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For rights theorists who hold that every right is logically correlated with a duty, and vice versa, charity poses a problem. There is a duty, it seems, to perform charitable actions, and yet there is no correlative right. That is to say, no person, however needy, has a valid claim on any other person to be the beneficiary of a charitable action. The dilemma can be put formally as follows:

(1) For all persons P, if P has a right, then some other person, Q, has a duty; and for all persons Q, if Q has a duty, then some other person, P, has a right. (Let us call this the "correlativity thesis.")

(2) Some person has a duty to perform a charitable action (where "some" means "at least one").

(3) No person has a right to be the beneficiary of a charitable action.

This triad of propositions appears to be inconsistent. If (1) and (2) are true, then (3) must be false. If (1) and (3) are true, then (2) must be false. If (2) and (3) are true, then (1) must be false. But since some people wish to maintain all three propositions, the appearance of inconsistency must be shown to be appearance only. In this essay I show how one group of theorists, including Kant and Mill, has attempted to deal with the dilemma. I go on to show that their attempt to do so is unsatisfactory and that there is an alternative solution to the dilemma which (a) does not rest on the nebulous distinction between perfect and imperfect duties, (b) leaves the correlativity thesis intact, and (c) preserves our pretheoretical intuitions about charity. I conclude with a brief analysis and critique of Mill's conception of imperfect duty.

The traditional solution to the dilemma of charity rests on a distinction between perfect and imperfect duties. Kant defines "perfect duty" as "a duty which permits no exception in the interest of inclination." By implication, a Kantian imperfect duty is a duty which permits exception in the interest of inclination. To illustrate the distinction, Kant describes four cases, two...
for each kind of duty. In the first case of imperfect duty, the duty is to oneself. One has an imperfect duty, Kant says, to develop one’s talents. In the second case, the duty is to others—to be loving, to sympathize, and to render assistance when they are in need. Kant, despite much criticism, apparently thought that his categorical imperative gave the right result in these cases, for his theory entails that it is wrong to let one’s talents rust and to fail to render assistance to others when they are in need.

The first two Kantian duties are said to be imperfect because the occasions for acting are left to the agent. My Kantian duty is to develop my talents, but this duty can be discharged by a number of activities (painting, playing soccer, writing poetry, building exquisite clocks, and so forth) performed at different times and places. Similarly, my duty to be sympathetic or to render assistance to others can be discharged at my discretion. If I am inclined not to render assistance on a particular occasion, I am free, according to Kant, to refrain from doing so, as long as I perform at least some acts of that kind on other occasions. Unfortunately, Kant’s distinction between perfect and imperfect duties was never fully developed, so it is hard to do more than speculate about what he had in mind.

Mill drew what appears to be the same distinction, but his analysis of the concept of imperfect duty rests on an ambiguity. Duties of imperfect obligation, he says, are “those in which, though the act is obligatory, the particular occasions of performing it are left to our choice, as in the case of charity or beneficence, which we are indeed bound to practice but not toward any definite person, nor at any prescribed time.” The problem with Mill’s analysis is the reference of the word “it.” Contextually, it must refer to “the act.” But this generates the following claims: first, that “the act” is obligatory; and second, that the particular occasions of performing it (“the act”) are left to our choice. Now, there are two interpretations of what Mill meant by “the act.” On the first, “act” means “act-type”; on the second, “act” means “act-token.” The first interpretation renders Mill’s claims vague, while the second makes them self-contradictory and incoherent. I will discuss the difficulties with Mill’s analysis of imperfect duty later in the essay.

Let us assume for the moment that the distinction between perfect and imperfect duties is sound. If so, the dilemma dissolves. It becomes:

(1a) For all persons P, if P has a right, then some other person, Q, has a perfect duty; and for all persons Q, if Q has a perfect duty, then some other person, P, has a right.

(2a) Some person has an imperfect duty to perform a charitable action.

(3) No person has a right to be the beneficiary of a charitable action.

Propositions (1a) and (2a) no longer yield the denial of (3), for (1a) speaks
of perfect duties only, while (2a) speaks of imperfect duties. Moreover, (3), when conjoined with (1a), does not yield the denial of (2a). So a rights theorist, by adopting the distinction between perfect and imperfect duties, has salvaged the three propositions. This, as I say, is the traditional solution to the dilemma—a solution which, incidentally, brought together two moral philosophers (Kant and Mill) who are often set against one another.

To recapitulate, the traditional solution to the dilemma of charity is to distinguish between perfect and imperfect duties. Only the former, it is said, entail correlative rights. Thus, it does not follow from the correlativity thesis and the fact that we have duties to perform charitable actions that any person has a right to be a beneficiary of a charitable action, for the duties that we have with respect to charity are imperfect. This result strikes many people as a happy compromise, a way to reconcile our pretheoretical intuitions about charity with our theoretical beliefs about the logical relation between rights and duties.

I would now like to suggest an alternative solution to the dilemma which does not rest on the distinction between perfect and imperfect duties. The solution rests instead on a distinction between two types of duty: a duty to do (or refrain from doing) such-and-such an action, and a duty to be (or refrain from being) such-and-such a person. In the charity context, the distinction is between performing a charitable action on the one hand and being a charitable person on the other, or between charity as an action and charity as a disposition of character. Let us define “charitable person” as follows:

\[(CP) \text{ "Person P is charitable" } = \text{ df. } P \text{ is the sort of person who would, in appropriate circumstances, perform a charitable action.}\]

Paradoxically, nothing in this definition requires that a charitable person perform charitable actions. The appropriate circumstances may never arise. Robinson Crusoe, for example, could have been charitable before Friday arrived on the scene, if he were a person of a certain kind. Moreover, one can perform a charitable action without being a charitable person. Suppose I am not charitable, but that in a momentary lapse of character—a fluke—I flip a quarter to a beggar. I am not charitable because, by hypothesis, I am not the sort of person who would, in a situation of that kind, perform a charitable action. Nonetheless, I did (arguably) perform a charitable action.

Still, there has to be some connection between being a charitable person
and performing a charitable action. The connection seems to be this. Since charitableness is a disposition of character, it cannot be observed by empirical means. But dispositions tend to manifest themselves in behavior, so particular charitable actions provide evidence of a person’s charitableness. The proposition that P performed a charitable action, in other words, provides evidence for, or creates an inference to, the proposition that P is a charitable person. Even Mill, I think, would accept this characterization. “[I]n the long run,” he says, “the best proof of a good character is good actions.” So in the case described, my charitable action (flipping a quarter to the beggar) provides evidence that I am a charitable person. Indeed, if my charitable actions are regular enough, or fall into a pattern, one might be justified in inferring my charitableness. But by hypothesis, I am not charitable.

We can distinguish, then, between two types of duty in the charity context: a duty to perform a charitable action and a duty to be a charitable person. The latter presupposes that dispositions of character are (to some extent) within our control, but this seems plausible enough. At any rate, I shall not argue the point here. Given this distinction, the dilemma of charity can be reformulated as follows:

1. For all persons P, if P has a right, then some other person, Q, has a duty; and for all persons Q, if Q has a duty, then some other person, P, has a right.
2b. Some person has a duty to be charitable.
3. No person has a right to be the beneficiary of a charitable action.

From (1) and (2b), it follows that someone has a right that another be charitable. But this does not constitute a denial of proposition (3), for (3) speaks of beneficiary rights, not a right that others be persons of a certain kind or be disposed to act in certain ways. In other words, it is possible for everyone to have a duty to be charitable (that is, to be the sort of person who would, in appropriate circumstances, perform a charitable action) and yet nobody to have a right to be the beneficiary of a charitable action. Notice also that (1) and (3) entail the following: that no person has a duty to perform a charitable action. This, however, is distinct from, and consistent with, (2b), which speaks of the disposition to be charitable rather than the performance of charitable actions.

The only difference between the original dilemma and the reformulated dilemma is the second proposition. Proposition (2) held that some person has a duty to perform a charitable action. Proposition (2b) holds that some person has a duty to be charitable. In both cases the word “some” means “at least one,” so this cannot ground a difference in acceptability. Moreover,
both propositions are consistent with all of us, or some significant subset of us, having the same duty (see below). The question is therefore this: Which proposition, (2) or (2b), best captures our pretheoretical intuitions about charity? For my part, the second does. I come to this conclusion by considering my reactions to two hypothetical situations, in one of which there is a failure to perform a charitable action and in the other of which there is a failure to be a charitable person.

In the first situation, I observe an affluent-looking person walk by a beggar without contributing so much as a penny to the beggar’s cup. My reaction is one of indifference. Although it would be a good thing for the person to contribute, I conclude, there is nothing wrong with not doing so on this occasion. Perhaps the passerby was on his or her way to an important engagement. In the second situation, I am told that the affluent-looking person never performs charitable actions, and indeed believes that giving to charity is wrong (it does not matter why). Assuming that I have reason to believe this report, my reaction is different. I now know something definite about the person’s character, and judge that the person has violated a duty of some sort. While it seems permissible to forbear from performing particular charitable actions, it is impermissible to forbear from being a charitable person. I doubt that I am alone in having these intuitions.

So much for the intuitive attractiveness of proposition (2b). I now wish to point out certain theoretical advantages of the alternative solution. First, it does not rest on the vague and problematic distinction between perfect and imperfect duties. The perfect-imperfect duty distinction has been formulated in many ways by many theorists (as we saw) and has led to much confusion in ethical theory. It also strikes some theorists as an ad hoc solution to the dilemma of charity. What we want, in the charity context, is an explanation and reconciliation of two intuitions: first, that we have duties with respect to charity; and second, that no person can claim discharge of those duties as his or her due. If anything, the perfect-imperfect duty distinction obscures these intuitions; it does not explain them. It also forces us to abandon the correlativity thesis, which we may want to retain for other reasons.

Second, the alternative solution rests on a commonsense distinction between being a person of a certain kind and performing actions of a certain kind. This distinction is at home in many contexts, ranging from competitiveness to generosity to maliciousness. We distinguish easily and naturally between generous persons and generous actions, as well as between malicious persons and malicious actions. Why not similarly distinguish between charitable persons and charitable actions? I see no reason in principle or practice
why this cannot be done.

Proposition (2b) raises an interesting question. Granted that some person has a duty to be charitable, we should ask: Who? Which of us? It seems to me that the natural answer is "all of us." Each member of the community has a duty to be the sort of person who would, in appropriate circumstances, perform a charitable action. It follows that any one of us who failed to be charitable would be subject to censure by any other. We would, and should, be indignant at those who fail to inculcate charitable character traits. In other words, each of us is a correlative rightholder with respect to the duty of others to be charitable. As for what ultimately grounds this duty, there are many possible answers, ranging from a hypothetical social contract to utilitarianism to the Kantian categorical imperative. Nothing in my argument, however, hinges on this broader claim about the extent or basis of rightholding. The dilemma is solved by the more modest claim that some person has a duty to be charitable.

III

Let me return, in the remainder of this essay, to Mill's attempted solution to the dilemma of charity. As we saw, Mill's solution rests on the distinction between perfect and imperfect duties. Only the former, he says, entail correlative rights. Since the duty of charity is imperfect, it does not entail that anyone has a right to charity, and this, he thinks, solves the dilemma. But as I suggested earlier, Mill's analysis of the concept of imperfect duty is ambiguous. He uses the word "act" without specifying whether he means "act-type" or "act-token." Let us assume for the moment that he meant "act-type." Then he makes the following pair of claims: (a) the act-type (in this case, charitable actions) is obligatory, and (b) the particular occasions of performing that act-type are left to us, the agents.

The problem with this interpretation is that claim (a) is vague. What does it mean to say that an act-type (that is, an act of type T) is obligatory? What does it mean to say that a person is obligated to perform charitable actions? That we must perform at least one action of that type, period? That we must perform an action of that type at regular intervals? If so, at what intervals? Have we discharged our duty to perform charitable actions by performing one charitable action? Two? A dozen? One per year? Ten per year? This problem aside, one might question whether obligations attach to act-types at all. The natural thing to say is that one is obligated to perform act-tokens (that is, concrete actions), not act-types (generic actions). Of course, whenever one does perform a concrete action, one also performs many
generic actions, but this does not save Mill from the difficulty at hand.

Let us assume, alternatively, that Mill meant "act-token" when he said "act." Then he makes the following pair of claims: (a) the act-token (in this case, a particular charitable action) is obligatory, and (b) the particular occasions of performing that act-token are left to us, the agents. The problems with this interpretation are twofold. First, a given act-token, by definition, is not performed on "occasions." It is performed exactly once, at a particular time and place. Thus, claim (b) is incoherent. But more importantly, claims (a) and (b) contradict one another. Claim (a) makes a particular action obligatory, while (b) (its incoherence aside) grants discretion to the agent whether to perform it. According to (b), the agent gets to choose the occasions on which the act-token is performed. But if obligatoriness means anything, it means that certain options are foreclosed to the agent. Can one be both obligated to perform a given charitable action and still have discretion whether it gets performed? The logical tension is obvious.

It might be asked, given these difficulties, whether the defects in Mill's analysis are general or specific. Is his analysis problematic only in the charity context, or more generally? The answer is that his analysis is generally defective. The problem is that Mill conflates the concepts of particular, spatiotemporally locatable action and types of action. As we saw, there is no single interpretation of his phrase "the act" which provides a clear, coherent conception of imperfect duty. Consequently, Mill's distinction between perfect and imperfect duty is useless as a solution to any dilemma, not just the dilemma of charity. It remains possible, of course, for some other analysis of imperfect duty—Kant's, for example, if adequately developed—to withstand scrutiny. I leave that possibility aside, for it seems to me that while possible, no such analysis is forthcoming.

It might also be asked whether the alternative solution to the dilemma of charity is general or specific. It appears to solve the dilemma of charity, but does it solve other dilemmas? The answer is "no." Recall that the dilemma of charity arose because there seemed to be duties of charity that were uncorrelated with rights. Let us take another example of a duty which is often thought to be uncorrelated with a right: obedience. If we are to preserve the correlativity thesis and still maintain that no person has a right to be the recipient of anyone else's obedience, then we cannot hold that there is a duty to be obedient on particular occasions. But this is counterintuitive. As Feinberg points out in the article cited, a motorist has a duty (or so it seems) to obey a police officer who orders him or her to stop. But it would be odd to say in such a case that the officer (or anyone else) has a right to our obedience.
In the case of charity, the strategy was to distinguish between (a) having a duty to be a charitable person, and (b) having a duty to perform a charitable action. Can the same distinction be used to solve the dilemma of obedience? It seems not, for it would require us to say that there is a generalized duty to be obedient, though not, perhaps, a duty to perform particular obedient actions. I, for one, am unwilling to postulate a generalized duty to be obedient, whatever the authority in question. So there are two strategies available to the theorist. First, he or she can limit the analysis of this essay to charity, thus preserving the correlativity thesis at least in that context (this is my preferred strategy); or second, he or she can apply the analysis elsewhere—for example, to obedience. The latter strategy produces counterintuitive consequences, as the obedience example shows, but it at least has the virtue of maintaining the correlativity thesis in other contexts besides charity.

IV

To summarize, the traditional solution to the dilemma of charity rests on the distinction between perfect and imperfect duties. Both Kant and Mill drew this distinction, though in different ways. In examining Mill’s distinction, we saw that his analysis of the concept of imperfect duty is flawed. On one of two plausible interpretations, it is hopelessly vague, while, on the other, it is incoherent and self-contradictory. To avoid these difficulties, I proposed an alternative solution to the dilemma of charity. Rather than distinguish between perfect and imperfect duties, as did Kant, Mill, and others, I distinguished between having a duty to perform a particular action and having a duty to be a person of a certain kind. This distinction has the following virtues: First, it solves the dilemma of charity; second, it leaves the correlativity thesis intact (at least in the charity context); and third, it makes sense of our pretheoretical intuitions about charity.16

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Notes

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1See, e.g., Rex Martin and James W. Nickel, “Recent Work on the Concept of Rights,” American Philosophical Quarterly 17 (1980): 165-80. Like the others in this series, this article contains an extensive bibliography. It also contains a brief discussion of the relation between rights and duties, including the claim that they are necessarily correlated.
DUTIES, RIGHTS, AND CHARITY


The four examples can be found *ibid.*, pp. 39-41 (pp. 421-23). For a discussion of Kant’s examples and what he may have meant by the terms “perfect duty” and “imperfect duty,” see Fred Feldman, *Introductory Ethics* (Englewood Cliffs, N.J.: Prentice-Hall, 1978), pp. 106-14.


See, e.g., Mill, *Utilitarianism*, p. 61: “In the more precise language of philosophic jurists, duties of perfect obligation are those duties in virtue of which a correlative right resides in some person or persons; duties of imperfect obligation are those moral obligations which do not give birth to any right” (italics in original).


Duties of charity . . . require us to contribute to one or another of a large number of eligible recipients, no one of whom can claim our contribution from us as his due. Charitable contributions are more like gratuitous services, favours, and gifts than like repayments of debts or reparations; and yet we do have duties to be charitable.

( Italics added.) This passage contains the seed of the distinction that I go on to draw between having a duty to perform a charitable action and having a duty to be a charitable person.

Something like this distinction, if not the distinction itself, is drawn by Alan R. White, *Rights* (Oxford: Oxford University Press, 1984), pp. 26-27:

A duty is always a duty to do so and so or a duty to such and such. Duties to do so and so include duties to act, for example to chair a meeting, to clothe one’s children, or to keep records; or to forbear from acting, for example not to interfere, not to carry offensive weapons; or to achieve, for example to ensure that nothing is lost, to find a replacement, or to arrive early; or, perhaps, to be, for example impartial, helpful, or vigilant.

( Italics in original.) One might add “charitable” to the last three items on White’s list.

Cf. *The Compact Edition of the Oxford English Dictionary* (Oxford: Oxford University Press, 1971), 1:382 (original pagination: 2:288): (a) “Showing Christian charity or the love of God and man”; (b) “Tender-hearted: loving, kindly; well-disposed; benevolent”; (c) “Full of active charity to others; esp. liberal in almsgiving to the poor”; (d) “Connected with or devoted to a recognized object of charity, esp. as defined in the various statutes on the subject; of the nature of a charity”; (e) “Inclined to think no evil of others, to put the most favourable construction on their actions, etc.” (italics in original).

Of these definitions, (b) seems closest to what I have in mind, for it focuses on the disposition to be charitable rather than on particular charitable actions.

There are two rather obvious problems with (CP). First, it leaves open the force of the counterfactual “would”; and second, it leaves unspecified the phrase “appropriate circumstances.” I assume that these problems can be solved. In any event, nothing substantive hinges on the definition. So long as there is a satisfactory definition of “charitable person,”
the point made in the text is sound. I use this definition only to illustrate the distinction between charitableness as a property of persons and charitableness as a property of actions.

Indeed, this assumption underwrites the very plausibility of the claim that we have duties to be charitable. The assumption is that by being charitable, we will, or are more likely to, perform charitable actions. At a minimum, we are more likely to get charitable actions by inculcating charitableness than by inculcating noncharitableness.


This should come as no surprise. On any plausible epistemological theory, one can be justified in believing that p without p being the case. That is, on any plausible epistemological theory, justification is distinct from truth.

Tom Regan, for example, says that "though we have a duty to be charitable, charitable organizations themselves have no right to our contributions, and they have no right to this because they have no valid claim against us in this regard." Tom Regan, *The Case for Animal Rights* (Berkeley and Los Angeles: University of California Press, 1983), p. 272 (italics added).

I assume, of course, that Regan was speaking literally, and not, for example, saying that we have a duty to perform charitable actions.

In short, Mill owes us a theory of act-type obligatoriness. I will not speculate here on the likely success of such a theory. As pointed out by an anonymous reviewer, the concept of a charitable person suffers from the same sort of vagueness as Mill's concept of an act-type. The reviewer asks: "How many charitable actions must a person perform before he can be called a charitable person?" To answer this, of course, one needs a theory. It has not been my goal to offer such a theory, though I admit that one is necessary. But I see no reason why an adequate theory cannot be put forward. Unfortunately for Mill, as I go on to argue, vagueness is not the only defect in his analysis.

The reviewer also raises an epistemic question: "How does one know whether a person has a disposition to be charitable?" Again, one needs a theory. I sketched such a theory earlier in the essay when I discussed the possibility of inference from particular charitable actions to a disposition of charitableness. So while I admit that this is a problem, it is not an insuperable problem. Nor is it a problem peculiar to charity. How does one go about in general ascertaining dispositions of character? In principle, it seems no more difficult to know that one is charitable than to know that one is competitive, avaricious, or bold. It seems clear that we can have knowledge of all of these character traits.


I would like to thank two anonymous referees for commenting on an earlier version of this essay. I am also indebted to my teachers, Allen Buchanan and Joel Feinberg, for piquing my interest in (a) the nature of rights and duties, and (b) the relation between them. I owe a different sort of debt to Alan R. White, who, in his book *Rights* and other publications, made me rethink my muddled views of rights, duties, and other moral concepts. Needless to say, none of these people is responsible for the result.