because prudence doesn't require acceptance of consequentialism's demands.

Consequentialism constrains choices central to the formation and expression of oneself, forbidding you to be yourself; morality no longer constrains one's life, it subsumes (or consumes) it entirely.[38] That's not prudent. What one eats for breakfast may be placed under the moral microscope, whether one wears black or brown socks is up for moral scrutiny: if you prefer black but your colleagues hate it, it may increase overall good for you to yield to their taste. Small sacrifice, arguably, for a lifetime free of any calamity that others can prevent or alleviate (so long as the cost of alleviation is marginally less than the cost of the calamity). Besides, putting life's petty details up for moral scrutiny is unlikely to promote overall good. So we will probably still be able to select our own cereal and pick out our own socks. And we will surely *have* cereal and socks! (No small feat.) Yet, choices central to one's life, e.g. choice of professional, social and leisure activities, may be severely constrained. It's unlikely that choosing to be a mediocre artist instead of an effective advocate for the downtrodden can be justified in a consequentialist framework, however sophisticated the theory tries to be. Professional, procreative, social and leisure pursuits – choices central to one's identity, to the core of the life one leads and the meaning one's life has – will be dictated by the controlling overall good calculus. Powerful and familiar arguments regarding selfhood, integrity and self-determination contest the claim that we are better off as members of a universal conglomerate (comprised of many 'selves') than we are as individual selves.[39]

One might argue that consequentialism values selfhood and is constructed to maximize our ability to function as selves.[40] This characterization of consequentialism seems strained. Alternatively, one may claim that, although not designed to promote selfhood, consequentialism need not undermine it.[41] But, even if consequentialism adopts selfhood as a good to be maximized, the self will be sacrificed in the very process of its alleged maximization: As an effective advocate for the downtrodden (instead of a mediocre artist), you will likely contribute to the greater overall functioning of people as selves but your own selfhood will be sacrificed for the good of the

[38] See Dan Brock, 'Defending Moral Options', *Philosophy and Phenomenological Research* 51 (1991), pp. 909–13, and Quinn, 'Doing and Allowing', pp. 309–12.

[39] Bernard Williams, 'A Critique of Utilitarianism', *Utilitarianism For and Against*, ed. J. J. C. Smart and B. Williams (Cambridge, 1973), pp. 77–150. See Appendix B.

[40] I thank Paul Hurley for raising this objection.

[41] See Railton, 'Alienation', pp. 134–71.

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collective, thereby contradicting selfhood by treating selves as mere members of a collective. The consequentialist impersonal conception of the good is incompatible with viewing individuals as intrinsically separate, i.e. as selves. Any theory that espouses a unified, overall, impersonal conception of the good cannot avoid conceiving of persons as (expendable) members of a collective because, if we seek to maximize overall good, we realize that often we have to sacrifice a part for the greater good of the whole. And parts are not selves. In other words, when seeking to maximize the extent to which people can live their own lives, we will have to sacrifice some persons' selfhood in order to maximize the extent to which selfhood can be achieved overall,[42] but, in doing so, we treat our 'sacrifices' as mere parts of a collective rather than as selves, thereby undermining our conception, and value, of individuals as selves. The unifying, maximizing nature of consequentialism and its placement of value in states of affairs rather than in persons themselves undermine the self, regardless of the ways in which the theory may seek to promote it.

Still, selfhood and autonomy hardly exhaust what is in one's self-interest. In the absence of an alternative safety net, we might be driven to reject the bystander challenge in favour of consequentialism, especially since we are far more likely to be amongst the billions of people living under conditions that may make all this talk of selfhood seem trivial, insulting, *absurd*, than we are to be amongst the ones required to make sacrifices: How much do you care about selfhood as you watch your children die of diarrhoea that could be treated for less than the cost of some mediocre artist's fourteenth paintbrush? It seems that self-interest may motivate rejection of the bystander challenge and acceptance of consequentialism's demands.

Kagan argues that prudence favours extreme consequentialist obligation because it's irrational to risk serious harm in exchange for the benefit of being released from the obligation to help those who need help.[43] This may seem straightforward and correct but it is neither. I don't think it's irrational to risk severe deprivation in exchange for the moral right to live a life primarily devoted to pursuit of one's complex and varied conception of the good.[44] Ask any starving artist. Obligating

[42] See Railton, 'Alienation', p. 162.

[43] Kagan, *Limits*, pp. 41–4. ('It is true, of course, that for any given individual *his* having an option makes it more likely that his interests will be promoted. But it is equally true that for that same individual, the fact that *others* will have options makes it *less* likely that his concern will be met. On balance, it will not be a reasonable trade', Kagan, *Limits*, p. 44.)

[44] For arguments against the desirability of moral sainthood, see Susan Wolf, 'Moral Saints', *The Journal of Philosophy* 79 (1982), pp. 419–39. Requiring devotion to the overall good will probably improve the state of those who are worst off, in accordance with Rawls's difference principle. See J. Rawls, *A Theory of Justice* (Cambridge, Mass., 1971), pp. 70–5. But, the difference principle isn't uncontroversial. See Ronald Dworkin,

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people to the point of marginal utility so that others can subsist as well is not demanded by self-interest because it makes the utter usurpation of one's life possible, sometimes even likely, for the sake of subsistence-level assistance. Being that risk averse is not required by self-interested prudence. If starvation is common, obligating aid to the point of marginal utility will only relieve me of my starvation in order to force me into the servitude of someone else's full belly; if starvation is uncommon, I'll take my chances in order to preserve my ability to lead my own life. Self-interested prudence does not force us into extreme self-sacrifice, although *some* degree of sacrifice is probably required.

The prudential self-interest argument against requiring primary devotion to the overall good is strongest when contrasted not with the harsh, insecure life that may be presented as the grisly alternative but, instead, with a life of moderate risk and a moderate requirement to help others, especially those in one's neighbourhood, so long as the cost to oneself is not too burdensome. To continue our mess analogy,[45] if we agree to help keep our own neighbourhood clean by contributing to a neighbourhood sanitation programme, we will probably live in acceptably clean neighbourhoods and nobody will be morally compelled to the life of a travelling janitor – running around the world, paper towels perennially in hand, in search of the latest spill. Perhaps this explains why we are more inclined to help those nearby, to the exasperation of many consequentialists who are dumbfounded by what they take to be the flagrant irrational 'bias towards the near'.[46] Being a good neighbour makes excellent prudential sense; being Mother Teresa does not. Sainthood may be desirable for many reasons, but self-interested prudence is not one of them. That's why martyrs are commended for their commitment to the supererogatory: a life consumed with promoting the overall good is not particularly prudent and it's far from prudentially required.

Consequentialism may provide ultimate safety, but only at the staggering, suffocating cost of ultimate obligation. In reality, prudence (rightly) motivates people to moderate risk. We require drivers to be licensed and insured, but we let people drive even though that will kill

'The Original Position', *University of Chicago Law Review* 40 (1973), pp. 500–33; R. M. Hare, 'Rawls' Theory of Justice', *Reading Rawls*, ed. N. Daniels (Stanford, 1989), pp. 81–107; Thomas Nagel, 'Rawls on Justice', *Philosophical Review* 82 (1973), pp. 220–34. And, it's not clear that the contractarian principle of justice in social institutions would be chosen as a principle governing individual social interaction.

[45] This discussion proceeds without anyone getting on any trolleys. Much as I favour public transportation, I've opted to resist discussion of trolley cases because, by now, I think that sort of discussion obscures more than it clarifies. Of course, principles ought to stand up to the cases they encounter but it's unclear to me that taking our trolleys farther and farther off course does much to illuminate our thinking. Thus, I steer clear of trolleys in favour of more pedestrian examples.

[46] Kagan, *Limits,* pp. 294–6; Singer, 'Famine', p. 230; and Unger, *Living High*, pp. 33–6.

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many more people than will die if we require alternative transportation. We ride bicycles, eat donuts, even ski, because we accept moderate risks (but, if we are fully rational, we don't drink and drive, or smoke two packs of cigarettes a day). Similarly, we take ourselves to be most obligated to those closest to us even though, in forgoing equal membership in a global conglomerate, we risk dire deprivation. We accept this risk in order to maintain the hierarchy of social ties that we may deem life enhancing and in order to maintain the freedom to formulate and pursue our own complex and varied personal notions of what may constitute a good or desirable life. Helping those closest to us, both physically and emotionally, is in our self-interest because first, those closest to us are best placed and most likely to help us in return, thereby significantly reducing our risk of severe deprivation. Second, it's usually easier to help those closest to us. We tend to care more about those closest to us and this care makes us want to help them regardless of obligation. This feeling, in turn, reduces the perceived cost, and thereby the actual burden to us, of the requisite aid. It's probably also in each person's self-interest to have some broader, but more limited, safety nets as well, with personal obligations to the broader networks diminishing in proportion to their breadth. This will diminish risk of utter catastrophe, which may affect entire geographical or social spheres at once, but, because the obligation to aid is relatively weak, it won't significantly change the way we shape and run our lives. (It may require something like an annual moderate contribution to a global aid fund.) Similarly, it is likely in each person's self-interest to help their own societies repay societal debts in order to deter societal wrongs and protect oneself from being victimized, without recourse, by other societies.[47] Self-interest can support moderate obligations, obligations stronger than many accept today, but it's doubtful that it alone can support extreme consequentialist obligations.

## V. CONCLUSION

I have argued in favour of the importance and relevance of the bystander challenge. The bystander challenge questions our obligation to others, especially when their need is due to circumstances to which we have neither caused nor contributed. Some prominent contemporary consequentialists obligate people to the max, i.e. to a life devoted to the maximization of the overall, common good. Yet, they do not provide a basis for bystander obligation at all (relying instead on the indistinct intuition that we should aid others when we can). It is incumbent on those who burden all moral agents with this self-obliterating, wearisome load to provide a step-by-step account of

[47] I thank Elizabeth Anderson for pointing this out.

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the path from the bystander challenge to extreme consequentialist obligation. Alternatively, an argument against the legitimacy of the bystander challenge itself must be provided. Self-interest will not accomplish this. Rather, self-interested prudence may meet the bystander challenge but it is likely to yield moderate obligations and support common intuitions regarding differing levels of care for people in differing kinds of relationships.[48]

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## APPENDIX A

Regarding moderate consequentialism, I am sorely tempted to say something like this: if a moral theory has one value, why wouldn't it demand maximization of that value? If only one intrinsic value is recognized then there are no other values available to constrain it. Consequentialism demands the maximization of good consequences, thereby implying consequence commensurability. Therefore, even versions of consequentialism that purport to hold a plurality of intrinsic values can often be shown to boil down to one (intrinsic) value because the *currency* into which the alleged other values are cashed out in order to render a maximization calculus *is* the one (intrinsic) value. (In order to make maximizing judgments between competing values, one must turn to a third, overriding value which, by virtue of ability to override the other values, shows itself to be what really has intrinsic value.) Slote doesn't explain how the satisficing standard is determined nor does he justify why we should settle for good enough when we can maximize the good instead. Even if we claim that good enough is actually best, we are still, then, aiming at 'best'. Murphy doesn't explain why we should give fairness a privileged place in a moral theory that only values an increase in the good (which is not defined as fairness), and does not meaningfully recognize a plurality of values.[49] Railton does not explain how we, in our non-ideal world, rife with non-compliance with consequentialism (i.e. lacking social and political institutions efficiently devoted to saving the world), can justify not devoting ourselves to saving as much of the world as we can. Even if we are diminished in the process, what is one diminished life compared with the many lives we may thereby rescue from more painful destruction? Railton

[48] I am profoundly indebted to Paul Hurley and Dion Scott-Kakures for insightful comments and discussions on numerous drafts of this article. For very helpful comments and discussions, I am very grateful to Jonathan Adler, Elizabeth Anderson, Ann Davis, Jeanine Diller, Zev Gruman, Alex Rajczi, Charles Young, and the members of the Claremont Philosophers Work-in-Progress group.

[49] See E. Anderson, *Value in Ethics and Economics* (Harvard, 1993).

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says as much: 'not all will escape serious alienation . . . . such disruption may be offset by the opening of more avenues of self-development to a greater number of people'.[50] Moreover, in order to generate compliance with Railton's sophisticated consequentialism, we have to assume that the bystander challenge has already been addressed because, if the bystander challenge remains unanswered, then we can resist adopting an impersonal moral perspective (which virtually all forms of consequentialism require at some level). I am, therefore, sceptical regarding the plausibility of moderate consequentialism.

## APPENDIX B

Requiring devotion to the overall good is literally *self*-sacrificing, demanding abandonment of our conception of individuals as *selves*, as inherently separate agents, with individual agendas, in favour of the view of persons as (expendable) members of a collective – even if the collective constitutes numerous 'selves' that have joined in a conglomerate – with a unified agenda. This alternative was tried and most did all they could to escape it. Recently, two adult conjoined twins knowingly risked death for the chance at being able to lead separate lives (they died).[51] Relinquishing selfhood in favour of membership in a collective may not further self-interest. Some may argue that membership in a conglomerate of individual selves preserves selfhood, but that's a problematic view because, just as a body consists of parts but no part is a separate self (and it would therefore be reasonable to sacrifice a part for the overall good of the whole), a member of a group (who can be sacrificed for the overall good of the group) is being treated as a part of some other entity, not, fundamentally, as a self in its own right.

Treating persons as mere members of a collective jeopardizes self-respect. Self-respect, a crucial good which provides a basis for concern with one's own good, is at risk in any framework that favours the group because once we displace the self in favour of the group we are left with a less than robust sense of 'self' to respect.[52] How can you respect your*self* if you are not, fundamentally, a self?[53]

[50] See Peter Railton, 'Alienation, Consequentialism, and the Demands of Morality', *Philosophy and Public Affairs* 13 (1984), p. 162.
[51] www.cnn.com/2003/HEALTH/07/08/conjoined twins.
[52] See Anderson, *Value,* pp. 59–60, and J. Rawls, *A Theory of Justice* (Harvard, 1971), pp. 140 and 181.
[53] See Rivka Weinberg, 'Procreative Justice: A Contractualist Account', *Public Affairs Quarterly* 16 (2002), pp. 415–16.

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