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Is There Really Anything Wrong With That? An Aristotelian Analysis of Duty

Luke J. McGrath
Georgia Southern University

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By
Luke McGrath

Under the mentorship of Dr. Daniel Larkin

ABSTRACT

In the iconic *Seinfeld* series finale, Jerry, George, Elaine, and Kramer find themselves in a peculiar legal predicament when they mock a crime rather than intervene to help the victim. The show's commitment to portraying reality, even in its finale, vividly demonstrates the potential consequences of a society lacking the legal obligation to aid others. This comical incident raises a thought-provoking question about the legitimacy of duty-to-act laws in the United States. This thesis examines the application of Aristotle's *Nicomachean Ethics* to the concept of duty-to-act laws and argues for the necessity and benefits of such laws in promoting a virtuous, just, and compassionate society. Drawing from Aristotle's system of Virtue Ethics and his views on justice, this thesis aims to substantiate the viewpoint that the *Seinfeld* gang did indeed commit a crime against society by disregarding their obligation to help the common man. This argument is supported by the analysis of relevant cases in the United States, including *People v. Moseley* (1967), *King v. Commonwealth* (1941), and *Tarasoff v. Regents of the University of California* (1976). These cases shed light on concepts such as the bystander effect and doctor-patient confidentiality. Ultimately, this thesis argues that duty-to-act laws strike a balance between individual rights and societal responsibilities, aligning with Aristotle's ethical teachings and fostering a more virtuous, just, and compassionate society.

Thesis Mentor: Dr. Daniel Larkin

Honors Dean: Dr. Steven Engel

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Honors College
Georgia Southern University

Section I: Introduction

In the series finale of *Seinfeld* (1999), Jerry Seinfeld, George Costanza, Cosmo Kramer, and Elaine Benes are on their way to Paris by private jet to celebrate Jerry and George's proposed television show's being accepted by NBC. Their private jet, lent to them by NBC, experiences some mechanical difficulties due to Kramer's having stumbled into the cockpit, and the gang is forced to make an emergency stop in the small town of Latham, Massachusetts in order to make repairs to the plane. While waiting on the mechanics to repair the plane, the gang decides to explore the town. They witness an overweight man being robbed at gunpoint. Rather than stepping in to assist the man, the gang pulls out a video camera and makes a mockery of the incident.[1] They are each charged with a crime under a newly recognized statute requiring bystanders to help others in need.[2] As humorous as this example is, it calls to mind an issue within the framework of the legal system of the United States that has been subjected to heavy debate: duty-to-act laws. Were the four actually guilty of committing a crime against society?

There are disagreements in the laws and court rulings of the United States. For example, Wisconsin[3] and Minnesota[4] have laws mandating that if one is aware of a crime being committed and a victim has suffered or may suffer bodily harm, one has an explicit duty to act by calling the police or providing assistance. One's failure to act as a bystander can result in criminal charges. However, there are a litany of cases in which courts have ruled that there is no explicit duty to act, such as *People v. Moseley* (1967),[5]

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[1] *Seinfeld*, 180, "The Finale", written by Larry David and Jerry Seinfeld, aired May 14, 1998, in broadcast syndication.
[2] Specifically, they were each indicted under the charge of "criminal indifference."
[3] Wisconsin State Legislature, Chapter 940: Crimes Against Life and Bodily Security. Subsection 940.34: Duty to aid victim or report a crime.
[4] Minnesota State Legislature, Chapter 604A. Subsection 604A.01: Good Samaritan Law. Subdivision 1: Duty to assist.
[5] *People v. Moseley* 20 N.Y.2d 64, 228 N.E.2d 765, 281 N.Y.S.2d 762 (1967)

King v. Commonwealth (1941),[6] and *Tarasoff v. Board of Regents of the University of California* (1976).[7]

Some argue that there should not be a codified duty to act due to the potential threat it poses to individual autonomy. On the one hand, according to Kathleen Midolfi, those against the idea of duty-to-act laws argue that choosing whether or not to perform a good deed is a personal decision, and it is a private matter, and thus legislation ought not to interfere with one's personal conduct.[8] On the other hand, proponents in favor of duty-to-act laws argue that they are necessary in order to promote stronger moral ties between individuals in a society, as well as to reduce the alienation of the individual from the rest of society. According to Wallace M. Rudolph, "the anonymity of city life and the lack of legal sanctions can cause the failure of moral sanctions."[9]

I contend that in the series finale of *Seinfeld*, Jerry, George, Kramer, and Elaine indeed committed a crime against society, a viewpoint I will substantiate in this paper. I will begin by examining Aristotle's system of Virtue Ethics and the importance he places on individual conduct and the adherence to laws governing individual behavior to promote societal justice. Next, I will explore various cases within the United States' legal system that have addressed the concept of duty-to-act, and in addition, I will discuss the concepts of the bystander effect and doctor-patient confidentiality, all of which support my argument asserting the necessity of duty-to-act laws. Furthermore, I will address potential counterarguments to demonstrate the soundness of my argument. Ultimately, my conclusion will assert the necessity of duty-to-act laws for the promotion of a more

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[6] *King v. Commonwealth*, 285 Ky. 654, 148 S.W.2d 1044 (Ky. Ct. App. 1941)
[7] *Tarasoff v. Regents of the University of California*, 17 Cal. 3d 425, 551 P.2d 334, 131 Cal. Rptr. 14 (1976)
[8] Kathleen M. Ridolfi, "Law, Ethics, and the Good Samaritan: Should there be a Duty to Rescue?", 40 *Santa Clara L. Rev.* 957 (2000), https://digitalcommons.law.scu.edu/facpubs/114/
[9] Wallace M. Rudolph, "The Duty to Act: A Proposed Rule." *Nebraska Law Review* 44, no. 3 (1965): 499-538. https://digitalcommons.unl.edu/nlr/vol44/iss3/3/.

virtuous society, and by extension, justify the arrests of Jerry, George, Kramer, and Elaine for their actions in the series finale because they run counter to the principles of virtuous citizenship.

Section II: Aristotle's *Nicomachean Ethics*

Sub-section II.1: Overview of Aristotle's Account of Voluntary, Non-Voluntary, and Involuntary Actions

In Book III of his *Nicomachean Ethics*, Aristotle describes the three kinds of actions: voluntary, non-voluntary, and involuntary. He begins by describing involuntary actions, which take place under compulsion.[10] He specifies that these actions are compulsory and are directed by a force outside the volition of the agent who is committing the action, contrary to the agent's will.[11] In addition, a qualifying factor for an involuntary act is that it produces pain and repentance for the agent: for example, one is being held at gunpoint and has been threatened with lethal force if they do not hand over their wallet. Even though they are willingly handing over their wallet, they would not be said to be doing so voluntarily, as there is an external force–the threat of physical harm–compelling them to do so. In essence, an involuntary act is committed when an agent is compelled to act by external factors, such as force from another individual.

Aristotle then describes non-voluntary actions, and he asserts that actions committed by reason of ignorance are not explicitly voluntary, nor are they involuntary, as there is no compulsory force acting on the agent.[12] In describing these kinds of actions, Aristotle states that the agent is simply unaware of the consequences of his actions and to

[10] NE.III.1 1110a36
[11] NE.III.1 1110b1-2
[12] NE.III.1 1111a1-5

whom or to what he is acting on. An example of a non-voluntary action, according to Aristotle, can be when one dispels a certain piece of information without knowing that it was supposed to be a secret.[13] It is important to bear in mind that while non-voluntary actions are the result of an agent's choices, the agent is still not to be held fully accountable due to his ignorance.

Following his description of non-voluntary actions, Aristotle begins to describe voluntary actions, which follow from an agent's choices in the moment they commit an act. In Aristotle's words, "the voluntary would seem to be that of which the moving principle is in the agent himself, he being aware of the particular circumstances of the action."[14] Aristotle claims that these actions can be the result of character deficiencies such as appetite and anger, and are thus not excusable; essentially, one cannot cite their anger or appetite as an excuse for committing a particular action, and they ought still to be held accountable for whatever action they committed as it was voluntary.[15] Voluntary actions, then, are the result of an agent's choice and prior deliberation based on the agent's rational capacity. [16]

Sub-section II.2: Aristotle on Voluntary Actions

This paper will focus on voluntary actions. In Chapter 3 of Book III of his *Nicomachean Ethics*, Aristotle begins by exploring the adequate focus of deliberation.[17] He outlines insufficient topics of deliberation, including the deliberation of eternal concepts such as the solstices or patterns of weather.[18] The reason Aristotle makes this

[13] NE.III.1 1111a10-11
[14] NE.III.1 1111a23-25
[15] NE.III.1 1111a25-35
[16] NE.III.2 1112a15-17
[17] NE.III.3 1112a19-21
[18] NE.III.3 1112a23-28

distinction is to assert that voluntary actions result from the deliberation of things that are in one's own control and over which one has power. Furthermore, Aristotle asserts that men deliberate about the means, and not the ends of a certain action: "For a doctor does not deliberate whether he shall heal, nor an orator whether he shall persuade."[19] This distinction is important because for a voluntary act, one's responsibility lies in how they went about committing that act, and not their desired goal in committing the act.

In Chapter 5 of Book III, Aristotle contends that actions regarding means must be according to choice and are therefore voluntary.[20] Aristotle makes this claim in order to tie one's actions back to virtue and vice, and he asserts that it is in the agent's own power to choose whether to act according to virtue or vice.[21] What Aristotle means by this is that it is up to the agent to decide whether they ought to act virtuously or viciously, and this defines their character. Aristotle imposes a large focus on habituation when it comes to the development of one's character. To explain this point, Aristotle references how people are held accountable for their actions even if their actions were the result of them being intoxicated: "For the moving principle is in the man himself, since he had the power of not getting drunk and his getting drunk was the cause of his ignorance."[22] One cannot cite their intoxication as an attempt to assert that their acts were involuntary, as it was in their power to not indulge in alcohol. They had the choice to not drink, knowing that if they drank alcohol, they could commit vicious acts, yet they still chose to drink. This makes the act voluntary, despite the fact that the actions were inspired by the external influence of alcohol. One cannot claim that their actions were involuntary, as drinking in itself is a

[19] NE.III.3 1112b13-14
[20] NE.III.5 1113b3-5
[21] NE.III.5 1113b5
[22] NE.III.5 1113b32-34

voluntary act, and thus all actions that follow are likewise voluntary. Aristotle then discusses the composition of one's character, and how it is composed of one's actions. One lives a vicious life by continuously choosing to indulge in alcohol and not exercising care in their conduct.[23]

This framework does not just apply to drunkenness, but it applies to all modes of actions. Aristotle expounds upon this in Book IV. The way in which one conducts themselves over the course of their life defines them in regard to whether they are a virtuous person or a vicious person. In Chapter 5 of Book IV, Aristotle addresses anger, and how one ought to conduct themselves best when experiencing anger. According to Aristotle, the man who is angry at the right things, at the right people, and at the right time, is acting in accordance with virtue.[24] On the contrary, a man who habitually reacts to situations with anger inappropriately is leading a life of vice. Both of these men, in their actions of anger, are acting voluntarily, as it is within their own power and volition to choose when to react with anger.

I would like to focus on the second man. Before I elaborate further, however, I would like to explain Aristotle's classification of character types explained in Book VII. In Book VII, Aristotle describes the characteristics of the incontinent man and the vicious man.[25] Both of these men can be said to be plagued by vice, and so in this example, suppose that the vice is anger. The incontinent man, in going about his acts of anger, employs his rational capacity and recognizes the error of his ways, and desires to change,

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[23] NE.III.5 1114a5-7
[24] NE.IV.4 1125b31-34
[25] In addition to these two types, Aristotle also describes the virtuous man and the continent man. The virtuous man acts rightly in all circumstances without any temptations. This is due to the strong rational capacity possessed by the virtuous man. The continent man similarly acts rightly in all circumstances due to his strong rational capacity, but he experiences temptations to act wrongly, though he is able to control them.

though on Aristotle's account, such change is incredibly difficult to achieve due to the intensity of the habituation.[26] The vicious man, on the other hand, continues to act with anger and his passion overcomes his rational capacity, thus preventing him from reflecting on his habituated actions.[27] The vicious man has rationalized his actions and feels no remorse, thus preventing him from adequately reflecting on his actions and correcting his character. The vicious man convinces himself that his unjust actions are okay, while the incontinent man recognizes his weakness in succumbing to his temptations and desires to change his ways.

Now that we have a definition of the incontinent man and the vicious man, I would like to propose an example. Suppose that one is waiting in line at a movie theater, and as he is shuffling through his pockets, he accidentally bumps into the man in front of him.[28] The man in front of him reacts violently with rage and yells at the person for bumping into him. Suppose the man who reacted with anger were confronted and told of his vicious tendencies: if he were to recognize his faults, and work to address them by going to anger management classes or by pursuing similar avenues, he would be considered an incontinent man according to Aristotle. If he were to refuse to listen to one who confronted him, and continue to live a life of unrequited bouts of anger with no remorse, Aristotle would likely classify him as a vicious man.

In both scenarios, the acts of anger are voluntary because they are the result of a lifetime of habituation of acts of anger. Though one might claim their emotions overtook their rational capacity and they thus acted out of anger, that does not excuse their actions;

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[26] NE.VII.1 1145b14-15
[27] NE.VII.1 1145b11-13
[28] I contend that this act in itself would qualify as a non-voluntary action: he is choosing to shuffle through his pockets, and he accidentally bumped into the guy in front of him. It was not his intention. He was not fully aware. Thus, it is not voluntary.

according to Aristotle, it is their fault for not exercising self-control when going about their actions. This can be likened to Aristotle's writings on responsibility and intoxication as mentioned previously: just as how the intoxicated man had the power of not getting drunk, the angry man had the power of not getting angry. Ultimately, Aristotle is saying that even if one claims their actions were the result of their emotions overtaking their rational reasoning, and even if we grant that in that moment due to their previous habituation, they seemingly did not have control, it is still their fault, and it is thus a voluntary action. It is important to note, however, that Aristotle is not solely faulting the individual for their angry act, but he is also faulting the individual for their state of character which has been composed of many wrongful angry acts. One may not have deliberately chosen to get angry in the moment, but by leading a life of angry outbursts, they are in essence choosing to not correct themselves and live righteously.

Sub-section II.3: Aristotle on Justice

Aristotle writes on justice in Book V of the *Nicomachean Ethics*. According to Aristotle, laws ought to be legislated in such a manner that encourages citizens to act virtuously.[29] Aristotle proposes that laws ought to compel citizens to act according to virtue. He proposes the following examples:

> The law bids us to do both the acts of a brave man (e.g. not to desert our post nor to take flight nor to throw away our arms), and those of a temperate man (e.g. not to commit adultery nor to gratify one's lust), and those of a good-tempered man (e.g. not to strike another man nor to speak evil), and similarly with regard to the other virtues and forms of wickedness, commanding some acts and forbidding others.[30]

[29] NE.V.1 1129b19-20
[30] NE.V.1 1129b20-25

Aristotle's explanation implies that laws ought to be drafted in order to maximize the virtue of the citizens under their jurisdiction. The laws, therefore, serve as a way of steering citizens towards the path of righteousness and not wickedness. The government recognizes that citizens struggle with their vices, which is supported by Aristotle's recognition of the deficiencies of the virtues he mentions (i.e., not to desert our post, not to commit adultery, or not to strike another man).

Now, returning to the example of the angry man, the laws ought not to be concerned with the vicious man who refuses to listen to criticism, as he is the kind of person who would not abide by them anyway. Aristotle views the laws as a means of curing citizens of their vices, and that the incontinent man can be more easily persuaded to change his ways–in this case, his habituated acts of anger.[31] Laws, therefore according to Aristotle, are necessary as means to encourage citizens to break their habits of vice and lead lives of virtue. Thus the laws ought to be concerned with the kind of citizens who act viciously and subsequently are remorseful (as in my previous example, the man who acts out of anger yet recognizes his deficiency) in order to correct their vicious tendencies. In other words, if there are laws in place complete with punishments, such laws may compel the otherwise incontinent person from engaging in a vicious act (such as reacting angrily in the wrong situation) as their fear of consequences would outweigh their vicious desires.

This interpretation of how the laws ought to function can be observed through a hypothetical scenario in which soldiers are on a battlefield. They are preparing to charge a hill, and on the other side of the hill lie the enemy armed with strong weaponry. Soldiers ought to be courageous, as that is a key aspect of being a soldier. A soldier must

[31] NE.VII.2 1146a31-32

be ready to be courageous in fearful situations (such as that of charging a hill), otherwise they are not proper soldiers. If a soldier were to turn and run the other way out of fear, he would be exercising the deficiency of courage, which is cowardice. There are laws in place to prevent this sort of situation from occurring. For example, in the United States, if a soldier is found guilty of desertion, they can face the penalty of execution.[32] This shows that the United States already recognizes a duty to act in certain circumstances, and its recognition is based on deterring its constituents from acting on the deficiencies of a virtue, in this case, courage. While the soldier, in acting courageously, may risk death by charging the hill, he will face certain death by acting cowardly through deserting his fellows.

I have thus shown that the United States' system of laws already recognizes the deficiencies of virtue in its constituents, and the laws capitalize on these deficiencies by punishing those who act in a deficient manner by making them face what is essentially the source of their deficiency. In the example above, the law is in place to encourage soldiers to act courageously and not fear death, and those that fear death and desert are punished with death, thereby encouraging them to not act in a cowardly manner.

It is not just in these extreme circumstances as provided in the example above where Aristotle's framework can show the value, and even the necessity, of duty-to-act laws. For example, in Book IV, Aristotle outlines the virtue of liberality[33] and how one ought to conduct themselves accordingly. According to Aristotle, liberality is the mean that lies between the excess and deficiency of actions concerning wealth.[34] Aristotle defines wealth as all things whose value can be determined by money, such as property

[32] 10 U.S. Code § 885 - Article 85. Desertion: Section (c)
[33] Liberality could also be interpreted as generosity.
[34] NE.IV.1 1119b21-22

and one's time.[35] Virtuous actions are done for the sake of the noble, and thus the liberal man will give for the sake of the noble. According to Aristotle, the liberal man will "give to the right people, the right amounts, at the right time, with pleasure and without pain."[36] It can be assumed that the liberal man knows to whom, when, and how much he ought to give. It is interesting to note here that Aristotle does not classify one liberal man as more virtuous than another liberal man based on how much they give, or in other words, based on the quantity of their charity; rather, he classifies the liberal man as virtuous based on the substance of what is given in proportion to what the liberal man already has.[37] This means that one can still maintain their status as a virtuous person in their liberality even if they do not have much wealth, so long as they use it in the appropriate circumstances.

I propose that we consider the following scenario. A very wealthy man is walking down the street and passes a homeless person who is clearly in desperate need of assistance. If, in this case, the wealthy man is liberal according to Aristotle's definition, he would happily assist the homeless person. The incontinent person might consider giving something to the homeless person, but would likely succumb to his temptations and refrain from acting charitably so as to maintain his material wealth. The vicious man would not even stop to consider assisting the homeless man, as he has already succumbed too deeply to his temptations and does not possess the will to overcome his passions for wealth. It is clear in this example that Aristotle would fault one for not helping another citizen given he has the means and opportunity to help. While I recognize the complexity of applying this particular concept legally due to the fact that money is involved, it still shows that Aristotle's overall framework concerning how individuals ought to conduct

[35] NE.IV.1 1119b26-27
[36] NE.IV.1 1120a25-26
[37] NE.IV.1 1120b7-11

themselves in regard to other individuals in a society applies across all the virtues for the promotion of a more just and more pleasant society. In essence, this framework extends to all the virtues.

I propose that we return to the initial example mentioned in the introduction: that exhibited in the *Seinfeld* episode. In Chapter 6 of Book IV, Aristotle describes the virtue of how one ought to conduct themselves in social situations. There is not a name for this virtue, though Aristotle claims that it mostly resembles friendship.[38] I contend that Aristotle is describing something far deeper than friendship, and that his descriptions of this virtue constitutes in general how one ought to act in regard to other citizens. For the purpose of my argument, this virtue shall be referred to as the virtue of beneficence. While Aristotle describes the virtuous person as a "good friend," I assert that he is explaining that this virtue entails that one treats everyone with respect and courtesy.[39] Bearing in mind this specific virtue, I contend that Jerry, George, Kramer, and Elaine exercised a significant deficiency in the virtue of beneficence by how they reacted to the man who was getting robbed at gunpoint. The four succumbed to vice, and acted viciously by laughing at the man and recording him. This sort of interaction between a group of citizens and a citizen in need ought not to be tolerated by the law, as it obstructs the promotion of a just and pleasant society. I contend that under Aristotle's framework of Virtue Ethics, duty-to-act laws can serve to assist citizens such as the *Seinfeld* group in not succumbing to their vice, and thus promote a more just and pleasant society. With this framework established, I propose that we now turn our attention to contemporary issues in the United States' legal system regarding one's duty to act.

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[38] NE.IV.6 1126b20
[39] NE.IV.6 1126b21-26

Section III: Cases

Sub-section III.1: *People v. Moseley* (1967)

Sub-section III.1.A: Explanation of *People v. Moseley* (1967)

In *People v. Moseley* (1967),[40] it is not the ruling of the case that is relevant, but rather, the circumstances of the crime. In the early morning hours of March 13, 1964, New York City woman Catherine "Kitty" Genovese was murdered outside of her apartment.[41] She was returning home from her job as a manager in a local bar, and after she parked her car outside of her apartment, she was attacked by a man on the street. Genovese screamed, yelling that she had been stabbed, calling for help. Residents of the surrounding apartment buildings turned on their lights and watched from their windows, with one man allegedly yelling out, "Let that girl alone!" Upon being noticed, the assailant, later identified as 29-year-old Winston Moseley, shrugged and walked away. Genovese stood up, and the lights from the surrounding apartment buildings' windows turned off. Moseley then returned to Genovese, stabbing her a second time. Again, she yelled out, and spectators simply watched the tragic attack transpire. Once Moseley noticed that he was being watched, he once again left Genovese and got into his car and drove away. Genovese managed to crawl to the back of her building, and Moseley returned, stabbing her a third time, ending her life. The police were not called until 3:50 A.M., long after Genovese had passed away. According to the police, had they been called when Moseley first attacked Genovese, they might have had a chance to save her life. When the police questioned the witnesses who lived in the surrounding apartment

[40] Commonly referred to in popular culture as "the Kitty Genovese case."
[41] *People v. Moseley* 20 N.Y.2d 64, 228 N.E.2d 765, 281 N.Y.S.2d 762 (1967)

buildings, they were told by most witnesses that they were simply too afraid to call. When asked what they were afraid of, they neglected to give a reasonable explanation. One pair of witnesses, a couple, stated that they believed it to be a lover's quarrel, and they thought it would be best to not get involved. Another witness, who had helped the police establish the facts of what transpired since he saw the stabbings from his apartment door, stated that the reason he did not call the police during the attack was because he was too tired.[42] One man said that he had considered whether or not to call the police strongly; he had phoned a friend for advice, and then he went to the apartment of an elderly woman to get her to make the call, stating that he did not want to get involved.[43]

Sub-section III.1.B: The Bystander Effect

Prior to exploring this incident under the scope of Aristotle's Virtue Ethics, I would first like to mention a study conducted by Bibb Latane and John M. Darley, known as the "Group Inhibition of Bystander Intervention in Emergencies."[44] In this experiment, Darley and Latane discovered that the mere perception that there are others witnessing an event will decrease the likelihood of an individual's intervention in an emergency.[45] They cite the concept of "diffusion of responsibility" as the reason for this phenomenon: "If an individual is alone when he notices an emergency, he is solely responsible for coping with it. If he believes others are also present, he may feel that his own responsibility for taking action is lessened, making him less likely to help."[46] This is why it is important to

[42] Martin Gansberg. "37 Who Saw Murder Didn't Call the Police; Apathy at Stabbing of Queens Woman Shocks Inspector". *The New York Times*, March 27, 1964.
[43] Gansberg. "37 Who Saw Murder Didn't Call the Police …". *The New York Times*, March 27, 1964.
[44] Bibb Latane, and John M. Darley. "Group Inhibition of Bystander Intervention in Emergencies." *Journal of Personality and Social Psychology* 10, no. 3 (1968): 215–21.
[45] Latane and Darley, "Group Inhibition," 215.
[46] Latane and Darley, "Group Inhibition," 215.

direct someone specifically to call the authorities if an emergency happens in a public setting; if one simply says, "Somebody call 911!" then the individuals witnessing the event will most likely think that someone else will do it. However, if one points to another person and says, "You call 911!" they will be more likely to act as they have been singled out.

In their study, Latane and Darley presented an emergency situation to individuals who were either alone or in the presence of two other individuals. The two other individuals were part of the experiment, and were instructed to notice the emergency but not respond to it.[47] The reasoning behind the inclusion of two individuals alongside the test subject was to see if the presence of two indifferent individuals would influence the test subject and cause them to not react to the emergency situation, thus simulating a situation in which the "diffusion of responsibility" can be observed. The two individuals who knew of the experiment shall henceforth be referred to as "confederates," and the true subjects of the experiment shall be referred to as "subjects."

The experiment was conducted as follows: the subjects were sat in a small waiting room and directed to fill out a short questionnaire. The subjects were observed through a one-way mirror in the wall. Latane and Darley seeked to determine how long it might take for a subject to believe that they are in an emergency situation.[48] There were three different conditions in this experiment. The first condition had the subjects sitting alone in the waiting room, while in the second condition, the subjects were sitting with two confederates who were aware of the experiment yet acted as if they were normal test subjects. The confederates were instructed to avoid conversation as much as possible.[49]

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[47] Latane and Darley, "Group Inhibition," 216.
[48] Latane and Darley, "Group Inhibition," 217.
[49] Latane and Darley, "Group Inhibition," 217.

Once the subjects had completed the first two pages of their questionnaires, Latane and Darley began to funnel smoke into the room through a wall vent. The confederates were instructed to treat the smoke with indifference by simply acknowledging it with a glance and shrugging their shoulders before continuing to fill out the questionnaire.[50] If the subject left the experimental room and reported the smoke, the subject was told that it would be taken care of, and if the subject had not reported the smoke after six minutes had elapsed from the subject's first noticing it, the experiment was terminated.[51] In addition, there was a third condition that had three subjects sitting in the room together, all unaware of the true nature of the experiment.[52]

Under the condition of the subject being alone in the room, Latane and Darley found that most subjects "behaved very reasonably."[53] Upon noticing the smoke, the subjects typically seemed mildly alarmed, and got up and investigated the smoke.[54] They would then leave the room and calmly report the smoke. It is important to note here that none of the subjects showed any sign of panic.[55] Rather, they calmly stated something along the lines of, "There seems to be some sort of smoke coming through the wall."[56] It was reported that 75% of the subjects successfully reported the smoke in time when they were alone, while 25% of the subjects either did not report the smoke or waited too long (six minutes) to report it.

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[50] Latane and Darley, "Group Inhibition," 217.
[51] Latane and Darley, "Group Inhibition," 217.
[52] Latane and Darley, "Group Inhibition," 217.
[53] Latane and Darley, "Group Inhibition," 217.
[54] It is specified that the subjects typically sniffed the smoke and waved their hands in it, seeking to determine what could be the cause of the smoke.
[55] Latane and Darley, "Group Inhibition," 217.
[56] Latane and Darley, "Group Inhibition," 217.

Contrarily, under the condition in which the subject was in the room with two confederates, only one out of ten left the room to report the smoke.[57] The other nine stayed in the room and filled out their questionnaires alongside the two confederates. They clearly noticed the smoke: this is proven by the fact that the subjects waved the smoke away from their faces, coughed, and rubbed their eyes.[58] Despite their clear discomfort, the majority still did not report the smoke.

Finally, under the condition in which three naive subjects were sitting together in the room, it was observed that very few subjects reported the smoke.[59] Latane and Darley did not expect this outcome; since 75% of the lone subjects reported the smoke, they expected that there would be at least one reporter in each of the three-person groups.[60] In contrast, of the 24 people assigned to these eight groups, each consisting of three naive test subjects, only one person reported the smoke within the first four minutes of its introduction into the room. Then, after four minutes, there were only two other subjects who reported the smoke.[61]

Latane and Darley hypothesized that the reason for why lone subjects reported the smoke much more frequently (and quickly) than the subjects in groups, whether the group consisted of them with two confederates or them with two other subjects, is because the subject probably did not want to appear "rudely inquisitive."[62] After six minutes had elapsed, an interviewer would stick his head in the waiting room and ask the subject to come with him. The interviewer would then ask if the subject experienced any

[57] Latane and Darley, "Group Inhibition," 218.
[58] Latane and Darley, "Group Inhibition," 218.
[59] Latane and Darley, "Group Inhibition," 218.
[60] Latane and Darley, "Group Inhibition," 218.
[61] Latane and Darley, "Group Inhibition," 218.
[62] Latane and Darley, "Group Inhibition," 219.

trouble while filling out the questionnaire.[63] The reaction of the subjects who had reported the smoke was relatively consistent; they stated that the smoke seemed strange, and though they were not sure of whether or not it was dangerous, they felt it was worth reporting. In comparison, the subjects who did not report the smoke were also unsure of what the smoke was, but they were all confident that it was not the result of a fire.[64] This shows that while the subjects who did not report the smoke did find it strange, they did not feel as if they were in any imminent danger. Furthermore, the subjects uniformly claimed that they either had not paid any attention or had paid little attention to the other people in the room.[65] Despite this claim, it is clearly shown by the statistics that the presence of other individuals in the room affected the time it took for them to report the smoke–if they reported it at all.

The reason why this experiment is so important is that it was the first statistical analysis of what has come to be known as "the bystander effect." The bystander effect can be observed when there is an emergency situation in public, witnessed by a group of strangers. The strangers will likely hesitate to respond to the emergency situation because they believe that someone else will do so, thus affirming that the "diffusion of responsibility" in public emergency situations is a very real concept. This is exemplified by the witnesses' reactions to Kitty Genovese's murder: as mentioned previously, some witnesses thought it was a domestic dispute and thus thought it would be best to not get involved, while another witness deliberated strongly on the matter and even after realizing it was a situation worth reporting, he still did not report it himself as he did not

[63] Latane and Darley, "Group Inhibition," 219.
[64] Latane and Darley, "Group Inhibition," 219.
[65] Latane and Darley, "Group Inhibition," 220.

want to get involved. This shows that the bystander effect is a very real concept that carries devastating consequences.

Sub-section III.1.C: Analysis of *People v. Moseley* (1967)

Though the witnesses did not participate in the murder of Genovese, I contend that they should have still been held accountable. Under Aristotle's framework of the types of actions outlined in his *Nicomachean Ethics*, their lack of action would be classified as a voluntary act. The witnesses saw the crime as it happened, yet chose not to do anything. They exercised their deliberative capacity and made a conscious choice to not intervene, thus classifying their inaction as a voluntary act.[66] For example, the couple who thought it was a lover's quarrel knew that a vicious crime had taken place, yet chose not to intervene by calling the police because they did not want to become involved in a potential domestic situation. In addition, the man who saw the stabbings transpire from his apartment door and stated that he was "too tired" to even call the police was negligent in prioritizing his rest over the well-being of the victim.[67] The lack of regard for their fellow citizen demonstrated in these two instances should not be tolerated as it resulted in an easily preventable death. The witnesses in this horrific event exercised the deficiency of the same virtue exemplified in the *Seinfeld* scenario mentioned previously. It is clear, then, that had there been some sort of duty-to-act law in place, it would have trumped the "bystander effect" and compelled the witnesses to report the crime as soon as they had seen it, which could have saved Kitty Genovese's life. This demonstrates the important role duty-to-act laws would have in promoting a safer, healthier, and more just society.

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[66] NE.III.5 113b3-5
[67] Gansberg. "37 Who Saw Murder Didn't Call the Police …". *The New York Times*, March 27, 1964.

Sub-section III.2: *King v. Commonwealth* (1941)

Sub-section III.2.A: Explanation of *King v. Commonwealth* (1941)

The second case I would like to examine is *King v. Commonwealth* (1941), which concerns a man named Estile King and his father being charged and convicted of voluntary manslaughter for the murder of Mitchell Davis. The victim was shot in the leg with a shotgun by King as an act of self-defense when Davis broke into King's house where King and his father were living. Davis had broken into their house at approximately 6:30 A.M., and, upon being shot, King and his father took Davis to their front porch and placed a pillow under his head. They also attempted to staunch the flow of blood.[68] There was no doctor nearby, nor did the Kings possess a telephone or automobile. The Kings did, however, notify Davis's relatives and several of them appeared on the scene. They sent for a constable and a medic, yet hours passed before they arrived.[69] Approximately five hours after Davis was shot, an automobile was procured and Davis was carried to the home of a physician who lived approximately four miles away. Davis died upon arrival. King and his father were convicted of voluntary manslaughter for the death of Davis, and they appealed their charges, resulting in *King v. Commonwealth* (1941).

In the opinion authored by Judge Tilford reversing the separate convictions of voluntary manslaughter, Judge Tilford contends that King and his father should not, in fact, be charged with voluntary manslaughter due to the fact that the initial shooting of Davis was justified. His reasoning rests on the rationale behind the instructions given to the jury prior to their deliberation on the initial charge; Judge Tilford states that by

[68] *King v. Commonwealth*, 285 Ky. 654, 148 S.W.2d 1044 (Ky. Ct. App. 1941)
[69] *King v. Commonwealth*, 285 Ky. 654, 148 S.W.2d 1044 (Ky. Ct. App. 1941)

finding King guilty "under instruction six," it was established that King was justified in shooting Davis, and therefore the shooting was not unlawful.[70] Drawing from this conclusion, Judge Tilford contends that King could not have been properly convicted under any of the jury instructions, as each required a finding that King had unlawfully injured Davis as a condition precedent to his guilt.[71] Due to the fact that the shooting has been determined as justified, King could not have been found guilty of voluntary or involuntary manslaughter "unless he had committed some subsequent act which converted a non-fatal injury into a fatal one."[72] Since Davis's injury was justified, according to Judge Tilford, neither King nor his father could be charged with Davis's death. In essence, King bore no duty towards Davis, as Davis threatened King and his father's lives and King acted in self-defense.

Subsection III.2.B: Analysis of *King v. Commonwealth* (1941)

In this case, with the application of Aristotle's *Nicomachean Ethics*, it is important to note that there were two separate acts committed. Firstly, there was the act of self-defense committed by King when he shot Davis in order to defend his father from harm. Secondly, there was the act of procuring medical treatment for Davis, the assailant in this case.

In reference to the first act, under the scope of Aristotle's *Nicomachean Ethics*, I argue that King's act of shooting Davis in self-defense was voluntary; King chose to shoot Davis out of his own volition, using his deliberative capacity. In addition, I contend that King was exercising the mean of the virtue of courage: the excess is rashness, while

[70] *King v. Commonwealth*, 285 Ky. 654, 148 S.W.2d 1044 (Ky. Ct. App. 1941)
[71] *King v. Commonwealth*, 285 Ky. 654, 148 S.W.2d 1044 (Ky. Ct. App. 1941)
[72] *King v. Commonwealth*, 285 Ky. 654, 148 S.W.2d 1044 (Ky. Ct. App. 1941)

the deficiency is cowardice.[73] King was justified in feeling afraid of Davis, yet King acted courageously in order to protect himself and his father from harm by shooting Davis. Furthermore, King acted proportionally towards the threat presented against him and his father, which justifies his act of retaliation.[74] Davis threatened King's life by breaking into his home and brandishing a knife, and thus King responded proportionally by shooting him in self-defense. In Book V, Chapter 5, Aristotle notes that just action is the intermediate between acting unjustly and being unjustly treated.[75] I contend that King's act of shooting Davis would therefore be considered justified according to Aristotle, as Davis treated him and his father unjustly by breaking into their home and King acted in self-defense to protect himself and his father. Thus, I have shown that according to Aristotle's *Nicomachean Ethics*, King did not act unjustly in his shooting of Davis since it was an act of self-defense and his response was proportionate to the threat presented by Davis.

With regards to the second act, which concerns seeking medical treatment for Davis following the shooting, I contend that the Kings acted justly following the shooting of Davis: as mentioned previously, efforts were made to make Davis comfortable (they placed a pillow under his head), and King and his father attempted to render basic first aid by trying to staunch the flow of blood.[76] Given the fact that neither King nor his father possessed an automobile, and that there was no doctor nearby, I argue that King's treatment of Davis aligns with how a virtuous person might conduct themselves in the same situation, given the same circumstances. One might argue that they should have

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[73] NE.III.7 1115b 24-32
[74] NE.V.3 1131b 18-20
[75] NE.V.5 1133b 32-33
[76] *King v. Commonwealth*, 285 Ky. 654, 148 S.W.2d 1044 (Ky. Ct. App. 1941)

done more, but given their limited resources, they did everything within their power to assist Davis, even going so far as to alert his family.

Judge Tilford does note, however, that there is no explicit duty borne by a person who injures another in an act of self-defense to assist their assailant.[77] I contend that such a declaration is problematic because it does not, in fact, align with Aristotle's proposition on how the laws should function as I mentioned in Subsection II of Section II of this paper. While Aristotle might consider acting in self-defense to be just as long as the defender's act is proportionate to the threat presented by the assailant, I contend that Aristotle would argue that the defender still bears a duty to ensure that the assailant is properly cared for. As mentioned previously, there were two separate acts in this case: the first being King's shooting Davis in self-defense, and the second being King's attempt to seek medical attention for Davis's injuries. Since King's act of self-defense has already been established to be just, I propose that one examines this situation under the framework outlined in the *Nicomachean Ethics* concerning how one ought to treat one they have injured.

By examining this situation in a transactional manner, one will see that Davis threatened the lives of King and his father, and in return, King justly shot Davis. That is not the end of the transaction, though; I contend that even though King was justified in shooting Davis, King still bore a duty to care for Davis, as King had injured him, regardless of whether or not the shooting was justified. While Judge Tilford argues that one who has acted in self-defense does not bear a duty towards their assailant, I contend that one should possess a duty to care for their assailant, and that this duty can be justified through Aristotle's writings in the *Nicomachean Ethics*.

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[77] *King v. Commonwealth*, 285 Ky. 654, 148 S.W.2d 1044 (Ky. Ct. App. 1941)

As I have mentioned previously, King's shooting of Davis in self-defense can be described as the exercise of the mean of the virtue of courage. I contend, however, that King's responsibility does not end after the threat has been mitigated through his act of self-defense. Following King's act of self-defense, a new situation is presented: King and his father are safe from harm, but Davis is now injured. If one examines this case bearing in mind Aristotle's concept of rectificatory justice outlined in Chapter 4 of Book V, one will arrive at the conclusion that King is responsible for ensuring that Davis receives adequate medical treatment, contrary to Judge Tilford's declaration.[78]

Subsection III.3: *Tarasoff v. Regents of the University of California* (1976)

Sub-section III.3.A: Explanation of *Tarasoff v. Regents of the University of California* (1976)

The final case that I would like to examine is *Tarasoff v. Regents of the University of California* (1976).[79] In the early Fall of 1969, Posenjit Poddar, a student at the University of California at Berkeley, told his therapist whom he had been seeing regularly at Cowell Memorial Hospital, Dr. Lawrence Moore, of his intentions to kill a fellow student named Tatiana Tarasoff.[80] Dr. Moore contacted the campus police in order to detain him, stating that Poddar was suffering from a severe episode of paranoid schizophrenia. Upon arrival, the campus police spoke with Poddar and believed that he was rational, so they let him go after Poddar promised to stay away from Tarasoff.[81] Dr. Moore was not satisfied by their decision, and wanted Poddar to be involuntarily

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[78] NE.V.4 1132a 2
[79] Henceforth referred to as *Tarasoff v. Regents* (1976)
[80] *Tarasoff v. Regents of the University of California*, 17 Cal. 3d 425, 551 P.2d 334, 131 Cal. Rptr. 14 (1976)
[81] *Tarasoff v. Regents of the University of California*, 17 Cal. 3d 425, 551 P.2d 334, 131 Cal. Rptr. 14 (1976)

committed. Dr. Moore's superior, Dr. Harvey Powelson–the director of the psychiatry department at Cowell–directed that no further action should be taken, and Dr. Moore abandoned his efforts.[82] Furthermore, Dr. Powelson ordered that all evidence of correspondence concerning Poddar, including notes from his sessions, be destroyed.[83] A few months later on October 27, 1969, Poddar shot and stabbed Tarasoff, and then called the police who promptly arrested him.[84] Poddar was charged with second-degree murder, and he pleaded not guilty under reason of insanity. He was, however, convicted of the crime and sentenced to five years in prison.[85] Following the completion of his sentence, Poddar was deported to India.

Tarasoff's family sued the Board of Regents of the University of California, and by extension, Dr. Moore, Dr. Powelsen, and the campus police officers who had detained and released Poddar. The initial court decision was that Tarasoff's family had no cause of action against any of the defendants.[86] The family then appealed this decision, resulting in *Tarasoff v. Regents* (1976) being heard in the Supreme Court of California.

Tarasoff's family alleged that the Board of Regents, and by extension, those employed under them, bore liability for Tatiana's death in two ways.[87] Firstly, the family contended that the defendants were liable due to the fact that they failed to warn Tatiana of Poddar's intentions. In addition, they alleged that the Board was liable for Tatiana's death because the campus police failed to confine Poddar. The defendants argued that the case ought to be dismissed under the defense of government immunity. The court rejected this defense, stating that there were no statutory provisions that could shield them from

[82] *Tarasoff v. Regents of the University of California*, 17 Cal. 3d 425, 551 P.2d 334, 131 Cal. Rptr. 14 (1976)
[83] *Tarasoff v. Regents of the University of California*, 17 Cal. 3d 425, 551 P.2d 334, 131 Cal. Rptr. 14 (1976)
[84] *Tarasoff v. Regents of the University of California*, 17 Cal. 3d 425, 551 P.2d 334, 131 Cal. Rptr. 14 (1976)
[85] *People v. Poddar*, 10 Cal.3d 750 (1972)
[86] *Tarasoff v. Regents of the University of California*, 17 Cal. 3d 425, 551 P.2d 334, 131 Cal. Rptr. 14 (1976)
[87] *Tarasoff v. Regents of the University of California*, 17 Cal. 3d 425, 551 P.2d 334, 131 Cal. Rptr. 14 (1976)

liability for failure to warn. The court further stated, however, that the defendants could claim immunity from liability for their failure to commit Poddar, citing various statutes dictating that police officers are protected from civil liability for releasing Poddar as well as a statute dictating that therapists are barred from the imposition of liability in refraining from detaining Poddar.[88]

In total, the Tarasoff family raised four complaints in *Tarasoff v. Regents*. The first cause of action, entitled "Failure to Detain a Dangerous Patient," concerns the alleged inaction of both the employees of Cowell Memorial Hospital and the responding police officers in how they treated Poddar.[89] The Tarasoff family alleged that Poddar should have been confined and treated in a mental hospital and not just have been allowed to leave following a simple promise.

The second cause of action raised by the Tarasoff family is that of "Failure to Warn On a Dangerous Patient," which builds upon the first one, but also alleges that the defendants negligently allowed for Poddar to be released without "notifying the parents of Tatiana Tarasoff that their daughter was in grave danger from Posenjit Poddar."[90] The plaintiffs alleged that the defendants were certainly aware of Poddar's potential to harm Tatiana, as a few months prior to her murder, Poddar had convinced her brother to share an apartment with him close to where she lived. The plaintiffs argued that his proximity to Tatiana should have been enough for the defendants to realize that she was in potential danger.[91] In this allegation, the key word here is "negligently"–the plaintiffs argued that by allowing Poddar to be free and not notifying Tatiana or her family, the defendants

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[88] *Tarasoff v. Regents of the University of California*, 17 Cal. 3d 425, 551 P.2d 334, 131 Cal. Rptr. 14 (1976)
[89] *Tarasoff v. Regents of the University of California*, 17 Cal. 3d 425, 551 P.2d 334, 131 Cal. Rptr. 14 (1976)
[90] *Tarasoff v. Regents of the University of California*, 17 Cal. 3d 425, 551 P.2d 334, 131 Cal. Rptr. 14 (1976)
[91] *Tarasoff v. Regents of the University of California*, 17 Cal. 3d 425, 551 P.2d 334, 131 Cal. Rptr. 14 (1976)

acted negligently. This part of their argument is centered around the concept that the defendants possessed a duty towards Tatiana, and they breached that duty both by not having Poddar committed to a mental hospital and by not warning Tatiana of Poddar's potential to harm her.

The third cause of action raised by the plaintiffs, entitled "Abandonment of a Dangerous Patient," was more specific in scope as it was directed towards Dr. Powelson. The plaintiffs alleged that Dr. Powelson acted maliciously and oppressively by ordering the destruction of Poddar's therapy records and the records of the correspondence between the facility and the police concerning Poddar.[92] Essentially, this part of their argument asserted that Dr. Powelson should have been held even more liable than the other defendants for Tatiana's death due to the allegedly malicious intentions he had when he directed that all notes from Poddar's therapy sessions and all correspondence between the hospital and the police be destroyed.

The fourth, and final, cause of action raised by the Tarasoff family is far more extensive yet still concerns the same concepts outlined in their first cause of action. The fourth cause of action, "Breach of Primary Duty to Patient and the Public," is nearly identical to the first, but it seeks to establish the defendants' conduct as something that not only put Tatiana at risk, but also put the general public at risk.[93] While I consider this claim to be important due to its implications on the effect the defendants' conduct could have on society if it were to be repeated, the court ruled that the first and fourth causes of action are "legally indistinguishable" and they were thus treated as such.[94]

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[92] *Tarasoff v. Regents of the University of California*, 17 Cal. 3d 425, 551 P.2d 334, 131 Cal. Rptr. 14 (1976)
[93] *Tarasoff v. Regents of the University of California*, 17 Cal. 3d 425, 551 P.2d 334, 131 Cal. Rptr. 14 (1976)
[94] *Tarasoff v. Regents of the University of California*, 17 Cal. 3d 425, 551 P.2d 334, 131 Cal. Rptr. 14 (1976)

In addressing this case, the court first analyzed the plaintiff's second cause of action. Their second cause of action concerns a legal concept known as proximate cause, defined as "proof that defendant's actions were the legal cause of the plaintiff's injuries."[95] The significance of this concept in the context of this case lies in the plaintiff's pursuit to establish that if the defendants had not acted negligently, Tatiana Tarasoff would not have been killed. The court focuses specifically on duty, defining its limitations as:

> The foreseeability of harm to the plaintiff, the degree of certainty that the plaintiff suffered injury, the closeness of the connection between the defendant's conduct and the injury suffered, the moral blame attached to the defendant's conduct, and the policy of preventing future harm, the extent of the burden to the defendant and consequences to the community of imposing a duty to exercise care with resulting liability for breach, and the availability, cost, and prevalence of insurance for the risk involved.[96]

The court acknowledged that as a general rule, one person does not typically bear a duty to control the conduct of another person; however, the court conceded that there have been rulings in which two exceptions have been made imposing a duty of care onto another person. The first of which is regarding cases in which the defendant is party to some sort of special relationship to the foreseeable victim of that conduct.[97] The second concerns cases in which the defendant has preemptively acted to control the expected dangerous conduct or protect the potential victim, thus asserting the duty in their own right.[98]

Bearing the first exception in mind, it is readily apparent that it can be applied to the *Tarasoff* case. According to the court, the relationship between the defendant

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[95] Neal Bevans, *Tort Law for Paralegals* 7th ed. (New York: Aspen Publishing, 2022), 37.
[96] *Tarasoff v. Regents of the University of California*, 17 Cal. 3d 425, 551 P.2d 334, 131 Cal. Rptr. 14 (1976), quote originally from decision in *Merrill v. Buck*, 58 Cal.2d 552,562, 25 Cal.Rptr. 456, 375 P.2d 304 (1962)
[97] *Tarasoff v. Regents of the University of California*, 17 Cal. 3d 425, 551 P.2d 334, 131 Cal. Rptr. 14 (1976)
[98] *Tarasoff v. Regents of the University of California*, 17 Cal. 3d 425, 551 P.2d 334, 131 Cal. Rptr. 14 (1976)

therapists and either Tatiana or Poddar are satisfactory in establishing a duty of care, citing the *Restatement Second of Torts*.[99] This duty of care is exemplified through a concept known as doctor-patient confidentiality, which shall be discussed further in Sub-section III.3.B. The court contends that this relationship is sufficient enough to establish affirmative duties for the benefit of "third persons."[100] To support this claim, the court cites a previous ruling from a case called *Kaiser v. Suburban Transportation System* (1965); the court states that a doctor must warn a patient if the patient's condition or medication causes certain conduct to be dangerous to others.[101] To further support their argument, the court cites the rulings in *Hoffman v. Blackmon* (1970) and *Wojcik v. Aluminum Co. of America* (1959); in these rulings, it is held that a doctor is liable to persons infected by their patient if they negligently fail to diagnose a contagious disease, or, in the *Wojcik* case, a doctor can be held liable if he fails to warn the members of a patient's family following the diagnosis of a dangerous and contagious disease in the patient.[102]

In addition, the court proffers an extremely relevant decision made in the ruling of *Merchants Nat. Bank & Trust Co. of Fargo v. United States* (1967).[103] In this case, the Veterans Administration arranged for a patient to work on a local farm, but failed to warn the owner of the farm about the man's psychologically-disturbed background.[104] The

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[99] *Tarasoff v. Regents of the University of California*, 17 Cal. 3d 425, 551 P.2d 334, 131 Cal. Rptr. 14 (1976). And specifically, from the *Restatement Second of Torts*: "a duty of care may arise from either '(a) a special relation … between the actor and the third person which imposes a duty upon the actor to control the third person's conduct, or (b) a special relation … between the actor and the other which gives to the other a right to protection.'"

[100] *Tarasoff v. Regents of the University of California*, 17 Cal. 3d 425, 551 P.2d 334, 131 Cal. Rptr. 14 (1976)

[101] *Kaiser v. Suburban Transp. System* 65 Wash.2d 4061, 398 P.2d 14, 401 P.2d 350 (1965)

[102] *Hoffman v. Blackmon*, (Fla.App.1970) 241 So.2d 752 (1970) & *Wojcik v. Aluminum Co. of America*, 18 Misc.2d 740, 183 N.Y.S..2d 351, 357-358 (1959)

[103] *Tarasoff v. Regents of the University of California*, 17 Cal. 3d 425, 551 P.2d 334, 131 Cal. Rptr. 14 (1976)

[104] *Merchants Nat. Bank & Trust Co. of Fargo v. United States* (D.N.D.1967) 272 F.Supp.409 (1967)

farmer, not knowing of the patient's vicious propensities, allowed the patient to come and go freely outside of his working schedule. The patient borrowed one of the farmer's cars, drove to his estranged wife's home, and subsequently killed her.[105] Despite the lack of a special relationship between the Veterans Administration and the wife, the court still found the Veterans Administration liable for the wrongful death of the wife.[106]

The court then recognizes how Poddar ceased attending his therapy sessions with Dr. Moore following his interaction with the police, stating that Poddar broke off all contact with the hospital and discontinued psychotherapy.[107] The court asserts that it is reasonable to assume that had Poddar continued psychotherapy, his mental health issues could have been addressed, and his plan to murder Tatiana could have been abandoned. Thus, according to the court, by failing to detain Poddar in a proper manner, the defendants bear a duty to give warning.[108]

The defendant therapists raised two arguments which they believed justify a refusal to impose a duty upon a psychotherapist to warn third parties of danger resulting from violent intentions expressed by their patient.[109] Firstly, the defendant therapists contended that while therapy patients often express thoughts of violence, these thoughts are rarely acted upon.[110] According to the defendant therapists, the encouragement to reveal such thoughts expressed by a patient threaten the integrity of the doctor-patient

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[105] *Merchants Nat. Bank & Trust Co. of Fargo v. United States* (D.N.D.1967) 272 F.Supp.409 (1967)
[106] *Tarasoff v. Regents of the University of California*, 17 Cal. 3d 425, 551 P.2d 334, 131 Cal. Rptr. 14 (1976)
[107] *Tarasoff v. Regents of the University of California*, 17 Cal. 3d 425, 551 P.2d 334, 131 Cal. Rptr. 14 (1976)
[108] *Tarasoff v. Regents of the University of California*, 17 Cal. 3d 425, 551 P.2d 334, 131 Cal. Rptr. 14 (1976)
[109] *Tarasoff v. Regents of the University of California*, 17 Cal. 3d 425, 551 P.2d 334, 131 Cal. Rptr. 14 (1976)
[110] *Tarasoff v. Regents of the University of California*, 17 Cal. 3d 425, 551 P.2d 334, 131 Cal. Rptr. 14 (1976)

relationship as well as the hope of a patient recovering. The defendant therapists argued that the open and confidential discussion of such topics is key to a healthy and cathartic relationship between a patient and their therapist. For example, suppose a patient is burdened with intrusive thoughts encouraging them to commit acts of violence against others. The patient does not desire to act on these thoughts, yet is scared of expressing them to a therapist due to the therapist potentially disclosing the patient's testimony to a third party, despite there not being any real risk. One must consider the implications if these thoughts were to worsen and the patient were to act on such thoughts due to the fact that the patient never disclosed them to their therapist, thus not allowing the therapist the opportunity to help the patient. This is precisely the sort of situation that the defendant therapists in *Tarasoff v. Regents* were concerned about. The disclosure of such thoughts to an outside party could serve not only to endanger the relationship between a patient and their therapist, but also endanger effective therapy in general.

This raises questions of how one can know for sure if their patient's violent thoughts can be adequately dealt with in-session and whether or not third parties, such as the police, need to be alerted. Therapists must take everything into consideration in order to make a decision that preserves the integrity of the patient's work with the therapist as well as ensures the safety of potential victims.

According to the court, this places therapists, and other mental health workers in the medical field, under a professional standard of care.[111] The professional standard of care is defined as the "reasonable degree of skill, knowledge, and care ordinarily

[111] *Tarasoff v. Regents of the University of California*, 17 Cal. 3d 425, 551 P.2d 334, 131 Cal. Rptr. 14 (1976)

possessed and exercised by members of their profession under similar circumstances." [112] In stating this, the court is arguing that decisions such as whether or not to inform a third party of a client's thoughts or intentions, must be able to be made uniformly, and that all professionals would agree to the decision made in a given case. Therapists, along with other health professionals, are considered specialists, which are held to the same standard of skill normally possessed by any other specialist in the same field. Not every therapist, however, has the same experience in dealing with potentially-dangerous patients. Thus, the defendants argued that there ought to be some flexibility, and that while they recognize that they were under the professional standard of care, this flexibility would be essential in fostering healthy and productive therapeutic relationships and that an error in judgment, such as the one exhibited in Poddar's case, should have absolved them of liability.

The second argument raised by the defendant therapists is quite similar, though it is more specific in scope, as it asserts that free and open communication is essential to psychotherapy. If a patient does not feel comfortable disclosing certain thoughts or feelings to their therapist, the patient cannot be adequately diagnosed and treated.[113] The defendant therapists argue that the imposition of a duty to warn upon therapists would threaten the adequate treatment of all patients and would result in the breach of trust in the therapist held by the patient.[114] In response to this claim, the court states that they recognize the public interest in supporting effective treatment of mental illness as well as protecting patients' rights to privacy, but it must be taken into account alongside the

[112] *Tarasoff v. Regents of the University of California*, 17 Cal. 3d 425, 551 P.2d 334, 131 Cal. Rptr. 14 (1976)
[113] *Tarasoff v. Regents of the University of California*, 17 Cal. 3d 425, 551 P.2d 334, 131 Cal. Rptr. 14 (1976)
[114] *Tarasoff v. Regents of the University of California*, 17 Cal. 3d 425, 551 P.2d 334, 131 Cal. Rptr. 14 (1976)

public interest in safety from violent assault.[115] By responding to this claim, the court recognizes doctor-patient confidentiality and the part it plays in allowing patients to receive adequate psychotherapy, while acknowledging that the public must be protected from harm. The court cites legislation made by the state of California, pointing out that there is a codified exception to the limits imposed by doctor-patient confidentiality: "There is no privilege if the psychotherapist has reasonable cause to believe that the patient is in such mental or emotional condition as to be dangerous to himself or to the person or property of another and that disclosure of the communication is necessary to prevent the threatened danger."[116] The court believes that the defendant therapists acted wrongly, and that the public interest in the general welfare of society supersedes the public interest in doctor-patient confidentiality in this case. The court argues that the plaintiffs are justified in their complaints, and that the defendant therapists did indeed breach the duty to warn based on their relationship with Poddar.[117] In addition, the court asserts that the police defendants can be subjected to a cause of action of failure to warn under the theory that the officers' conduct increased the risk of violence.[118]

The court then addresses the defendants' claim that asserts that they are immune from liability for failure to warn due to their occupations. The court begins by examining section 820.2 of the Government Code, which declares that "a public employee is not liable for an injury resulting from his act or omission where the act or omission was the

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[115] *Tarasoff v. Regents of the University of California*, 17 Cal. 3d 425, 551 P.2d 334, 131 Cal. Rptr. 14 (1976)
[116] *Tarasoff v. Regents of the University of California*, 17 Cal. 3d 425, 551 P.2d 334, 131 Cal. Rptr. 14 (1976) In addition, this concept is not unique to California; it is recognized by most every other state as well as on a federal level.
[117] *Tarasoff v. Regents of the University of California*, 17 Cal. 3d 425, 551 P.2d 334, 131 Cal. Rptr. 14 (1976)
[118] *Tarasoff v. Regents of the University of California*, 17 Cal. 3d 425, 551 P.2d 334, 131 Cal. Rptr. 14 (1976)

result of the exercise of the discretion vested in him, whether or not such discretion was abused."[119] Recognizing the many ways in which "discretion" in this case can be interpreted, the court references a decision they made in a prior case, *Johnson v. State of California* (1968),[120] which declared that the aforementioned section of the Government Code only affords immunity for "basic policy decisions."[121] Based on their ruling in *Johnson*, the court concludes that the defendants in *Tarasoff v. Regents* (1976) are, in fact, not immune from liability for their failure to warn of the risk of danger that Tatiana bore.[122] The decision in *Johnson* held that a parole officer's determination whether or not to warn an adult couple that their potential foster child had a history of violence was not sufficient in establishing immunity.[123]

In addition, the court notes that the ruling in *Johnson* recognized that federal courts have consistently categorized failures to warn of dangers as being outside of the scope of discretionary omissions immunized by the Federal Tort Claims Act.[124] Some of the cases referenced are *United Air Lines, Inc. v. Weiner*, *United States v. Washington*, *United States v. White*, and *Bulloch v. United States*.[125] All of these cases hinge upon a decision being discretionary while the failure to warn a party of the consequences of the decision was not discretionary; for example, in *United Air Lines, Inc. v. Weiner*, the court determined that the decision to conduct military training flights was discretionary, but

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[119] *Tarasoff v. Regents of the University of California*, 17 Cal. 3d 425, 551 P.2d 334, 131 Cal. Rptr. 14 (1976)
[120] *Johnson v. State of California*, 69 Cal.2d 782, 73 Cal.Rptr 240, 447 P.2d 352 (1968)
[121] *Tarasoff v. Regents of the University of California*, 17 Cal. 3d 425, 551 P.2d 334, 131 Cal. Rptr. 14 (1976)
[122] *Tarasoff v. Regents of the University of California*, 17 Cal. 3d 425, 551 P.2d 334, 131 Cal. Rptr. 14 (1976)
[123] *Johnson v. State of California*, 69 Cal.2d 782, 73 Cal.Rptr 240, 447 P.2d 352 (1968)
[124] *Tarasoff v. Regents of the University of California*, 17 Cal. 3d 425, 551 P.2d 334, 131 Cal. Rptr. 14 (1976)
[125] *Tarasoff v. Regents of the University of California*, 17 Cal. 3d 425, 551 P.2d 334, 131 Cal. Rptr. 14 (1976)

failure to warn commercial airliners was not discretionary.[126] The other cases noted in *Johnson* are similar. Based upon *Johnson*, the court concludes that the defendants' failure to warn Tatiana or those who reasonably could have been expected to notify her of her peril does not fall within the protection afforded by the aforementioned section of the Government Code.[127]

In conclusion, the court ruled in favor of the Tarasoff family, citing that the defendants, including Dr. Moore and Dr. Powelson, failed to meet the standard of care expected within their profession.[128]

Subsection III.3.B: Doctor-Patient Confidentiality

Prior to analyzing the *Tarasoff* case using Aristotle's *Nicomachean Ethics*, I would first like to establish the importance and purpose of doctor-patient confidentiality. The concept of doctor-patient confidentiality dates back to the Hippocratic Oath, commonly considered to be a fragment from a Pythagorean ritual dated between the 6th and 3rd centuries B.C. Here is an excerpt from the Oath: "And whatsoever I shall see or hear in the course of my profession, as well as outside my profession in my intercourse with men, if it be what should not be published abroad, I will never divulge, holding such things to be holy secrets."[129] This confidentiality agreement was justified under the belief that a lack of trust held by a patient for their physician undermines the treatment, thus

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[126] *Tarasoff v. Regents of the University of California*, 17 Cal. 3d 425, 551 P.2d 334, 131 Cal. Rptr. 14 (1976)
[127] *Tarasoff v. Regents of the University of California*, 17 Cal. 3d 425, 551 P.2d 334, 131 Cal. Rptr. 14 (1976)
[128] *Tarasoff v. Regents of the University of California*, 17 Cal. 3d 425, 551 P.2d 334, 131 Cal. Rptr. 14 (1976)
[129] Gerald L. Higgins. "The History of Confidentiality in Medicine." *Can Fam Physician* 35 (April 1989): 921–26. 921.

preventing the patient from healing optimally as well as hindering the physician's ability to adequately care for the patient.

The modern interpretation of doctor-patient confidentiality can best be ascertained from the World Medical Association's Declaration of Geneva in 1948: "A doctor owes to his patient absolute secrecy on all which has been confided to him or which he knows because of the confidence entrusted to him." [130] In the United States specifically, the concept of doctor-patient confidentiality is outlined through the Health Insurance Portability and Accountability Act of 1996, also known as HIPAA. This act dictates the rights of patients concerning their private health information as well as the rights of physicians when it comes to the disclosure of such information.[131] In addition, it outlines the potential negative ramifications a physician would face if they were to violate their confidentiality agreements with their patients. Confidentiality in healthcare is fundamental to a patient's experience because it allows for the complete disclosure of sensitive information to the patient's health provider with the understanding that it will not be shared with anyone else outside of a medical setting.[132] This helps a patient to establish a trusting relationship with their physician, thus optimizing their treatment.

Subsection.III.3.C: Analysis of *Tarasoff v. Regents of the University of California* (1976)

Tarasoff v. Regents (1976) is notably complex among the cases discussed here due to the many questions raised by its multifaceted nature, including the delineation between

[130] Gerald L. Higgins. "The History of Confidentiality in Medicine." *Can Fam Physician* 35 (April 1989): 921–26. 923.
[131] Health Insurance Portability and Accountability Act of 1996.
[132] There are, however, exceptions to HIPAA. These exceptions vary by state.

one's obligation to a patient and their duty to society, as well as the moral responsibility that arises if a threat is not disclosed. As I have already established, the maintenance of confidentiality in a physician-patient relationship is paramount to the success of any treatment. The *Tarasoff* case, however, calls into question the importance of the maintenance of such confidentiality. The issue at hand within the *Tarasoff* case is determining the obligation a physician ought to bear towards their patient and towards society.

Prior to presenting my argument concerning the *Tarasoff* case, I would first like to present a hypothetical situation that mirrors what took place in the *Tarasoff* case. For the purposes of this argument, suppose that there are two therapists who each have a patient that expresses an intention to seriously harm another individual. The first therapist breaches the confidentiality of their relationship to the patient and discloses the threat to authorities. The second therapist maintains the confidentiality of their relationship with the patient and chooses not to disclose the threat, believing their duty towards the patient as a physician is paramount to a healthy physician-patient relationship.

In this hypothetical scenario, I shall first focus on the first therapist, the one who disclosed the threat made by their patient. In this example, one must consider the therapist's obligations as a therapist and as a citizen in society. As a therapist, they are obligated to maintain confidentiality in their dealings with their patients. While this is indicative of virtuous character, issues arise due to the fact that they bear obligations towards their fellow members of society, and these obligations might contradict. Breaking physician-patient confidentiality demands a significant amount of courage. It is an act demonstrating strong moral integrity because the physician is potentially

sacrificing their material well-being for the sake of another person's safety. By taking this action, the therapist demonstrates their virtuous desire for the betterment of society because they are risking their livelihood and reputation as a physician. I contend, therefore, that the therapist who breaches their confidentiality agreement with their patient is exercising the virtue of courage as described by Aristotle: "It is for facing what is painful that men are called brave. Hence also courage involves pain, and is justly praised."[133] In this instance, the therapist is facing the painful potential consequence of losing their job and license yet still discloses the threat because they consider the safety of the threatened person to be more important than their own material needs. It can thus be said, then, that the therapist who risks their livelihood for the safety of another member of society is committing a virtuous act.

On the contrary, the therapist who, upon hearing their patient threaten violence towards somebody else, decides not to disclose the threat to the authorities is committing what could be an egregious error. They are valuing their profession and material life over the well-being of any potential victims. Furthermore, if the therapist is unable to convince their patient not to follow through on their threat, I contend that they should be held liable for any harm that may result from their patient's actions. This claim is supported by the ruling made in *Merchants Nat. Bank & Trust Co. of Fargo v. United States* (1967), in which the court found the Veterans Administration liable due to their negligence that resulted in Eloise Newgard's death.[134] This ruling underscores the principle that negligence in matters of public safety can indeed lead to legal and moral accountability.

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[133] NE.III.9 1117a32-34
[134] *Merchants Nat. Bank & Trust Co. of Fargo v. United States* (D.N.D.1967) 272 F.Supp.409 (1967)

Returning to the *Tarasoff* case, it is easy to see parallels between the hypothetical situations I proposed concerning the two different therapists and *Tarasoff v. Regents* (1976). Poddar's therapist, Dr. Lawrence Moore, who wanted Poddar to be involuntarily committed, displayed characteristics of both therapists in the hypothetical I presented through both his action and his inaction.

I argue that Dr. Moore failed to act in accordance with Aristotle's unnamed virtue described in Chapter 6 of Book IV of the *Nicomachean Ethics*, which I referred to previously as the virtue of beneficence.[135] While I do acknowledge that Dr. Moore acted virtuously when he first informed the police and his superior, Dr. Harvey Powelson, of Poddar's violent intentions, I contend that Dr. Moore exhibited a deficiency of beneficence when he ceased his efforts to prevent the realization of Poddar's threat following Dr. Powelson's directive to take no further action.

Under the scope of the *Nicomachean Ethics*, Dr. Moore committed two acts in this situation. The first act was his initial report of Poddar's violent threat, and the second was his inaction following Dr. Powelson's orders. I contend that both of these acts were voluntary, as Dr. Moore employed his deliberative capacity in deciding to report Poddar and in deciding to not continue his efforts to prevent Tatiana from suffering any harm.

Furthermore, I declare that the first act was virtuous, as Dr. Moore acted to prevent Poddar from harming Tatiana. I argue that the second act, however, was of vicious character. Faced with Dr. Powelson's directive to halt further involvement, Dr. Moore had two choices: either to defy his superior's orders, risking his professional security for the safety of Tatiana, or to comply with Dr. Powelson's instructions, thereby maintaining his professional integrity and material comfort. Dr. Moore had the

[135] NE.IV.6 1126b20-26

opportunity to act virtuously once again; he could have contacted the police again, or even warned the intended victim. However, rather than acting in accordance with the virtue of beneficence, Dr. Moore succumbed to his vices and exercised the deficiency of the virtue of courage by prioritizing his own professional and material comfort over the safety of another citizen. I argue that if Dr. Moore or Dr. Powelson had chosen to breach their professional obligations and had successfully taken the step to warn Tatiana about Poddar's violent tendencies, Tatiana would have been spared from harm.

In addition, I assert that Dr. Moore ought to be classified as an incontinent man according to the *Nicomachean Ethics* due to the fact that he possessed the capacity to recognize the virtuous course of action, yet failed to follow through, which resulted in the violent murder of Tatiana.[136] As I have already established, the laws of the United States already function to correct the deficiencies of virtue in its constituents, which, according to Aristotle, is essential for a just and pleasant society. Thus, my argument asserting that these laws are necessary is valid, as I have demonstrated the potentially tragic outcomes that can result if the United States does not work proactively to correct the vices of its incontinent citizens. In essence, had the United States conditioned its people, like Dr. Moore and Dr. Powelson, to act virtuously through the enforcement of duty-to-act laws, then they would have acted in accordance with virtue and thus Tatiana would not have been killed.[137]

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[136] NE.VII.1 1145b14-15

[137] Furthermore, I argue that Dr. Powelson would be considered a vicious person, as opposed to Dr. Moore's classification as an incontinent. This claim is supported by the plaintiff's third cause of action, which alleged that Dr. Powelson acted with malice.

Subsection III.4: Synthesis of Presented Cases

Through the analysis of *People v. Moseley* (1967), I contend that I have adequately demonstrated how duty-to-act laws would help to alleviate the issues caused in public situations by the concept of diffusion of responsibility in emergencies. Duty-to-act laws, therefore, would create an environment in which individuals are more likely to act ethically and fulfill their moral obligations within society, as highlighted by Aristotle's *Nicomachean Ethics*.

Furthermore, my analysis of *King v. Commonwealth* (1941) serves as a clear illustration of the necessity of duty-to-act laws in self-defense situations. These laws, by mandating that citizens do everything within their means to aid an injured party, even when that party may have been an assailant, play a crucial role in preventing the loss of life.

Finally, with the analysis of *Tarasoff v. Regents* (1976), I have established that duty-to-act laws would serve to resolve the complex challenge posed by the potential conflict between professional and societal obligations, ultimately benefiting society as a whole. In summary, I argue that, according to the *Nicomachean Ethics*, duty-to-act laws are not only justified, but also necessary for the cultivation of a virtuous society.

Section IV: Addressing Counterarguments

In response to my argument that duty-to-act laws are warranted, one might argue that by enforcing them, it would result in a violation of the personal autonomy of citizens. While I do concede that autonomy is a fundamental right in a just society, I contend that the potential encroachment on one's autonomy as a result of duty-to-act laws would be

negligible, and that this potential consequence is not a strong enough concern to render duty-to-act laws unjust.

Moreover, the United States employs various means to compel its citizens to take actions that may initially appear burdensome but ultimately serve the greater good. For instance, the United States mandates that its citizens pay taxes, maintain valid insurance while operating a vehicle, and participate in jury duty. These obligations may seem like burdensome impositions on individual freedom, but they are essential for the functioning of a just and orderly society. The responsibilities that the United States imposes on its citizens, such as those mentioned above, serve as a clear demonstration that citizenship inherently entails a commitment to the common good. My argument is supported by the claim Aristotle makes in his *Politics* when he likens the governance of a city-state to that of a household: "[Authority] is exercised for the common good of both parties."[138]

In addition, one could argue that duty-to-act laws are problematic due to the possibility of a bystander inadvertently worsening a situation. I acknowledge that this is a valid concern; however, the United States has already addressed this issue through the implementation of what are commonly referred to as Good Samaritan laws. For instance, in the state of Georgia, individuals who act in good faith to provide emergency aid to someone in need are protected by Good Samaritan laws, shielding them from liability.[139] These laws play a crucial role in situations where immediate action is required, such as administering CPR following a cardiac episode, even though in doing so, one may possibly injure the individual in need. Individuals who administer CPR in good faith, or

[138] Politics.III.5 1278b 38-39
[139] GA Code § 51-1-29 (2023)

render aids in other ways to someone in need, are immune from civil liability should the recipient choose to pursue legal action.

Another possible argument against the implementation of duty-to-act laws might concern the potential risk of personal injury that one would suffer if compelled to act in a situation where another citizen is in need. I argue, however, that the drafting of duty-to-act laws according to Aristotle's *Nicomachean Ethics* would render this contention moot because such laws would not only consider the welfare of the person in need, but also the well-being of the person taking action. According to Aristotle, actions must be undertaken according to the golden mean.[140]

To further demonstrate this assertion, duty-to-act laws would not mandate that an individual enter a burning house unless there is reasonable certainty of a successful rescue. Running into a burning building to aid someone in distress is undoubtedly an act of courage. However, in line with Aristotle's ethical framework, taking such action recklessly or in an unprepared manner would represent an excess of courage rather than achieving the virtuous mean: the balance between rashness and cowardice. In essence, duty-to-act laws would take into account the potential risks one would bear in dangerous situations.

While there are undoubtedly thought-provoking counterarguments against the implementation of duty-to-act laws within the context of Aristotle's *Nicomachean Ethics*, I contend that my previous arguments have effectively refuted these objections.

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[140] NE.II.8 1109a20

Section V: Conclusion

By exploring Aristotle's *Nicomachean Ethics* and its application to the concept of duty-to-act, I have provided a comprehensive analysis of his principles alongside pertinent cases that support my argument that duty-to-act laws are not only beneficial but also necessary for the promotion of a more virtuous, just, and compassionate society. In my analysis, I addressed Aristotle's concept of voluntary, involuntary, and non-voluntary actions as well as his interpretation of justice in society, which further support my argument. The pertinent cases that I included, *People v. Moseley* (1967), *King v. Commonwealth* (1941), and *Tarasoff v. Regents of the University of California* (1976), help establish my argument by exploring in more detail concepts such as the bystander effect and doctor-patient confidentiality.

By applying the *Nicomachean Ethics* and exploring relevant cases, I have thus demonstrated that in the series finale of *Seinfeld*, Jerry, George, Kramer, and Elaine were justly held accountable for their inaction as their failure to assist the robbery victim was contradictory to their moral obligation to help the common man. By extension, I have exemplified the dire necessity of duty-to-act laws as a means to promote the cultivation of a society that is compassionate, just, and actively engaged in the well-being of its constituents.

I contend that *Seinfeld*, although fictional, adequately portrays common behavior in everyday life as it explores realistic situations that are easily relatable to many viewers. The show's commitment to portraying reality, bearing in mind the events of the series finale, demonstrates the potentially dangerous consequences of a society in which individuals are not legally obligated to help the common man, further supporting my

argument for the implementation of duty-to-act laws. Furthermore, through the show's commitment to reality, I argue that the characters' arrests serve as a vivid reminder that the question of whether individuals have a duty to act is not simply an abstract philosophical concept, but a practical and ever-present concern in society, even decades later.

In conclusion, duty-to-act laws strike a fair balance between individual rights and societal responsibilities, fostering a more virtuous, just, and compassionate society, in accordance with Aristotle's ethical teachings.

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