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The Moral Status of Helping and the Identified Victim Effect

Moralny status pomagania a efekt ofiary zidentyfikowanej

Summary

Psychologists have noticed an interesting regularity, consisting in people being more willing to help ‘identified victims’ than ‘statistical victims’ (this regularity has been called ‘the identifiable victim effect’). One of the controversial problems connected with this effect is a normative one, viz. can preferring identified victims be justified in the contexts of private decisions (i.e., made by ‘private’ citizens rather than public institutions)? The goal of this article is to defend three claims: (1) that the answer to the above normative question depends on two factors: the strength of the identified victims effect and the assumed view (utilitarian or non-utilitarian) on the normative status of helping; (2) that the proper view is one of the variants of the non-utilitarian approach (referred to in the paper as ‘negative morality with elements of positive-partial morality’); (3) that (with the exception of the strong variant of the identified victim effect) preferring identified victims is not morally improper.

Keywords: identified victim, statistical victim, obligation to help, utilitarianism, imperfect duty, supererogation

Streszczenie

Psychologowie zaobserwowali interesującą prawidłowość polegającą na tym, że ludzie chętniej udzielają pomocy ofiarom zidentyfikowanym niż tzw. ofiarom statystycznym (prawidłowość ta została nazwana „efektem ofiary zidentyfikowanej”). Jedną z kontrowersyjnych kwestii wiążących się z tym efektem jest kwestia normatywna: czy preferowanie ofiary zidentyfikowanej w kontekście prywatnych decyzji (to jest podejmowanych przez prywatnych obywateli, a nie

instytucje publiczne) daje się moralnie uzasadnić? Celem niniejszego artykułu jest obrona trzech tez: (1) że odpowiedź na powyższe pytanie normatywne zależy od dwóch czynników: siły efektu ofiary zidentyfikowanej oraz przyjętego poglądu (użytecznościowego lub nieużytecznościowego) na temat normatywnego statusu pomagania; (2) że właściwym poglądem jest jeden z wariantów stanowiska nieużytecznościowego; (3) że (z wyjątkiem silnego wariantu efektu ofiary zidentyfikowanej) preferowanie osób zidentyfikowanych nie jest moralnie niewłaściwe.

Słowa kluczowe: ofiara zidentyfikowana, ofiara statystyczna, obowiązek pomagania, użyteczność, obowiązek niedoskonały, supererogacja

1. The identified victim effect: controversial issues

Psychological research on moral decision-making has revealed that human beings are more willing to help ‘identified’ victims than ‘statistical’ ones (cf., e.g., Schelling 1968; Jeni and Loewenstein 1997; Kogut and Ritov 2005; Small and Loewenstein 2003; Small 2015). This phenomenon is called the ‘identified victim effect’ (hereafter: IVE). For at least two reasons, however, the meaning of this effect remains unclear. The first reason is connected to the fact that the key concepts used to describe this effect – those of identified and statistical victims – are not entirely clear. But it must be admitted that the problem here is not very serious: it mainly concerns the question of how strongly ‘concretized’ (personalized) the victim must be (i.e., the person needing help) in order that she may be called ‘identified’. A spectrum of approaches can be distinguished here: from the minimalistic, which allows one to speak of identification at the moment when the victim is simply ‘named’, to the maximalist, which assumes that the victim must be described – concretized – in substantial detail, by more than merely naming. The second reason, which is, in

my view, more serious, is that in the relevant literature (see, e.g., Cohen, Daniels, and Eyal 2015) scarce attention, if any, is paid to the fact that one can distinguish different variants of IVE according to the *strength* of the preference for identified victims. I shall argue that the question of the strength of IVE is strictly connected with one of the crucial normative questions which may be – and is – posed in the context of reflection on IVE, viz. the question of whether a preference for identified victims can be morally justified (this question should be distinguished from a different normative question, or, rather, a normative-instrumental question, viz. of *how one can make use of IVE* in order to make public decisions regarding the distribution of resources more effective). In this article I shall argue for the claim that such preference *can* be morally justified, and whether it *is* justified depends on two factors: the strength of IVE and – above all – the accepted view on the moral status of helping. Let me clarify in what regards my analysis of the moral admissibility of preference for identified victims will differ from the analyses of this normative question pursued in the relevant literature (cf. e.g., Hare 2012; Daniels 2012; Frick 2015; Żuradzki 2018). The first difference, already mentioned, is that I shall put a great deal of stress on the question of how the *strength* of IVE may influence the way in which the problem of the moral admissibility of a preference for identified victims is resolved. The second (crucial) one concerns the method of my normative analysis. I shall not be applying various ethical theories (e.g., contractualism, utilitarianism) *directly* to the moral dilemmas in which help can be given to identified or statistical victims to see whether any of these theories may justify IVE (this seems to be a common feature of the analyses pursued in the articles cited above, which, of course, differ from each other in many other respects), but, rather, I shall reconstruct various theories *on the moral status of helping*, and only subsequently shall I apply them to the question of the moral admissibility of

a preference for identified victims. My approach is therefore indirect: I do not assume that helping is a duty, but rather, I want to analyze its moral status and its implications for the question about the moral admissibility of preference for identified victims.

I shall begin my analysis by distinguishing three variants of IVE: the weak, the moderate, and the strong. I propose the following definitions thereof. Assume that an agent possesses a certain amount (M) of money which she can allocate to helping either identified or statistical victims. Now, the weak IVE consists in the fact that when there is a choice between helping a given number of identified victims and *the same* number of statistical victims, she decides to help the identified victims, but if the number of both types of victims is different, she decides to help those victims who form a more numerous group (it is assumed that she can help *either* one group *or* the other, and thereby cannot distribute money between them). The moderate IVE differs from the weak one in that the agent prefers to help the identified victims also when the number of statistical victims is larger, *on condition that the difference between the number of the statistical victims and the identified ones is not great* (if it is great, she decides to help the statistical victims). The above definition of the moderate IVE is not completely precise, because it does not provide a quantitative definition of the ‘threshold’ difference between the number of statistical and identified victims which makes the agent reverse her preference (in favor of statistical victims). However, this lack of precision seems innocuous, at least in the context of the normative analyses to be pursued in this paper; for the goal of these analyses, the somewhat vague statement that the ‘threshold’ difference cannot be great will be sufficient. The strong IVE entails that the agent *always*, i.e., irrespective of the number of both groups, prefers to help the identified victims. Now, the psychological research seems to confirm only the existence of the weak and the moderate IVE. But let me

emphasize that the ‘psychological reality’ is of secondary importance in the context of my analyses: their goal is to examine the moral justification of various *possible variants* of IVE (on the assumption that the crucial variable for ascertaining whether IVE is morally justified is the accepted view on the moral status of helping).

At the end of these introductory remarks two additional clarifications need to be made. Firstly, my analysis of the moral status of a preference for identified victims refers only to private decisions, i.e., to decisions made by individuals in their ‘private sphere’. The conclusions might be different if the analysis were pursued in the context of public decisions (made by legal or social institutions which have been designed to realize various kinds of helping/beneficent/supportive goals). For instance, the utilitarian view – which will be criticized in this paper, and which leads to a moral critique of IVE – might be apt in the context of public decisions, and therefore IVE might not be morally justified in public decision-making. Secondly, I omit analysis of a certain type of private decisions to help, viz. decisions about *urgent helping*. Imagine that agent A can save agent B’s life at relatively little cost to herself, and is the only person, or one of a few persons, who can do it. A’s help is then *urgent*. I shall not analyze this special kind of helping for two reasons: there is no doubt that in such situations helping is a duty (according to all reasonable moral theories), and that this duty requires the maximization of the number of saved lives: the choice of saving a lower number of victims, just because they are identified, rather than a higher number of statistical victims, would be obviously morally suboptimal (though it should be added that the real life situations of urgent help in which a ‘private’ agent must choose between helping identified or statistical victims seem to be very rare).

2. *The views on the moral status of helping and their implications for the evaluation of IVE*

2.1. *Utilitarianism*

Utilitarianism, which requires that the agent should choose the action which maximizes social utility, does not provide any grounds for the claim that there is a morally relevant, intrinsic difference between actions and omission, and thereby between helping and non-harming. In general, one can say that both types of deeds (helping and non-harming) are regarded as always obligatory (within rule utilitarianism) or as usually obligatory (act utilitarianism). Two consequences of utilitarianism will be especially important for the evaluation of IVE: (1) that helping is an obligation; (2) that this obligation is precisely (at least in theory) regulated, i.e., in the case of a conflict between two conflicting duties to help (for instance, whether to help the identified victims or the statistical ones), one can always (at least in theory) ascertain which of them ought to be actualized, viz. the duty which leads to the maximization of social utility; this means that all considerations that focus on aspects other than the ‘amount’ of the produced social utility, e.g., the existence of an intimate relationship, previous commitments, should play no independent role in the process of deciding who should become the beneficiary of help.

Now, the utilitarian evaluation of the moderate and strong IVE is that a straightforward preference for identified victims is in both cases immoral, as it fails to maximize social utility. The reason is that utilitarianism implies that our moral duty is not simply to help others, but to help them in a manner that maximizes social utility, and the requirement of the maximization of social utility implies that, having at one’s disposal a certain amount of money (M), one should give it to the more numerous group of victims, since the increase in utility remains in direct proportion to the number of victims (on the

assumption that the law of decreasing marginal utility is valid, and that the help is identical for each victim). However, the above claim that, from the utilitarian point of view, strong and moderate variants of IVE are morally wrong, needs to be made somewhat more nuanced by taking into account an important distinction, viz. the distinction between utilitarianism as a view which provides a criterion for evaluating the *consequences* of actions, and utilitarianism as a view which constitutes not only such a criterion but also a decisional procedure. In the light of the first variant of utilitarianism, preference for an identified victim just because she is an identified victim is (in the context of the strong and moderate IVE) morally wrong because it tends to lead to immoral consequences, and not because it is a morally defective procedure (if we assumed, counterfactually, that preferring identified victims leads to the maximization of social utility, it would be morally acceptable, or to be more precise: morally obligatory). In the light of the second variant of utilitarianism, a preference for an identified victim just because she is an identified victim is ‘doubly wrong’ (in the context of the strong and moderate IVE): as a moral procedure and as producing sub-optimal consequences (i.e. not maximizing social utility). It is interesting to note that these two variants of utilitarianism may imply different evaluations of the weak IVE (i.e., one in which both groups of victims are equi-numerous). The first variant implies that a preference for identified victims is not immoral, because the consequences of each of the two possible decisions – to help identified victims or to help statistical victims – are the same (in the sense that they equally contribute to the increase in social utility); it is irrelevant here that the procedure that led to helping identified victims was not utilitarian, i.e., that the agent’s intention was not to maximize social utility. By contrast, the second variant, which imposes two requirements on the agent (consequentialist and procedural), implies that even weak IVE is immoral (because it violates the procedural requirement).

2.2. Non-utilitarianism: three variants

Let me recall two utilitarian claims with respect to helping: (1) helping is a duty; (2) conflicts of duties to help can be resolved by appealing to one – and only one – criterion: that of the maximization of social utility; no other criterion is morally permissible. Depending on the way these two claims are modified, one can distinguish three variants of the non-utilitarian views on the moral status of helping; I shall call them: negative morality (which, as I shall argue, may have three different varieties), positive-partial morality, and negative morality with elements of positive-partial morality. I shall successively discuss them, putting special stress on their implications for the moral evaluation of IVE.

Variant 1: Negative morality

Negative morality rejects both claims of utilitarianism (or more precisely: rejects the claim (1) which implies the rejection of claim (2)). The core of this morality is negative duties, i.e., duties of omission, including the duty to abstain from harming other people. Accordingly, negative morality implies that non-harming other people has an entirely different moral character from helping them: the former is obligatory, the latter is not. But the moral status of helping within negative morality needs to be described more precisely, because the mere statement that it is not obligatory is misleading, as it may suggest that helping is morally indifferent (the type of morality – one could call it *purely negative* – which treated helping as morally indifferent would be entirely implausible). But if helping is neither obligatory, nor non-obligatory, the question arises what its moral status might be. I shall distinguish three different interpretations of its status within negative morality (giving rise to three sub-variants of this view): (1) as a supererogatory action, (2) as a quasi-supererogatory action, or (3) as an imperfectly obligatory action.

Ref. (1) (Helping as a supererogatory action). According to this interpretation helping is a supererogatory action in the sense that performing such an action deserves admiration, yet the failure to perform it does not entail moral condemnation.

Ref. (2) (Helping as a quasi-supererogatory action). According to this interpretation, helping is a quasi-supererogatory action in the sense that it deserves moral praise but not admiration, and the failure to perform it does not entail moral condemnation.¹

Ref. (3) (Helping as an imperfect duty). According to this interpretation, helping is an imperfect duty in the sense given to this notion by Kant (1964, section 53). In Kant's view, helping others, like other imperfect duties (*unvollkommene Pflichten*), e.g., the duty to develop one's capacities or character, differ from perfect duties (*vollkommene Pflichten*), e.g., the duty to keep one's promises, in that they leave the agent, so to speak, 'double discretion' in their performance. *Firstly*, they allow exceptions in favor of 'inclination', which may mean two different things: they have priority over egoistic goals but this priority is not unconditional (one can occasionally give

¹ The distinction between supererogatory and quasi-supererogatory actions does not appear in the relevant literature, but introducing it seems to me necessary for making a distinction between admirable (heroic) and simply praiseworthy (but not admirable) acts (I developed this distinction in Załuski 2012). The standard definitions of supererogation (e.g., by Roderick Chisholm 1963 or James Urmson 1958) conflate these two similar but still different categories; for instance, in Chisholm's definition, an act is supererogatory if its commission is good and its omission neutral; it therefore embraces both supererogatory and quasi-supererogatory acts (as I understand them). It is worth noticing that supererogatory acts of helping have (on my account) necessarily greater moral worth than obligatory acts (omissions) (because they refer to what may be called 'heroic' helping – requiring much self-sacrifice), whereas quasi-supererogatory acts of helping (which embrace also such trivial services as lending lecture notes to a fellow student) may have less moral worth than obligatory acts (omissions).

preference to one's egoistic goals); or they may be limited by other duties (cf. Paton 1946, 148–149). *Secondly*, the way they are realized depends to a large extent on the agent: they do not determine exactly *how* they should be performed (cf. Kant 2005, 58).

It is clear that interpretations (1) and (2) on the one hand, and interpretation (3) on the other are mutually exclusive, since an act of helping cannot be at the same time a duty, even if an imperfect one, as implied by interpretation (3), and a non-duty, as implied by interpretation (1) and (2). Interpretations (1) and (2), in turn, are also, strictly speaking, mutually exclusive because, even though they assume that an act of helping is a non-duty, they morally evaluate it in a different way. But I shall analyze them jointly, which is justified precisely by the fact that they treat helping as a non-duty (they are therefore similar in an essential respect). Thus, the question to be resolved is whether any of these three interpretations implies a moral critique of IVE.

Let me start from the easiest case – interpretation (3). Since this interpretation asserts explicitly that the agent has ‘double discretion’ in performing her (imperfect) duty of helping (the duty allows exceptions in favor of inclination, and does not determine the exact way in which it should be performed), one cannot morally criticize the agent for helping identified victims rather than statistical ones, at least in the context of weak and moderate IVE. As far as the strong IVE is concerned, the matter is less clear: one may argue that given the large disproportion between the two groups of victims, even an imperfect duty of helping requires giving resources to the larger group (that of statistical victims). As regards the two other interpretations (which, as mentioned, I treat jointly), it seems that one can assume the following axiom regarding supererogatory and quasi-supererogatory deeds: *if an action is not obligatory, and therefore not enforceable, and its performance, even if admirable or praiseworthy, depends en-*

tirely on the agent's good will, then one cannot formulate any requirement regarding the concrete form in which this action ought to be performed. One can advance the following argument for this axiom: by introducing an element of obligation into the non-obligatory (supererogatory or quasi-supererogatory) action, one deprives consistency – in a twofold manner – of the very concept of this action: it would be at the same time obligatory and non-obligatory, and, consequently, even though the agent could not be morally criticized for not performing it, she could be morally criticized for performing it in a specific manner. This would be rather odd. A better (more consistent) account of a supererogatory act (and, analogously, quasi-supererogatory) would be the following: an act which is supererogatory in the basic sense (i.e., in terms of the question of whether it ought to be performed) is also supererogatory in the secondary sense (i.e. in terms of the *way* it is performed). Now, it follows from this axiom that an agent cannot be morally criticized for helping (which is assumed to be a supererogatory or quasi-supererogatory action) in one way or another, e.g., by helping identified victims rather than statistical ones. The very fact that she *helps* is morally valuable; *the way* she helps is of no *moral* importance. There seem to be only two exceptions to this claim: the case of strong IVE, where there exists a large disproportion between the number of statistical and identified victims (the *arbitrary* character of choice is here so glaring that it cannot be morally accepted), and the case of *urgent helping* (described in section 1). It must be pointed out, however, that the above-mentioned axiom is not unanimously accepted; it was rejected by some thinkers, e.g., by Joe Horton (2017) and Theron Pummer (2016), who argued for the claim that if we are willing to perform a helping act, we should perform it an *optimal* way (the apt name for this view, proposed by Horton, is 'optimific altruism'). But it seems that their claim that the suboptimal execution of a supererogatory act is morally wrong is plausible only with regard to the two cases

mentioned above. As a general rule, it can hardly be accepted. To repeat what has already been said: it would be really odd to *morally* criticize an agent for not optimally performing an act which goes beyond the call of duty. Of course, such an agent may be criticized, but the critique should be formulated on grounds other than moral ones, e.g., grounds of prudence or effectiveness. To take this one step further: there would even seem to be something *immoral* in morally criticizing an agent who goes beyond the call of duty but does so in a suboptimal way; the very fact that she goes beyond the call of duty should suspend moral critique of the agent (unless her way of performing the supererogatory act is glaringly arbitrary).

Variant 2: Positive-partial morality

The second variant of the non-utilitarian view accepts the claim (1) of utilitarianism (that helping is a duty) but it rejects its claim (2) – that personal (‘partial’) ties should not be taken into account in deciding conflicts of duties to help. Therefore, this morality is similar to utilitarianism in two respects: it assumes that helping is obligatory even if there are no special ties between the agents (the potential benefactor and the potential beneficiary); the criterion of the maximization of social utility ought to be invoked to resolve conflicts of duties of help. The difference lies in that the criterion may be defeated by other considerations, viz. special obligations arising from special ties/relationships between agents. The name of the morality – positive-partial – is justified by the fact that it treats helping as obligatory (it therefore admits *positive* duties, i.e., duties of action), and the strength of these duties depends on partial factors (i.e., partial from the standpoint of utilitarianism), such special ties/relationships as, e.g., family, friendship, nationality. In the context of the moral evaluation of IVE, this variant of non-utilitarian morality leads to somewhat different conclusions than the utilitarian view: it agrees with utilitarianism that a preference for identified victims *just because* they

are identified is morally unjustifiable because it is based on morally irrelevant grounds (even though this variant allows a larger set of morally relevant grounds than utilitarianism, it does not accept mere ‘identification’ as morally relevant). It also agrees with utilitarianism that in the absence of special relationships IVE is not justifiable. But, in contrast to utilitarianism, it may justify a preference for identified victims not because they are identified but because they satisfy some other (non-utilitarian) moral criteria (the existence of special ties between the benefactor and the beneficiary).

Variant 3: Negative morality with elements of positive-partial morality

This variant assumes that helping is obligatory only with regard to persons towards whom we have special obligations (arising from the existence of special ties/relationships); helping other persons is not obligatory, but (depending on the assumed sub-variant of negative morality) is supererogatory, quasi-supererogatory, or has the character of imperfect duty. Since a preference for identified victims can be immoral only if helping is a duty, and, in this variant, it is a duty only with regard to persons with whom we have special relationships, it follows that it (a preference for identified victims) can be immoral only in one situation: in which statistical victims are at the same time people with whom we have special relationships. One may notice that even assuming that this kind of situation is theoretically possible (i.e., that victims with whom the agent has special relationships and knows about this can ever be called ‘statistical victims’) it is rather psychologically improbable that the agent will not then help the statistical victims.

Let me briefly summarize the main conclusions of my analysis. Preference for identified victims is, generally speaking, immoral only in the utilitarian account of the moral status of helping and (in some cases) in the positive-partial morality

(which is similar in several respects with utilitarianism); in the remaining views it is not immoral, or is immoral only in very special circumstances (the large disproportion between the group of statistical and identified victims). However, this leads to the question which of the four views of the moral status of helping is the correct one. It is hard to provide *conclusive* arguments in favor of one of these views; it would require invoking a more general principle from which one of these views could be deduced, and the existence of such a principle is very dubious. It seems, however, that one can put forward two strong arguments in favor of negative morality with elements of positive-partial morality. The first argument asserts that this view is most consistent with our common moral intuitions, including those which are encoded in most legal systems. The second one identifies serious defects of the utilitarian view. I shall develop them in the following section.

3. Arguments for negative morality with elements of positive-partial morality

3.1. Argument from consistency with common moral intuitions, including those encoded in most legal systems

It seems that this view on the moral status of helping (viz. negative morality with elements of positive-partial morality) is presupposed by most contemporary legal systems, which are therefore non-utilitarian *in this respect* (i.e., in their view on the normative status of helping). Their core (at least as far as criminal law is concerned) consists of rules which spell out negative duties, i.e., duties of forbearance from wrong-doing. Accordingly, in contrast to utilitarianism, legal systems do not place non-harming and helping on the same ‘moral level’. This is particularly distinct in the common law systems, in which, generally speaking, so-called ‘good Samaritan laws’ (i.e., laws which penalize omissions to help a person in serious danger

when helping her does not expose the potential helper to the risk of serious harm) do not appear. It is distinct, however, also in the continental legal systems in which such laws usually exist (cf. Smits 2002).² For such laws concern a somewhat different situation than the one usually discussed in the context of the moral status of IVE. An agent may prove to be a good or bad Samaritan (at least according to the legal understanding of these notions) only if the other person needs *urgent* help, i.e., one without which she is likely to lose her life or to sustain a serious harm to her health, and the agent is the only person who may help her, or one of a few such persons. The laws of the good Samaritan apply therefore to situations in which there arises a special tie between the needy person and the potential helper (Samaritan), and there does not arise a dilemma of whether the (potential) helper should help the needy (identified) person or some statistical victim. One can therefore say that helping in situations of this kind, even though it has (like every kind of help) a positive character (that of action), is obligatory. This is a ‘positive-partial’ element in the otherwise negative morality of (criminal) law (which formulates above all negative duties).

However, given that the morality by which we are guided in our everyday life has richer content than morality ‘encoded’ in criminal law, one might cherish doubts as to whether the above argument – pointing out the consistency between law, on the one hand, and negative morality with elements of

² For instance, in the Polish legal system such a law is formulated by Article 162 of the Penal Code: “§ 1. Whoever does not render assistance to a person who is in a situation threatening an immediate danger of loss of life, serious bodily injury, or a serious impairment thereof, when he so do without exposing himself or another person to the danger of loss of life or serious harm to health shall be subject to the penalty of deprivation of liberty for up to 3 years. § 2. Whoever does not render assistance necessitating the submission to a medical operation, or under conditions in which the prompt assistance of a responsible authority or person is possible, shall be deemed to have not committed an offence”.

positive-partial morality, on the other – is really apt: is it not so that our everyday morality imposes on us stricter and more extensive duties to help? On closer analysis, however, it turns out that the answer to this question should be negative. It is no accident that we do not morally condemn persons who do not help others, and praise or admire those who help. The only exception in which such condemnation appears is the situation in which there is a special tie/relationship between the potential benefactor and the beneficiary. This exception is, of course, allowed for also in the negative morality with elements of positive-partial morality. Furthermore, it seems that in our everyday moral practice we do not make a distinction between persons who help identified victims and those who help statistical victims, but only between those who help others (we praise or admire them), and those who do not help (we do not praise or admire them, but also do not censure them morally). In sum: it seems that even taking into account a more extended set of our moral intuitions than those ‘encoded’ in law, one will not go beyond negative morality with elements of positive-partial morality.

3.2. Argument from the weakness of the utilitarian view

A preference for identified victims (i.e., IVE) is unequivocally immoral only on the grounds of utilitarianism. However, utilitarianism is open to serious – in my view, devastating – criticism. It was pointed out, for instance, that it suffers from ‘schizophrenia’, because it requires that human beings be guided by a moral motive (viz. concern with ‘social utility’) which is not treated as valuable in our everyday moral practice; it therefore gives rise to a division (the aforementioned ‘schizophrenia’) between reasons for action and moral motives, i.e., utilitarian reasons for action cannot function as plausible moral motives (cf. Stocker 1976). Let me explain this somewhat hermetic description. A son who visits his ill father in the hos-

pital, not because he loves him, but because he thereby wishes to maximize social utility (i.e., takes the utilitarian criterion as his moral motive), cannot count, in Stocker's view, on being praised for his (otherwise beneficial) action: his motive is improper. Two remarks must be made here, however. Firstly, Stocker's argument applies only to utilitarianism understood both as a criterion for evaluating actions and as a decisional procedure; it does not apply to a less restrictive, though also less common, version of utilitarianism understood only as a criterion for evaluating actions (I use here the distinction described in more detail in section 2.1). Secondly, it should be mentioned that Stocker directed his argument not only against utilitarianism, but more generally: against 'modern ethical theories', including e.g., Kantian ethical theory. But, arguably, it is strongest precisely with regard to utilitarianism: if the son acted in a 'Kantian manner', that is: if he visited his ill father *just because* (and only because) he thought it was his duty to do so, his motivation, though deprived of emotional aspect, would seem much less idiosyncratic than the motivation implied by utilitarianism, presumably because the connection between the action and its beneficiary would be less abstract/artificial. This leads us to the next argument against utilitarianism: it was criticized precisely for ignoring personal ties, which we treat in our everyday moral practice as important, if not crucial, from the standpoint of our moral duties (cf. Slote 1985; Scheffler 2000). It was also rightly pointed out that utilitarianism places excessive cognitive requirements upon agents (for instance, in order to make a utility-maximizing decision, one would have to carry out – consciously or unconsciously – complicated calculations, which are, in fact, intractable). Furthermore, by broadening the scope of our moral duties (so that practically each decision in our life would become a moral decision), and by prohibiting us from treating our personal ties as morally relevant, utilitarianism poses a threat to our personal 'integrity' and identity (Williams 1973): it assumes that hu-

man beings are just a means for the realization of an abstract goal, namely the maximization of social utility.

To conclude: negative morality with elements of positive-partial morality seems to provide the most plausible account of the moral status of helping. This is the status (with some exceptions) of non-obligation (though not of moral indifference). Accordingly, on the grounds of this morality one cannot say (contrary to what is often assumed in the literature devoted to IVE) that there is something irrational or immoral in giving preference to identified victims.

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Bibliography

- Chisholm, Roderick M. 1963. "Supererogation and Offence: A Conceptual Scheme for Ethics." *Ratio* 5: 1–14.
- Cohen, I. Glenn, Norman Daniels, and Nir Eyal, eds. 2015. *Individual versus Statistical Lives: An Interdisciplinary Perspective*. Oxford: Oxford University Press.
- Daniels, Norman. 2012. "Reasonable disagreement about identified vs. statistical victims." *Hastings Center Report* 42 (1): 35–45.
- Frick, Johann. 2015. "Contractualism and Social Risk." *Philosophy & Public Affairs* 43 (3): 175–223.
- Hare, Caspar. 2012. "Obligations to Merely Statistical People." *Journal of Philosophy* 109 (5/6): 378–390.
- Horton, Joe. 2017. "The All or Nothing Problem." *The Journal of Philosophy* 114 (2): 94–104.
- Jenni, Karen E., and George Loewenstein. 1997. "Explaining the 'Identifiable Victim Effect'." *Journal of Risk and Uncertainty* 14: 235–257.

- Kant, Immanuel. 1964. *Groundwork of the Metaphysics of Morals*. Translated by H.J. Paton. New York: Harper Torchbooks.
- Kant, Immanuel. 1996. *The Metaphysics of Morals*. Translated by M.J. Gregor. Cambridge: Cambridge University Press.
- Kogut, Tehila, and Ilana Ritov. 2005. "The 'Identified Victim' Effect: An Identified Group, or Just a Single Individual?" *Journal of Behavioral Decision Making* 18 (3): 157–167.
- Paton, Herbert J. 1946. *The Categorical Imperative. A Study in Kant's Moral Philosophy*. London: Hutchinson University Library.
- Pummer, Theron. 2016. "Whether and Where to Give." *Philosophy & Public Affairs* 44: 77–95.
- Scheffler, Samuel. 2000. *The Rejection of Consequentialism*. Oxford: Oxford University Press.
- Schelling, Thomas. 1968. "The life you save may be your own." In *Problems in Public Expenditure Analysis*, edited by Samuel Chase, 127–176. Washington: Brookings Institution.
- Slote, Michael. 1985. *Common-sense Morality and Consequentialism*. London: Routledge Kegan and Paul.
- Small, Deborah A. 2015. "On the Psychology of the Identified Victim Effect." In *Identified vs. Statistical Persons: An Interdisciplinary Perspective*, edited by I. Glenn Cohen, Norman Daniels, and Nir Eyal, 13–23. Oxford: Oxford University Press.
- Small, Deborah A., and George Loewenstein. 2003. "Helping a Victim or Helping the Victim: Altruism and Identifiability." *Journal of Risk and Uncertainty* 26 (1): 5–16.
- Smits, Jan M. 2000. *The Good Samaritan in European Private Law; On the Perils of Principles without a Programme and a Programme for the Future*. Bepress. http://works.bepress.com/jan_smits/8/.
- Stocker, Michael. 1976. "The Schizophrenia of Modern Ethical Theories." *Journal of Philosophy* 73 (14): 453–466.
- Urmson, James. 1958. "Saints and Heroes." In *Essays in Moral Philosophy*, edited by A.I. Melden, 198–216. Seattle: University of Washington Press.
- Williams, Bernard. 1977. "A Critique of Utilitarianism." In *Utilitarianism: For and Against*, edited by John J.C. Smart, and Bernard Williams, 77–150. Cambridge: Cambridge University Press.
- Zański, Wojciech. 2012. "On the Asymmetry of Values and Duties and Its Implications for Law." *Rivista di scienze giuridiche, scienze cognitive, ed intelligenza artificiale* 16: 153–171.

Żuradzki, Tomasz. 2018. "The Normative Significance of Identifiability." *Ethics and Information Technology*, 1–11. <https://doi.org/10.1007/s10676-018-9487-z>.

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