

## Gert on Aid to Others

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"It is worse than pointless to claim that  
morality requires helping the deprived."  
Bernard Gert

### Introduction

Let me start by telling you two things I believe. The first is this: morality often requires us to aid others (for example, helping the deprived). The second is this: reason often requires the same thing. That is, we are often *rationally* required to aid others.

Now I happen to believe particularly strong versions of both of these claims. I believe that morality actually requires us to do as much good as we possibly can do—and I believe that reason requires the same thing. And since doing all the good we can do typically involves aiding others, I believe that we are very frequently required to aid others—both morally required and rationally required.

But of course one might accept more modest versions of either of these claims. For example, one might accept the existence of what are sometimes called "deontological constraints" which would rule out certain methods of aiding others. Thus one might think that it is immoral to deliberately harm an innocent person, even if this is the only way to aid others by an even greater amount overall. And one might hold, as well, that we are rationally required to conform to such constraints. Accordingly, one might reject my bold versions of the two claims, and accept instead the more modest claims that we are required—both morally and rationally—to do all the good we can within the limits set by those constraints. Even so, since we can often aid others without violating any constraints, we are often morally and rationally required to aid others.

Or one might accept even more modest versions of these two claims. For example, one might accept the existence of "options" which make it permissible to forgo promoting the good when the cost to you of doing so involves too great a sacrifice in terms of the various other things you care about. And one might hold, as well, that it is rationally permissible to act on these options—forgoing the chance to promote the good—when the cost to you of pro-

moting the good is too great. Accordingly, one might insist merely that we are required—both morally and rationally—to do all the good that we can (within the limits set by constraints) provided that the cost of doing so is not too great. Even so, since the cost of aiding others is often quite reasonable, we will often be morally and rationally required to aid others.

Or we might be more modest still. One might hold that there is no moral or rational requirement to concern ourselves with the provision of mere *goods* (for example, mere bodily pleasures, or the enjoyment of beauty). Perhaps we are only required to prevent evils (for example, pain, disease, or death). Then one might say that we are morally and rationally required to prevent harm to others (within the limits set by constraints) when the cost of doing so is reasonable. Even so, since we often can prevent harm (and other evils) to others at reasonable cost (and within the limits set by constraints), we will often be morally and rationally required to aid others.

As I've already noted, I do not personally accept any of these possible modifications. Rather, I accept the pair of claims in quite bold form. But that is not my concern in this paper. It suffices to note that one can accept one or both of the claims in quite modest forms as well. And, indeed, I rather suspect that many people do accept one or both of these claims in some (perhaps modest) form.

For example, if you have the opportunity to save a drowning child, at little or no cost to yourself—suppose you are the only one near enough to throw a life preserver—then I suspect that many people would agree that you have a *moral obligation* to do this. And at least some people, I suppose, might even agree that it would be *irrational* of you not to help in this situation.

If I understand him correctly, however, then, with one important kind of exception, Bernard Gert rejects both of these claims. He does not believe, first of all, that we are *rational* required to aid others—not even when this prevents serious harm, not even when this costs us little or nothing, and not even when we can help without violating any constraints. And, more strikingly still, Gert does not even believe that we have a *moral* requirement to aid others (not even if we can prevent harm, at little cost, without violating constraints).

The important exception is this. Gert recognizes that in what he calls “civilized societies” there is often a conventional, socially imposed duty to rescue (210).<sup>1</sup> So if you happen to live in such a society and you come across the drowning child, Gert too will admit that you are morally required to provide the requisite aid. Similarly, your society might impose upon you various other relevant duties to aid others, deriving, perhaps, from your job or other social roles (for example, you might be a lifeguard).

Presumably, however, this means that if you are not a member of a “civilized society”—and have no other similar socially imposed duties—you face no similar moral obligation.

Suppose, then, that you live in the wild and there come across the drowning child—far from any society whatsoever. And suppose, as well, that it is not your job to aid drowning children in the wild, that you've not made any promise to save such children, and so forth. I take it, then, that Gert's position is that in a case like this, there is no requirement at all—neither a rational requirement, nor a moral requirement—to save the drowning child.

Still, it seems to me that a good many people would insist that even in this situation there is indeed a *moral* requirement to provide aid: to fail to throw a life preserver to a drowning child (even if you are in the wild, and it's not your job) is simply *immoral*. And at least some people will agree as well that there is

in fact a *rational* requirement to provide aid in such cases. So when Gert denies both of these, it seems to me that he is making some rather striking claims.

Accordingly, what I want to do in this paper is to investigate Gert's various arguments for these striking claims. My goal, then, is a modest one. I won't attempt to defend the alternative view—that there *are* rational and moral requirements to aid. I will restrict myself, instead, to trying to see whether Gert has given us any good reason to *deny* the existence of these requirements. As we shall see, I believe his arguments are unsuccessful.

Before proceeding, however, two preliminary remarks about exposition are in order. First, as I have already explained, it is possible—and, indeed, common—to accept a requirement to aid with various qualifications and restrictions in place. But it is clumsy, and tiresome, to be forever talking of “a requirement to aid others—so as to prevent harms or other evils, when this can be done at reasonable cost within the limits set by constraints.” Thus, I will typically talk simply of “a requirement to aid others.” But those who accept the various qualifications should certainly keep them in mind.

Second, Gert's presentation of his views is lengthy and complex. He often revisits issues he has discussed before, sometimes modifying or refining earlier theses, arguments, and objections. It is quite possible, then, that I have overlooked some relevant passages, or misconstrued the precise intent of those that I have identified. But it would of course be tiresome in a different way to have the discussion that follows constantly flagged with reminders to this effect. And so, for the most part, I will let this single, initial reminder suffice.

## Rationality

I trust it isn't particularly controversial for me to claim that Gert rejects the existence of a rational requirement to aid others. Consider his official account of irrational action (83-84). For our purposes the key part of the account is this. Gert claims that an action is irrational only if the (suitably informed) agent would believe that the act significantly increases his risk of suffering some significant evil (for example, pain or death).

Now to be sure, Gert insists repeatedly (and it is an important part of the official account) that it can be rationally permissible for the agent to act in a way that he believes will increase the risk of his suffering some significant evil—provided that the agent has an “adequate reason” for doing so. And Gert insists as well that the fact that the act will aid others (providing a benefit, or preventing a harm) can count as an adequate reason. Thus it can be rationally permissible for an agent to act in a way that will cause harm to himself, so as to aid others. Still, the fact remains that on Gert's account the *only* way that an act can be irrational is if it runs the risk that the *agent* will suffer some evil.

According to Gert, then, an act is irrational if and only if it risks harm to the agent in the absence of an adequate reason. Thus, if the agent does *not* have an adequate reason for “disregarding” this evil to himself, his act is irrational. But note that there is nothing irrational—according to Gert—about similarly “disregarding” evils to *others*. If no harm to oneself is involved, it is perfectly rationally permissible to act in a way that harms others, or fails to prevent or eliminate harms to others—even in the complete absence of some further “adequate reason.”

That's why, on Gert's view, there is no rational requirement to aid others, not even to prevent harm to them. One does not need some special adequate reason to disregard the welfare of others. One can rationally disregard it for no

reason at all. As Gert puts it at one point: "it is only failure to act on reasons concerned with one's own self-interest that is ever irrational; failure to act on reasons concerned with the interests of others is never irrational" (73).

The question we need to put to Gert, then, is this: why should we accept this claim? Why not believe, instead, that one can be irrational for failure to act on reasons even when those reasons are concerned only with the interests of *others*? Obviously enough, Gert's official account of irrationality rejects this more encompassing approach in favor of a more restricted view. But what exactly is Gert's argument for accepting this more restricted view about rationality?

Before answering this question, however, we have to deal with a complication. In developing his theory of rationality, Gert attempts to make use of what we might call a No Controversy Strategy. The idea is roughly this: Gert only wants to label something as irrational if it is reasonably uncontroversial that this kind of act is indeed irrational. (Presumably, this is because Gert frequently goes on to rely on arguments which make use of premises asserting that some type of act is irrational; Gert wants those premises to be as uncontroversial as possible.) Unfortunately, however, Gert's use of the No Controversy Strategy makes it difficult to pin down his views on the issues we are discussing.

Here are two typical statements of this strategy:

Whenever there is any significant disagreement as to whether an action is rational or irrational, I shall regard it as rational. Thus if any significant group of rational persons, as characterized previously, regard an action as rational, I shall regard it as rational. (32)

However, I do not want to classify as irrational any action that anyone can plausibly want to classify as rational. When I show an action to be irrational, I expect complete agreement that it should not be done. (86)

Now on the face of it, all that these remarks seem to tell us is something about when Gert is prepared to *label* an act as irrational. But if that's right, this leads to a rather surprising way of understanding Gert's various claims about rationality and irrationality, including his official account of irrational action. Gert is willing to *call* an action "irrational" only if everyone agrees that it is irrational. But this means that it is possible, and perhaps even likely, that there may be other kinds of action that are irrational as well, but where, as it happens, there is not yet any kind of agreement about this fact. Since there is no agreement, these other irrational acts won't be *called* "irrational" by Gert; but of course, this in no way shows that they are *not* in fact irrational.

Thus when the official account of irrational action asserts that the only irrational actions are those that harm the agent without an adequate reason, what this actually *means* is that this is the only kind of action that Gert is prepared to *call* irrational, because it is the only kind of action concerning which there is general agreement that it is irrational. So construed, the official account doesn't actually say that the only irrational acts are those that harm the agent without an adequate reason (appearances to the contrary notwithstanding). What it actually says—or should be understood as saying—is that this is the only *uncontroversially* irrational action.

Similarly, then, when the official account implies that it cannot be irrational to fail to prevent harm to others (even in the absence of an adequate reason), all this actually *means* is that if this kind of action *is* irrational, this fact is controversial. Thus, on this reading, it is perfectly compatible with Gert's offi-

cial account of irrational action to hold that there is a rational requirement to aid others. Presumably, if there is such a rational requirement, there is no general agreement about this, so Gert won't be prepared to *call* failure to act on such a requirement irrational. But, of course, it will be irrational for all that.

Thus, on at least one possible reading suggested by Gert's appeal to the No Controversy Strategy, we may not actually have any evidence at all that Gert truly does reject a rational requirement to aid others. He appears to say things that explicitly reject such a requirement (or entail its rejection); but the appearances are deceptive. Gert is actually talking in a kind of code. And for all we know Gert may actually agree with me that there is such a requirement. It's just that Gert can't say it out loud.

And yet, I can't help but feel that Gert does disagree with me about this. And surely the reader of the official account of irrational action will be excused for thinking this as well. So I think we had better look for a second way to understand the relevant passages.

Luckily, an alternative understanding is not hard to find. This second interpretation begins by laying stress upon the fact that Gert is interested in the agreement of *rational* people. In discussing his account of rationality, Gert frequently reminds us that he is only attempting to state the beliefs and actions of people "insofar as" they are rational. Here are two more typical passages:

When I talk of "rational persons" in this context, I mean "persons insofar as they have neither irrational beliefs, desires, nor motives, and are not acting irrationally." Thus, in talking about rational persons, I am not making any empirical claims about actual rational persons, but am simply making explicit what is involved in being rational. (30)

No rational person insofar as she is rational (this phrase is always to be understood when I talk of rational persons). . . . (90)

Now recall that in stating what I have dubbed the No Controversy Strategy, Gert tells us that he only wants to call an action irrational if (virtually) all rational persons regard the action as irrational. Combine this with the realization that Gert is only interested in the opinions of rational persons insofar as they are rational. This suggests that the proper way to understand Gert is as follows: he only wants to call an act irrational if all rational people *insofar* as they are rational would agree it is irrational. Which is to say, I take it, that Gert is interested in knowing what *perfectly* rational individuals would agree to be irrational. (By a "perfectly" rational individual I simply mean someone who is "completely" rational—lacking all irrational beliefs, and so forth. Focusing on perfectly rational individuals in this sense guarantees that we attend only to the views of rational people *insofar* as they are rational.)

But this doesn't yet solve the problem. After all, it is still true that what Gert actually tells us is that he is not going to "classify" an act as irrational in the absence of the agreement of rational persons. Thus, Gert's appeal to the No Controversy Strategy still allows for a reading according to which some type of act might still be irrational, even though not all perfectly rational people agree about this. All that Gert would be saying, then, is that he won't *call* such an action irrational, even though it is. Thus we would remain in the unpleasant exegetical situation of having no clear evidence that Gert rejects a rational requirement to aid others, even though he certainly appears to do so.

Perhaps, however, I have been misconstruing the No Controversy Strategy. I've been interpreting it as a statement of Gert's unwillingness to *label* something irrational in the face of disagreement. This does seem to me the most natural way to interpret Gert's remarks. But perhaps we should understand it, instead, as a statement of Gert's *belief* that an act cannot be irrational if people disagree about this. That is, perhaps what Gert actually thinks is something like the following: an action *is* irrational only if all perfectly rational people would agree that it is.

Admittedly, Gert doesn't quite say this. But it is not unreasonably far from the various things that Gert does say. Furthermore, it seems like a reasonably plausible view to hold.

Note that it would not be an especially reasonable view to hold if it were a claim about ordinary, imperfectly rational people. That is, it wouldn't be especially plausible to claim that an act is irrational only if ordinary, imperfectly rational people would agree that it is. After all, it is difficult to see why imperfectly rational people shouldn't sometimes (or often) make mistakes about what kinds of acts are irrational. But the view does seem far more plausible once we insist—with Gert—that what we are interested in are the beliefs of perfectly rational people (that is, the beliefs of rational people "insofar as" they are rational). For it does not seem implausible to suggest that a (well-informed) perfectly rational person can't be mistaken about what kinds of actions are irrational. So unless there is agreement among perfectly rational people, the act can't be irrational.<sup>2</sup>

Note, furthermore, that if we do ascribe this view to Gert—that an act is irrational only if perfectly rational people agree it is—then we can take him at his word in his various other pronouncements about rational and irrational actions. In particular, when Gert says that the only irrational acts are those that harm the agent without adequate reason, we can now straightforwardly assume that he *means* it. No other sorts of acts are irrational, Gert would be telling us, for there are no other sorts of acts that all perfectly rational people agree to be irrational.

I tentatively conclude, accordingly—albeit with considerable hesitation—that Gert does hold the view that we've just been discussing. An act is irrational, according to Gert, only if perfectly rational people agree that it is irrational.

But now, of course, our question to Gert is this: is it, or is it not, the case that all perfectly rational people will agree that there is a requirement to aid others?

Presumably, Gert thinks that they will *not* agree that there is such a requirement. This is reflected in his official account of irrational action. But again, what we need to know is, what is Gert's argument to this effect? Why is Gert so confident that at least some perfectly rational individuals won't accept a requirement to aid others? (Note that Gert need not claim that *all* perfectly rational individuals would reject such a requirement; it suffices if *some* would.)

Many of Gert's pronouncements concerning matters of rationality are made *ex cathedra*. He simply informs us that something is, or is not, irrational. Given our current understanding of his position, however, we can interpret these remarks as implicit claims about the beliefs of perfectly rational people. And indeed, often enough Gert explicitly appeals to claims about what everyone does, or does not, accept (e.g., 51, 71, 88, or 90). But it is difficult to be sure how exactly such claims are to be understood, given the confidence with which Gert makes them.

Suppose we had concluded that what mattered were the actual opinions of reasonably educated, and reasonably rational (albeit imperfectly rational) indi-

viduals—the readers of Gert's book, say (see 32). Then we might well have taken Gert's pronouncements to be empirical claims about the beliefs of those individuals. But of course, given Gert's repeated insistence that what matters is not the actual empirical beliefs of imperfectly rational beings, but rather the agreements of perfectly rational beings, it is difficult to know what to make of his repeated pronouncements about what everyone believes. For what Gert needs to be talking about are the views of *perfectly* rational people—and I find it hard to see what makes Gert so confident that he knows what *perfectly* rational people believe.

I don't mean to be unduly insulting about this, but I take it that *none* of us is perfectly rational. So even if Gert is right in his claims about what "we" all believe (or what some of us believe), it isn't especially relevant, unless Gert can give us reason to believe that the views he cites are views we have "insofar as" we are rational. And as far as I can see, this is something that Gert simply doesn't do.

For all I know, then, perfectly rational people *would* all agree that there is a rational requirement to provide aid. Obviously enough, the existence of such a requirement is denied by many ordinary, imperfectly rational people. But for all that Gert has shown us, this denial may not be one made by them insofar as they are rational. Perhaps, were they perfectly rational, they would see that there is such a requirement after all.

Mind you, I haven't given you any reason at all to *believe* that all perfectly rational people would agree that there is a rational requirement to aid others. I am simply trying to make it clear that Gert hasn't given you any reason to believe the contrary either. His confident pronouncements notwithstanding, Gert hasn't actually given you any reason to believe that at least some *perfectly* rational people would *reject* such a requirement.

Now I don't mean to be embracing skepticism concerning our ability to identify the beliefs of perfectly rational people. We are, after all, ourselves rational, even if only imperfectly so. I presume this means that we have a real, if flawed, ability to evaluate a variety of possible arguments about what perfectly rational people would accept. And in fact, in those rare cases where ordinary, imperfectly rational people are indeed in agreement about what is rational, this may well provide evidence (although, no doubt, only defeasible evidence) that perfectly rational people would hold the same views. But when ordinary people disagree about whether something is irrational—and this, I take it, is the case with regard to a requirement to aid others—we'll need to turn to more complicated arguments.<sup>3</sup> Mere confident assertions about the beliefs of perfectly rational people won't be especially compelling.

Let me close this section by noting one possible argument of this more complicated sort—really it's just a sketch of an argument—that builds on material that Gert himself provides. In discussing the idea of an adequate reason, Gert notes that it makes no difference to the strength of a reason *whose* interests are at stake (whether the agent's or someone else's).

If the amount of harm to be avoided and the benefit to be gained is the same, then reasons involving self-interest cannot make rational any acts that reasons involving the interests of others cannot make rational. Any irrational act that would be made rational by a reason of self-interest would also be made rational by a reason of the same strength involving the interests of others. A mere change of person affected does not affect the strength of a reason. (78)

Gert offers no argument for this claim, and I don't actually think it is self-evident. But suppose we accept it. One might then think that it must generalize. If mere change of person affected cannot affect the force of a reason, then perhaps mere change of person affected cannot affect other aspects of what is rational as well. If so, then once we agree that it would be irrational to disregard harm to myself (in the absence of an adequate reason), we will have to hold as well that it is also irrational to disregard harm to others (in the absence of an adequate reason). But this would mean, of course, that Gert's official account of rationality would be mistaken, for it would be stated too narrowly, giving special place to harm to the agent. Instead, we would need to adopt the more encompassing, "impersonal" view, according to which disregarding *anyone's* harm (in the absence of an adequate reason) can be irrational. And this would mean, of course, that there will indeed be a rational requirement to aid others.

Obviously, Gert himself will have none of this. As we know, Gert insists that "failure to act on reasons concerned with the interests of others is never irrational" (73). Gert rejects a rational requirement to aid others. Thus, he clearly thinks that the point about the irrelevance of mere change of person does not generalize. But if he has a reason for holding this more restricted view, I do not see what it is.

## Morality

Let's turn now to our second question, whether there is a *moral* requirement to aid others. As I noted in the first section, many people think that there is such a requirement. Indeed, even among those who deny the existence of a rational requirement to aid others, many nonetheless accept the existence of a moral requirement.

What's more, or so it seems to me, we might well have expected the existence of such a requirement to follow from Gert's own basic ideas concerning the nature of morality as an informal public system for guiding conduct that applies to all rational persons.

As Gert is at pains to point out, in determining what morality permits or requires, our concern is not with what any given rational person would or would not favor—not even a perfectly rational person—but rather with what an *impartial* rational person would favor. The concept of impartiality is central to a proper understanding of morality. In particular, according to Gert, a morally wrong action "is one that *all* impartial rational persons would favor not doing" (325).

But on the face of it, at least, I would have thought it rather plausible to suggest that all impartial rational people would often oppose failing to aid others. Presumably, after all, rational individuals would often want aid for themselves or their loved ones (in cases involving significant evils, if nothing else; see 52-53). But an *impartial* person, one with "an impartial concern for all persons" (168), would lack an "egocentric attitude" (171). Thus it seems that an impartial rational person would want aid for anyone at all (at least, in cases involving significant evils).

So, in at least many cases, all impartial rational people would oppose failing to aid others. Which is to say, such failure to aid would be morally wrong. But this, in turn, is equivalent to saying that aiding others is often morally required.

What's more, I would have thought it rather plausible to suggest that impartial rational people would favor some sort of moral *rule* requiring aid to oth-

ers. After all, as Gert explains, "talking about moral rules is a convenient way of talking about those general kinds of actions that are morally required and prohibited" (109). If, as seems plausible, aid to others would often be morally required, then it does seem as though it would be convenient to note this fact with some sort of moral rule, such as, perhaps, "aid the needy."

Of course, as we know, Gert denies all of this. He claims that there is no such moral rule. That's obvious enough from a quick glance at what Gert takes to be the complete list of moral rules (216): there are ten rules altogether, but none of them requires aiding others (special circumstances aside).<sup>4</sup> But in any event, Gert makes the point explicitly: "Moral rules do not require promoting good for oneself or for others. They do not even require preventing harm to others" (116).

And lest one think that Gert's point is merely that there is no moral *rule* requiring aid—that he believes that aid is indeed morally required, even though there is no *rule* requiring this—it may be helpful to quote Gert yet again: "it is worse than pointless to claim that morality requires helping the deprived" (365).

Admittedly, Gert does think it morally admirable to aid the needy. He recognizes the existence of "moral ideals" (see, e.g., 126). But he is at pains to insist that these ideals cannot themselves ordinarily generate moral requirements: "There is no similar requirement to act in accordance with those general precepts encouraging people to prevent or relieve the suffering of evil or harm, the moral ideals" (122). Since our question is why Gert rejects the existence of a moral *requirement* to aid others, we can, I think, safely put aside further consideration of these "mere" ideals.

One might think, for similar reasons, that we could also put aside Gert's defense of his claim that there is no moral *rule* requiring aid to others. After all—or so one might think—what we want to know is whether or not there is a moral requirement to aid others. And even if Gert is correct that there is no moral *rule* requiring aid, this is, strictly, irrelevant to our concern. For even if there is no such moral *rule*, it might still be the case that agents are often morally *required* to provide aid. Or so one might think.

But if this is right, then we will be rather hard pressed to come up with any understanding of why Gert rejects a moral requirement to aid. For he actually has very little to say directly on this subject. He repeatedly asserts that there is no such requirement, but he offers little by way of direct argument for this view. What he actually argues against, rather, is the existence of a moral *rule* requiring aid. Yet if the nonexistence of such a moral rule has no implications for the existence of a moral requirement, then Gert's arguments to this effect—even if successful—won't show that there is no moral *requirement*.

However, to dismiss Gert's discussion of a moral rule requiring aid as irrelevant in this way would be too quick. For there is clearly *some* kind of connection between the existence of a moral rule and the existence of the corresponding requirements. Again, recall Gert's remark that "talking about moral rules is a convenient way of talking about those general kinds of actions that are morally required and prohibited" (109). Unfortunately, the exact nature of the connection is not altogether clear. Presumably, on at least some possible views about the connection, Gert would indeed be entitled to move from the claim that there is no moral rule requiring aid to the conclusion that there is no moral requirement either. But, obviously, a great deal will depend on the details of the correct account of the connection.

Unfortunately, Gert has surprisingly little to say about this topic. This is indeed *surprising*, given the central emphasis upon moral rules in Gert's theory. One might have expected a rather careful discussion of the precise connection

between moral rules, on the one hand, and the moral status of a given act, on the other (that is, whether the act is required, forbidden, or optional). But Gert doesn't offer such a discussion, and so we will have to consider some alternatives on his behalf.

Suppose, for example, that Gert accepted a simple view like the following: an act is morally required if and only if failure to perform it would violate (one or more of) the moral rules. The desired inference would certainly go through on this view (that is, the absence of a rule would entail the absence of a requirement). For if we assume, for the moment, that Gert is right, and there is no moral rule requiring aid, then failure to provide aid won't violate any moral rule, and so providing aid won't be morally required.

As I say, a simple view like this would certainly do the trick for Gert. But it is quite clear that this is not, in fact, Gert's view. For the simple view entails that it is always morally forbidden to violate the moral rules.<sup>5</sup> Yet Gert insists upon the existence of *justified* violations of the moral rules. Gert argues repeatedly, and at length (see, especially, 221-46), that in various situations it is permissible to violate the moral rules—roughly, in those cases where impartial rational people would publicly advocate allowing the rule to be violated.<sup>6</sup> Since Gert holds that violating a moral rule is sometimes morally permissible, he obviously cannot accept a view according to which it is *never* permissible to violate the moral rules. So he cannot accept the simple view.

Perhaps, then, Gert's view is this: an act is morally required if and only if failure to perform it would be an *unjustified* violation of the moral rules. This is a more complicated position than that of the simple view, but the desired inference still goes through, since it still implies that the only way that one can be required to perform an act is if some rule requires performing the act. (Not all violations of the moral rules are forbidden, but *only* violations of the moral rules are forbidden.) Assuming, as before, that Gert is right, and there is no moral rule requiring aid, it will still follow that there is no moral *requirement* to aid.

But I think that this can't quite be Gert's view either. To see this, we need to consider more carefully the status of justified violations of the rules. Take a case where violating the rules is indeed justified. Obviously enough, then, performing the act in question (that is, the act that will justifiably violate the rules) is not morally forbidden. So, at the very least, performing that act will be morally permissible. But mightn't it also be the case—in at least some instances of justified violation—that violating the rules is not only morally permissible, but in fact morally *required*?

I think that Gert wants to allow for this second, bolder possibility. He remarks, at one point, that

the moral attitude does not encourage blind obedience to the moral rules. On the contrary, it allows that quite often they need not be obeyed. Less often, all impartial rational persons may even favor their not being obeyed. Not only are there justified violations of the moral rules, there is even unjustified keeping of them. (171-72)

But if obeying the rules is unjustified, I take it, violating the rules is morally required. So in at least some cases, one is not only permitted to violate the rules, but actually morally required to do so.

Now it would be possible, I suppose, for someone to claim that the *only* time one can be morally required to violate a moral rule is when doing this is

necessary to satisfy some *other* moral rule. Thus, it would only be when moral rules conflict that one is required to violate one of them. If so, the desired inference would *still* go through, since there could still be no requirement to provide aid in the absence of a rule requiring aid.

It is, however, far from clear what would support a claim like this. And in any event, it doesn't seem to be Gert's view either. Indeed, at one point Gert seems to explicitly recognize the possibility of being required to violate a rule even though this is not done so as to satisfy some other *rule*: "an action that is in accordance with a moral rule when all impartial rational persons would publicly allow violating the rule in order to follow a moral ideal also counts as a morally wrong action" (328).

Apparently, then, Gert recognizes that one can be required to violate a moral rule, even though there is no other moral rule that requires the required act.<sup>8</sup> Thus, an act can be morally required, even though it is not required by any moral rule. As I say, this does in fact seem to be Gert's own view, and in any event it seems plausible in its own right.

Note, however, that at this point the desired inference no longer goes through. For we have now recognized the possibility that an act can be required even though it is not required by any moral rule. So even if Gert is able to convince us that there *is* no moral rule requiring aid, he himself will have to admit that it still might be the case—for all that—that providing aid to others is morally required.

Presumably, the situation boils down to this.<sup>9</sup> An act is required if and only if all impartial rational persons would oppose failure to perform the act. (Recall Gert's account of a wrong act as one that "*all* impartial rational persons would favor not doing" (325).) Sometimes, perhaps typically, required acts will be required by one or another moral rule. But not always. So even if Gert is right, and there is no moral rule requiring aid to others—it simply won't follow that there is no moral requirement to provide aid. Indeed, for all that Gert would have shown, it might be that a moral requirement to aid others is extremely common.

Of course, if a requirement to aid others is all that common—as I believe it is—it would still be puzzling why there would be no moral *rule* to that effect. So even if the point I have just been making is correct—and we can't infer the lack of a moral requirement from the mere lack of a moral rule—it remains of interest to us to consider Gert's various arguments against the *existence* of such a rule. So let us ask, at long last: why does Gert believe there will be no moral rule requiring aid to others?

One answer is straightforward: Gert believes that all moral rules are negative; they can be stated as prohibitions. Since a rule requiring aid would be positive, it can't be a genuine moral rule. Gert tells us that "Moral rules do not require promoting good for oneself or for others. They do not even require preventing harm to others. Rather they require avoiding causing evils or harms. It is not an accident that all moral rules can be stated as prohibitions" (116).

But why should we follow Gert in this regard? Why believe that all genuine moral rules are negative?

As far as I can see, Gert's initial argument for this conclusion simply comes to this: all of the rules on his initial list of sample moral rules are negative (116, cf. 111). Now he is certainly right about this generalization, but it is hard to take this argument seriously. Anyone who believes in a moral rule requiring aid will simply insist that the initial sample is too narrow in this regard. Positive rules can be moral rules as well.



A more significant argument—indeed what I take to be Gert's central argument here—turns on the claim that all moral rules must be *general* in a particular way. According to Gert, genuine moral rules must be obeyed "all of the time" (122) and "with regard to everyone" (123). Of course this isn't strictly true, since there are cases of justified violations (122). But *except* for cases of justified violation, one must obey a moral rule all of the time, and one must obey it with regard to everyone. When a moral rule is general in this way, Gert says that it is possible to obey it "impartially" (that is, at all times, toward everyone).

But Gert argues that this simply can't be done for rules requiring aid (like "aid the needy"). Given human limitations on how much good any one of us can do, and given widespread human need, it simply isn't possible to provide aid to everyone who needs it. "Moral rules require acting in accordance with them all of the time with regard to everyone equally. Since positive actions cannot be done all of the time with regard to everyone equally, the moral rules cannot require positive actions like preventing evils or promoting goods" (127).

Gert's argument, then, is this. A rule requiring aid to others cannot be obeyed impartially, hence it cannot possibly be a genuine moral rule (cf. 126, 136).

It is not clear to me, however, that Gert's argument is successful. I can, in fact, imagine two possible replies.

First, suppose we grant that it is indeed literally impossible (given human limitations) to obey a rule like "aid the needy" at all times, and with regard to all people, given that one cannot possibly aid all of those who actually need aid. Imagine, for example, that some agent has exhausted all of his resources, and can literally provide no further aid to others. It might plausibly be suggested—against Gert—that if the agent literally cannot aid anyone else, this will simply be recognized as a valid justification for his failure to aid anyone further.

That is, presumably, all impartial rational persons will publicly allow failure to aid the needy in those cases where the agent literally cannot provide any further aid. Thus our agent's ensuing failures will all be cases of justified violations of the rule in question. But as Gert himself notes, the generality of moral rules does not require obeying the rules when violating the rules is justified (122). Thus from the mere fact that it is humanly impossible to aid all of the needy, it simply won't follow that a rule requiring aid would lack the requisite generality.

This first reply grants Gert's assumption that a rule requiring aid would necessarily be violated. It simply insists that any violation that is truly unavoidable will be a justified violation, and so the necessity of violating the rule does not show that the rule cannot be properly general.

A second possible reply, however, might take issue with Gert's assumption that the rule must—as a matter of necessity—be violated. After all, the unavoidability of violation only follows if we interpret the rule "aid the needy" as requiring one to provide aid to each individual person who needs it (something that, clearly, no human can do). Typically, however, rules like this are interpreted in a more limited fashion. They are understood to involve one or another implied restriction—so that they require less of us than literally aiding everyone who needs aid.

For example, one might understand the rule "aid the needy" as simply requiring that one provide as much aid to the needy as one *can*—but no more. If this is how the rule is to be understood, obviously enough, then it is no longer impossible to fully obey it. After all, if one can do no more, then one has done

all that one can; and so failure to aid anyone else won't constitute a violation of the rule.

And, of course, the relevant restriction might be even more significant. Recall that many who accept a moral requirement to aid others accept only a modest form of the requirement. In particular, most people believe that you only need to aid others when the cost of doing so is not too great. On this view, then, the rule "aid the needy" should be understood as having an implied "cost" restriction: one must aid the needy, but *only* if the cost of doing so is reasonable. Once again, it seems, there will be nothing impossible about fully obeying the rule, provided that it is understood in this restricted fashion; and so, again, the rule will have the requisite generality after all.<sup>10</sup>

I am not at all sure how Gert would respond to these two replies. Perhaps he would admit that, if either reply is correct, when I inevitably fail to aid some needy individual, this need not be an unjustified violation of the rule (either because it isn't a violation at all, or because the violation is justified). But he might insist, nonetheless, that it is still impossible to obey the rule "impartially." After all, it is still true that some needy individual will go unaided by me, and so perhaps I still have not obeyed the rule "with regard to everyone." That is, Gert might argue that I simply *can't* obey the rule impartially, since I *must* pick and choose who to aid, from among all those who need aid.

I am not at all confident that Gert *would* say this, but if he did, he would clearly be right about at least one thing: given human limitations, and widespread need, I literally cannot give aid to all who need it. So it is certainly true that in *this* sense of the term I cannot obey the rule "impartially." But is this a problem? Does it show that the rule "aid the needy" is not a genuine moral rule?

Of course, one might have thought that if a rule cannot be obeyed impartially, unjustified violations of the rule are inevitable. (Indeed, it seems to me that Gert's discussion sometimes suggests that these two notions come to the same thing. See, e.g., 124.) If so, then it would indeed be plausible to hold that if a rule can't be obeyed impartially, it can't be a genuine moral rule.

But I have just argued, in effect, that even if a rule cannot be obeyed impartially (in this special sense of the term), it does not follow that unjustified violations are inevitable. In particular, I have argued that even though the rule "aid the needy" cannot be obeyed "impartially," unjustified violations are not inevitable. And once we see this, it is not at all clear why we should *care* whether or not a rule can be obeyed "impartially."

Nor should it be thought that the kind of impartiality at stake here follows trivially from the fact that genuine moral rules are those that would be favored by all *impartial* rational persons. For it certainly seems possible, at least in the absence of further argument, that impartial rational persons might nonetheless favor rules that allow agents to treat other individuals in differing ways—for example, aiding only the *needy* (as opposed to aiding everyone), or aiding only those who need the aid the *most*, or aiding only those among the needy who can be helped at a reasonable *cost*, and so forth. Even if such rules cannot be obeyed "impartially"—in the strong sense of the term—it still seems possible that impartial rational people might favor such rules.

In short, even if the rule "aid the needy" cannot be obeyed "impartially," it is not at all clear why we should care about this fact.

In fairness to Gert, however, it should also be noted that I am not at all confident that he *does* care about whether a rule can be obeyed impartially in this extremely strict sense of the term. For at one point he considers restricted versions of some positive precepts and he says that these precepts *can* be obeyed

impartially (181).<sup>11</sup> Presumably, Gert's thought here is that by virtue of the restriction, one can (in the relevant sense) obey the precept with regard to everyone—in that whenever the rule applies (which is less often than it would, absent the restriction) one can obey it. But this suggests that the idea of impartiality that Gert is actually concerned with is not the extreme one after all. And this would mean, of course, that the rule "aid the needy" (perhaps suitably restricted) may be one that *can* be obeyed impartially, in the only sense of the term with which we should be concerned.

I simply do not know whether or not this is Gert's considered view. That is, I am not sure whether Gert would agree that it is irrelevant whether a rule can be obeyed "impartially" in the extremely strict sense of the term. But regardless of whether this is Gert's view, it seems to me correct nonetheless. The validity of the rule "aid the needy" is not threatened by the fact that it is literally impossible to aid everyone who needs aid. What is important, rather, is the fact that unjustified violations of the rule are not inevitable. And so, as far as I can see, we don't yet have any good reason to reject a moral rule requiring aid to others.

Gert's other main argument can be discussed more briefly. It turns on the idea that genuine moral rules are those that impartial rational people would be prepared to enforce, by punishing those who unjustifiably violate the rules (177-82). But Gert believes that rules requiring aid to others are such that it simply isn't true that all impartial rational people are prepared to punish unjustified violations. Thus, there can be no genuine moral rule requiring aid.

But why should we believe Gert's claim that impartial rational people need not favor punishing unjustified violations of rules requiring aid to others? We've already noted that impartial rational people would presumably *want* everyone to aid others. Why, then, wouldn't they be prepared to enforce a rule requiring such aid?

Gert's answer here seems to presuppose the inevitability of unjustified violations of such rules (181). Clearly, if unjustified violations are truly inevitable, then everyone would be "liable to punishment all the time." And it does not seem implausible for Gert to suggest that a rational impartial person may not be prepared to "increase everyone's chance of suffering evil" in this way.

I've already argued, however, that a rule like "aid the needy" is *not* one that must inevitably be unjustifiably violated. (If violations are truly inevitable, they will be justified; and if the rule is properly restricted, violations won't even be inevitable.) Yet if unjustified violations are not inevitable, it is not inevitable that everyone would be liable to punishment all the time. And so it is no longer clear why impartial rational persons would not be prepared to enforce the rule.

Perhaps, however, Gert's position is actually this: even if unjustified violations are not literally inevitable, the fact remains that they are overwhelmingly *likely*. Given familiar facts about limited human sympathy for others, it would be very plausible to suggest that unjustified violations of a rule requiring aid, even a modest rule, would be extremely widespread (even if not literally unavoidable). Thus it remains true that everyone, or almost everyone, would remain liable to punishment. And so Gert might still insist that at least some impartial rational persons won't be willing to enforce the rule, on the grounds that the imposed suffering won't outweigh the potential benefits (181).

But even this reply seems to me inadequate, for it fails to keep in mind Gert's own insistence that liability for punishment does not entail that one *must* be punished. As Gert explains:

I have said that all impartial rational persons adopt as part of their moral attitude that unjustified violations *may* be punished. I said that unjustified violations *may* be punished, rather than that they are to be punished because the latter would have needed to be qualified. Situations may arise in which punishing unjustified violations would cause significantly more evil than would result from failure to punish. . . . (181-82)

[An impartial rational person's] primary goal is to minimize the amount of evil suffered, which is generally best served by punishing unjustified violations. But if it is not, an impartial rational person advocates only that those who unjustifiably violate the rules *may* be punished rather than that they are to be punished. (182)

Gert's idea, then, seems to be this: punishing unjustified violations is a means to an end—the end of reducing suffering and other evils. But it is always an empirical question whether or not punishment will actually serve this end well. In many cases it will; in others it won't. In those cases where punishment would be counterproductive, impartial rational persons won't approve of it—even in the face of unjustified violations of the moral rules.

But if this is right (and it certainly strikes me as plausible), then I am no longer able to see what Gert's objection against a rule requiring aid comes to. Even if we grant that unjustified violations of such a rule will be common, this does not entail that punishment must actually be imposed for all these violations. If, as Gert fears, ubiquitous punishment would do more harm than good, this simply shows that a policy of punishing all such violations would be counterproductive. And so, of course, impartial rational persons need not favor imposing punishment in this fashion. Presumably, they would favor, instead, a more restricted policy here—punishing, perhaps, only especially egregious failures to aid the needy.

The details, of course, would depend on empirical questions concerning the ultimate effects of alternative policies with regard to enforcing a rule requiring aid. But for our purposes the important point is this: none of this in any way shows that a rule requiring aid cannot be a genuine moral rule. For as Gert himself insists, being a genuine moral rule only requires that unjustified violations leave one *liable* to punishment; it does not entail that punishment must actually be imposed, when doing so would be counterproductive. Thus even if Gert is right, and it would be counterproductive to routinely impose punishment (given widespread unjustified violations), this does nothing to show that there can be no rule requiring aid.

I conclude, therefore, that the appeal to punishment does not succeed. Gert still has not given us adequate reason to hold that there can be no genuine moral rule requiring aid to others.

But the arguments that I have reviewed are, as far as I can see, the only arguments Gert offers. Since none of them are successful, I conclude that Gert hasn't actually provided us with a good reason to accept his claim that there can be no moral rule requiring aid.

Of course, the mere fact that such a rule would in principle be *possible* would be of little interest to us, if we were nonetheless of the opinion that there can in fact be no moral *requirements* to provide aid. But I have already argued that from the point of view of Gert's own basic account of morality we should in fact expect there to be moral requirements to aid others, and that Gert, in any event, has given us no good reason to think otherwise. If Gert has an adequate



defense of his striking claims about morality—that there is no moral requirement to provide aid, and no moral rule requiring one to provide such aid—I simply don't see what it is.

Are we, then, ever required to aid others? As I indicated at the start of this paper, I believe that the answer is yes. I believe that we are often morally required to aid others, and I believe that we are often rationally required to aid others. Of course, I have not offered any positive defense of these claims here. I have contented, myself, instead with an examination of Gert's arguments for the opposite view—that aiding others is neither rationally nor morally required. Had Gert succeeded in establishing either of these, it would indeed have been a striking and significant accomplishment.

But it would also have been a tremendously disappointing accomplishment. For it would have been disappointing indeed to learn that neither morality nor reason was concerned enough about the suffering of others to require us to come to their aid. Speaking personally, I expect rather more from both morality and reason. Perhaps, then—and here I close—those of us who have rather higher ambitions for both morality and rationality can take some small comfort from Gert's failure.

#### Notes

1. All parenthetical page references are to Bernard Gert, *Morality: Its Nature and Justification* (New York: Oxford University Press, 1998).

2. This is not to say, however, that the view is without its difficulties. For it is not clear what work is done by appealing to *agreement* among perfectly rational people, as opposed to merely looking for the beliefs of any given perfectly rational person. If perfectly rational people can't disagree, then of course no harm is done in saying that an act is irrational only if all perfectly rational people agree it is; but it would be simpler to assert that an act is irrational only if a perfectly rational person would say so. Explicitly bringing in the concept of agreement only makes sense if people can still disagree, despite being perfectly rational (and well-informed).

Now it seems to me that Gert does think that even perfectly rational people can disagree about what kinds of acts are irrational; but this claim is itself problematic. For example, it seems to mean that when two (well-informed) perfectly rational people disagree, at least one of them will be *mistaken* about the rationality of the act in question. Yet one might have thought that perfectly rational people can't be mistaken about fundamental matters concerning what is and what is not rational. Similarly, one might have thought that if it is *true* that an act is irrational only if perfectly rational people agree it is, then perfectly rational people will recognize this truth, so once one of them holds an act is rational, all others will see that it must be rational after all, and so any disagreement will dissolve. But I will have to leave these complicated questions aside.

3. At one point, Gert suggests that basic claims about irrationality can't be backed with arguments—for then they won't be basic (51). So perhaps Gert wouldn't allow the possibility of arguments of this "more complicated" sort after all. But it seems to me that Gert's remark confuses being fundamental with being self-evident.

4. Again, recall that one might have a socially imposed duty, or one might have made a promise to provide aid, and so forth. But for simplicity, we can assume that we are concerned with cases where these special circumstances do not arise; and in such cases, according to Gert, one will not be required to aid.

5. According to the simple view, you are required to perform an act if failure to perform that act violates the rules. But obviously enough, whenever you fail to avoid violating the rules you violate the rules, and so—according to the simple view—you are *required* to avoid violating the rules. Thus, according to the simple view, all violations are forbidden.

6. Gert distinguishes between "strongly justified" violations (where all impartial rational persons would publicly allow the violation) and "weakly justified" violations (where impartial rational persons can disagree) (151, 222-23). For our purposes, however, the distinction is unimportant.

7. Other remarks of Gert's (e.g., 328) seem compatible with this interpretation as well, though several (e.g., 109, 137) are somewhat more ambiguous, since they merely talk of "encouraging" the violation of the rule—which leaves it open that the violation might not actually be required.

8. This assumes, of course, that if an act is morally wrong one is morally required not to perform it. (In effect, it assumes that "wrong" is equivalent to "forbidden" or "prohibited.") But Gert may reject this entailment. (In particular, Gert may think that an act is required only if—in addition to being wrong—one may be punished for failing to perform it. I can't actually find a passage in which Gert asserts this; but it seems compatible with what he does say.) And if Gert does reject the entailment, then perhaps he does hold the view, after all, that one can be required to perform an act only if there is some moral rule requiring that act. Our question, then, will be whether Gert has good reason to reject the existence of a rule requiring aid. I turn to this below.

9. So far, we've only recognized the possibility of an act being required—even though no moral rule requires it—when the required act violates some moral rule. Presumably, however, it would be implausible to claim that the *only* time one can be required to perform an act not required by a moral rule is when doing so *violates* a moral rule. After all, if an act can be required, merely for the sake of following some moral ideal, even when this violates a moral rule, it should also be possible for an act to be required, in the service of a moral ideal, even when this involves violating *no* moral rules whatsoever.

So it looks as though we must move to a view something like this: an action is required if and only if failure to perform the act would be (1) an unjustified violation of the moral rules or (2) opposed by all impartial rational persons. But since unjustified violations *are* opposed by all impartial rational persons, the first clause collapses into the second, as a mere special case.

10. Might Gert object to this understanding of the rule, on the ground that it is open to dispute what counts as a "reasonable" cost? I don't think that he can, given that his own account of the requirement to rescue makes use of a similar restriction (210). As Gert notes, in a different context, "Justifying the moral rules does not eliminate all moral disagreement" (217). Or perhaps Gert would object that this rule does not have "the simplicity required of general moral rules" (181)? That's hard to say, though to my mind, at least, the rule seems simple enough, even with the implied restriction.

11. I should note, however, that even here all that Gert explicitly says is that the restricted precept can be "impartially obeyed all the time" (181). So perhaps he still thinks (though he doesn't say) that it *cannot* be impartially obeyed "with regard to everyone," and that this is still objectionable.