

THE PECULIAR NATURE OF THE DUTY TO HELP DURING A PANDEMIC

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ABSTRACT

Duties of beneficence are said to allow for leeway to discharge them. By distinguishing between two different types of leeway, Mejia (2020) identified three structurally different duties of beneficence. In this Commentary I deploy those distinctions to clarify the nature of a fourth type of duty of beneficence, one prompted by a global pandemic, a duty with a peculiar, and seldom recognized, conceptual logic. I provide some guidelines that should orient managers when they take themselves to be fulfilling such a duty on behalf of shareholders.

THE DUTY OF beneficence is “concerned with norms, actions, and dispositions whose ultimate aims are to promote the good of others, quite often in the form of alleviating their suffering” (Mejia 2020: 5).² Mejia (2020) offers a distinction between two types of leeway that are typically associated with it:

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² Doing good for the sake of improving one’s reputation is an instance of prudence, not beneficence. Doing good to right a wrong one has caused is an instance of the duty of justice, not of beneficence.

Discretion: leeway to decide whether to fulfill a duty or not.

Latitude: leeway to decide how, when, and whom you benefit (a duty is said to be “narrow” if it does not afford latitude and “wide” if it does).

To see that these two distinctions carve out conceptual space differently, consider a neighbor asking you to water their plants while they are out of town. Arguably, you have a duty to help in these kinds of situations. It is morally objectionable if you never do so. But morality gives you *discretion*; it does not require you to always help in these situations. Once you decide to discharge this duty, however, you have little *latitude* concerning who, how, or when to benefit (you ought to help your neighbor by watering their plants during their absence).

The distinction between discretion and latitude gives rise to a 2x2 matrix (see table 1). Because the literature has tended to conflate discretion and latitude, it has typically focused on duties in the upper left quadrant (“imperfect duties”) or in the lower right quadrant (“perfect duties”). In doing so, the scholarship has failed to recognize that there is, so to speak, more than one way for a duty to be imperfect (or perfect).

TABLE 1: EXAMPLES OF DISCRETION AND LATITUDE

	discretion	no discretion
latitude	1. wide duties of charity	?
no latitude	3. discretionary duties of rescue	2. perfect duties of rescue

Mejia (2020) provides examples of duties in three of these four quadrants:

1. Duties of charity through which you make financial contributions to charitable organizations (afford latitude and discretion).
2. Duties of rescue that require helping in specific ways, where the benefits to the aided party are disproportionately high compared with the costs and risks imposed on the helping party, and which the helping party is uniquely qualified to provide (afford no latitude and no discretion).
3. Duties of rescue that require helping in specific ways, but where the benefits to the aided party are not disproportionately high compared with the costs and risks imposed on the helping party (afford discretion but no latitude).

The duty to help during a pandemic: latitude but no discretion

Mejia (2020) does not provide examples of corporate duties of beneficence that afford *no discretion* but allow *wide latitude*. At first blush, one may think that there are no such examples. Global pandemics, however, give rise to such a duty, a duty of beneficence that has a very peculiar, and seldom recognized, conceptual logic.³

Let me start by explaining why, for most individual agents, the duty to help others during a global pandemic is not discretionary. During a pandemic, there is need all around, and the need is multifaceted. Most individuals face challenges concerning their physical health, mental health, and financial stability. The social fabric is threatened by ravaging deaths and quarantines. The mechanisms through which production and distribution are coordinated break down. Society faces urgent demand for new goods and services while demand for many traditional goods and services comes to a halt, threatening the ability of many people to provide for themselves. As a result, society is no longer able to properly meet the needs of its members. This creates, so to speak, an “all hands on deck” emergency where everyone who is in a position to help ought to do so.⁴

The many ways in which help is needed and the depth of need required, suggest that the duty to help in a pandemic is non-discretionary. Our reactions to the pandemic reflected this. By the end of April, the philanthropic sector had received four times more money than during the last four big calamities of this century combined (The Economist 2020), corporations rushed to provide relief during the pandemic (Steinmetz 2020), and journalists noted the rapidity with which for-profit companies were starting to behave like nonprofits (Hanft 2020).

But while the duty to help during a pandemic offers no discretion, it offers wide latitude. There are many different ways in which one can discharge one’s obligation to help in a pandemic. What is important in a pandemic is to help. But, given the many ways in which

³ Some of our motivations to help during a pandemic may be self-interested. My focus in this paper, however, is on instances (of which there are many) in which pandemics require us to help because others need us to, not because it is in our interest.

⁴ I’d like to thank David Silver for pressing me to expand on this and providing me with helpful language to do so.

one can provide significant help, the duty leaves open who you help, how you help, and when specifically to help.

When should managers fulfill duties of beneficence on behalf of shareholders?

Mejia (2020) argues that if one takes managers to be agents of shareholders, one is thereby committed to the view that the obligations that arise from the corporate activity are obligations that ultimately fall upon shareholders, the principals on whose behalf managers act. To determine whether the manager should fulfill a particular duty of beneficence that arises from the company's activities or whether shareholders should do it directly, one needs to look into the type of duty in question. In particular, he argues that:

1. Managers *should not* fulfill duties that afford discretion and latitude (e.g., financial charitable donations).⁵ The discretion and latitude that these duties afford entails that they should be fulfilled according to shareholders' subjective inclinations and financial situation, allowing shareholders to express themselves morally through their beneficent decisions. Consequently, managers should allow shareholders to fulfill these duties directly.
2. Managers *should* fulfill duties that afford no latitude.

Were shareholders to fulfill this duty individually, they would have to coordinate their efforts to do so. In some cases, this is not feasible. For instance, when discharging the duty requires deploying corporate capabilities that are not available to individual shareholders. Even if it is feasible, it is nevertheless impractical. Requiring shareholders to coordinate their efforts to fulfill a particular duty by which they are all bound undermines the separation of ownership and control that motivated shareholders to have an agent administer the company on their behalf.

Mejia's central point, then, is that managers should not crowd out the beneficent efforts of shareholders. If shareholders can fulfill a particular duty prompted by the activities of their company, especially if the duty is meant to be responsive to their subjective inclinations and specific financial situation, shareholders should be allowed to fulfill it directly. However, if shareholders need to coordinate their efforts to

⁵ Unless, of course, shareholders have explicitly or tacitly agreed to managers doing so.

discharge a duty emerging from the corporate activities, the manager should fulfill the duty on their behalf.

The kind of beneficence in which managers should engage

We can use these principles to identify whether (and how) managers who take themselves to be acting on behalf of shareholders should fulfill duties of beneficence during a pandemic.

Managers would be crowding out shareholders' beneficent efforts by making financial donations on their behalf. But most companies have competencies to address the pandemic that shareholders could not deploy on their own. For instance, telecommunication companies can provide access to much-needed connectivity for clients, and liquor and refinery companies can shift production lines to provide urgently needed alcohol and hand sanitizer. Even if it may not be obvious, in a first instance, how a company can deploy their organizational and logistical capacities, the fact that there are many ways to aid suggests that most companies could provide meaningful beneficent efforts to help a variety of potential constituencies during a pandemic.

Thus, because there are many urgently needed goods and services in a pandemic, because many companies have the capacity to provide them, and because the traditional market processes to provide such goods and services has broken down, shareholders of these companies are morally required to recognize the need for their company to provide such goods and services out of beneficence. It follows that managers are required to pursue these beneficent efforts on behalf of them.

What principles should guide managers' decisions on how to help? The first is, of course, the extent to which the help is needed and the company well placed to provide it. Mejia (2020) suggests that, by affording latitude, the duty of beneficence is also meant to give us space to fulfill the duty in ways that align with our subjective inclinations. From this it follows that the two central considerations that should guide managers' decisions are 1) the need of the recipients and 2) the subjective inclinations of the givers.

This second consideration poses a serious practical problem. The manager's decisions about how to do beneficence on behalf of shareholders are meant to be responsive to their subjective inclinations. But because shareholders are typically numerous and such inclinations

will be widely divergent, it will be hard for the manager to satisfy all of them. Mejia (2020), however, notes that shareholders who buy shares of a company are expected to do so because they are invested in the company's strategic mission. Thus, pursuing beneficent actions that further the company's strategic goals will, therefore, align with what most shareholders are inclined to favor.

Thus, when companies have a variety of ways to provide urgent need, they should select those that further their strategic mission. This course of action would obviously pose epistemic difficulties to identify whether a company's beneficent efforts are self-serving or truly beneficent. This epistemic difficulty, however, should not blind us to the fact that, if the ultimate goal of a corporate activity is to help others in need, the fact that a company is also furthering its strategic goals need not impugn the moral credentials of its beneficent efforts.

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