DOES CHARITY BEGIN—AND END—AT HOME?
SINGER AND KANT’S VIEWS ON OUR DUTIES OF FOREIGN AID

by

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Abstract

In “Famine, Affluence, and Morality,” Peter Singer urges citizens of wealthy countries to make immense personal sacrifices in order to assist the poor overseas. Though Singer has moderated his view in recent years and now supports widespread tithing, the motivation remains the same. By contrast, Immanuel Kant contends that the first right of humanity is freedom and that the purpose of a political order is to unite people into a rightful condition. As part of this, taxes should be imposed in order to support the domestic poor—an obligation that does not extend across borders.

Although their underlying assumptions are quite different, Singer and Kant’s concerns can both be addressed by a common solution: the creation of a global tax to support the poor, implemented by a global state. Such an arrangement would permit substantial coordinated flows of aid to the needy (meeting Singer’s utilitarian concerns) while also ensuring that all people of the world are in a rightful condition with each other, thereby providing the justification for global social assistance (respecting Kantian deontology.) This solution requires expanding Singer’s proposals and a revisionist reading of Kant that dismisses his arguments against the creation of a global state. (Rawls’ support for a world of distinct states that support each other can also be dismissed, as his approach does not sufficiently connect political structures with personal duty, as Singer and Kant both do.)

Though the final form of the solution is largely the same, Kant’s framework is superior: while Singer cannot eliminate the danger of becoming overwhelmed by duty, Kant’s focus on individual autonomy can guard against this.
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Chapter 1

Introduction

What is the point of relating philosophy to public (and personal) affairs if we do not take our conclusions seriously?¹

Peter Singer’s seminal 1972 article “Famine, Affluence, and Morality,” which appears in the first ever edition of Philosophy and Public Affairs, is one of the most widely read papers on applied ethics, global justice, and personal duty. Singer famously (or notoriously) urges citizens of wealthy countries to make immense personal sacrifices in order to assist the poor overseas. More recently—in works such as One World and The Life You Can Save—Singer has moderated his views, calling for all citizens of wealthy countries to tithe their income. Regardless, the ultimate goal and underlying motivation remains the same: raising immense sums and then transferring them to the poor in developing countries. This view is diametrically opposed to that of Immanuel Kant. In his political philosophy—particularly in The Metaphysics of Morals and Toward Perpetual Peace—Kant contends that the first right of humanity is freedom and that the purpose of a political order is to respect this right by uniting people into a rightful condition. The bounds of the polity have both legal and moral force: while our shared participation in the civic project ensures that we must care for the domestic poor, this obligation does not extend across borders. There is no duty to assist the foreign poor; this is at best governed by a non-enforceable and superogatory duty of virtue to be beneficent.

The differing conclusions of Singer and Kant can be traced to their fundamentally different starting assumptions. As a consequentialist, Singer is principally concerned with states of affairs: hence, he focuses on relieving suffering. Kant’s deontological view leads him to focus on right conduct: he consequently focuses on ensuring justice. Thomas Nagel summarizes this distinction:

> Humanitarian duties hold in virtue of the absolute rather than the relative level of need of the people we are in a position to help. Justice, by contrast, is concerned with the relations between the conditions of different classes of people, and the causes of inequality between them.²

Although this impasse may seem insuperable, this thesis will examine the debate between Singer and Kant’s approaches and will argue that their concerns can be addressed by a common solution: the creation of a global tax to support the poor, implemented by a global state. Such an arrangement would permit substantial coordinated flows of aid to the needy (meeting Singer’s utilitarian concerns) while also ensuring that all people of the world are in a rightful condition with each other, thereby providing the justification for social assistance (respecting Kantian deontology.)

This solution, however, is not without its difficulties. Singer has repeatedly stated that he does not necessarily support coercive measures to raise funds for humanitarian aid. If the required sums could be raised privately or with minor changes to the existing international order, there would be no need for a global state or tax. Nevertheless, such an alternative is unlikely to emerge, due to collective action problems and free-riding—and Singer never explicitly condemns creating new institutional mechanisms. By contrast, Kant does argue against the creation of a global state, fearing that it would become tyrannical or anarchic. Nonetheless, the relative

² Nagel, 119.
success of many large, stable, and democratic states since his era militates against this concern. John Rawls raises a stronger objection to world government, largely motivated by Kantian concerns. Rawls argues that global justice can be brought about in a world of distinct states, with clearly delimited responsibilities of aid to each other. Yet as he locates the responsibility for the poor at the level of peoples, instead of individuals, his approach does not fully reflect the importance of our personal duty to aid others. Rawls’ argument will be examined in Chapter Four. A further argument against a global tax arises from the economic literature, which questions the usefulness of humanitarian assistance. Instead, many economists currently endorse institutional reform as a more effective (though not perfect) means to combat poverty in developing countries. Consequently, a global tax would be inefficient on its own, and would need to be accompanied by significant institutional reform of the global order—yet this would be an essential element of the creation of a global state. A final concern, addressed in the last chapter, regards the significance of personal motivation: G.A. Cohen contends that just institutions must correspond with a just ethos held by individual members of society. The implication is that the global state should be buttressed by universal support for the aim of reducing poverty and injustice. Despite these problems—some ideological, some practical—a global state and tax present a potential way of ensuring both humanitarian assistance and justice at the global level.

The aims of Singer and Kant thus can both be met with a similar—though far-reaching—solution. Though the external form of the solution is largely the same, Kant’s framework is superior: despite his efforts to soften his position, Singer never can eliminate the danger of individuals becoming completely overwhelmed by charitable duties. Kant’s central focus on
individual autonomy ensures that this cannot occur. Kant’s robust framework would also provide a basis for guiding other policies of a global state, such as criminal justice.
Chapter 2

Singer: Aid Based on Need

2.1 Introduction

In Peter Singer’s “Famine, Affluence, and Morality,” he presents the Principle of Sacrifice: “If it is in our power to prevent something bad from happening, without thereby sacrificing anything of comparable moral importance, we ought, morally, to do it.”\(^3\) Singer attempts to work out the full implications of this duty, refusing to support half-measures or weakening his conclusion with casuistry. When he applies this seemingly reasonable principle to the question of humanitarian relief, he concludes that the affluent are morally required to make immense donations to the distant poor. In support of this view, he contends that borders are irrelevant to our moral obligations and that modern technology means there is no uncertainty about whether our aid will reach the needy. The obligation to give is also unaffected by whether others are giving their fair shares. Consequently, we are each personally obligated to make substantial donations to relief organizations such as Oxfam and the Red Cross. Singer has since moderated his view somewhat, arguing instead that the obligation to donate could be met by universal tithing of 1% of our income, and that we are permitted to show some partiality to our friends and relations. Nevertheless, he retains his laudable commitment to the goal of securing support for the poorest.

Despite the force and simplicity of Singer’s argument, and his later concessions, it raises two significant classes of objections. The first of these is the longstanding charge that Singer demands too much of us: indeed, even his concessions are not sufficient to protect moral agents

\(^3\) Singer 1972, 231.
from becoming overwhelmed by duty or from being forced to engage in objectionable acts (such as neglecting family ties or even cheating and stealing) in the name of charity. The second set of objections reflects apparent paradoxes and inconsistencies in Singer’s approach, such as whether there can be any limit to the level of donation required, given the moral framework he supports. Ultimately, Singer’s focus on states of affairs leads him to deny many morally significant aspects of our lives, including the value of our personal ties and projects, which Kant can better protect.

2.2 Motivation for the Principle of Sacrifice

Singer begins his discussion of foreign aid with the famous example of two children in peril: if we are willing to ruin an expensive pair of clothes to rescue a child drowning in a nearby pond, why are we unwilling to suffer the same financial loss to save a child dying overseas, by supporting an NGO?4 Singer bases this argument on three central assumptions:

1. Suffering and death from lack of food, shelter, and medical care are bad.

2. If it is in your power to prevent something bad from happening, without sacrificing anything nearly as important, it is wrong not to do so.

3. By donating to aid agencies, you can prevent suffering and death from lack of food, shelter, and medical care, without sacrificing anything nearly as important.

4. Therefore, if you do not donate to aid agencies, you are doing something wrong.5

The first premise rejects relativism, while the second premise is more controversial: it is a powerful endorsement of actively bringing about the good. (This reflects the consequentialist

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4 Singer 1972, 231.
belief that states of affairs are the essential concern of morality.) In the case of the distant needy, Singer concludes that the sheer need for assistance presents an obvious conclusion: as the ideal state of affairs would prevent starvation, infant mortality, the spread of communicable diseases, and other such afflictions, we are required to bring it about if we can—hence the second premise. The third premise derives from confidence in the ability of aid organizations to bring about this superior state of affairs. Although there is some skepticism about the efficacy of foreign aid (discussed in Chapter Four) versus institutional reform, for Singer, the depth of poverty in developing countries makes such an objection churlish. Thomas Nagel observes, “Although there is plenty of room for disagreement about the most effective methods, some form of humane assistance from the well-off to those in extremis is clearly called for quite apart from any demand of justice, if we are not simply ethical egoists.” Singer’s approach is motivated by the depth of suffering in disadvantaged parts of the world, and thus endorses aid above all other goods, such as justice or autonomy. It also monistic and universalist: individuals are the basic moral element, not the societies or institutions they constitute. Suffering induced by failures of global justice or—more simply—massive global inequality thus constitutes a sufficient motivation individual action.

2.3 The Irrelevance of Distance and Citizenship

As seen in the contrast between the drowning child before us and the starving child overseas, Singer rejects distance as a morally relevant quality. This positive duty to aid others cannot be affected by location: he writes, “The fact that a person is physically near to us, so that we have personal contact with him, may make it more likely that we shall assist him, but this does

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6 Nagel, 118.
not show that we ought to help him rather than another who happens to be further away.” Peter Unger agrees, maintaining that moral force does not correspond with the conspicuousness of need: simply because suffering is distant from us, if we are aware of it, we are compelled to combat it: moral force does not diminish with distance.⁷

Others dispute this view, notably Sidgwick, who notes the importance of personal information in making ethical choices:

> Each person is for the most part, from limitation either of power or knowledge, not in a position to do much good to more than a very small number of persons; it therefore seems, on this ground alone, desirable that his chief benevolent impulses should be correspondingly limited.⁸

While Singer admits that, *ceteris paribus*, extreme inequality is worse when it is localized rather than spread between different parts of the world, he dismisses Sidgwick’s argument. For Singer, modern technology, particularly communications and transport, have vastly extended both our knowledge of distant suffering and our capacity to address it: “From the moral point of view, the development of the world into a ‘global village’ has made an important, though still unrecognized, difference to our moral situation.” He notes in particular, “Expert observers and supervisors, sent out by famine relief organizations or permanently stationed in famine-prone areas, can direct our aid to a refugee in Bengal almost as effectively as we could get it to someone in our own block.”⁹ Technology has not simply transformed the social world, it has also created new moral possibilities and extended the reach of our obligations. Garrett Cullity also maintains that our moral intuitions do not yet reflect social and technological developments:

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⁷ Unger, 55 & 33.
⁸ Sidgwick, Book IV, Chapter III, Section iii.
⁹ Singer 1972, 232.
It is only relatively recently that we have been supplied with the means (through the existence of international aid agencies) of easily helping the very poor of other countries. Throughout the centuries prior to the existence of such agencies, not helping the destitute abroad was not wrong, since such help was not within people’s power; and the moral tradition which we have inherited evolved in that different era. 

While Sidgwick’s hesitancy can be partially justified by the technological constraints of the nineteenth century, we currently have no such excuses.

Aside from the irrelevance of physical distance, Singer also holds that borders have no moral significance. There are essentially two aspects to this view: first, that “national sovereignty has no intrinsic moral weight;” second, even if it once did, globalization is linking humanity into one world. With regard to the first point, in One World, Singer repeatedly states that the value of human life does not vary according to nationality, any more than it does with regard to race. Nevertheless, “For many people, the circle of concern for others stops at the boundaries of their own nation—if it even extends that far.” Such a preference is profoundly unjust, as it takes something that is largely determined by luck as morally essential: for most people, citizenship depends entirely on one’s place of birth or the citizenship of one’s parents. (The billionaire investor Warren Buffet refers to the “Ovarian Lottery,” questioning whether he would have achieved the same success had he been born in Bangladesh instead of the United States.)

Thomas Nagel also notes this paradox: “Those who are not immigrants have done nothing to become members of their society. The egalitarian requirement is based not on actual choice,

10 Cullity, 123.
12 Singer 2004, 4 & 154 & 168.
13 Singer 2004, 152.
14 Schroeder, 643-644.
consent, or contract, but on involuntary membership.”

If we are willing to regard extrinsic factors such as gender or race as morally irrelevant, we should do the same with citizenship, as it too is essentially a matter of fate.

In practical terms, this means we are not justified in favouring the domestic poor. Although the Principle of Sacrifice would permit domestic aid in a highly unequal country with immense suffering, Singer explicitly condemns supporting the poor in affluent countries. He asks, “If those ‘at home’ to whom we might give charity are already able to provide for their basic needs, and seem poor only relative to our own high standard of living, is the fact that they are our compatriots sufficient to give them priority over others with greater needs?”

Disputing the widespread belief that charity begins at home, Singer contends that the Western poor are vastly better off than the poor in the developing world, both in terms of the access they have to food, water, and public health systems; and by the capacities of their respective governments and societies to assist them. Giving a particularly egregious example, he compares the $1.5 billion raised by Americans in response to the December 2004 Indian Ocean Tsunami, in which over 220,000 people died ($7000 per victim) versus the $6.5 billion raised domestically for August 2004’s Hurricane Katrina, which killed 1,800 ($3.6 million per victim.)

Further difficulties arise when attempts are made to justify domestic bias in terms of cooperation in a collective political enterprise. Singer deems this assumption deeply flawed: individuals may be born into a society for which have little affection and no desire to engage in politically. Others may bear greater affection and respect for a foreign country and would eagerly

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15 Nagel, 128.
16 Singer 2004, 175.
18 Singer, The Life You Can Save, 8.
19 Singer, The Life You Can Save, 52.
participate and contribute to its civic life. Citizenship—as defined by one’s passport—is inert to such considerations, making the civic engagement argument dubious. As Singer observes, if poor people are prevented from migrating to affluent countries, “It hardly seems fair to then turn around and discriminate against them when we make decisions about whom we will aid, on the grounds that they are not members of our community and have no reciprocal relationships with us.”

By contrast, Kant places immense importance on the relationship between members of a political order, as will be discussed in the next chapter.

Singer’s second major argument against domestic bias rests on the observation that even if borders once had moral significance (which he denies), social and economic globalization mean that this is no longer the case: “The complex set of developments we refer to as globalization should lead us to reconsider the moral significance we currently place on national boundaries.”

Most of the major problems facing the world—poverty, overpopulation, and pollution—implicate almost every human being, and the Westphalian order of distinct and independent states has proven unable to resolve them. Drawing on Benedict Anderson’s concept of the nation as an “imagined community,” Singer contends that we should conceive of ourselves as in a community of the world, rather than in separate nation states. If our loyalty to our national community derives principally from the idea that we are connected to it, then globalization can be used as a way to convince ourselves that we actually belong to a much larger community, which embraces the entire world. Singer ultimately concludes that globalization “creates the material basis for a new ethic that will serve the interests of all those who live on this planet in a way that,

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21 Singer 2004, 197.
22 Singer 2004, 171.
24 Singer 2004, 12.
despite much rhetoric, no previous ethic has ever done.”25 This new ethic places severe demands on those who are best capable of assisting their fellow citizens of the world: “The whole way we look at moral issues—our moral conceptual scheme—needs to be altered, and with it, the way of life that has come to be taken for granted in our society.”26

2.4 The Depth of Sacrifice

Though the initial formulation of the Principle of Sacrifice seems simple, Singer notes, “If it were acted upon, even in its qualified form, our lives, our society, and our world would be fundamentally changed.”27 In discussing making sacrifices to assist the poor, G.A. Cohen notes that there are two major considerations: cost and difficulty. Though the two are often conflated, they in fact are distinct: cost reflects the loss resulting from an action, whereas difficulty reflects the challenge in implementing it.28 For example, the cost of a million dollar check exceeds the difficulty of writing it; driving across town to a food bank might require considerable time and effort, even if one is only donating a few cans. In its purest form, the Principle of Sacrifice is both extremely costly and extremely difficult.

In terms of cost, there is the obvious requirement of massive financial donations to relief organizations. Singer writes, “For each of us there will be many things on which we spend money that we do not truly believe to be of comparable moral importance to death by starvation.”29 Upholding property norms within affluent societies is less important than

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25 Singer 2004, 12.
26 Singer 1972, 230.
27 Singer 1972, 231.
28 Cohen, 171.
preventing suffering;\textsuperscript{30} consequently, we are required to redirect this money to charity. More harshly, Unger states that resistance to giving arises simply because “Your main motivation is simply your concern to maintain your nice asset position.”\textsuperscript{31} The fact that this asset position derives largely from the place of one’s birth provides further encouragement to donate.

Singer’s demand becomes even harsher when compliance with the Principle of Sacrifice is not widespread: because the amount of aid depends on actual need, not on anyone’s personal share, the absolute requirement to give is unaffected by whether the donor is the only one who can make a difference or is one of many who could.\textsuperscript{32} Even more troublingly, even as the requirement to give some amount is unaffected by the noncompliance of others, the actual amount required does depend on the actions of others: if most people do not give, available funds decline, meaning that remaining donors are required to make up the shortfall. Singer illustrates this argument with the example of an Oxfam appeal for £5. Most people might assume

\begin{align*}
P: & \text{If everyone gave £5, there would be enough} \\
Q: & \text{Hence, I have no obligation to give more than £5}
\end{align*}

Yet this reasoning is false, as the premise \(P\) is hypothetical. Instead, the argument should read

\begin{align*}
P': & \text{If everyone were to give £5, I would have no obligation to give more than £5} \\
R: & \text{But, not everyone will give £5} \\
S: & \text{When some people don’t give £5, if I give more than £5 I will prevent more suffering than I would if I gave just £5}
\end{align*}

\begin{footnotes}
\textsuperscript{30} Singer 1972, 237. \\
\textsuperscript{31} Unger, 26. \\
\textsuperscript{32} Unger, 39.
\end{footnotes}
Q: Hence, in order be consistent with the Principle of Sacrifice, I must give more than £5.\textsuperscript{33}

Further support for this argument comes from the example of the child in the pond. If ten adults come across ten drowning children, \( P \) and \( Q \) require that each adult save one child. Yet if even one adult fails to execute his or her duty, \( Q \) does not require anyone to save an additional child. In this case, Singer notes that the noncompliant adults are not irrelevant but are actively harmful, as their mere presence dilutes the supposedly fair share of sacrifice required by the others.\textsuperscript{34}

Singer concludes, “Those who refuse as a matter of principle to do more than their fair share make a fetish of fairness,” like the strict Kantian who honestly answers the murderer.\textsuperscript{35} In response to this, Liam Murphy argues that while \( P \) and \( Q \) should still cover donations, there is a special relationship between those in peril and potential nearby rescuers that the larger community does not share. Hence, while one is justified in only donating £5 to distant children, one is obligated to rescue as many nearby drowning children as possible.\textsuperscript{36} Yet if one accepts Singer’s arguments about globalization, telecommunications, and technology, Murphy’s argument is not valid.

Despite Singer’s claims of consistency, it seems unjust that that immoral behavior of others should force us to increase our level of giving. Liam Murphy concludes, “Insofar as beneficence is, as a matter of fact, a mutually beneficial project, it is natural to resist taking on the shares of people who could contribute to the project but do not.”\textsuperscript{37} He presents the example of an overburdened donor attempting to follow the Principle of Sacrifice:

\begin{flushright}
\textsuperscript{33} Singer 1972, 233.
\textsuperscript{34} Singer, \textit{The Life You Can Save}, 145-146.
\textsuperscript{35} On a Supposed Right to Lie from Philanthropy 8:427, p. 612-613. Excepting the Lectures on Ethics, all references to Kant are from \textit{Practical Philosophy} translated by Mary J. Gregor.
\textsuperscript{36} Murphy, 291-292.
\textsuperscript{37} Murphy, 288.
\end{flushright}
She will be aware that she must go on promoting the good until her level of well-being is very low indeed, and aware that she is one of very few people headed in that direction. Moreover...she knows that she has to do so much, just because most others are not doing what they ought to do.38

Instead, Murphy believes that beneficence should be a cooperative and collective project, “where each of us aims to promote the good together with others.”39 Yet this view still must face the fatal objection of the scenario of multiple drowning children: if we conclude that we are not required to do more than our personal share, we are justified in only rescuing one child each.

Indeed, a more effective argument in favor of collective responsibility is discussed by Singer himself. He notes that if everyone suddenly adopts the Principle of Sacrifice, “There will be more than can be used for the benefit of the refugees and some of the sacrifice will have been unnecessary.” Thus, universal full compliance gives a result worse than slightly-less-than universal full compliance. Further problems are caused by the temporal order in which we donate: if we are among the first to give and we are uncertain about how many others will give, then we have a massive obligation to donate; by contrast, if we learn of a disaster late in the day, there might already be sufficient funds to address the problem, requiring no donation at all.40 Attempting to defuse this problem, Singer contends that it would only arise with widespread universal giving: current levels of support for foreign aid are so low that this risk is minimal. (But it is not impossible: in a different context, Singer recounts the American Red Cross’ wasteful and irresponsible expenditure of excessive funds raised after the 9/11 attacks, which included subsidizing rents for luxury apartments in Lower Manhattan.41)

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38 Murphy, 277.
39 Murphy, 267.
40 Singer 1972, 234.
41 Singer 2004, 150-151.
and Morality” does not adequately address this problem, Singer’s more recent support for universal tithing provides a possible solution (which will be discussed below.)

Having dismissed concerns that the Principle of Sacrifice is too costly, Singer also rejects the charge that it is too difficult. The existence of self-interest does not justify selfishness: we should not expect our moral duties to be easy. Singer writes, “Given the present conditions in many parts of the world, however, it does follow from my argument that we ought, morally, to be working full time to relieve great suffering of the sort that occurs as a result of famine or other disasters.” Singer is even willing to narrow—or erase—the gap between the good and the supererogatory: “The traditional distinction between duty and charity cannot be drawn, or at least, not in the place we normally draw it.” Hence, we cannot conclude that although charity is good in itself, it is not wrong to abstain from it: the principle permits no such relaxation.

In terms of specific difficulty (and cost), Singer provides two alternatives ways that the Principle of Sacrifice can govern our lives, strong and weak. The strong form requires sacrifices “to the level of marginal utility—that is, the level at which, by giving more, I would cause as much suffering to myself or my dependents as I would relieve by my gift.” This is the natural conclusion from the command to sacrifice everything of lesser moral significance than preventing suffering and death. In Living High and Letting Die, Peter Unger further specifies the strong form of Singer’s argument:

On pain of living a life that’s seriously immoral, a typical well-off person, like you and me, must give away most of her financially valuable assets, and much of her income, directing the funds to lessen efficiently the serious suffering of others.

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42 Singer 1972, 238.
43 Singer 1972, 235.
44 Unger, 134.
Consequently, “By sending funds to the most efficient loss-lessening programs, you must incur financial losses up to the point where going further will be unproductive, overall, in lessening serious losses”\textsuperscript{45} and, as citizens of affluent countries, “for most of our lives, we must give most of what comes our way to lessen distant serious suffering.”\textsuperscript{46} (Unger concludes that, in the case of academic philosophers, they must focus on applied ethics and abandon fields that are not socially beneficial.\textsuperscript{47})

Singer also presents a weak form of compliance, which requires preventing bad occurrences “unless, to do so, we had to sacrifice something morally significant.” As this consequently permits a lower amount of donations, Singer regards it as inferior to the strong form. Nevertheless, “Famine, Affluence, and Morality” concludes the weak form would still require the end of consumer society.\textsuperscript{48} (His more recent writings do not require this, however; see below.) In either case, compliance with the Principle of Sacrifice requires immensely difficult personal sacrifices.

\subsection*{2.5 Putting Limits on Personal Sacrifice}

Showing awareness of the many intuitively unpalatable elements of his argument, in later writings, Singer has introduced qualifications to the strong form of his theory. The two most significant of these are permitting some partiality to family and friends and encouraging widespread adoption of a low level of giving.

\begin{itemize}
\item \textsuperscript{45} Unger, 145.
\item \textsuperscript{46} Unger, 150.
\item \textsuperscript{47} Unger, 152.
\item \textsuperscript{48} Singer 1972, 241.
\end{itemize}
In *Practical Ethics*, Singer denies that the Principle of Sacrifice applies to all people everywhere, as this would be “absurd.” Instead, “It applies only when some are in extreme poverty, and others can help without sacrificing anything of comparable moral significance”\(^{49}\) Furthermore, in *One World*, he permits parents to reduce their level of giving, in order to provide extra benefits to their own children. Similar permission is granted for friends and companions, as well as those who have already benefitted us (such as infirm parents.) Singer justifies these variations on utilitarian grounds: forcing parents to treat their children impartially brings about guilt and unhappiness, as would imposing such behavior on friends, and by giving preference to those who have helped us, we encourage reciprocity.\(^{50}\) He writes,

> The conflict…between being an ideal parent and acting on the idea that all human life is of equal value, is real and irresolvable. The two will always be in tension. No principle of obligation is going to be widely accepted unless it recognizes that parents will and should love their own children more than the children of strangers, and, for that reason, will meet the basic needs of their children before they meet the needs of strangers.\(^{51}\)

He finds support for this view in *The Methods of Ethics*, as Sidgwick also permits personal affections:

> If these were suppressed, what they would feel towards their fellow-creatures generally would be, as Aristotle says, ‘but a watery kindness’ and a very feeble counterpoise to self-love: so that such specialized affections as the present organization of society normally produces afford the best means of developing in most persons a more extended benevolence.\(^{52}\)

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\(^{49}\) Singer 2011, 204.

\(^{50}\) Singer 2004, 162 & 165.

\(^{51}\) Singer, *The Life You Can Save*, 139.

\(^{52}\) Sidgwick, Book IV, Chapter III, Section iii.
Lori Gruen supports this moderation of the Principle of Sacrifice, concluding that pure impartiality will have deleterious effects on social bonds and personal expectations. Richard Miller concurs, arguing that support for one’s child “expresses an appropriate valuing of our special relationship, and not the horrendous view that her life is worth more than the life of a child in a village in Mali.” Yet at the same time, Singer stresses that there remain boundaries to acceptable preference: as an example, he condemns spending excessive sums on private education, when public institutions are acceptable. However, given the depth of suffering in the world, extending this argument seems to lead inevitably back to the strong form of the Principle of Sacrifice. This tension will be discussed at greater length below.

Singer has made another important concession in his recent writings. Responding to criticisms that the cost and difficulty of compliance with the Principle of Sacrifice are excessive, he has conceded that a more modest level of personal sacrifice might encourage wider acceptance—and thereby raise greater sums. In 2003’s One World, he proposes that everyone should give 1% of their income to charity; by comparison, this amount higher than the 0.7% of GDP target for official development aid advocated by the United Nations. In 2009’s The Life You Can Save, he argues that if the wealthy were to donate 5-10% of their income, the United Nation’s Millennium Development Goals could be met. (Indeed, he has created a website where users can enter their income and receive a recommended level for giving: for all incomes below USD $105,000 the target is 1%; above this income, the target rises to a maximum of 5%.)

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53 Gruen, 140.
54 Miller, 370.
55 Singer, “A Response” (to Lori Gruen), 300.
57 Singer 2004, 194.
58 Singer, The Life You Can Save, 168.
59 www.thelifeyoucansave.com/calculator
Universal tithing would also address the coordination problems that plague the initial formulation of the Principle of Sacrifice: when everyone donates, one is only required to give a limited amount; moreover, there is no risk of a glut or shortage of funds, as the amount to be raised is fixed and determined by the tithing rate.

Thomas Pogge is in broad agreement with this proposal and notes, “Shifting merely 1% of aggregate global income—$312 billion annually—from the first group [citizens of affluent countries] to the second [the global poor] would eradicate severe poverty worldwide.” However, instead of relying on individual giving, Pogge proposes a Global Resource Dividend, which would consist of a tax on sales of natural resources. Such a tax would fall disproportionately on heavy consumers of natural resources, most of whom reside in affluent countries. (A similar option is often proposed in the development literature: the so-called Tobin Tax, which would take a percentage of currency transactions to fund development. Such a tax would fall almost exclusively on currency traders and speculators, individuals who generally have high incomes.)

Singer’s support for tithing is not as radically different from the Principle of Sacrifice as it might appear. As universal compliance with a voluntary tithe is unlikely, even at a 1% level, there will be a considerable shortfall. Hence, “those who think carefully about their ethical obligations will realize that—since not everyone will be giving even 1%—they should do far more.” Singer thus effectively divides the affluent world into two groups: the masses, who are required to tithe their income—which many of them fail to do; and the moral elites, who understand that they are in fact bound by the strong form of the Principle of Sacrifice. He writes,

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60 Pogge 2002, 2.
“What the individual ought to do, and what the best moral rule directs one to do, are not necessarily identical.” He cites Sidgwick for support:

Thus a Utilitarian may reasonably desire, on Utilitarian principles, that some of his conclusions should be rejected by mankind generally; or even that the vulgar should keep aloof from his system as a whole, in so far as the inevitable indefiniteness and complexity of its calculations render it likely to lead to bad results in their hands.

Unger concurs, arguing that Singer’s supporters should not publicize the true depth of the necessary sacrifice, lest potential donors become intimidated. Here again, the true cost of complying with Singer’s proposal remains extremely high.

2.6 Critiquing Singer: He Undermines Morality

Most critiques of Singer focus on the perceived harshness of his demands, in particular, the cost and difficulty that his Principle of Sacrifice extracts from us. Lichtenberg writes, “Resistance to Singer’s demanding view of our obligations derives largely from the belief that it requires large—unreasonably large—sacrifices on the part of ordinary people, and, certainly in his earlier writings, Singer has done little to assuage that fear.” As was noted above, Singer has moderated his view in recent years—nevertheless, he continues to call for significant personal sacrifices.

A more substantive critique of Singer arises from the possibility that compliance with the Principle of Sacrifice may be morally harmful, by encouraging us to do objectionable acts or by causing us to neglect important things. With regard to the first point, although Singer rejects

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63 Singer, The Life You Can Save, 152.
64 Sidgwick, Book IV, Chapter V, Section iii.
65 Unger, 156.
66 Lichtenberg, 249.
coercive measures to obtain money for the poor,\textsuperscript{67} this might be inconsistent with the Principle of Sacrifice. Indeed, Peter Unger explores the possibility of violating certain moral norms in order to maximize fundraising: sometimes, “When needed to lessen the serious suffering of innocent enough people, it’s morally good to engage in what’s typically objectionable conduct, like lying, promise-breaking, cheating, stealing, and so on.”\textsuperscript{68} Frances Kamm is troubled by this lack of deontological constraints, noting that Unger “argues that it is permissible and morally worthwhile to steal from others to help the poor, though it may not be wrong not to. This means it is supererogatory to steal,”\textsuperscript{69} a result that she finds unacceptable. Kamm pushes this result further, arguing that it may also be permissible to coerce the noncompliant to obey the Principle of Sacrifice, with the aim of raising funds. Finally, she wonders why we could not also be called upon to sacrifice parts of our own bodies if it meant saving lives\textsuperscript{70}—for how could one deem self-mutilation as “from the moral point of view, comparably important”\textsuperscript{71} to saving a life?

Further criticism that Singer undermines morality arises from the effects of donor fatigue: Thomas Pogge admits, “Continual mitigation of poverty leads to fatigue, aversion, even contempt.”\textsuperscript{72} More broadly, Pogge notes that the demands of Singer’s argument sometimes lead people to reject the entire aim of poverty reduction as “plainly absurd.”\textsuperscript{73} Similarly, returning to the case of the overburdened donor, Murphy notes, “She may deny that the only target for complaint is the non-complying agents, and insist that the principle that demands more of her

\textsuperscript{67} Singer, [Reply to Judith Lichtenberg], 259.
\textsuperscript{68} Unger, 82.
\textsuperscript{69} Kamm, 202.
\textsuperscript{70} Kamm, 175-176.
\textsuperscript{71} Singer 1972, 231.
\textsuperscript{72} Pogge 2002, 212.
\textsuperscript{73} Pogge 2002, 214.
because of their noncompliance is itself objectionable.”74 Singer is aware of this charge, though he finds it specious: in “Famine, Affluence, and Morality,” he expresses doubt that greater contributions to famine relief will bring about widespread moral disorder.75 His later endorsement of tithing attempts to sidestep this question, by supporting less challenging targets. Yet this response misses his detractors’ central point: it is not so much a concern that calls for charity will directly cause immoral behavior, but that Singer causes us to neglect morally important things—thereby violating the safeguard he wishes to place in the Principle of Sacrifice.

For Richard Miller, we have a moral commitment to attend to our own lives, which compliance with the Principle of Sacrifice would make impossible: “The basis of the over-demandingness objection is simply the belief that there are limits to the demands of morality’s requirement that we promote the good.”76 Susan Wolf agrees, noting that we must accommodate our “unlimited potential to be morally good and endless opportunity to promote moral interests” with “sound, compelling, and not particularly selfish reasons to choose not to devote ourselves univocally to realizing this potential or to taking up this opportunity.”77 Miller presents the troubling example of a doctor in an inner-city emergency room. Any partiality he shows to his family—such as spending more time away from his work—would unambiguously reduce overall wellbeing. The opportunity cost of his leisure is the reduction of medical care, something that is more morally significant than family time.78 (In fact, Singer describes an actual individual who embodies this lifestyle: Dr. Paul Farmer, founder of Partners in Health, devotes almost all of his

74 Murphy, 278.
75 Singer 1972, 238.
76 Miller, 274.
77 Wolf, 435.
78 Miller, 368 & 371, footnote 13.
efforts to medical relief work, leaving little time for his family.\textsuperscript{79} Singer’s focus on the alleviation of the suffering of distant others can justify the near annihilation of the individual, who becomes little more than a tool for fundraising. Even in the case of those who are capable of enacting this ideal (J.O. Urmson terms them “moral saints”\textsuperscript{80}), it seems wrong to require them to martyr themselves in the midst of widespread indifference.

These criticisms also reflect Bernard Williams’ arguments against consequentialism. Briefly, Williams contends that the focus on states of affairs leads moral agents to become alienated from their personal projects. Even when these projects are permitted, the desires of agents to achieve them are merely instrumental in bringing about useful states of affairs—personal feelings have no value in themselves.\textsuperscript{81} Singer’s argument against discretionary spending and his justification of family partiality on grounds of utility lend support to this charge. Furthermore, Williams alleges that utilitarians also impose the immense burden of negative responsibility, in which one is just as culpable for failing to prevent the ethical lapses of others as one is for one’s own mistakes.\textsuperscript{82} Neither Singer nor Unger fully addresses this issue, yet the implication is that negative responsibility would force everyone to give to the point of marginal utility, or beyond this: only when there is complete and total commitment to the utilitarian goal can issues related to negative responsibility no longer arise. Again, as in the case of the emergency room doctor, Williams concludes that such a lifestyle would result in alienation of the individual human person from him or herself.

\textsuperscript{79} Singer, \textit{The Life You Can Save}, 132 ff.
\textsuperscript{80} Urmson, 516.
\textsuperscript{81} Smart & Williams, 103.
\textsuperscript{82} Smart & Williams, 93-94.
2.7 Critiquing Singer: His Approach is Inconsistent

Singer can also be criticized for apparent inconsistencies and self-contradictions. One such instance is the coordination problem that results from private donations: universal adoption of the strong form of the principle is worse than when one person fails to give (thereby not making a needless sacrifice), which is worse than if two people fail to give, and so on, until the exact amount of donations is raised. The tithing approach seeks to eliminate this problem, but in the absence of a central mechanism, donors will not know the ideal amount to give, leading to similar coordination problems. An additional inconsistency arises from his division of the world into the masses and moral elites, who follow harsher dictates that they do not publicize. There is an essential question of whether such a view can be consistently endorsed by consequentialists: as Sidgwick notes,

Certainly we should agree that a truly moral man cannot say to himself, ‘This is the best thing on the whole for me to do, but yet it is not my duty to do it though it is in my power’: this would certainly seem to common sense an immoral paradox.

He adds, “It must be allowed that this distinction between Excellence and Strict Duty does not seem properly admissible in Utilitarianism.” Bernard Williams concurs, arguing that this argument assumes that there must be some relevant difference between those who adopt the harsh and weak forms of the morality, or else the non-elites should also be bound by the harsh form. Singer seems to endorse precisely this sort of confusion, permitting the non-initiated to follow patterns of behaviour that he regards as insufficiently generous. Yet as his entire approach to the problem of charity is based on a belief in the essential equality of all persons, this willingness to

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83 Sidgwick, Book III, Chapter II Section i.
84 Sidgwick, Book IV Chapter V Section iv.
85 Smart & Williams, 107.
divide the world into morally distinct classes seems problematic. It also grates against the intuition that awareness of moral truth is worthwhile—a belief central to the Kantian approach.

Other paradoxes arise when assessing Singer’s concessions: his acceptance of partiality to family members introduces problems, as does his willingness to set a limit to the level of donation required (either with a tithe or to the point of marginal utility.) With regard to the first issue, Lori Gruen contends that Singer’s version of utilitarianism “cannot coherently accommodate partial considerations.” As was noted above, the social benefits that result from permitting parental affection seem less morally significant than those accruing to additional charitable giving—as is underscored by the case of the inner-city doctor. Frances Kamm concurs, regarding family and friends as “something that is very significant in the life of a person [but which] is not necessarily of comparable significance to the loss of many lives which his sacrifice might prevent.” Indeed, in *Practical Ethics*, Singer admits, “This modest degree of preference [for family and community] is, however, decisively outweighed by existing discrepancies in wealth and property.” He thus seems to eliminate the possibility that the moral elites could show any preference for their own families, given the overarching requirement to donate. Although Singer attempts to permit personal projects, his moral framework is simply too rigid and demanding for such concessions to be consistent.

The final major objection to Singer’s approach arises from his attempts to put limits on the amount of donations required. The objection that tithes are set at arbitrary levels can be dismissed, as the moral elites are not bound by this value. Regardless, the problem of limits remains even for those who give to the level of marginal utility. Again, as Kamm notes, it is

86 Gruen, 129.
87 Kamm, 174.
88 Singer 2011, 204.
unclear how the Principle of Sacrifice could restrict any behavior, no matter how extreme, that would not save additional lives. While a utilitarian purist might accept this extreme position, Singer does not. Yet the alternate view—that demands are boundless—presents problems of its own, as J.O. Urmson notes:

> It cannot be one’s duty to go the second mile in the same basic sense as it is to go the first—otherwise it could be argued first that it is one’s duty to go two miles and therefore that the spirit of the rule of the second mile requires that one go altogether four miles, and by repetition one could establish the need to go every time on an infinite journey.\(^{89}\)

Richard Miller attempts to resolve this problem by suggesting that Singer is guilty of a serious misunderstanding, by conflating “underlying dispositions with personal policies that might express them.” The morally essential element in combating poverty is one’s underlying concern for the needy, not the amount that one donates: this concern “is not subject to such fine distinctions” as levels of giving. An agent can justifiably conclude, “Since I am sufficiently well-disposed in my underlying attitude toward the needy, I do not have to give a little bit more, through extra donations on this scale.”\(^{90}\) Colin McGinn agrees, noting:

> Our attitudes toward charity should not be guided by any utilitarian principle that compares our well-being with that of potential beneficiaries and calculates our duties by the disparity between them. Any defense of charity that relies upon such principles will represent charitable giving, however small, as the first step on a slippery slope toward absurd levels of self-sacrifice, and hence will deter people from giving at all. It will look as if ethical consistency requires extreme levels of self-sacrifice, and then even minimal levels will be avoided in order to avoid intellectual dishonesty.\(^{91}\)

\(^{89}\) Urmson, 518.
\(^{90}\) Miller, 364-365.
\(^{91}\) McGinn, 158.
This focus on internal dispositions (a secular variation on the faith versus works debate in Christianity) takes us very far from consequentialist concerns with states of affairs. However, it provides a barrier against the self-annihilation required by the strong form of the Principle of Sacrifice when few are in compliance.

This counterargument clarifies much of the force of our intuitive opposition to Singer: the Principle of Sacrifice does not include sufficient deontological constraints. It forces agents to increase their giving when others are remiss, it cannot coherently permit a preference for family relationships, and it seems to lead inexorably to total self-annihilation in the name of charity. Although Singer’s desire to maximize the amount of resources available to the distant poor is an admirable end, his means seem excessive. In this deontological light, Immanuel Kant’s views on poverty can resolve many of the problem resulting from Singer’s overly demanding dictates—though Kant too has numerous flaws.
Chapter 3

Kant: Justice Based on Rights

3.1 Introduction

Although Kant has no single exhaustive treatment of the issue, his views on foreign aid and charity in general arise at various points in his moral and political philosophy. The *Doctrine of Virtue* provides Kant’s essential framework for political organization, which must be governed by the Universal Principle of Right: “An action is right if it can coexist with everyone’s freedom in accordance with universal law, or if on its maxim the freedom of choice of each can coexist with everyone’s freedom in accordance with universal law.”\(^92\) Briefly, we are morally obligated to exit the state of nature and to form a rightful condition with those with whom we interact: this requires the creation of a just state. The rightful condition will ensure that individual freedoms are balanced and that no one is forced to adopt ends he or she does not share, nor be treated as a mere means. With regard to the poor, a rightful condition requires that they should not lose their autonomy by becoming dependent on other individuals. Hence, the state must establish a welfare program in order to support those who cannot support themselves.\(^93\) Furthermore, there can be no private obligation to support charity, as beneficence is an unenforceable duty of virtue instead of one of justice. Perhaps surprisingly, for these reasons, Kant rules out foreign aid: charity is strictly limited by the bounds of citizenship, as these determine those with whom we are in a rightful condition. Support for the needy is a political problem best governed by public institutional mechanisms, and hence cannot extend between different countries.

This restriction seems to suggest a clear, and objectionable, division between his moral and political philosophy. Banning foreign aid conflicts with the universalizability at the heart of the Categorical Imperative; it also apparently conflicts with itself, as a country that did not support foreign aid would rule out inbound assistance were it to fall into poverty. Given the vast numbers of the global poor, this restriction also seems to violate Kant’s requirement that we make it one of our ends to assist others.

However, others (notably Thomas Pogge and Kok-Chor Tan) have interpreted Kant more broadly, arguing that more demanding duties of charity can be justified by his approach. There are two major critiques, which are mutually reinforcing: the first notes that economic globalization does not respect the property rights of citizens under tyrannical regimes. (The wealth accruing to sales of their natural resources is taken by unelected elites, and is paid for by consumers in the affluent world.) The second critique contends that the global economic system is coercive upon those in developing countries: as citizens of affluent countries participate in and benefit from this system, they are obligated to reform it. Our failure to respect justice in the past requires us to ensure justice in the future, as a duty (of right.) The implication of both critiques is that the flaws of global capitalism compel the citizens of affluent countries to unite with the global poor, to create a rightful condition at the global level. Kant’s views on charity thus allow us to advocate broad duties to the poor, while also guarding against the sort of over-demandingness that arises under Singer’s Principle of Sacrifice.


3.2 Motivation for the Universal Principle of Right

Kant’s political theory, which dictates his views on charity, derives from the belief that there is only one innate right: freedom. At the outset of the Doctrine of Virtue (or Rechtslehre), he presents the Universal Principle of Right, quoted above. This principle seeks to guarantee each individual’s right to freedom and right of self-mastery, by limiting the ways in which force can be used. Each person is free to use his or her own powers and to set his or her own purposes; no one is allowed to compel others to advance any other person’s purposes. “Right” thus embraces not simply deference to individual purposes, but also “the sum of the conditions under which the choice of one can be united with the choice of another in accordance with a universal law of freedom.” Each law is not to be regarded as a separate single condition, but rather as part of a collective body: freedom cannot be considered in isolation, but rather in terms of relations between people.

When we consider the issue of aid to the needy, there is an extraordinary contrast with Singer. As Arthur Ripstein notes, Kant “denies that justice is concerned with the fair distribution of benefits and burdens.” Establishing a rightful condition that ensures individual freedom is the central duty of justice; addressing distributive inequalities is at best secondary. Consequently, public goods should not be regarded in terms of benefits and burdens, but rather as tools to be used to sustain a rightful condition. Ripstein observes,

Rather than focusing on some desirable outcome—for example, that all citizens have equal or even adequate resources at their disposal—and supposing that the desirability of the outcome underwrites the state’s entitlement to take steps to bring it about, Kant works in the opposite direction. The state intervenes in

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95 Ripstein, 33.
97 Ripstein, 3.
distribution and guarantees equality of opportunity as mandatory means of sustaining a rightful condition, not in the service of any valuable end outside the state.\textsuperscript{98}

Frances Kamm notes that this view implies that “people’s having the right to lead their own lives, which gives them a certain inviolable status as not mere devices for reducing overall suffering and death, is of greater moral significance than saving a greater number of lives.”\textsuperscript{99}

The relationship between Kant’s political and moral philosophy is a topic of considerable debate. On the one hand, there are those who contend that Kant expresses a comprehensive liberalism, in that the Universal Principle of Right subsumes into it ideals of personal virtue and character. By contrast, Thomas Pogge contends that although the moral philosophy seems to require acceptance of the political philosophy (that the Categorical Imperative generates the Universal Principle of Right), the reverse is not necessarily true.\textsuperscript{100} Nevertheless, even if the two systems can be conceived of separately, it is uncertain that they should be. As Kant writes, “the concept of right…has to do, first, only with the external and indeed practical relation of one person to another, insofar as their actions, as deeds, can have (direct or indirect) influence on each other.”\textsuperscript{101} As will be discussed below, focusing purely on external right can lead to a harsh dismissal of the suffering of others that cannot be traced to failures of right; morality seems to require more of us than this.

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\textsuperscript{98} Ripstein, 268.
\textsuperscript{99} Kamm, 176.
\textsuperscript{100} Pogge 1997, 175.
\textsuperscript{101} Metaphysics of Morals 6:230, p. 387.
\end{flushleft}
3.3 Creating a Rightful Condition

In order to understand Kant’s position on charity, it is essential to understand, first, his justification for the creation of the state, and second, the importance he assigns to the protection of private property. Kant defines the state of nature as a system of private rights without public right: it contains only the moral principles that govern interactions between private persons, not the overall body of public law. Given this lack of security over rights, Kant makes it a moral requirement that individuals must exit the state of nature: “When you cannot avoid living side by side with all others, you ought to leave the state of nature and proceed with them into a rightful condition, that is, a condition of distributive justice.” Exiting the state of nature secures the rights of others, thus those who resist entering into a rightful condition wrong those who seek to enter one. Ripstein remarks, “To resist barbarism is to use force to enter into a rightful condition and so to resist wrongdoing in the highest degree.”

As was noted above, maintaining a rightful condition requires balancing the freedom of its members. Consequently, coercive measures are morally justified in order to prevent a return to the state of nature; one’s external freedom is secure only when the freedom of others (to obstruct external freedom) is limited. Kok-Chor Tan observes, “It is therefore morally permissible, and even obligatory, to apply external sanctions to ensure a harmony of freedoms. This is precisely why Kant insists that a social contract to enter into Statehood is itself a moral duty.” In order for such sanctions to be effective, it is necessary to create public legal institutions to administer them. Pogge contends that “Recht” (Right) is essentially equivalent to

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102 Ripstein, 146.
104 Ripstein, 168.
105 Ripstein, 352.
106 Pogge 1997, 164.
107 Tan.
“Rechtszustand” (the juridical condition.) If a universal law is to guarantee freedom between persons, it must be effective; hence, the conditions that make public law effective must be considered integral parts of Kant’s conception of public right: “A particular instantiation of Recht may then—and among human beings will—have two components: a body of law that delimits each persons’ domain of external freedom, and institutional mechanisms that make this law effective.”

One of the central functions of public institutions is to regulate property rights: objects that we control are subject to our choice and thus become means by which we can pursue our personal purposes. Ripstein notes, “I cannot use what is yours without your permission, because that would limit your freedom by drawing you into purposes that you have not chosen.” Like other exercises of individual freedom, for private property to be consistent with freedom, it must be governed by a rule that binds everyone. Otherwise, Kant notes, “If the use of [an object of my choice] could not coexist with the freedom of everyone in accordance with universal law,” this would put “usable objects beyond any possibility of being used; in other words, it would annihilate them in a practical respect and make them into res nullius.” The existence of a public authority ensures that this paradox cannot arise.

The Kantian state is far more than a coordinating mechanism (of property, criminal justice, or any other public policy), or a means to counteract personal selfishness that make anarchic utopia impossible. Public law is not simply an instrument to bring about an already-determined end such as a utilitarian redistribution with the aim of reducing suffering, or a deontological world in which adherence to (pre-determined) rightful conduct is always possible.

Ripstein contends that these two views represent an antinomy of practical reason: “they suppose that what morally matters to social life is a result that could be specified without reference to legal institutions and, at least in principle, that in a better world with better people, the morally desired result could be achieved without them.”  

By contrast, Kant regards legal rules and institutions as essential to the maintenance of a rightful condition: they “[make] determinate something that is morally binding but by itself partially indeterminate.”

The shared body of public law, common public institutions, and—most significantly—interaction with each other in a rightful condition (in which individual acts are instances of a general law) binds a people together: they share a United Will. Thomas Nagel also notes the significance of the shared will of the members of a political community: the institutions of the state cause individuals to make unique demands on each other, which do not extend to people outside of the state. They play dual roles, acting “both as one of the society’s subjects and as one of those in whose name its authority is exercised.” Mathias Risse also notes the importance of the shared coercive structure as a uniting factor, yet cautions that this coercive structure must be “justifiable to each of them in virtue of its interference with their autonomy,” thereby reflecting Kant’s desire to guarantee personal freedom. It is the existence of this special set of relationships, which arise from cooperative co-legislation, which provides the justification for duties of charity—as well as its limits.

111 Ripstein, 9.
112 Ripstein, 224.
113 Ripstein, 156.
114 Nagel, 130.
115 Nagel, 128.
116 Risse, 100.
3.4 Provision for the Needy as a Public Duty

Participation in the Kantian state is inseparable from the creation of a rightful condition. We have a duty to ensure that our fellow participants in the civic project are each capable of living lives consistent with the Universal Principle of Right. However, the exercise of freedom may be prevented by the limitations of the empirical world, such as poverty. Ripstein argues,

The most obvious way in which people could fail to share such a will is through relations of private dependence through which one person is subject to the choice of another…The problem of poverty, on Kant’s analysis, is exactly that: the poor are completely subject to the choice of those in more fortunate circumstances.117

For Kant, those who must depend on the kindness of strangers are not treated with rightful honour. However, private charity cannot resolve this problem: as Ripstein notes, “A social world in which one person has the rightful power of life and death over another is inconsistent with those persons sharing a united will, even if the situation came about through a series of private transactions in which neither did the other wrong.”118

There are three principal reasons why private charity is unjust. The first of these is the problem of dependency, which Ripstein likens to slavery, as the mendicant’s survival is entirely at the discretion of the benefactor: “To depend on the grace of another is inconsistent with rightful honour, because it reduces a person to the status of a thing.”119 Kant also declares, “Alms degrades men.”120 The second problem is closely related to this: the act of asking for alms is also a violation of the rightful condition, as it treats the potential benefactor simply as a means.

117 Ripstein, 273-274.
118 Ripstein, 278.
119 Ripstein, 282.
120 Lectures on Ethics, “Poverty and Charity,” p. 236.
Consequently, Kant concludes “begging…is closely akin to robbery.” (Kant himself never gave directly to beggars, instead depositing his money in the community treasury.) The final reason that private charity violates public right is that the mendicant cannot truly consent to the receipt of life-sustaining aid. Any gift involves a contract that relates the donor to the recipient, in which the former freely gives up a part of his freedom and to which the recipient must consent, even when it seems to confer an unqualified advantage. This is impossible for those whose only alternative is death. Though this might appear to make “a fetish of fairness” (in Singer’s words), it reflects Kant’s prioritization of freedom and justice over the distribution of goods.

Aside from the problem of dependency, Kant raises further objections to the idea of a private duty of charity with regard to its status as a duty of virtue; these will be discussed below.

The only way that property rights can be consistent with a United Will is if they are combined with protections against private dependence; more specifically, “the only way in which the right to exclude can be made the object of the general will is to guarantee public support for those unable to support themselves.” This duty to support the poor is an essential feature of the United Will, instead of simply an antecedent obligation on the part of the wealthy. Kant writes,

> The general will of the people has united itself into a society which is to maintain itself perpetually; and for this end it has submitted itself to the internal authority of the state in order to maintain those members of the society who are unable to maintain themselves.

Instead of relying on private charitable foundations, the rightful way to help the poor is to “constrain the wealthy to provide the means of sustenance to those who are unable to provide for

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122 *Ripstein* 262, footnote 35.  
124 *Ripstein*, 25.  
even their most necessary natural needs.”\textsuperscript{126} Universal taxes are the best means of collecting the necessary funds, as they will apply equally and be a matter of public, not private, policy. Onora O’Neill notes another important reason why welfare support should implemented with public, instead of private, means. As we have seen, the existence of a United Will links the poor and the wealthy by a special relationship: unless there is a clear relationship between donor and mendicant, the duty to give cannot be enforced. Hence, “It follows that the allocation of recipients to agents—a process of institutionalization—is indispensable; but it is a separate and further move, which can be made only when principles of obligation have been established.”\textsuperscript{127} In mass societies, she concludes, “it may be that the most appropriate institutionalization of an obligation of charity is some form of the welfare state.”\textsuperscript{128}

Although in this regard Kant may seem to endorse a proposal strikingly similar to Singer’s tithing (though through public means), there is a fundamental discrepancy. As O’Neill’s argument reveals, for Kant, public charity can only extend to the citizens of the same country. Duties of charity cannot extend internationally because the United Will is bounded by the polity. As Ripstein observes,

Both equality of opportunity and providing for those who are unable to meet their own needs are internal requirements of sharing a united will. Those outside a particular civil condition do not share a united will with those inside it, so no argument from the preconditions of the united will can lead to any more specific claims.\textsuperscript{129}

The existence of global inequality \textit{in itself} does not thereby represent a wrong against residents of developing countries—it is simply a consequence of the existence of different United Wills.

\textsuperscript{126} \textit{Metaphysics of Morals} 6:326, p. 468.  
\textsuperscript{127} O’Neill 1990, 231.  
\textsuperscript{128} O’Neill 1990, 232.  
\textsuperscript{129} Ripstein, 296.
Thomas Nagel largely supports this view, contending that standards of justice apply only within the boundaries of sovereign states, regardless of what those boundaries are. The duty of one citizen to another exists because of shared legal, social, and economic institutions—not from any “duty of humanity.” Nagel, 121-122. Humanitarian assistance thus cannot be demanded on the grounds of justice. The only concession Kant is willing to make to needy foreigners is for states to treat individual visitors with hospitality. A foreigner may be turned away, but only “if this can be done without destroying him.” Toward Perpetual Peace 8:357-358, p. 328-329. If this is not possible, the refugee may be granted the right to stay, though there is no obligation to address the conditions that caused him to emigrate.

Kant makes provision for the poor a central duty of the state, although, as such, it is bounded by borders. While private charity cannot be countenanced at the domestic level, international philanthropy might appear to be permitted, as there is no United Will to observe. However, Kant’s views on philanthropy and benevolence are complex and arise from his distinction between duties of right and duties of virtue.

3.5 Personal Charity as a (Non-Enforceable) Duty

Kant makes an essential distinction between duties of right, which are unconditional or perfect and binding, and duties of virtue, which are conditional or imperfect and cannot be enforced. With regard to charity, he writes, “Both philanthropy and respect for the rights of the human being are duties: but the former is only conditional duty whereas the latter is unconditional duty, commanding absolutely.” Toward Perpetual Peace 8:385, p. 351. Philanthropy cannot be a duty of virtue because it cannot be discharged by acting on an appropriate maxim: instead, it depends on an underlying

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130 Nagel, 121-122.
132 Toward Perpetual Peace 8:385, p. 351.
Consequently, Kok-Chor Tan observes that enforcing beneficence fundamentally violates Kant conception of justice, as this would place the good prior to right. Instead, duties of virtue are self-legislating: Kant writes, “What essentially distinguishes a duty of virtue from a duty of right is that external constraint on the latter kind of duty is morally possible, whereas the former is based only on free self-constraint.” As part of the process self-legislation, bringing about a duty of virtue involves the exercise of free choice. As Onora O’Neill notes, “it is a matter for judgment and discretion which of [the ends of others] we foster” and “it follows that beneficence has to be selective.” Kant himself observes the amorphous nature of benevolence: “This duty is only a wide one; the duty has in it a latitude for doing more or less, and no specific limits can be assigned to what should be done.” The only constraint is that no one is permitted to act on a maxim never to be beneficent.

As noted above, Kant already rejects private charity on the grounds that it creates a state of dependency that is inconsistent with sharing a United Will. Although this is not as problematic in the case of international charity (where there is no United Will to violate), Kant still denies there is any duty for private charity, within or outside the state. There are three main reasons for this: first, there is no unconditional personal obligation to assist others; second, the poor have no right to force others to assist them; and third (returning to the public case) the state cannot justly force people to assist others with whom they are not in a rightful condition.

The first of these concerns is most significant: if philanthropy is a virtue, there are no enforceable private obligations to support those in need. Onora O’Neill notes this restriction,

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133 Ripstein, 269.
134 Tan.
136 O’Neill 1986, 600.
writing “A conscientious Kantian, it seems, has only to avoid being unjust to those who suffer famine and can then be beneficent to those nearer home. He or she would not be obliged to help the starving, even if no others were equally distressed.” Similarly, Ripstein writes, “The entitlement under right that no person needs to accommodate him- or herself to the specifics of another person’s purposes is perfectly general, and so applies to even the limiting case of the other persons’ minimal purpose of keeping alive.” Indifference to the fate of others is therefore not a wrong against them, as it does not alter or limit their powers; it is a perfectly justifiable exercise of one’s own personal freedom. Again, the prioritization of freedom leads to results that shock our intuitions: as Ripstein notes, “If you do not need to accommodate the wishes of one person, adding a dozen, or hundred or thousand or million, does not change your rights.”

Kant’s second reason for denying a private duty of charity is the inability of others rightfully to bind potential donors in this way. As Ripstein notes, “You need not make your means available for others to use, regardless of what their purposes might be, even in cases of self-preservation.” In Kant’s terms, “I can indeed be constrained by others to perform actions that are directed as means to an end, but I can never be constrained by others to have an end: only I myself can make something my end.” This would also require permitting oneself to be used as a mere means by others, something forbidden by the Universal Principle of Right. Seeing oneself merely as a means toward the ends of others is just as unacceptable as using others as mere means, and for precisely the same reason: as Colin McGinn notes, “It is an abnegation of

139 O’Neill 1986, 600.
140 Ripstein, 274.
141 Ripstein, 242.
142 Ripstein, 277.
personal autonomy, of the right to live one’s life as one’s own, developing one’s own talents and potential.”

Kant’s final major reason for denying a private right to charity reflects the impossibility of the state binding people in this way. Inasmuch as others cannot individually treat you as a mere means, the state cannot force you to share in the ends of others, such as those who favour foreign aid. Ripstein notes, “The mere fact that a group of people are not able to coordinate to guarantee the production or preservation of something that they value does not entitle them to use the coercive apparatus of the state to compel others to join them in their efforts at producing it.” This applies in both the domestic and international cases: domestically, if local NGOs successfully lobby the state for subsidies, this would mean using state power to advance private purposes. In the international case, as when the World Bank or other international organizations demand funds, all the negative elements of the domestic case are compounded by the failure to respect the bounds of the polity. Moreover, in both these cases, an attempt is made to enforce a duty of virtue.

Although Kant’s severe restrictions on charitable giving seem harsh, they are meant to guard against becoming over-demanding. Indeed, Kant himself writes, “How far should one expend one’s resources in practicing beneficence? Surely not to the extent that he himself would finally come to need the beneficence of others.” While Singer would agree with this point, Kant also writes, “A maxim of promoting others’ happiness at the sacrifice of one’s own happiness, one’s true needs, would conflict with itself if it were made a universal law.”

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144 McGinn, 157.
145 Ripstein, 260.
146 Ripstein, 18 & 269.
147 Metaphysics of Morals 6:454, p. 572.
view directly contradicts Singer’s endorsement of complete devotion to the ideal of charity. Nevertheless, Kant’s approach is not necessarily easy: as duties of virtue depend on the discretion of the agent, Kantian support for charity might be very demanding. Indeed, Ripstein notes that Kant “does not specify the level of social provision, whether it covers merely biological needs or considerably more.”\textsuperscript{149} Though the state’s powers are restricted by the duty to “create, maintain, and improve a rightful condition…the range of powers that can actually be exercised under that duty seems capacious and open-ended.”\textsuperscript{150} In a similar vein, Liam Murphy argues, “Formulating a nontrivial but also not over-demanding duty of beneficence seems likely to require an appeal to the idea of a rough limit to demands; Kantians who espouse such a duty of beneficence owe us an account of how to understand and formulate that limit.”\textsuperscript{151} He thus deems Kantianism just as susceptible to overstraining agents as is utilitarianism. Despite his desire to prevent donors from entering into dire poverty themselves, Kant himself writes “benevolence can be unlimited”\textsuperscript{152} and “the wider the duty, therefore, the more imperfect is a man’s obligation to action.”\textsuperscript{153} Consequently, Murphy worries, “in a deeply unjust world an obligation to strive for justice could be extremely demanding.”\textsuperscript{154}

\textsuperscript{149} Ripstein, 284-285.
\textsuperscript{150} Ripstein, 223.
\textsuperscript{151} Murphy, 273.
\textsuperscript{152} Metaphysics of Morals 6:393, p. 524.
\textsuperscript{153} Metaphysics of Morals 6:390, p. 521.
\textsuperscript{154} Murphy, 273 footnote 13.
3.6 Revising Kant: Global Injustice and Personal Responsibility

Kant’s restrictions on our charitable obligations seem problematic, as they seem to introduce objectionable restrictions on the range of our duties: his conception of political justice seems too far removed from the reality of interpersonal relations. As Pogge observes:

> It may well be desirable that persons’ actions should harmonize with their own and others’ wishes, needs, and ends. But this, for Kant, is a concern of ethics—not of right, which deals with, and only with, the conditions under which mutually secure domains of external freedom can be maintained.”\textsuperscript{155}

Even if the moral and the political can be conceived of separately, it is not clear whether they should be. This division is at the heart of Kant's severe restrictions on charity. Given these problems, some support a revisionist reading of Kant, which takes a broader view of the need for charity. These critics—particularly Thomas Pogge and Kok-Chor Tan—note several ways to relax some of the harshest requirements of the rightful condition and to introduce elements of Kantian ethics to the problem of international distributive justice.

One such avenue arises in Kant’s discussion of the wealthy egoist:

> While he sees that others (whom he could very well help) have to contend with great hardships, thinks: what is it to me? Let each be as happy as heaven wills or as he can make himself; I shall take nothing from him nor even envy him; only I do not care to contribute anything to his welfare or to his assistance in need!

Though Kant concludes that universalizing this sort of principled selfishness would result in a world with greater justice than one in which some people are charitable while others are dishonest, such a maxim cannot be willed as a law of nature:

> For, a will that decided this would conflict with itself, since many cases could occur in which one would need the love and

\textsuperscript{155} Pogge 1997, 165.
By extension, one could argue that this argument can apply to global inequality: ruling out
foreign aid means that we rob ourselves of the hope of assistance if our societies should ever
become so poor that they cannot establish a rightful condition. Although this is highly unlikely to
happen in the affluent world (at least in the medium-term), the existence of numerous “failed
states” (such as Somalia, Haiti, and Afghanistan) shows that societies might become so poor as to
make the conditions of justice impossible. (John Rawls’ *Law of Peoples* seeks to prevent the
emergence of failed states, and is described in the next chapter.) Even though the cosmopolitan
principle of hospitality would continue to prevail for individual refugees, it would not be possible
to use it to resettle the populations of entire countries. By this argument, this maxim cannot be
universalized. Singer writes of the Kantian view, “I may care much more for my own comfort
than I care for the very survival of a person in Rwanda, yet I am aware that in doing so I am
going against a broader point of view that I would want others to adopt, if they were able to save
my life by sacrificing some slight comfort of their own.” Kant’s ethical philosophy thus
appears to justify greater assistance than does his political philosophy.

Related to this critique is the charge that Kant’s political theory places inconsistent limits
on universalizability: permitting foreigners to starve while requiring taxes to support the domestic
poor, on pain of coercion, seems to introduce artificial barriers between human beings. Thomas
Pogge contends that this problem plagues most of Kant’s philosophy: “Kant clearly did hold
inegalitarian views with respect to women and members of the lower classes” and the Principle of
Right may not give sufficient liberty to those assigned the legal role of “serf, proletarian,

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156 *Groundwork of the Metaphysics of Morals* 4:423, p. 75.
(fighting) soldier, or subordinate spouse.”¹⁵⁸ In a similar vein, in On What Matters, Derek Parfit contends Kantian universalism always allows restricting the moral universe to one’s own community. Parfit terms this apparent loophole the Non-Reversibility Objection:

When we apply Kant’s formula to our acting on some maxim, we don’t ask whether we could rationally will it to be true that other people do these things to us. We ask whether we could rationally will it to be true that everyone does these things to others. And we may know that, even if everyone did these things to others, no one would do these things to us.¹⁵⁹

As an example, men can rationally deny equal rights to women, as it is impossible that they will suffer from misogynistic laws. Similarly, in refusing to give foreign aid, citizens of affluent countries know that it is extremely unlikely that their countries will one day become extremely poor. Consequently (and independent of any consideration of the United Will or other civic bonds) they can rationally will it that charity should not extend across borders, thereby making the same error as the wealthy egoist, on a national scale. By adhering casuistically to the bounds of the rightful condition as an excuse, they deprive themselves of the potential benefit of aid.

Parfit himself also generalizes to the international situation, concluding

On any plausible moral view, those who control much the greatest shares of the world’s resources ought to transfer much of their wealth or income to the poorest people in the world.¹⁶⁰

A further apparent discrepancy between Kant’s political philosophy and his moral philosophy arises in response to the command in The Metaphysics of Morals, “The happiness of others is therefore an end that is also a duty,”¹⁶¹ albeit unspecified. The depth of suffering of millions of people in the developing world is so great as to bring into question our commitment to

¹⁵⁹ Parfit, 334.
¹⁶⁰ Parfit, 337.
¹⁶¹ Metaphysics of Morals 6:393, p. 524.
this duty. Although public taxation might appear to absolve of any further actions in this regard, Ripstein disagrees: “If you pay your taxes merely because you are legally required to, your act of doing so still carries no moral worth, and so does not in fact discharge your imperfect duty of making the needs of others one of your ends.”

Onora O’Neill is sympathetic to this view, noting, “One area in which the primary task of developing others’ capacity to pursue their own ends is particularly needed is in the parts of the world where extreme poverty and hunger leave people unable to pursue any of their other ends.” She contends that beneficence that aims at helping the deprived pursue their own ends is more worthwhile than sharing ends with those who already have many opportunities to pursue their own ends. Hence, we seem to be morally required to help the foreign poor, even if they are outside our United Will.

Nevertheless, Kok-Chor Tan feels the applicability of this argument is rather limited. We cannot argue that a failure to others is equivalent to treating them as a mere means, as this conflates duties of justice and duties of virtue: “To take ‘not treating one merely as a means’ as necessarily including ‘protecting one’s agency’ is to collapse this distinction that is fundamental to Kant’s moral philosophy.” Yet even if, on this view, the Doctrine of Virtue (which governs acts of beneficence) “is too weak to support the demands of global justice,” Tan alleges that application of the Doctrine of Right to the contemporary world can generate positive duties of foreign aid.

There are at least two revisionist readings of Kant that can lead to this conclusion, which complement each other: one questions the centrality of property rights and the other notes the effects of unjust bargaining schemes. The implications of these arguments lead to a solution

162 Ripstein, 269.
164 Tan.
165 Tan.
remarkably similar to that proposed by Singer—a global state. With regard to the first revisionist reading, Pogge contends that global economic arrangements fail to respect the property rights of citizens in developing countries: as consumers in affluent countries, “We authorize our firms to acquire natural resources from tyrants and we protect their property rights in resources so acquired.”166 Indeed, “Our global institutional system grants rights and legitimacy, including the power of resource transfer, to whoever is in power.”167 Corrupt elites in resource-rich countries obtain rents from resource extraction in the lands they control, letting little wealth filter down to citizens (Equatorial Guinea provides one of the most egregious examples.) At the same time, sovereign rights are upheld by international law; indeed, they are so entrenched that should a democratic government take over, the international financial system will obligate it to repay any outstanding debts incurred by previous tyrants. By Kantian standards, this arrangement violates the requirements of a rightful condition: Western consumers directly interact with the regimes in control of these countries, and engage in illegitimate exchanges of property (private funds for natural resources.) As we interact economically with the citizens of these countries on unjust terms, we have failed our moral duty to enter into a rightful condition with them. In Kantian terms, we exist in a global state of nature. (Or more precisely, we are in a state of global barbarism: although the international order is governed by a set of rules, these do not respect the Universal Principle of Right.) By implication, if the web of economic interactions spans the globe, the proper rightful condition would require universal participation.

The second approach to the revisionist reading of Kant focuses on the unjust nature of interactions among participants in global capitalism. Kok-Chor Tan notes an important connection between justice and beneficence: the latter arises due to the absence of the former.

166 Pogge 2002, 142.
Tan writes, “Duties of justice are the prerequisites for a world in which the similar freedom of everyone is in harmony and compatible; they set the level below which we ought not to descend. It is mainly due to violations of justice that there is even a need for duties of virtue in the first place.”\textsuperscript{168} In the \textit{Lectures on Ethics}, Kant writes, “The most frequent and fertile source of human misery is not misfortune, but the injustice of man.” If all perfectly followed the duties of justice, the need for charity would largely be eliminated. Returning to the example of the principled egoist, he says,

\begin{quote}
Let him give to another no trifle in excess of his due, and yet be equally punctilious to keep no jot nor tittle back, and his conduct is righteous. If all of us behaved in this way, if none of us ever did any act of love and charity, but only kept inviolate the rights of every man, there would be no misery in the world except sickness and misfortune and other such sufferings as do not spring from the violation of rights.”\textsuperscript{169}
\end{quote}

Moreover, “if men were scrupulously just there would be no poor to whom we could give alms and think that we had realized the merit of benevolence.”\textsuperscript{170} Those who violate duties of justice are obligated to enact duties of virtue to correct them; this applies equally to individual actions and to social arrangements. Tan writes, “Our contribution to the misery of others need not be on the personal level nor immediate, Kant argues, before we are said to be causally responsible.”\textsuperscript{171}

With regard to charity, Tan cites another passage in the \textit{Lectures on Ethics}, where Kant argues, “Our acts of charity to others should not be regarded as acts of generosity, but as small efforts towards restoring the balance that the general social system has disturbed.”\textsuperscript{172} Similarly, in \textit{The Metaphysics of Morals}, Kant also notes the problem of structural injustice:

\textsuperscript{168} Tan.
\textsuperscript{169} \textit{Lectures on Ethics}, “Duties Towards Others,” p. 194.
\textsuperscript{170} \textit{Lectures on Ethics}, “Poverty and Charity,” p. 236.
\textsuperscript{171} Tan.
\textsuperscript{172} \textit{Lectures on Ethics}, “Duties Dictated by Justice,” p. 211.
Having the resources to practice such beneficence as depends on the goods of fortune is, for the most part, a result of certain human beings being favored through the injustice of the government, which introduces an inequality of wealth that makes others need their beneficence. Under such circumstances, does a rich man’s help to the needy, on which he so readily prides himself as something meritorious, really deserve to be called beneficence at all?\textsuperscript{173}

These two passages underscore the Kantian view of justice as concerned not simply with the specific actions of individuals, but also with the social setting in which they act\textsuperscript{174}—a result fully consistent with his conception of Right as embracing both laws and the institutional structure that upholds them.

Tan and Pogge seek to apply this argument to the contemporary world order. Tan contends, “Many of the underprivileged and deprived of the world today are so because of past or prevailing violations of justice on the part of others. Even apparently natural disasters like famine or drought are often exacerbated or even instigated by domestic or international politics.”\textsuperscript{175} Pogge is more specific: “The worse off are not merely poor and often starving, but are being impoverished and starved under our shared institutional arrangements, which inescapably shape their lives.”\textsuperscript{176} The substance of these critiques is that citizens of rich and poor countries are connected in a deeply unjust institutional arrangement, which is responsible for a significant degree of suffering in the world. Responsibility to correct these arrangements rests not just on governments, but also on all those who benefit from them. Pogge states the case bleakly: “My criticism is not that they [the global poor] are worse off than they might be, but that we and our

\textsuperscript{173} Metaphysics of Morals 6:454, p. 573.
\textsuperscript{174} Tan.
\textsuperscript{175} Tan.
\textsuperscript{176} Pogge 2002, 201.
governments participate in depriving them of the objects of their most basic rights."\(^{177}\) Similarly, Tan concludes, “Kant would hold ordinary citizens causally responsible for injustices not because of their specific actions or actions at the personal level, but because of their membership and participation in unjust social arrangements.”\(^{178}\)

As long as we continue to participate in this system, we help to perpetuate it, and thus bear some responsibility for its ill effects. Tan concludes that we face two choices:

1. Not to participate in this scheme, thereby absolving one of one’s complicity in the violation of another’s right; or

2. Remain as a participant but correct the bargaining situation so as to make it less prone to coercion and deception.\(^{179}\)

As the first option might not be viable in a highly globalized world, we consequently “have the perfect duty to take the relevant positive actions to confront and mitigate the results and consequences of this failure [of justice]. That is, those whom these arrangements have wronged have a justified demand that fellow participants rectify these wrongs as a matter of justice.” The depth of the violation of a rightful condition means that assistance for the poor becomes a duty of justice, instead of merely virtuous beneficence; hence, “It is therefore a duty that is perfect, and as such demandable and enforceable.”\(^{180}\) Pogge agrees, stating, “Each person has a duty toward every other not to cooperate in imposing an unjust institutional order upon her.”\(^{181}\) The terms of this reform are radical: if we are already participating in a global system, reforming it to meet the requirements of justice would involve enacting duties of justice on a global scale. Though Tan does not specifically state this conclusion, the implication would seem to be similar to the

\(^{177}\) Pogge 2002, 23.
\(^{178}\) Tan.
\(^{179}\) Tan.
\(^{180}\) Tan.
\(^{181}\) Pogge 2002, 171.
conclusion of the argument based on property rights: the only way that the Universal Principle of Right can be instantiated globally is by the creation of a global rightful condition, backed by global institutions.

A global rightful condition would correct violations of property rights and would also eliminate the unjust institutional and legal arrangements that Pogge and Tan find objectionable. Were conditions of perfect justice to prevail, there would be no more need to make private donations to counteract poverty resulting from failures of justice. Analogous to the domestic context, the impoverished would receive support from public institutions, supported by universal taxes. The conclusion (which motivates Pogge’s Global Resource Dividend, the tax on natural resources) is strikingly similar to Singer’s tithing approach. However, Kant himself foresaw the argument for a global state and, in *Toward Perpetual Peace*, dismissed it, as will be discussed in the next chapter. Aside from this denial, Kant’s approach presents numerous advantages over Singer’s, as it can support a duty of philanthropy while also guarding against boundless self-sacrifice.
Chapter 4

Combining Aid & Justice: Building a Global State

4.1 Introduction

The moderate view of Singer’s position and the revisionist reading of Kant both support a strongly similar conclusion: the creation of a global tax state to combat poverty, supported by a global state. This approach also would correct several of the objectionable aspects of their two arguments in their basic forms. In Singer’s case, the initial formulation of the Principle of Sacrifice imposes severe burdens; even though Singer now supports tithing, he admits that his conception of morality still requires immense personal sacrifices. Further problems arise from coordinating private donations, as moral persons are required to supplement the shortfall of the noncompliant. A global tax, collected by global public institutions, would eliminate coordination problems and insure against over-demanding requirements, as universal participation would lighten individual burdens. Kant already supports public solutions to the problem of poverty, although strictly in a domestic context. Were the rightful condition to extend globally, the same logic would require the creation of a global tax to support the poor. Under such a state, it would no longer be justifiable to introduce restrictions on the scope of universalizability or to restrict the possibility of rescue.

Despite these strengths of the approach, there remain significant problems with endorsing a global state, not least of which is the failure of either author to endorse this view. Singer does not require public authority to bring about tithing; if the same result can be brought about using other means (even purely voluntary ones), then there is no need for new global institutions. In Toward Perpetual Peace, Kant explicitly rules out the creation of a global state, citing the
possibility of universal tyranny or anarchy; others points to a lack of national self-determination. Further issues with regard to a global state arise with regard to suffering that does not arise from failures of justice, such as natural disasters and disease: Kant makes no requirement for support in these cases and Singer’s approach leads back down the slippery slope to self-abnegation in the name of charity. There are also significant practical problems, notably the question of whether development aid (such as that provided by a global tax) is at all effective. Finally, it remains debatable whether a global state could be considered just if there were widespread resentment of the duty to transfer tax dollars to the poor, on pain of coercion. G.A. Cohen provides one solution to this problem, by encouraging widespread acceptance of a “social ethos.”

A notable alternative to the global state proposal appears in John Rawls’ *Law of Peoples*. Building on the Kantian framework, Rawls supports a world of individual states that support each other in the pursuit of justice. Though this approach would require fewer major changes to current international arrangements, it is marred by its lack of concern with individual duty. This division between personal and political morality is precisely what the revisionist reading of Kant seeks to correct.

### 4.2 Arguments in Favour of a Global State

Although Singer’s focus is on individual giving, even in his early work he notes the benefits of governmental action. In “Famine, Affluence, and Morality” he writes, “Giving privately is not enough, and [we ought] to be campaigning actively for entirely new standards for both public and private contributions to famine relief.”\(^{182}\) Due to widespread noncompliance with the Principle of Sacrifice, voluntary individual gifts will never generate sufficient revenue to

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\(^{182}\) Singer 1972, 240.
combat the immense differences in wealth between rich and poor countries. Moreover, pure private giving will not be able to fix structural flaws in existing global institutions: in “Famine, Affluence, and Morality,” Singer raises the issue of overpopulation and famine; in One World, he addresses a host of other problems (such as climate change and unequal trade agreements) that lead to poverty. Although private giving can do much to provide sustenance to those in need, it cannot resolve structural issues: consequently, the latter work contains a strong argument for global institutional reform (though it still falls short of calling for a global state.) Richard Miller supports this stronger view, noting that demands for massive increases in foreign aid “should be a preliminary to a better, more political argument in the interest of those [Singer] seeks to help.”

The creation of a single global government would also resolve the problems that arise from the Principle of Sacrifice, as in the example of the Oxfam donation box. Global coordination would reduce individual burdens and prevent shortfalls or gluts of aid. Liam Murphy adheres to this view, noting that the demands on individuals are less when a cooperative principle prevails. This is particularly relevant under approaches (like Singer’s) that base duties on need rather than deontological concerns: as need varies independently of individual donors, cooperation helps to ensure that donors are not personally overwhelmed. Cohen concurs, noting, “The beauty of a state-imposed duty, or of a general ethos of giving, is that, when they obtain, each well-paid person can then give without departing from the norm, and therefore without having to accomplish an especially saintly response to peer group constraints.” This is illustrated by the fact that Singer’s tithe does not require sacrifices anywhere near as great as the level of marginal utility, freeing agents to pursue their own personal projects. Furthermore, the

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183 Miller, 383.
184 Murphy, 288-289.
185 Cohen, 175.
complaints that excessive sacrifice undermines morality or causes alienation (one of Williams’ critiques) also dissolve, as immense self-sacrifice is no longer optimal. The tithe’s universal application thus also eliminates the division between the moral elite and the masses.

A global state would also address problems in the Kantian account of wealth and poverty. Thomas Pogge states outright, “Realizing our prudential and moral interest in a peaceful and ecologically sound future will—and here I go beyond my earlier modesty—require supranational institutions and organizations that limit the sovereignty rights of states more severely than is the current practice.” Thomas Nagel makes a similar observation: on the Kantian cosmopolitan view (which Nagel ultimately rejects), “global justice would require global sovereignty:”

It may be impossible to fulfill even our minimal moral duties to others without the help of institutions of some kind short of sovereignty. We do not need institutions to enable us to refrain from violating other people’s rights, but institutions are indispensable to enable us to fulfill the duty of rescue toward people in dire straits all over the world.

Echoing the above concerns with the private donation model, Nagel further notes that although NGOs and other private initiatives can do immense good, “successful action on a much larger scale would be possible through international institutions supported by governments, both with funds and with enforcement.” Such institutions would be justified on Kantian grounds by their embrace of different people into a single rightful condition, and by their objective of correcting failures of justice.

A global state would also better permit us to carry out our personally binding duties to follow the Universal Principle of Right. Onora O’Neill notes, “Few persons in the developed world today find themselves faced with the possibility of adopting on a grand scale maxims of

186 Pogge 2002, 213.
187 Nagel, 131-132.
deceiving or coercing persons living in poverty.” |

Though she does not explicitly endorse this option, participation in a global state would increase our ability to assist distant others. Frances Kamm notes that even on a conservative view that limits positive duties to those nearby (such as the intuitive desire to help the drowning child, but not the starving one), negative duties have no such limit. For someone in peril who is distant from us, “The strength of her negative right is something that has its source in her, not us, and is based on properties located where she is.”

Again, though she does not endorse this view, extending the bounds of the United Will around the world would grant us the right—and the duty—to use public means in order to assist distant others. The current structure of the world as distinct political entities prevents us from justifiably acting in this way. Pogge goes further, explicitly supporting the creation of new global institutional mechanisms: because “Injustices and other wrongs we commit against foreigners have the same weight as like injustices and other wrongs we commit against compatriots,” therefore “Much of the massive poverty and oppression in the poorer countries engages our negative duty to avoid harming others unduly.” This reasoning motivates his support for a Global Resource Dividend, a sales tax on natural resources that would be used to support the global poor.

However, as O’Neill and Kamm’s reluctance to support similar global structures indicates, there is considerable skepticism among Kantians with regard to the merits of global coercive structures and—more broadly—to foreign aid in general.

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188 O’Neill 1986, 601.
189 Kamm, 200.
190 Pogge 2002, 133.
191 Pogge 2002, 144.
4.3 Arguments Against a Global State

Perhaps the most direct argument against creating a global tax to support the poor is the charge that foreign aid is ineffective. Mathias Risse cautions, “As a matter of professional hazard philosophers underestimate the relevance of empirical questions for normative inquiries, to the detriment of our discussions and of the impact of political philosophy outside philosophical circles.”

Leif Wenar agrees, noting that when moral theorists demand political action, “they should be able to give firm empirical support for their claims that the actions they require will have the effects that they predict.”

There is a considerable body of economic literature on this topic; Risse summarizes four major concerns that dominate the current debate:

1. Poverty reduction requires internal, organic growth of domestic institutions. Foreign funds cannot achieve this.

2. It is inappropriate and paternalistic for outsiders to shape domestic institutions.

3. Because only internal institutional evolution can save impoverished countries, foreigners are not obligated to assist.

4. The growth of stable domestic institutions is undermined when they depend on external support for their viability.

Institutional reform is regarded as more effective in combating poverty than are vast sums of development assistance; moreover, such reform should be self-directed and not externally imposed. Consequently, Singer’s arguments in favour of tithing are misplaced. The Kantian approach is less subject to this criticism, but even here doubts can be raised about the wisdom of providing welfare to the poor, instead of focusing on institutional mechanisms to support them.

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193 Risse, 86.
194 Wenar, 291.
195 Adapted from Risse, 91.
Despite these concerns, it seems unreasonable to conclude that humanitarian aid is never worthwhile. As Cohen states bluntly (though in a Marxist context), “If would be grotesque for him [the potential donor] to say to those who lose from the unjust power division: ‘I won’t succor you, since what I deplore is, at root, not your poverty but the system that makes you poor.”

Risse worries that concerns about paternalism “may be irrelevant, and possibly grotesquely so, in the face of death and starvation.” Singer himself stresses the importance of ensuring that aid is effective, urging donors to research the best-performing NGOs. Wenar agrees, calling for greater transparency and accountability in private and official aid, as well as a superior understanding of “the political and economic contexts into which our resources will flow.” On balance, then, while foreign funds are not a universal panacea, we should not adopt the extreme view that humanitarian assistance is completely ineffective—saving lives in the short-run has immense positive value that stands against potentially middling long-term results.

At the same time, we should devote considerably more effort to institutional reform, at least based on recent trends in the development literature. While the issue of ensuring organic institutional growth would remain, those being helped would be equal participants in a global enterprise—a significant difference from the current divide between donor and recipient countries. Indeed, building a just institutional system is the central motivation behind the Kantian argument in favour of a state. As noted above, Kant’s focus is on creating a rightful condition, not on achieving pre-determined states of affairs: funds raised by a global tax would support not simply humanitarian assistance, but also creation of just institutional arrangements. Seeking

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196 Cohen, 166.  
197 Risse, 92.  
198 Wenar, 297.
institutional reform in poor areas would thus seem to support the creation of a global state, instead of weighing against international development.

A more serious challenge to support for a global state is the argument that it would represent an additional and unnecessary layer of government. Skeptics allege that assistance for the poor can justly be pursued in a system of independent states. Pogge concedes that the Global Resource Dividend would not require a world government in order to be effective: it could be enacted by different states independently. Similarly, Singer repeatedly states that his tithing approach does not require government: “I am not arguing here for higher taxation or any other coercive means of increasing aid…Whether governments should play such a role is simply a separate question from the argument I am making.”

Yet under both Pogge and Singer’s relaxed views, problems of free-riding and noncompliance would significantly reduce the amount of funds that could be raised: producers and consumers would have a strong incentive to shirk the Global Resource Dividend, and widespread failure to tithe voluntarily (as is currently the case) would simply increase the donations required by those who do give already.

Further arguments in favour of retaining the current international order point to its complexity and the uncertain effects of change. O’Neill notes, “It is hard to identify coercion and deception in complicated institutional settings.” Applying this concern to the global economic order, she wonders,

Does advocating cheap raw materials mean advocating an international trade system in which the less-developed will continue to suffer the pressures of the developed world—or is it a benevolent policy that will maximize world trade and benefit all parties, while doing no one an injustice?

199 Singer, The Life You Can Save, 28.
Furthermore, Nagel notes that many existing sovereign states will strongly resist any form of new, supranational institutions as these would “present a clearly perceived threat to the limits on claims of justice imposed by the political conception [of justice].” This extends a critique of Singer to the level of governments: by imposing duties that seem over-demanding, compliance will decline and so will the amount of aid.

Aware of this problem, Kant concluded that sovereign states would prefer peaceful association instead of unification under a supranational structure:

In accordance with their idea of the right of nations, they do not at all want this [a world republic], thus rejecting in hypothesi what is correct in thesi; so (if all is not to be lost) in place of the positive idea of a world republic only the negative surrogate of a league that averts war, endures.

Instead, independent states will prefer unity in a league, or congress, stopping short of total unity, allowing any individual state to withdraw. For Kant, this result does not simply reflect a desire for independence but also insures against global chaos: were a global state to emerge, “governing it and so too protecting each of its members would finally have to become impossible.” A league of nations can also guard against the possibility of global tyranny: “As the range of government expands, laws progressively lose their vigor, and a soulless despotism, after it has destroyed the seed of good, finally deteriorates into anarchy,” which would embrace the entire world. The capacity to withdraw from the league ensures that resistance to tyranny remains possible. Nonetheless, Pogge concludes that Kant is excessively pessimistic: a global state need not become despotic or anarchic. Since Kant’s time (coloured by the French Revolution and rise

201 Nagel, 136.
203 *Toward Perpetual Peace* 8:357, p. 328.
of Napoleon), Pogge notes that there have been numerous instances of large constitutional democracies surviving for decades without becoming unjust, such as India and the United States. However, the modern era has also produced numerous fascist states, some of which (notably Nazi Germany) evolved from initially democratic constitutions. Kant’s worry thus cannot be tossed off as an anachronism: a global state would need to have strong protections for democratic representation and respect for local conditions. A global equivalent of the Weimar Republic would lead to far greater suffering than that caused by famine today.

(In this regard, Nagel makes an unorthodox observation: the “cunning of history” might mean that global justice can only be achieved by creating unjust and coercive institutions, and then reforming them. He writes, “Unjust and illegitimate regimes are the necessary precursors of the progress toward legitimacy and democracy, because they create the centralized power that can then be contested, and perhaps turned in other directions without being destroyed.” Thus even if Kant is correct and unjust international institutions arise, public pressure will lead to reform. Though perhaps Nagel has in mind situations similar to the progress of countries like Korea and Taiwan—which peacefully developed from agrarian dictatorships to wealthy democracies—this argument is not entirely convincing. Subverting democracy raises precisely the possibility that Kant fears; moreover, many existing democracies created their public institutions through entirely legitimate processes.)

Another concern with world government arises from potential violations of national self-determination. There are two aspects to this: from the top down, interference in local affairs; and from the bottom up, an inability to influence senior levels of government. With regard to the first issue, Singer argues that morality requires placing limits on the sovereignty of illegitimate

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206 Nagel, 146-147.
regimes that do not protect their citizens. He thus explicitly permits intervention in local affairs, without regard to claims of autonomy.\textsuperscript{207} In Singer’s defense, this view is essentially consistent with the doctrine of the Responsibility to Protect (R2P): it is more unjust to permit gross abuses than to violate national self-determination—indeed, when the perpetrators are members of an illegitimate regime, self-determination can hardly be said to exist. Yet as R2P’s detractors often note, there can be considerable confusion as to when rights override representation—leading directly to Kant’s concerns about tyranny. By contrast, aside from normative concerns with representation, a positive argument can be made that the provision of public goods is more effective when it is limited to specific areas and when specific officials are responsible for particular groups of people.\textsuperscript{208} Nevertheless, it is unclear whether these arguments have any moral force: Pogge notes that local governments wield significant power in many large countries, particularly federal ones (and large, unitary, non-federal democracies like the United Kingdom and Japan also have robust local authorities.) Citizens are able to participate in both local and distant political communities even as local officials to concern themselves with local affairs.

Though a global state could theoretically protect individual rights, it is entirely without historical precedent. Worries about implementation and the possibility of “soulless despotism” lead John Rawls to propose a more conservative proposal, which attempts to combine a concern for assisting the disadvantaged in other countries while preserving a world of independent, self-governing peoples.

\textsuperscript{207} Singer 2004, 137.
\textsuperscript{208} Risse, 112.
4.4 The Rawlsian Alternative

In discussions of international justice and foreign aid, Rawls’ *Law of Peoples* looms large. Singer and Kant provide accounts of charity that start with the individual; by contrast, Rawls centres his analysis on the idea of the “people” as the key moral actor in international affairs. Yet although his system of independent states—which owes a considerable debt to Kant’s *Toward Perpetual Peace*—can ensure local autonomy, it is marred by a lack of focus on our individual duties towards the poor. Singer and Kant provide more holistic accounts of our personal humanitarian duties; as derived from their views, a world state is a superior solution.

In *The Law of Peoples*, Rawls presents eight Principles of Justice Among Free and Democratic Peoples that govern international affairs. Although these share much in common with the two Principles of Justice at the heart of *A Theory of Justice*, there are also significant differences. The first seven principles govern the broad parameters of international relations, while the eighth and final one describes duties of foreign aid. Here, Rawls posits a positive duty of international assistance at the level of peoples:

8. Peoples have a duty to assist other peoples living under unfavorable conditions that prevent their having a just or decent political and social regime.

He further specifies, “The long-term goal of (relatively) well-ordered societies should be to bring burdened societies, like outlaw states, into the Society of well-ordered Peoples. Well-ordered peoples have a duty to assist burdened societies.” By “well-ordered,” Rawls generally means societies capable of enacting the two Principles of Justice described in *A Theory of Justice*: briefly, the Liberty Principle ensures equal basic liberties while the Difference Principle ensures

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that social and economic inequalities are permitted so long as the worst-off benefit.\textsuperscript{210} In order to implement the two principles, a just basic structure is required: “the arrangement of major social institutions into one scheme of cooperation.”\textsuperscript{211} By contrast, in burdened societies, citizens are unable to enact the two principles and a just basic structure becomes impossible. Although \textit{A Theory of Justice} never addresses the question of international distributive justice, the eighth principle in \textit{The Law of Peoples} requires well-ordered societies to distribute some of their resources externally. In a deeply significant contrast with the domestic case, there is no requirement for “a principle of distributive justice to regulate economic and social inequalities among societies.”\textsuperscript{212} Instead, the goal is simply to ensure that a just social order and basic structure can arise. When burdened societies become autonomous and well-ordered, other peoples have no further obligations to them: at this point, further assistance is not required, even though the now well-ordered society may still be relatively poor. Thus the well-ordered societies giving assistance must not act paternalistically, but in measured ways that do not conflict with the final aim of assistance: freedom and equality for the formerly burdened societies.\textsuperscript{213}

As Risse observes, Rawls denies that equality among societies in itself is a goal and views economic equality as a matter of moral indifference.\textsuperscript{214} Conceivably, a society in which people could barely survive but which nevertheless could implement the two Principles of Justice would require absolutely no assistance from the outside world. Similar to an objection Tan will raise to Kant (see below), as long as social institutions can prevent violations of justice, other misfortunes could persist. Diseases and natural disasters generally cannot be traced to human

\begin{itemize}
\item \textsuperscript{210} Rawls, \textit{A Theory of Justice}, 53.
\item \textsuperscript{211} Rawls, \textit{A Theory of Justice}, 47.
\item \textsuperscript{212} Rawls, \textit{The Law of Peoples}, 106.
\item \textsuperscript{213} Rawls, \textit{The Law of Peoples}, 111.
\item \textsuperscript{214} Risse, 92 & 83.
\end{itemize}
agency and hence are not failures of justice. Consequently, they do not directly concern Rawlsian justice. (Indeed, Rawls notoriously does not include healthcare as one of the primary social goods guaranteed by the basic structure.) *The Law of Peoples* thus justifies a low level of assistance, or none at all, to struggling societies. Yet as Nagel observes, even if this limited conception of foreign aid is convenient for citizens of wealthy countries to hold, this does not necessarily mean it is false.\(^{215}\) If Rawls is correct about the relative importance of justice, his parsimonious view of foreign aid is all that is required of us. Rawls’ view clearly diverges from Singer’s goal of limiting absolute levels of suffering. He also differs strongly from the revisionist reading of Kant: though his priority is the conditions of justice, and though he endorses foreign aid, Rawls’ approach fails to address structural problems in the international economic system or to unite all people into a single rightful condition.

Rawls arguably also conflicts with Kant and Singer more broadly, as he completely divorces political and personal morality. His conception of international justice is based purely on the actions of peoples and the institutions that they create: under Rawls’ dualism, individuals have no moral weight in international affairs. In Nagel’s terms,

> Rawls argued that the liberal requirements of justice include a strong component of equality among citizens, but that this is a specifically political demand, which applies to the basic structure of a unified nation-state. It does not apply to the personal (nonpolitical) choices of individuals living in such a society, nor does it apply to the relations between one society and another, or between the members of different societies.\(^{216}\)

Thus, although there can be justice and injustice in the relations between states, this bears “only a distant relation to the evaluation of societies themselves as just or unjust.”\(^{217}\)

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\(^{215}\) Nagel, 126.  
\(^{216}\) Nagel, 114.  
\(^{217}\) Nagel, 115.
standards apply domestically and internationally, given Rawls’ focus on peoples instead of individuals. On these grounds, Pogge condemns Rawls for supporting an institutional scheme of justice, instead of an interactional one based on the conduct of specific agents.\textsuperscript{218} Singer too expresses stinging criticism for the Rawlsian global justice, questioning why the veil of ignorance applies at the domestic, but not at the international level. \textit{Of A Theory of Justice}, Singer writes:

> If [Rawls] accepted that to choose justly, people must also be ignorant of their citizenship, his theory would become a forceful argument for improving the prospects of the worst-off people in the world. But in the most influential work on justice written in twentieth-century America, this question never even arises.\textsuperscript{219}

(Singer recounts that on reading \textit{A Theory of Justice} for the first time, he was “astonished” at this omission, particularly given the book’s length—and its title.) He likewise condemns \textit{The Law of Peoples} for being “indifferent to the consequences of something as contingent as which side of a national border one happens to live.”\textsuperscript{220} Yet this is the natural consequence of Rawls’ dualist focus on peoples, which are defined by their political organization, instead of individuals. This lack of concern with the lot of individuals is particularly egregious in light of the deleterious effect on individual wellbeing that can result from the web of interpersonal interactions under economic globalization.

This approach can also be critiqued from the revisionist reading of Kant. Parfit’s criticism is relevant: Rawls places unjustifiable limits on universalizability, by restricting our duties to foreigners as compared to those to our fellow citizens. More broadly, the focus on peoples and the states they form is deeply alien to Kant’s agent-centered morality. Although Kant is willing to grant the state a greater moral significance than is Singer, the value of the state

\textsuperscript{218} Pogge 2002, 170.
\textsuperscript{219} Singer 2004, 9.
\textsuperscript{220} Singer 2004, 177.
arises from the individual conduct of its citizens, who each must adopt the Universal Principle of Right. While Rawls does stress that domestic principles of justice must apply to the choices of individuals in their daily lives, linking moral and political ethics, as Singer notes, there is no such corresponding duty or conception at the international level. By contrast, Kant never completely eliminates interpersonal duty at the international level, as is seen by the Cosmopolitan Right and the possibility of (even limited) international beneficence as a superogatory duty of virtue. Though Rawls permits and encourages significant latitude for personal morality within the just conditions of the basic structure, it would be consistent with his framework for individuals to have utterly no personal concern with aiding the foreign poor. Such egoism is impermissible under both Singer and Kant’s proposals.

In his defence, Rawls presents two scenarios to illustrate alleged weaknesses of basing foreign aid on levels of suffering instead of on just basic structures: in the first case, a jurisdiction enacts poor policies and consequently suffers from numerous social ills. If this jurisdiction refused to reform itself, it would be entitled to endless subsidies from better-managed, more affluent jurisdictions. In the second example, two jurisdictions adopt equally wise policies, yet one has explosive population growth and average income declines. Again, this jurisdiction is entitled to subsidies from its wealthier neighbour. Ultimately, these arguments are unconvincing when a global state prevails: in the first scenario, the existence of a globally binding legitimate structure would prevent localized variations from a rightful condition, in the same way that federal laws restrict unjust policies in subsidiary jurisdictions. Both Singer and the revisionist reading of Kant support major reforms to global institutional arrangements. The second case is arguably false even in the Westphalian conception, as it is based on a Malthusian

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understanding of economic growth: there are numerous examples of high population growth leading to higher average incomes, due to expansion of the consumer base and the labour force. (Consider the explosive growth of nineteenth century England, Germany, and the United States, all with rapidly expanding populations; or the recent prosperity of fast-growing Texas compared to slow-growing Michigan.) Yet even if income did decline due to population growth, a global rightful condition would prevent local jurisdictions from encouraging policies that encourage such behavior. For example, Singer notes that supporting population control measures are a legitimate exercise of the Principle of Sacrifice, and hence could be made global public policy; Kantians could contend that a maxim of having children one cannot provide for is inconsistent with Public Right. While these situations might raise concerns in a world of individual states (where no rightful condition prevails), Rawls’ two scenarios should not arise under a global state.

Rawls attempts to balance national self-determination with a seemingly Kantian concern for establishing just conditions, instead of focusing on, as Singer does, the prevention of suffering. This approach introduces too many restrictions both on the level of aid (which is only governed by the requirements of the basic structure) and its moral scope (which applies only to states, not to individuals), which Singer and the revisionist reading of Kant both reject. A highly federalized global state provides a superior way of addressing the suffering of the poor in the developing world, even if certain problems still remain.

4.5 (Seemingly) Intractable Problems

Although a global state could use tax revenue to provide considerable humanitarian assistance and could seek to establish just relations between all people, these things will not in

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Singer 1972, 240.
themselves resolve an essential problem: when should assistance to the poor cease? As Rawls correctly notes, policies based on need (like Singer’s) have no clear target or cut-off point beyond which the duty of assistance is no longer required. Singer bases the 1% figure on the amount of funds required to meet the Millennium Development Goals—yet why should assistance cease here? The Principle of Sacrifice could be used to justify even larger levels of tithing. This problem also arises under the revisionist view of Kant: at what point should we limit our universalization of our own desire to have the possibility of rescue? Similarly, what power differential is sufficiently low to ensure that economic interactions and bargaining are not inherently coercive? One potential answer is that while political theory provides just rules for interactional conduct and institutional structures, the precise, day-to-day aspects of these rules are best left to acting officials and public debate. Kant endorses this view, as does Rawls. Well-reasoned public discussion can select particular levels of social support and institutional reform that can be justified to all citizens. Imprecision is an essential feature of theory, which disappears in practice.

A related problem is how we are to address natural disasters, disease, and other misfortunes that cannot be directly traced to failures of justice. Kant (like Rawls) does not require us to counteract such things: even on the revisionist reading, situations that do not result from human agency cannot fall under the purview of duties of justice. This introduces a considerable hole into the Kantian social safety net: as Tan observes, “surely most of us would insist that a duty to, say, save a starving child, even if the cause of her starvation is not the result of injustices…is a duty that is both demandable and enforceable, and that failure to act is

\[\text{223 Rawls, The Law of Peoples, 119 & 106.}\]
culpability. As such, Kant’s morality is still short on this crucial aspect.” While the adverse effects of acts of nature can be compounded by failures of justice (such as a lack of planning, profiteering, or a failure to assist all segments of the population), they cannot defensibly be pulled entirely into Kantian theory. Yet the utilitarian alternative is also problematic: while Singer would unambiguously require us to assist victims of natural disasters, accepting this duty requires linking right conduct with the amount of good one does, rather than the disposition to do so. This leads us back down the slippery slope towards boundless self-sacrifice: once we adopt the utilitarian framework, Kant’s protections of individual autonomy must be jettisoned.

A final criticism, raised by G.A. Cohen, addresses the question of motivation. Even if a global state were created, it might be questioned why people who lack a disposition to give should be forced to surrender their income. These unwilling participants would simply be following the motions of public law: though their duty to give would be taken care of, it would be alien to their wills. This problem often arises within the domestic context when residents of wealthier regions of a country resent the transfer of their tax dollars to less affluent regions; federal transfers to and from Quebec are but one example. Singer is aware of this problem, and argues that widespread acceptance of a belief in charity can serve to motivate universal giving:

“A moral code, if well entrenched in a society, can exert a ‘massive gravitational pull’ that is relevant to assessing the actions of members of that society.” For Cohen, this is an example of the emergence of a “social ethos,” something he regards as essential to any just society. “A change in social ethos, a change in the attitudes people sustain toward each other in the thick of daily life, is necessary for producing equality,” he declares. The ethos will guide individual

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224 Tan.
225 Singer [Reply to Richard Arneson], 298.
226 Cohen, 3.
choices within the broader social framework, ensuring agents to adopt as goals the broader aims of society: in this regard, the personal becomes the political. True justice requires not simply that a society’s basic structure be just, but also that individual agents believe in justice; for Cohen, egalitarianism consequently requires making a concern for the poor one of our personal ends. While this analysis of ethos in arises largely in reaction to Rawls, there are clear applications to Singer and Kant. Singer openly endorses popular support for social programs, while Kant requires agents to value others as ends in themselves; moreover, the existence of the United Will leads citizens to feel special bonds with each other. Cohen’s desire for the personal and the political to reinforce each other (as far as justice is concerned) thus could address the risk that affluent members of the global state come to resist subsidizing the poor.

A global state presents a far-reaching way to address Singer’s goal of reducing suffering by individual action and the Kantian desire to end unjust institutional arrangements resulting from failures of personal duty. By contrast, Rawls’ support for a world of individual states that provide minimal aid to each other does not respect the depth of need in the contemporary developing world. Moreover, Rawls fails to link foreign aid to personal duty, instead framing the issue purely in institutional terms. The global state approach has the advantage of preserving Singer and Kant’s (admittedly different) efforts to connect personal morality and political structure. Nevertheless, the global state and tax are not a universal cure for all world problems: there would need to be strong protections against the possibility of global tyranny. Moreover, there is considerable economic debate about the usefulness of development aid. The response to disasters, disease, and other purely natural phenomena is also unclear: Kant contends that non-juridical causes of suffering are outside the bounds of public policy—though they can be justified.

227 Cohen, 142.
as duties of virtue—while pursuit of Singer’s approach leads back to boundless self-sacrifice. As
the detrimental effects of the latter approach are severe, the revisionist reading of Kant is
arguably a superior framework for a global state: Kant can achieve largely the same social ends,
while preserving individual autonomy and freedom.
Chapter 5

Conclusion

Singer’s humanitarian concerns to support the global poor and Kant’s desire to create rightful conditions within communities are both laudable goals. The former seeks to end the suffering of millions of people in the developing world, while the latter aims at securing the rights and dignity of the individual. Although Singer’s initial proposal leads to excessive burdens, sometimes to the point of the annihilation of the personality, many of the problems resulting from the Principle of Sacrifice can be buttressed by the organs of a global tax and global state. Kant’s limitation of social welfare to the domestic context leads to a harsh treatment of the foreign poor: by interpreting him more broadly, we can extend the bounds of the political community across the world and thereby provide support to the distant poor. These solutions are strikingly, and perhaps surprisingly, similar.

Nevertheless, it would be simplistic to contend that the utilitarianism of Peter Singer and the deontology of Immanuel Kant meet perfectly in the creation of a global state. Although such a state could address our duties of beneficence and of justice to the poor, it cannot paper over the profoundly different motivations of the two approaches. While Singer’s ends are worthy, his means are too demanding to be reasonably asked of anyone. Kant’s concern with preserving autonomy does a vastly superior job of guarding against self-annihilation by charity, though it places severe restrictions on our duties to foreigners. Here arises the appeal of the revisionist reading of Kant, which seems to bring us very close to a world in which Singer’s goals are met, but which also protects our right to individual freedom. As a further benefit, a global state based on the Universal Principle of Right would also have a robust framework on which to base other
areas of public policy, such as criminal justice and democratic representation. Cohen’s concern that citizens actively embrace the a social ethos that respects the overarching goals of the polity will ensure, in either case, that individuals do not feel dominated by or alienated from the purposes of the global welfare scheme.

Ultimately this conclusion is somewhat paradoxical: I endorse a revisionist reading of Kant because I believe his means are superior in bringing about good ends—betraying an ultimate concern with states of affairs that is better suited to Singer. Yet the problem perhaps provides its own solution: in the view of either Singer or Kant, a just global state would permit various interpretations of the ordering of the good and the right, while still ensuring support to the poor. As Pogge observes, “It does not follow from the fact that a conception of justice fits into one comprehensive worldview that this is the only comprehensive worldview into which it fits.”

Existing democracies are often roiled by debates about fundamental social values, even as democratic representation and social welfare programs continue.

What does remain fully unresolved is the matter of how to bring about this immense project. While existing global institutions are an entrenched element of the postwar order, they are, by design, severely restricted in scope and authority. Substantial changes will be required in order to bring about the rightful condition with the global poor that Singer and Kant seem to require of us—yet it is unclear how to enact a theory on which so much ink has been spilled. Perhaps the last word is best left to Karl Marx: “The philosophers have only interpreted the world, in various ways; the point is to change it.”

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228 Pogge 1997, 162.
229 Marx, 173.
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