

RICH COUNTRIES

AND

POOR COUNTRIES

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For H. L. A. Hart

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## CHAPTER ONE

### INTRODUCTION

#### 1. The Object of the Book

My purpose in writing this book is to challenge, and, I hope, refute, a view about relations between rich countries and poor countries that is widely held in the USA and western Europe and routinely adhered to by the representatives of those countries within international bodies such as the United Nations and UNCTAD.

In brief, this view runs as follows. It is, of course, an unfortunate fact that so many people in the world are desperately poor. One must, indeed, regret that, for example, there are areas where one child in five succumbs within its first year as a result of lack of food or uncontaminated water. But the rich countries have no responsibility for this state of affairs. Within the system of sovereign states under which we live, the obligation of each government is to pursue the interests of its own citizens, not to sacrifice those interests in order to improve the conditions of others. Admittedly, this obligation is not absolute: there are certain rules of the game embodied in international law and usage that constrain the pursuit of national self-interest.<sup>111</sup> But the disparity between the wealth of some countries and the poverty of others does not arise from any violation of these rules of the game on the part of the rich countries. Daniel P. Moynihan, who built a political career on abusing the Third World in his role as U.S. ambassador to the United Nations, expressed this idea succinctly in a Senate campaign advertisement

when he said that he denied that "we are depriving other people of resources which rightfully belong to them."<sup>112</sup>

This harsh picture must be softened to some degree, however, to be faithful to either the rhetoric or the actual performance of the rich countries. First, it would be said, it is not necessarily to the interest of rich countries, individually or collectively, to let (all) poor countries stew in their own juice. There are a variety of reasons why this may be supposed to be so, and, depending upon which of them are given credence, aid will be extended in different forms and to different sets of countries. And, second, our representatives would hasten to add, we in the rich countries are not monsters. Even aside from our long-run economic and political interests -- in dishing the Soviets, in making friends and influencing people, or in fostering a more tranquil international environment, for example -- we are quite prepared to make some humanitarian efforts in the forms of disaster relief and development aid.

The sticking point is that nothing should be conceded that would imply that the rich countries have any obligations to the poor ones over and above those constraints on the pursuit of self-interest stipulated by the existing rules of the game. This means that humanitarian aid is to be regarded as a matter of grace and favor. The rich countries are not to be held up to criticism on account of the inadequacy of the amount of aid they give, nor for attaching whatever strings to it they think fit. International aid is thus to be conceived of as a precise analogue of alms-giving within a country. If you give alms to one beggar, or one charity, rather than another, even on entirely capricious grounds, you

cannot be held to account since you were under no obligation to give anything to anyone.<sup>113</sup>

What, however, really sets the alarm bells ringing among the rich countries' delegations (with the exception, at any rate, of the Nordics and the Dutch) is the suggestion, made with increasing persistence on behalf of the poor countries since the nineteen sixties, that there is some criterion of distributive justice according to which the existing disparities in prosperity between countries are unjust. The representatives of the rich countries consistently deny that the rich countries owe the poor countries anything as of right. More specifically, they deny that the poverty of the poor countries in any way results from any dereliction of duty on the part of rich countries in the past; and they deny that the rules of the game that constitute the present international economic order are in any sense unfairly rigged against the poor countries. This is not to say that the rich countries are unwilling to consider any change in those rules. But they insist that any changes should normally be mutually beneficial to both rich and poor: for example, commodity stabilization inasfar as it is divorced from any attempt to push up commodity prices above their long-run equilibrium price, or (something accepted by the rich countries in principle though reneged on in practice) removing impediments to the import of goods manufactured in poor countries.

In this book, I shall try to show that this position, so convenient for our self-esteem in making even the current levels of aid look like generous benefactions, is without foundation. My argument will fall into two main parts. I shall first suggest that, from a humanitarian point

of view, aid is not a matter of voluntary generosity, but a moral obligation. How far this obligation extends -- how much sacrifice it demands -- is a difficult question to get a grip on. But my conclusion is that the current level -- the figure for the U.S.A., for example, is now down below one fifth of one per cent -- is very much below any reasonable amount.

The second, and probably more controversial, part of the book is addressed to the requirements of international distributive justice. I shall not attempt here to summarize a rather complex discussion. Let me simply say at this point that I find the standard rich country view -- that there is nothing unjust about existing international arrangements -- wanting in a variety of ways. My central positive conclusion is that as a matter of justice there should be a continuous and systematic transfer of wealth from rich countries to poor ones. This is in addition to more specific measures of compensation that are required in virtue of particular losses imposed on poor countries by the actions of rich ones.



## 2. Has Morality a Place in International Relations?

Even before I begin to advance my specific arguments for the conclusions just outlined, I can imagine many readers already becoming impatient with the whole undertaking. I understand and to some degree sympathize with their skepticism. I myself am a relatively recent convert to the idea that it makes much sense to talk about questions of justice in the international sphere, so I know how strong the theoretical objections are. And in the past few years, whenever I have put forward my ideas in various gatherings (mostly, but not exclusively, academic) I have invariably found that, in addition, objections of a practical nature are advanced. Roughly, this kind of complaint may be summarized as: even if everything you say is true, isn't it hopelessly unrealistic to suppose that anybody -- still less any government -- will act on it? We may call this, for brevity, the "pie in the sky" argument.

It is my wish in this book not to dodge such objections but to try to deal with them as openly and fairly as I can. My own view is that objections of a theoretical nature can be refuted to the satisfaction of any reasonable person -- whether in the form of a claim that morality in general, or in the more limited form of a claim that the concept of justice in particular, is out of place in international relations. The more practical doubt about the efficacy of moral arguments for moving people, and particularly governments, to action is much more difficult to assuage. However, I believe that the evidence goes in more than one direction and that the favorable evidence provides a sufficient basis to underwrite the utility of this project and others

like it. I shall deal with the theoretical question now and the practical one in the next section.

As I have mentioned, I myself used to incline to the view that the political principles that apply within societies do not have much application outside them. In my first book, I concentrated on the domestic applications of political principles, and I explained this in the introduction in the following terms: "In relations between states the problem of establishing a peaceful order overshadows all others. No doubt it is possible for substantive general principles to be put forward and widely accepted, e.g. that rich nations have some kind of obligation to help poor nations develop their economies. But any attempt to develop a detailed casuistry of political principles in the absence of a working international order seems a doubtfully rewarding enterprise."<sup>121</sup>

I still think that all that I said there is, strictly construed, true, but the clear implication, that there is not much to be said, now seems to me false.

Thus, suppose we agree that the threat of nuclear war overshadows all other international issues. (I do believe this, while admitting that it may betray a stubbornly resistant "Northern" bias. I can see that I might think otherwise if I were on the point of starvation in

sub-Saharan Africa or south Asia.) Nothing follows from the great importance of one issue for the non-importance of others. And on any reasonable criterion the distribution of income among the countries of the world must count as the second most important issue in the relations between states, coming after only nuclear war.

But even if we accept the importance of the question, we may still doubt whether it will yield any very precise answers. Although it does not come out very clearly in the quotation that I gave above, the underlying thought that informed my remarks in Political Argument (as may be seen in the paragraphs preceding the quotation) was as follows. Political principles are principles for action within a framework of existing order. They presuppose that there are already institutions that effectively prohibit, license or mandate different kinds of behavior, that are capable of enforcing rules of distribution, of acquiring resources for public expenditures and transfer, and so on. The place of political principles within such a setting is to endorse or criticize the institutions, to make arguments for specific modifications in them, and so on. To complete the train of thought, we have to add the claim that institutions of the relevant kind exist only within countries (and then not within all of them) so that the international scene does not provide a suitable field of application.

Let me emphasize that the fact that I once held this view is in itself neither here nor there. My reason for discussing it now is that I appear to have been in good company; and, although I now think that this view is too simple, it is still, as far as I can see, very widely

held. What, then, can be said against it?

To begin in a minimalist way, let us, for the sake of argument, concede the description of the international scene proposed. It is important to observe that the absence of enforcement, authoritative decision-making or stable expectations does not entail the irrelevance of all moral considerations. The obligation not to harm others without adequate reason (e.g., in self-defence) does not depend upon any particular background conditions, and I shall argue later that there is also a humanitarian obligation to relieve suffering that is similarly noncontextual. In these matters, the only effect of state borders is to affect the content of obligations and the ease or difficulty of discharging them. But the existence of states does not somehow invalidate the extension of the obligations themselves.

So far, however, I have said nothing to contradict my earlier statement of the case, since I conceded that there was room for agreement on the principle "that rich nations have some kind of obligation to help poor nations develop their economies." However, I now believe that, without getting into a "detailed casuistry" that would be inappropriate to an obligation whose basis is the very general one of humanity, there is much to discuss.

We need to ask whether transfers from rich to poor are indeed a way of relieving suffering, since some have denied that, taking a long view, they have such an effect. And, if we conclude that transfers in some form are effective, we must then ask on what criterion we are to determine the sacrifice that can legitimately be demanded of the rich

in order to fulfill their humanitarian obligations.

Finally, we have to address directly a question that I have so far finessed: what is the unit of obligation when we are talking about economic transfers across national borders? It is tempting to assert that humanitarian obligations fall basically upon individuals: the obligation is of a rich person to relieve the suffering of a poor one, and it just happens to be the case that most rich people (by world standards) are in rich countries and, even more so, that most poor ones are in poor countries. The relevance of states, in this way of looking at things, is simply instrumental. That is to say, they may, in some situations, be better placed to organize and direct effective transfers; but in many others they may be less appropriate than private agencies.

In this view, then, states are to be regarded purely as one instrument among many by means of which individuals may discharge their humanitarian obligations. I shall argue that this essentially apolitical approach is not so much wrong as incomplete, and that in many ways the existence of states has moral as well as instrumental significance. But the problem is an extraordinarily difficult one, and I am not at all sure that I have got to the bottom of it.

All this is the business of the two chapters that immediately follow this one. And though the argument at some points takes a somewhat complicated form, it is fairly easy to see, by looking at it in outline, that it is not going to make the obligation of the rich to help the poor across national boundaries turn on the precise specification of the nature of the international arena. If it can be established that there

is an obligation of humanity and that international transfers are a way of discharging it, it is hard to see how the alleged lack of effective international political institutions would undercut the conclusion that the transfers ought to be carried out. If transfers relieve suffering and there is an obligation to relieve suffering, that surely should be good enough. The position is very different, and much less promising on the face of it, if one wishes to make an argument that the concept of justice also has an application to questions of international income distribution. And it is precisely because the questions raised are indeed more difficult that I have devoted the greater part of this book to them.

### 3. The Problem of Justice

To explain why justice presents more of a problem than humanity, if we assume the lack of effective international political institutions, let me turn for a moment to David Hume's discussion of justice in the Treatise of Human Nature.<sup>131</sup> Hume there contrasts benevolence with justice, arguing that benevolence is a natural virtue and justice an artificial one. We do not here need to get into the moral psychology on the basis of which Hume considers some virtues natural and others artificial. What is, however, relevant is the distinction that he actually draws between them. Benevolence, he says, has the characteristic that a single benevolent act is advantageous, so long as it finds its mark. But an act of justice, taken in itself and abstracting from the system within which it is embedded, is not necessarily advantageous. Leaving aside the importance of maintaining a system of contractual obligations, for example, it may be a better state of affairs if I don't pay off some debt. Perhaps I have every reason to believe that I would make better use of the money than would the person to whom I owe it. Perhaps there is good reason to expect that he will spend it in a way that harms even him. It may therefore come about that a just act is socially advantageous only when it is considered as forming part of a socially advantageous practice.

The point that I want to take up here is not exactly Hume's but is closely related to it. I am not concerned, as Hume was, with the question whether an act of justice is necessarily socially advantageous, in the sense in which Hume understood that question. Roughly, Hume

thought that a practice was advantageous if all, in the long run, stood to benefit from its observance. I do not, however, see why justice should be seen purely as an instrument of mutual gain. I am prepared to contemplate the possibility that behaving justly may be contrary to someone's interest, even in the long run. (Hence, the problem of motivation that Hume solved to his own satisfaction still remains, and will be taken up immediately below.)

But there is a problem that, one might say, underlies Hume's own problem. Hume asked what would be the point of being just in a single case, if we abstract it from its context in a practice. But the deeper question is: does it even make sense to talk of an act's being just or unjust in abstraction from a practice in which it is embedded? How could there be an isolated act of respecting someone else's property -- to take the example that is for Hume the paradigm of justice? To talk about such an action at all presupposes the existence of an ongoing institution within which property relationships are defined.

Notice that the same contrast still holds between justice and benevolence. A single act of benevolence -- helping a lame dog over a stile, say -- makes perfectly good sense in the absence of any social context defining such help as a general obligation or leading to the expectation that the dog would reciprocate if the positions were reversed. So long as the dog wants to get over the stile and one's efforts really help it to do so, without injuring it in the process, one has (prima facie, anyway) done some good in the world. And humanity, as the virtue of relieving suffering, may be understood as simply a special case of the virtue of benevolence.



Now, I believe this analysis of justice to be basically correct. I must therefore explain why, in spite of this, I think that justice in the international sphere constitutes a serious subject for discussion. I have three answers to give, each of which underlies a different part of my case that international justice makes substantial demands on the rich countries of the world. The first is that the picture of international life as a complete anarchy, devoid of any institutions giving rise to settled expectations, is simply false. In fact, there are a lot of regional and global institutions which between them give rise to a rich network of normative constraints upon the actions of states. It is, of course, still true that states are technically sovereign, but they cannot repudiate international norms without paying a price.<sup>132</sup> One might equally well say that any individual who is not in prison can do what he chooses, irrespective of what the law tells him -- but he cannot choose what the consequences will be.

In practice, it is not fruitful to analyse international relations as a sphere in which states are constrained only by crude military threats. It is simply impossible to understand such things as international trade, investment, finance, transportation, telecommunications, publishing, air and sea travel or postal services, without starting from the G.A.T.T., the I.M.F., the I.P.U., the International Copyright Convention, the Law of the Sea, and innumerable more limited institutions and agreements. Of course, states sometimes fail to play by the rules, but the point is that there are rules and everybody knows what constitutes a breach of them. That shows the existence of a real normative system, or, better, infinitely complex set of systems.

The significance of all this is, simply, that, where such a normative basis underlies international transactions, we can ask exactly the same sorts of question in the international sphere as we are accustomed to do within the sphere of domestic politics. Does the I.M.F. operate fairly? Does the Law of the Sea provide for the equitable distribution of the profits (if any) from the "mining" of the deep seabed? What exactly should be the rules governing compensation for the nationalization of a foreign enterprise? And so on ad infinitum.

That answer, I think, gets us a very long way. But at certain points it breaks down. Suppose, for example, that we conclude (as I shall do) that justice requires an international income tax on the rich countries, the proceeds to be distributed among the poor countries so that the poorer a country is the more it gets in relation to its population. If we also conclude (as we must) that there is no institution capable of introducing and administering such a tax, or of instigating sanctions for noncompliance with its decisions, does that mean that we are talking through our hats?

The answer is, no. For it makes perfectly good sense to consider what would be just if the appropriate institutions existed. Even Hobbes allowed that people in a "state of nature" could hold a conception of justice, and could desire to bring about the conditions under which justice was feasible. They simply would not have much opportunity to practice it in the "state of nature" because of the lack of assurance that others would do likewise.

This constitutes my second answer, then. We can talk about justice hypothetically by saying what justice would require if the appropriate

institutions existed; and we can also say that justice requires them to be brought into existence. That, however, leaves an obvious gap in the here and now. Given that certain just institutions do not currently exist, does that let everybody off the hook until they do -- if they ever do? And here my third answer comes in, for I want to reply: not necessarily. In some circumstances, we can work out (perhaps very roughly) what would be required of some actor if the appropriate institutions did exist, and we can reasonably go on from that to the implication that it would be a move toward greater justice for that actor to do now what would be required if the institution existed, even though others will not be doing likewise.

I do not wish to pretend that the question is a straightforward one. Indeed, I would say that almost all the really difficult problems in ethics arise when we ask how one person's duties are affected by violations of their duties by others. It is by no means a universal moral prescription that one should act in a way that would be good if others acted on the same maxim if one has every reason to expect that they will not.<sup>133</sup> But I see no reason why a move towards a more just international distribution of income should not be made by, say, the U.S.A. unilaterally, or the E.E.C. and U.S.A. without Japan, or all the O.E.C.D. countries without the Soviet Union and Eastern Europe. (Whether or not the Soviet Union or Eastern Europe would have to pay in an ideal scheme of taxation would depend, of course, on the cut-off level for contributions.) There is no reason why a move towards a more just distribution should have to wait upon the putting in place of a system within which each country could count on the others to do their share.

#### 4. The Arguments from Trusteeship

I have now, I hope, argued convincingly that the sphere of international relations is not one in which moral principles are out of place. But I still have to deal with the objection that it is a waste of time to talk about what is required by moral principles in respect of, for example, international redistribution of income, because states will inevitably pursue what is conceived of as their national interest.

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Certainly, there is too much truth in this for me to wish to dismiss it out of hand. But I want to put it into perspective, by challenging what seem to me simple-minded or misleading arguments that are often thought to provide an open-and-shut case in its favor. I shall first attack what purports to be a general argument to the effect that it is the duty of states to pursue the collective interests of their citizens. I shall then take up the idea that the lack of a domestic constituency for foreign aid in the U.S.A. illustrates the weakness of moral arguments, and suggest that the implication is, if anything, the reverse. I shall conclude this chapter with some more general remarks, sketchy but I hope suggestive, on the question of the forces that move large numbers of people into action in politics.

The argument that I wish to take up first seems to me almost entirely worthless. But I find it so often put forward, in private conversation and public discourse, that it seems necessary to deal with it here simply to get it out of the way. It runs as follows: governments are trustees for their citizens, trustees have a duty to pursue the interests of those for whom they are trustees, therefore governments not merely will not but ought not to be swayed by moral considerations if these conflict with the national interest of their countries. Set out baldly like this, the argument perhaps looks too shoddy to take anyone in, but it is surprising how many people of some intellectual repute have given it credence. <sup>151</sup>

It should be noted that the argument, as stated, is completely general in form, and refers to all trustee relationships. And it is in fact widely used in non-governmental contexts. For example, the President of my own university has maintained at a public meeting convened to discuss a proposal that the trustees divest the university's holdings in companies doing extensive business in South Africa that their "fiduciary responsibilities" under the university's charter and Illinois law with respect to the obligations of trustees prohibited them from taking any such action if, in their judgement, it would reduce the university's income. It is beside my intention to offer any view on the merits of this particular case. What I am concerned with is the principle advanced: that even if it were conceded that some investment opportunity would be (on whatever moral principle you like) immoral, that should not hold back the trustees from pursuing it if it were the most profitable outlet for the funds in their charge. In fact, on this view, they are not merely permitted by their position of trust to take it, but would be in violation of it if they failed to.

Let us follow up the matter with some additional, perhaps clearer, cases. Suppose that I. G. Farben, with the advantage of unlimited consignments of concentration camp inmates who could be worked to death,<sup>152</sup> had paid the best dividends in the nineteen thirties. Would the university trustees have been obliged to buy shares in it? Or suppose that slave-owning paid a better return on capital than alternative investments, perhaps precisely because the reluctance of many decent people to invest in slaves gave slave-owning what one might call a

squeamishness premium?<sup>153</sup> Would the trustees of, say, Harvard have been obliged to get into slaves? (It might, of course, be said that slavery had to pay a risk premium because of the risk of losing the money in an upheaval. But the same could be said of investment in contemporary South Africa. Presumably the point is that whether the profit outweighs the risk is a matter of judgement that should be left to trustees.)

It is often suggested that, at any rate within the domestic context, the duty of trustees to do the best for those for whom they are acting is limited by the law. But if there are no moral constraints on the duty to maximize, it is hard to see why the law should be seen as anything other than another factor to be entered into the calculations: that if you break the law you incur certain risks of loss that should be taken into account when assessing the net advantage of alternative courses of action.

This is, in fact, an attitude that appears to be quite common among businessmen. An amusingly blatant case which, however, probably reflects rather common attitudes, arose a few years ago in the Fruehauf Corporation, whose President and Chief Executive Officer and whose Chairman of the Board were found guilty in 1975 of conspiracy to evade more than \$12.3 million in corporate taxes. Five months after accepting their resignations, the Fruehauf board of directors proposed their re-election at the annual meeting of stockholders. "We believe," the board said in its recommendation, "that [they] acted at all times in what they perceived to be in the best interests of the company." It made the concession that some might still take the reappointment of

convicted felons amiss: "We recognize that in the light of present-day principles of morality, it is likely that a decision to reinstate Grace and Rowan will be viewed by some people as evidence of insensitivity to moral issues." But the counterargument was at hand: "We believe," the board said, "that equally valid principles of morality require the board to seek the preservation of the best interests of the company."<sup>154</sup> They were overwhelmingly re-elected. The former President and Chief Executive Officer showed what lessons he had learned from the experience by saying: "The worst that can be said is that we worked too hard for Fruehauf and its shareholders."<sup>155</sup>

It seems a shame to have to follow that with any comments at all. But, just to tie up the loose ends, the basic point is that the mere fact that you are acting for someone else rather than on your own account does not somehow license you morally -- still less impel you -- to do things that would otherwise be wrong. Cavour expressed the idea that what would otherwise be wrong become right if you do it for some collective entity when he said "What scoundrels we should be if we did for ourselves what we do for our countries!" Paul Baran illustrated the transfer of this idea from states to corporations when he wrote, contrasting the old-fashioned tycoon with the modern manager: "To one the corporation was merely a means to enrichment; to the other the good of the company has become both an economic and an ethical end. The one stole from the company; the other steals for it."<sup>156</sup>

If we can establish, then, that rich countries ought, morally, to refrain from acting in certain ways that are detrimental to poor countries,



and ought (as a matter of humanity and/or justice) to transfer resources to poor countries, the validity of this conclusion cannot be impugned by any arguments about the trusteeship role of governments. However, in the particular case of unrequited international transfers, it may be said that failure on the part of rich states to make such transfers is no violation of a moral duty. It is purely a matter of failing to be generous, and trustees should not be generous at the expense of those for whom they act. However, the point of this book is that we need not bring generosity into it. I make no arguments here about what rich countries would do if they were generous. No doubt they would do a great deal. But I do not appeal to generosity. I restrict myself to the narrow basis of moral obligation. If the arguments in this book are cogent, then the conclusion must be drawn that rich countries have, morally speaking, no choice in the matter. If they continue as they are, then they are violating clear moral obligations based on considerations of humanity and justice.

Let us, however, pursue the question of generosity for a moment. Does the argument from trusteeship preclude governments from committing their countries to levels of aid that are not required as a moral duty but are inspired by sentiments of generosity? Clearly not. For a government is not in the same position as the trustee of a minor or a mental incompetent. The analogy between a government and a trustee breaks down if it is pressed in this direction. The government represents an adult population that is presumed to be mentally competent. If the people for whom it acts want it to be generous, therefore, there is no reason why it should not be just as generous as they mandate it to be.

##### 5. The Argument from Context

It is important to distinguish the notion that acting for others releases one from moral constraints, which is the "trusteeship" argument and is simply false, from the notion that what is required by morality depends on the context. This is, as a general proposition, quite unexceptionable, though that does not, of course, commit one to accepting the conclusions sometimes drawn. If Cavour had simply been echoing Machiavelli's dictum that a statesman may act without reproach in his official capacity in ways that would be disreputable in a private individual, there would be little to quarrel about. Circumstances alter cases, and the circumstances of international politics are, undeniably, far removed from those of private life within a stable society. Simply to transfer the maxims that apply in the latter to the international sphere merely has the effect of discrediting morality among practical people.

The implication of all this is, however, not that there are no moral constraints that apply to states. Rather, it is that we must start from general principles and then work out their application with the special features of the international arena in mind. I have already taken up the idea that the special features of international affairs are such as to rule out the applicability of moral principles altogether, and I have argued that this is an illusion.

We must, however, allow for the applications to be more open to change with changing conditions and more dependent on our view of the relevant facts than we are used to in private life or even in domestic

politics. We must beware of looking for rules that are too concrete for the conditions of international affairs.

This is particularly true, I believe, of warfare, where the problem can be illustrated from Michael Walzer's Just and Unjust Wars.<sup>161</sup> It seems to me that, by placing so much emphasis on the distinction between combatants and non-combatants, the effect of the book is to downplay the fact that the overwhelmingly bad thing about war is that it kills and maims people. Thus, on Walzer's view the First World War comes out as a lot cleaner than the Second -- at any rate so long as we exclude the continuation of the blockade of Germany after the armistice in November 1918.-- for the slaughter on the western front was almost entirely confined to combatants whereas in the Second World War many civilian lives were lost as a result of bombing raids. I think, however, that most English people of my age or above would share my own view that the Second World War was (at least between England and Germany) a good deal less morally filthy than the First precisely because the danger was shared more equally among the population. The aspect of the First World War that was singled out as most morally repulsive by writers such as Sassoon and Graves -- the perfervid bellicosity from a safe distance among the civilian population -- was impossible in the Second World War.

I would not wish to maintain that the distinction between combatants and non-combatants is totally devoid of moral significance. Combatants may be voluntary participants (though in serious modern wars they are conscripts) and they may be more directly involved than are civilians in hostilities (though again this is not true in a fully mobilized society).

At best, however, it seems to me that the combatant/non-combatant distinction is of only secondary significance and at worst it is completely artificial. The most important thing to emphasize is that governments should first of all try to avoid getting into a war and that if they do nevertheless fight a war they should minimize the number of casualties, by whomever they may be suffered. Against Walzer's assertion of "the importance of fighting well," I would stress the importance of not fighting at all, or of fighting as little as possible if war cannot reasonably be avoided.

Although Walzer repudiates Napoleon's cynical remark that "soldiers are made to be killed,"<sup>162</sup> the fact is that, by saying that one gives up the right not to be killed by putting on uniform, he is coming perilously close to endorsing the idea behind it. If you have a right to kill as many as you can of the other side's troops, it's very hard to keep in mind that killing two is twice as bad as killing one.

The implication of what I have been saying is not, of course, that international relations are beyond the reach of moral judgement -- even in the most unfavorable case, that of warfare. On the contrary, because of the enormous stakes involved, there is nothing more morally important than the avoidance of war and the restriction in scope and intensity of any war that does break out. But the only function of rules here is to act as guidelines -- not as absolute constraints à la Walzer. Thus, one can derive general principles about what is morally mandated, of which the two most important are probably the following. The first is the highest priority for anything that advances mutual arms limitation, either

by formal treaty or by de facto mutual restraint. Indeed, a treaty is simply a way of formalizing mutual restraint and thus ensuring that both (or all) sides will count the same actions as constituting restraint. The sanctions still lie in the knowledge by all parties that noncompliance by one party will trigger noncompliance by the other(s).

The second general principle is that there is almost never a situation in which it is morally permissible to increase the risk of a major war. The end to be gained, measured in terms of human wellbeing, would have to be of such stupendous significance that cases are going to be rare to the point of non-existence. And, of course, it would be a necessary condition of its ever being morally acceptable to increase the risk of war that all possible alternative ways of achieving a satisfactory outcome had been exhausted.

Perhaps it will suggest that this principle is by no means toothless if I offer the observation that it seems to me to lead to the strongest condemnation of the way in which John F. Kennedy handled the Cuban missile crisis. It is extraordinarily lucky for the world that Khrushchev was willing to swallow the American bluster of deadlines and blockades, and even to do without the facesaving quid pro quo of withdrawal of U.S. missiles in Turkey.<sup>163</sup>

Those who like nice simple rules, our new absolutists, will, of course, wish to say that the trouble with all this is that it involves questions of fact about which there may be disputes. I agree that this is so, but reply simply that that is unfortunately how things are. Any attempt to come up with rules that avoid the necessity of arguing about the facts is, I suggest, condemned to futility.

## 6. The Lessons of Foreign Aid

I expect to be told that this is a hopelessly bad time to be making arguments for rich countries to do more for poor ones, especially in the U.S.A. As evidence one may cite the fact that U.S. official aid has now declined to 0.18 per cent of G.N.P. and also the totally obstructive attitude taken by the U.S. delegation at the recent (September 1980) special session of the United Nations on the demands of poor countries for a "New International Economic Order." I do not deny the facts. But I do deny that they have any implications about the place of moral arguments in international affairs. For the U.S. government denies that the measures called for by the poor countries as the New Economic Order are in fact required by justice -- in which it is, I shall argue below, partly right and partly wrong. And foreign aid has never been presented as a matter of either humanity or justice, but as an instrument of American national interest.

American food aid has been largely an exercise in disposing of a surplus in a way that does not undercut the market. Naturally, it has to be given to poor countries because they are the ones that would not be able to buy it otherwise. That is the essence of any strategy for getting rid of a surplus: if it isn't destroyed (as happened in the nineteen thirties, to the accompaniment of a lot of bad publicity), it must go to some place where it will not depress the world market price. The direct and intended beneficiaries of American food aid have been American taxpayers, if we take the agricultural support program as a political given.<sup>170</sup>

This is not to say that the recipients have not benefited at all. The program has unquestionably saved some lives. But its character as a surplus-disposal program has meant that it responds to the state of the surplus rather than the needs of people in poor countries. Thus, when the U.S.S.R., a country that can buy grain on the market, at any rate with the help of U.S. credits, had a bad harvest in 1973, it bought up all the American surplus (and then some). This was unlucky for Bangladesh and India, which also experienced shortages that year due to the failure of the monsoon. Priced out of the international market, they were saved only by Soviet loans of grain from its U.S. purchases.<sup>171</sup>

The food aid policy of the U.S.A. is clearly quite different from the way it would be if it were directed primarily to relieving hunger and malnutrition in the world's poor countries. Indeed, it has been suggested that American food aid, in its existing form, is in many cases actually deleterious for recipient countries, because the inflow of cheap food depresses local markets and reduces domestic production. Then, when the food aid disappears some year because the U.S.A. does not need to dump a surplus, the shortages are worse than before. I have no idea how prevalent this sequence is, but one can see that it can occur. Outcomes like this, incidentally, are often adduced to show that aid is, necessarily, counter-productive. Clearly, however, they do no such thing. All they show is that aid determined by nothing but the self-interest of the donor may be counter to the long-run interests of the recipients -- hardly a surprising thing, to find

Food aid has sometimes been presented to the domestic public and to the world as a policy directed by considerations of humanity. The same

can scarcely be said of the American foreign aid program, whether bilateral or administered through the (American-dominated) World Bank. Whether we turn to the wording of the authorizing legislation or to the rhetoric of successive administrations in arguing for foreign aid before Congressional committees, we find at the center of the picture the national interest of the U.S.A. No acknowledgement has ever been made, to my knowledge, at any official level of the U.S. government, that foreign aid is anything but wholly discretionary on the part of the U.S.A., morally speaking. No binding moral obligations, based on humanity or justice, have ever been accepted. To the very limited extent, therefore, that American foreign aid is ever seen as motivated by anything other than self-interest, it is seen as gratuitous charity -- something whose motive is, to quote Proudhon again, caprice.

Congress is particularly fond of exercising this kind of caprice, giving more to countries with whom their constituents identify ethnically, "rewarding" or "punishing" countries according to some speech or vote in the United Nations or some equally capricious criterion. This could, of course, be rationalized as an attempt to modify the behavior of other governments, but it is hard to read the transcripts of speeches in the House of Representatives and believe that it comes to much more than giving to this beggar rather than that one because you like the look of his face or because he begs in a specially suppliant manner that appeals to your vanity.

What is the alleged American national interest that is served by aid? When we have identified this we shall be able to see immediately



why foreign aid has fallen on such lean times -- and why, if that is the reason for giving it, it deserves to. The advantages derived by the U.S.A. are claimed to be both economic and political. Of these, the economic arguments play considerably the less important role in official justifications of aid. The general idea is often expressed by saying that economic development makes for bigger export markets, and this benefits the U.S.A. But there is clearly something wrong with this as it stands, since no country becomes rich simply by exporting its goods. As far as that goes, it may as well dump them in the sea. The explanation may, however, be filled out in three ways.

One is that it would indeed be just as good to dump the goods in the sea, but one may as well give them away. (This is an analogy for manufactured goods of the self-interested case for food aid.) Why should this be so? There are two not incompatible answers. The first, which continues the food aid analogy, is that if some industries are going to be kept going anyway for political reasons, foreign aid (especially, of course, tied foreign aid that can be spent only in the U.S.A.) is a way of getting rid of the goods. The other, Keynesian, argument is that an export surplus may be the best way of avoiding a domestic recession, and, if the goods cannot be sold they will have to be, in effect, given away. Note, incidentally, that, on these arguments, foreign aid may be good even if it has no effects on <sup>the</sup> economic development <sup>of the recipients.</sup> Aid is a form of high-powered export subsidy, nothing more or less. ¶ The next argument is, unlike the first one, genuinely an argument about the effects of economic development. But it is not really in terms of exports. It is

simply the classical idea that the growth of the division of labor benefits all (in the long run, one has always to add). Therefore, if the poor countries expand their economies, they will be able to make some things cheaper and the U.S.A. can specialize on things it does best. However, the problems of the U.S.A. hardly stem from a lack of large enough markets. And, against the efficiency argument must be set an argument to the effect that the terms of trade are liable to turn against manufactures the more countries develop manufacturing capacity.

The final argument is one that relates particularly to tied aid. It is that, if one can ensure that some country begins industrializing in some sector using American equipment, it will then be locked into buying from America when the time comes to obtain replacements or when the industry is expanded, even if there are by then no special incentives to do so. The same kind of case is made for subsidizing the training of engineers from poor countries in the U.S.A. and the provision of technical aid in those countries.

There is no need here to ask precisely what weight should be given to these three arguments for the economic benefits to the U.S.A. of foreign aid. But I think it would be generally accepted that the first is, at best, an argument that applies only at particular times and does not provide general support for foreign aid; it is dubious whether the second implies a net advantage at all; and the third has some force but hardly enough to make it worth building a substantial aid program on it. In short, the overall economic case for aid, from a self-interested point of view, does not suggest that it would

pay the U.S.A. to make substantial transfers to poor countries.

What of the political claims for the benefits to the U.S.A. of foreign aid? The intellectual level achieved in the literature on the point seems to me uniformly low.<sup>172</sup> However, we can safely say that the strongest and most enduring strand has been the Cold War one. Although this fell into the background during the "detente" period, it was brought out again by Secretary of State Muskie shortly after his appointment. Exactly how foreign aid is supposed to help in combatting the march of International Communism is often left unclear, but we can distinguish several ideas. One is simply that countries orient themselves, in what is seen (from Washington, if not from those countries) as a global competition between Russia and America on the side of the power that gives them the most. Another is that one may actually be able to influence events in a country by having advisors and technicians in it, especially if this means that the Russians (or Chinese or Cubans) don't.

These arguments for foreign aid have the characteristic that it is the aid itself, and its source, that produces political benefits. Another quite different idea, especially popular in the Kennedy administration, is that economic development as such has some sort of tendency to head off revolutionary change, which is more likely than not to bring about a pro-Soviet regime. A variant on this, which the Congress has shown a great interest in, is that foreign aid may be manipulated to encourage an economic climate favorable to private business. Exactly why it matters to the U.S.A. how the economies of foreign countries are organized is usually left obscure, but there appears to be some sort of underlying idea

that, in the global struggle, the U.S.A. has to stick up for capitalism. Of course, there are also less metaphysical concerns, <sup>the idea</sup> in that a "favorable climate" will also be attractive to transnational corporations based in the U.S.A.

Given that this is the kind of reasoning put forward in defence of foreign aid, it is scarcely surprising that it has so few friends in the United States. Perhaps one should, rather, be surprised that it has any at all. Foreign aid does not buy friends very effectively, as both the Soviet Union and the U.S.A. have learned in the past twenty years. If one wishes to buy the friendship of a dictatorship, direct payments to the dictator and his associates, unaccompanied by any preaching about what he should do with it, are probably the best approach. As far as the effects of economic development are concerned, it was an affectation of political science in the nineteen fifties and sixties that democracy, liberalism, stability, capitalism, friendliness to foreign capital, and an anti-communist orientation in foreign policy would all flourish if a country became more prosperous. But there is simply no general reason why all of these things should go together or why any of them should be made appreciably more likely as a result of economic development. One can construct scenarios tending in any direction, but it certainly does not require any great imagination to visualize circumstances in which economic development might lead to increased instability and increased repression; or to a more nationalistic economic policy, perhaps with more nationalization; or to the reversal of any of the other consequences anticipated in the conventional defence of economic aid.

Notice that so far I have taken care to avoid any reference to what would seem to some the crucial question: whether or not economic aid actually does produce economic development. The reason is quite simple. The effectiveness of aid is something that matters whether aid is seen as a good economic or political investment by the donor or whether the object of aid is humanitarian. I shall therefore take up the question below, when I discuss the humanitarian case for aid, since one of the stock arguments against aid from that point of view is that "it doesn't do any good." For the present purpose, however, I think I have demonstrated that we need not introduce any question of the causal linkage between economic aid and economic development to explain what has been politely called "the pervasive problem of tax fatigue in connection with foreign aid in all its forms."<sup>173</sup>

This is not the end of the story, however. The kind of political arguments for foreign aid that I have discussed are the ones that prevailed up through the mid-sixties and have been pervasive since then, too. But it was, of course, precisely the notion of a global ideological battle, in pursuit of which the U.S.A. was engaged in a worldwide series of interventions of a potentially limitless kind, that led straight to the Vietnam war.<sup>174</sup> The revulsion against this led to a resurgence of the traditional Pharisaic reaction that seems to come so naturally to Americans, that the country should avoid getting contaminated by the affairs of the wicked world.

Hence, as early as 1973 Judith Hart shrewdly noted the lack of an idealistic "aid lobby" in the U.S.A. "The Churches show no enthusiasm, unlike their counterparts in Europe; they too are embarrassed by the

association of aid with support for military policies in south-east Asia. The concerned and committed young people who, in most countries of Europe would be giving some of their energy to questions of the development of the Third World and pressing for better government performance on aid, have campaigned on Vietnam and rejected 'foreign involvement' because of its tragic and disastrous results in the past...."<sup>175</sup>

Thus, as she neatly summed up the situation: "If you are an American committed to the cold war, and to the Nixon doctrine, you cannot but observe that the Foreign Assistance programme has been signally lacking in success: the Third World seems every day to become more aggressively anti-American and anti-capitalist. If you are a progressive you devote your energies to fighting the Nixon doctrine, and regard the aid programme as wrongly motivated. Aid can't win."<sup>176</sup>

Since 1973, the unholy alliance of critics of foreign aid who complain that it hasn't made the world safe for democracy/liberalism/capitalism/transnational corporations/anti-communism, and simon-pure characters who insist that aid should be given only to countries that pass some sort of Good Housekeeping test <sup>of purity</sup> has prospered with the devastating effects on the program that we know.

It is instructive, in this context, to contrast the United States record with that of the Nordic countries and the Netherlands. In these countries, the levels of aid as a proportion of G.N.P. have actually tended to rise in the past decade. And it is not accidental that these small countries are the ones in which the case for aid has been most detached from claims that aid is really a way of serving the national

interest. Thus, as Tibor Mende has written, "it is the moral argument that has proved to be the most effective in moving opinion in support of aid."<sup>177</sup> This, again, was written almost ten years ago but the record since then has only strengthened the analysis.

Thus, the conclusion that we should apparently draw from the experience of foreign aid programs is, if anything, the opposite of the one often advanced. The failure of support for foreign aid in the U.S.A. can be related to its character as a crudely wielded instrument of foreign policy. Its relative success elsewhere stems from its being presented as a moral imperative. To adapt the saying about Christianity, one may offer the thought that altruism hasn't failed in the U.S.A., it hasn't yet been tried.

## 7. Aid and Interest

I have just argued that the usual short-run gains of an economic or political kind claimed for aid in the U.S.A. are either illusory or too small to make aid a good bet from the point of view of self-interest.

However, there are other, more diffuse, advantages to the rich that are sometimes claimed for aid to the poor, and these too are worth examining. Periodically, commissions of "wise men" are convened to consider the international economic system, the Brandt commission being the latest.<sup>851</sup> Connoisseurs of the cautiously high-minded documents that issue from these retired politicians and other public personages expect to find, and are seldom disappointed, that the commissioners have concluded, after due deliberation, that, quite apart from any considerations of morality, the long run self-interest of the rich countries requires an expansion of aid from them to the poor ones. It is difficult to get to grips with these arguments because they tend to be rather vague. The general idea is that aid will help to stave off otherwise looming catastrophes which would have adverse consequences on the prosperity and/or security of the rich countries. Evocative words such as "turbulence" or "chaos" usually get used at this point to indicate what the authors have in mind. But what tends to be lacking is a clear statement of the way in which such conditions, even if we concede them as foreseeable consequences in the poor part of the world of continued rich country policies, would necessarily impinge on the daily lives of people in the rich countries. Couldn't the rich countries



learn how to insulate themselves from turbulence or chaos in the rest of the world?

This is a hard question to answer because it poses two kinds of problem. First, there are obviously great difficulties in making predictions on the scale and over the time span that would be required to decide what are likely to be the consequences of alternative choices by the rich countries. But there is a more subtle difficulty that compounds this one. It sometimes seems to be assumed that, if we once get some objective, neutral description of the alternative states of affairs, it will be immediately apparent which one should be preferred on the basis of self-interest. On this view, the tricky questions come only later, when we ask whether we should follow self-interest or not. But I shall argue that the concept of self-interest will give precise guidance only in tightly constrained contexts. When it is a matter of choosing between broadly different future states of the world, a judgement about where self-interest lies will reveal as much about us as about the objective characteristics of the alternatives.

I do not think that the rich countries have a great deal to fear, at any rate over a time period measured in decades, from actual military or economic sanctions. If we ask how many divisions have the world's poor countries, the answer is, of course, that they have quite a few between them, though most of the serious armed forces (in the Middle East and South Asia, for example) are directed at other countries in the same area. Anyway, there is no suggestion that I am aware of that poor countries will, in the foreseeable future, be able to extract

economic concessions from the rich ones by the threat or use of military force.

What about their capacity to hurt the rich countries economically? Some of the poor countries have been in recent years putting forward the idea of a global deal in which the rich countries cooperate in arrangements that will have the effect that they pay more for raw materials while as a quid pro quo the poor countries undertake to maintain a continuity of supply. Unfortunately for this strategy, however, the poor countries do not have too much to offer as their side of the deal. Of course, any disruption of supplies causes temporary difficulties, but most of the raw materials of which the Third World countries are major exporters are open to recycling, substitution, or the development of alternative sources. Moreover, many of the countries with an important export trade in raw materials need the foreign earnings too desperately to be able to afford the luxury of withholding supplies from the market in order to inflict losses on their trading partners.

The question is whether, in less direct ways, there would be costs to the rich countries from a continuation of the present trends, which show a steady and apparently inexorable increase in the size of the gap between rich and poor countries. It is here that the concept of interest itself begins to become shadowy.

Let me state the point as briefly as I can. The concept of interest is most applicable where the social context is fully specified and the question is what it would pay somebody to do within that context. All else being equal, for example, there is not much doubt that it is in my

interest to be paid more rather than less for doing the same job, to pay less in tax rather than more, and so on. The concept of interest offers less guidance if I ask whether I would be better off with a different job that pays less but has other advantages or paying less tax and getting fewer public services. When we shift the level to ask whether it is in my interest to have one position in a society or a different one in another society, the question becomes still less clearcut. (Would it be in my interest to have lower pay in a more egalitarian society, for example?) When we make the comparison one of entire global scenarios, the concept of interest loses almost all its substance. And it becomes even further attenuated when we extend our view ahead to the point at which new generations begin to people the scene. At least my interests can be related to my actual preferences, but the characters of these new generations will develop differently according to the kind of world they grow up in. For example, I expect that among many British people over the age of seventy there is still a sense of loss from the ending of the British Empire, with its undeniable psychic gratifications. Yet I doubt if it would occur to more than a handful of those under the age of thirty to feel any regrets about it.

I do not wish to be taken as suggesting that the concept of interest has no universal application. It is against people's interests to be ill, to be in pain, to be ill-nourished, and so on. But I do maintain that, as we move away from such physiological constraints, the question what is in someone's interest cannot be sharply separated from the question what is a good life for him to live. And that, I conceive,

can most fruitfully be approached by using the method recommended by Hamlet: "Look upon this picture, and on this."

To put some flesh on these abstractions, let us suppose for the sake of the discussion that there are, very broadly, two future paths of world development. Both, it seems plausible to suggest, are going to exhibit positive feedback, that is to say, there will be a tendency for either path, once embarked upon, to produce effects that in turn feed back to make it more difficult in future to pursue the alternative. One is the path towards a more equal world, in which there are bigger transfers from the rich countries to the poor ones, a development of international decision-making bodies in which the rich countries do not (as in, for example, the World Bank and the IMF) have a preponderant voice, and, eventually, a shift in the balance of power so that power is more closely correlated with population than at present. The other path perpetuates the present division between rich and poor countries. the rich countries seek to exploit divisions of interest among the poor countries and play them off against one another. At the same time, they stick together to defend their privileges and co-opt the middling countries such as Nigeria and Saudi Arabia by making some concessions to them. They make minor changes of a cosmetic kind in order to try to defuse the discontent of the poor countries while making sure that nothing is ever done to loosen their grip on power in the world.<sup>861</sup>

I am not concerned here to argue about the plausibility of these projections. My purpose in setting them out is, rather, to say that

invoking self-interest cannot tell us which is to be preferred. There is, in the end, no substitute for asking what kind of world we wish to live in and what kind of world we wish our children to live in. The result is still a judgement of interest rather than one of morality, but the point is that we have to decide what is in our interest (and that of future generations) rather than reading it off from a concept with a fixed content.

To repeat, within a given setting, it is strong prima facie evidence for something's being in a person's interest that it will increase, or avoid a diminution in, his wealth and his power; but when we are comparing alternative states of the world that differ radically in all kinds of ways, there is no longer any presumption in favor of the one that maximizes wealth and power. We have to make the comparison in a more discriminating way than that. We may, as a result, conclude that the path leading to more wealth and more power is more in our interests, but that answer is not foreordained.

The application of these remarks to the present case should be clear. The second of the two paths that I sketched certainly promises to give the rich countries more power and it may well, even in the long run, give them more wealth than the first path. But, leaving aside for now the obligations of humanity and justice, is it really the sort of world that we in the rich countries want to have for ourselves and our descendants? To determine this, we have to get underneath the schematism of such abstractions as wealth and justice and ask what the actual texture of life in such a world would be like.

As it happens, we do not have to exercise much imagination in order to form a picture of the second kind of world, for we have in contemporary South Africa, as in a laboratory demonstration, a microcosm of such a world. The point-by-point parallelism between what the "realists" advocate within a world context and the actual policies of successive Nationalist governments in South Africa is indeed striking. The government seeks to sow discord among the blacks by encouraging the development of tribal identities; at the same time it attempts to win the support of coloreds (mainly of Indian descent or mixed race) by encouraging them to see their relatively privileged lot as bound up with that of the whites -- as it may well, indeed, be by now. This corresponds at the world level to the proposal to play on divisions among the poor countries and co-opt the middling ones. The whites, of course, monopolize power, with leadership firmly in the hands of the Afrikaners. The English-speaking white population has no clear alternative to offer and even those who dislike the current state of affairs tend to have a despairing feeling that it is now too late to yield power, since the oppressed majority have suffered so much that they would hardly act with restraint. This may well be true, and is exacerbated by the fact that over the years any black leaders that have emerged, even moderates, have been killed, jailed or kept incommunicado under the Suppression of Communism Act. If one substitutes the U.S.A. for the Afrikaners and Western Europe, Canada, Australasia and Japan for the other whites, the parallel is embarrassingly close, as is the analogy with the "destabilization" of inconvenient regimes such as those of Mossadeg, Cheddi Jagan and Allende.

The net result of all this is that the whites enjoy one of the highest material living standards in the world, perhaps the highest if

one gives the cheapness of domestic labor the kind of value hard-pressed middle-class people elsewhere would give it. But would you want to live there? And if not, is it really so smart to opt for a world that would be South Africa writ large? I think not, and one reason lies in the slippery concept of power. The whites in South Africa collectively hold a monopoly on political power, but the logic of maintaining this supremacy entails that the denial of basic liberties extends increasingly to the whites as well.

The individual white South African gives up his personal freedom in the hopes of continuing to enjoy his economic privileges. He resigns it willingly, as is shown by the election of successive Nationalist governments that have never made any bones about their intentions. But we can observe from this that there are cumulative costs that stem from the enjoyment of flagrant injustice.

I do not wish to be too dogmatic about the strength of the parallel with the international system. I have emphasized that the linkages are uncertain. But I do think there is an important general point here, namely that forces developed for repression of some out-group are liable to turn on those who thought they were being protected. If multinational corporations are complicit with the governments of the rich countries in manipulating or "destabilizing" those of poor countries, and intervening in other ways such as the subsidization or control of newspapers, what is to stop them from turning the same techniques on their hosts? And it is a familiar story (illustrated by cases as diverse as Julius Caesar and Charles de Gaulle) that the crack military forces created to act as global bullies are liable to direct their attentions at their own governments sooner or later.

## 8. Sympathy as a Motive

Even if the South African analogy is discounted, and it is assumed that the rich countries will be able to get away with keeping their privileges indefinitely without their populations surrendering their own liberties to their saviors, that still does not completely close the matter. If what is in your interests is what you would want if you were ideally well-informed but took no account of moral constraints, wouldn't you want, other things being equal, to live in a world without desperate poverty? The natural sentiment of sympathy may be weak when it extends beyond family, friends, neighbors, and, at most, countrymen. But I would think that for most people it is not entirely non-existent. If so, it provides a motive, independent of moral considerations, for rich countries to provide humanitarian aid to poor ones.

To put the point in another way, I shall be arguing in this book for the existence of a moral obligation of humanity. What I am now saying is that, even if that is rejected, there is still a sentiment of humanity to which appeal may be made. The question remains, of course, whether the sentiment is strong enough to motivate any yielding up of personal material advantage.

Adam Smith, for example, held that if we were to exclude moral considerations (which he introduced through the notion of an "impartial spectator" within each person), the sufferings of others would be of very little moment to us. "It is not the soft power of humanity, it is not that feeble spark of benevolence with Nature has lighted up in the human heart, that is thus capable of counteracting the strongest impulses of self-love.... It is reason, principle, conscience, the inhabitant of



the breast, the man within, the great judge and arbiter of our conduct.... It is he who shows us the propriety of generosity and the deformity of injustice...."<sup>871</sup>

The "original constitution of our frame" is such, according to him, that an average European would find his happiness little affected by the destruction of the entire population of China. If someone were "to lose his little finger tomorrow he would not sleep tonight; but, provided he never saw them, he would snore with the most profound security over the ruin of a hundred million of his brethren...."<sup>872</sup>

Smith, however, premised this conclusion on two things neither of which holds today for the relation between rich and poor countries. First, as he states in the quotation given, he makes the proviso that we do not see the victims. And, second, he assumes (without even regarding it as worth discussing) that "we can neither serve nor hurt" those on the other side of the earth. "To what purpose should we trouble ourselves about the world on the moon?"<sup>873</sup>

If the facts of world poverty were like this, we might agree that "this disposition of mind, though it could be attained, would be perfectly useless, and could serve no other purpose than to render miserable the person who possessed it."<sup>874</sup> Events occurring contemporaneously at a great distance would then be very much like events in the past. We may, indeed, "shed a generous tear" for past victims, but there is no point in letting our spirits be too weighed down by thinking all the time of the Thirty Years War, the Slave Trade or the Western Front. But, of course, modern communications make distance much less significant than in Smith's time. We can avoid finding out about suffering on the other

side of the world only by a feat of selective attention or, at one remove, and collectively, by refusing to give our custom to those news sources that give us "depressing" stories or "harrowing" pictures. And we can believe that it is not in our power to do anything about disease and starvation only by assiduously practicing the art of self-delusion. Is that really what we want?

Let us put the question thus. What would you be willing to give up -- purely to make you feel better about the world -- if it would end grinding poverty elsewhere? The question is not one that we are accustomed to ask ourselves and perhaps there is no point in expecting any exact answer. But I suspect that most people with an average North American or West European income would be prepared to give some significant amount: at least ten per cent and perhaps up to a quarter. Even this amount may sound shockingly little when we consider that the question is how much you would give up if that would single-handedly end world poverty. Surely if a single person could achieve such an end even at the cost of sacrificing his life he ought to do so? But we are not, it must be recalled, talking about what one may be morally obliged to do, but what l'homme moyen sensuel would find it in his interest to do -- allowing for the fact that satisfying his sympathetic impulses is among the components of his interests.

Obviously, talking of "ending world poverty" is to simplify. More exactly, what we require is that there is some improvement in the condition of those in poor countries that those in rich countries would be willing to pay for, in the sense that if each estimates the amount he would give

to bring it about single-handedly and these amounts were summed they would add up to more than the total costs of bringing about that improvement. Since this is so cumbersome, I shall stick to talking about "ending world poverty" from now on, but I wish to be understood in the sense just explained.

Now it is plain that we have here a public good -- ending world poverty -- and thus have the potential for an application of the principle of fair play: the principle (expanded upon in Chapter 5) that one should do one's bit in contributing to some mutually beneficial enterprise. For obviously it would not pay me to contribute a quarter of my net income to end world poverty: the amount of difference my contribution would make is so small that the impact on the total amount of world poverty would not be perceptible. Yet it would be a good deal for me to contribute a quarter of my net income if enough others did so as well to end world poverty. Of course, I would be even better off if the others contributed and I didn't, so that I would get the end of world poverty while keeping the whole of my net income. But that is where the principle of fair play comes in, to scold me for "free riding" on the efforts of others.

However, the argument that it is unjust not to contribute to a public good takes effect only if the public good is in fact being supplied. (See, again, Chapter 5 for an extended discussion of this point.) In the case of the public good of ending world poverty, it is manifest that it is not being supplied. What we can say, however, is the following. First, if it would pay the rich to provide it for themselves, it is collectively irrational for them not to do so. And, second, the standard

way of avoiding free-rider problems is mutual compulsion. There is, therefore, an argument here for the rich countries to coerce one another into joining a common scheme to increase the amount of aid that they all give.

I have followed out the free-rider analysis for the case where sympathy is the factor underlying a self-interested concern with conditions in poor countries. But the same analysis would apply if it were worry about the South African syndrome that was the motivating factor. In both instances, we can argue for mutual coercion within the rich countries to raise the money and also for pressure by each of the rich countries against the others to do their share.

But it is worth observing that, if a rich country or group of countries is serious about pursuing its self-interest, it may find it advantageous to go ahead and give large-scale aid even if there are free-riders among the other rich countries. The USA and the countries of the European Economic Community as a collectivity are both, probably, in Mancur Olson's terminology, "privileged."<sup>881</sup> That is to say, each is a large enough economic entity that it would pay it to give aid even if nobody else did. And if there is anything at all in the idea that it is in the collective self-interest of all the rich countries together to give aid, it seems certain that the USA and the EEC together constitute a large enough proportion of the whole (assuming some kind of progressive shadow income tax as the basis of assessment) to make it worth their while to go ahead by joint agreement.

## 9. Conclusion

I do not think that the case is conclusively made out for self-interest, in a large and comprehensive sense, as a motive for aid. I do, however, hope that the discussion at the least makes it less easy to assume unthinkingly that any transfers from rich to poor can arise only because moral considerations have triumphed over those of self-interest. For the purpose of this book, whose focus is on the moral case for transfers, I shall be content if I have made the question of self-interest seem more complicated and difficult to resolve than the reader was previously inclined to think. Having sown the seeds of doubt there, I shall try in the rest of the book to make the moral case as persuasive as I can.

To summarize what I have done so far on that score,

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I have tried to undercut two commonly-expressed arguments purporting to show that national interest is and must be the only effective force moving countries in international affairs. I have, I hope, persuaded the reader that one can accept the idea that a government is in some sense the trustee for the interests of its citizens without thereby becoming committed to the conclusion that it is licensed -- still less that it has a duty -- to flout international law or whatever moral constraints are applicable. And I have suggested, though the full arguments must come later, that there is nothing about the international arena that warrants the notion that no moral constraints are applicable. I have also argued that the lack of popular and congressional support for foreign aid in the U.S.A. does not show the impossibility of appealing to anything except collective selfishness, since foreign aid has been justified until now precisely on the basis of its conducing to the national interest of the U.S.A.

It is sometimes said, and it may be true, that there are quite a lot of people in the U.S. government who really are in favor of aid on humanitarian grounds, but believe that the only way to sell it to the public is by presenting it as being in the national interest. If so, I think that they are mistaken, and for two reasons. First, as I have suggested, this does not seem to have worked out very well as a strategy for building up a lobby for foreign aid. In fact, one may say that it has backfired. And, second, although governments rarely achieve exactly what they set out to do, they are, generally speaking, more likely to

come close to a certain goal if they are aiming at it than if they are aiming at something quite different. So long as the U.S.A. continues to give its bilateral aid, and cast its votes in bodies such as the I.M.F. and the World Bank, on the basis of the national interest of the U.S.A., it is likely that such aid as is dispensed will go to the wrong places, in the wrong forms, with the wrong strings attached -- judged by the standard that aid should be designed to help poor countries rather than produce economic or political gains for rich ones.

I cannot, of course, offer any assurances that opinion in rich countries can be mobilized to support the scale of transfer called for in this book. But I do think that it is a mistake to underestimate the power of moral convictions to move people to act, even at some cost to their own interests. Hence the importance that, in my view, attaches to trying to work out what the moral case for transfers is, and then trying to convey it as persuasively as possible.

The analogy that comes to my mind, and is not a particularly far-fetched one, is slavery. The British parliament banned the slave trade in 1807, although it was a major contributor to the prosperity of Bristol and Liverpool, and then in 1833 abolished slavery in the colonies, raising the compensation that was to be paid to the slaveholders from British taxes. In the U.S.A., many people, in the decades before the Civil War, gave money and time to the anti-slavery cause and, in some cases, took personal risks in sheltering runaway slaves. If we believe that slavery had something to do with the Civil War -- an old-fashioned but not completely discredited view -- we may add that many more

contributed their lives to the abolition of slavery.

The failure of the rich countries to act in a way remotely commensurate to the scale of world poverty is as much a disfigurement of our time as slavery was in the nineteenth century. If that conviction becomes widespread, we can have some optimism that action will follow.



Footnotes: Chapter One

111. Not everyone would accept this qualification. There is an intellectual tradition which analyses international relations as being outside the sphere of morality altogether, in the absence of a Hobbesian "common power" to enforce agreements. I am attempting, however, to delineate the characteristic official position of the rich countries. And I believe that, in this respect, popular opinion in those countries is probably in accord.

112. Daniel Patrick Moynihan, "Here's Where Pat Moynihan Stands," Campaign advertisement in the New York Times, September 1, 1976, p. 13, quoted by Peter Steinfels, The Neoconservatives (New York: Simon and Schuster, 1979), p. 154.

113. "To perform an act of benevolence towards one's neighbour is called in Hebrew, to do justice; in Greek to take compassion or pity; in Latin to perform an act of love or charity; in French to give alms. We can trace the degradation of this principle through these various expressions: the first signifies duty; the second only sympathy; the third, affection, a matter of choice, not an obligation; the fourth caprice." P. J. Proudhon, What is Property? Quoted as an epigraph by David Collard in Altruism and Economy: A Study in Non-Selfish Economics (New York: Oxford University Press, 1978).

121. Political Argument (London: Routledge and Kegan Paul, 1965), p. xviii.
131. David Hume, A Treatise of Human Nature, ed. L. A. Selby-Bigge, 2nd ed. (Oxford: Clarendon Press),  
For a more technical and elaborate discussion of Hume's theory of justice, see my "Circumstances of Justice and Future Generations" in Obligations to Future Generations, ed. R. I. Sikora and Brian Barry (Philadelphia: Temple University Press, 1978), pp. 204-248.
132. See especially Robert Keohane and Joseph Nye, Power and Interdependence (Boston: Little Brown, 1977).
133. The locus classicus is C. D. Broad, "On the Function of False Hypotheses in Ethics," International Journal of Ethics 26 (1916): 377-97.

151. See, for example, Arthur Schlesinger, Jr., "The Necessary Amorality of Foreign Affairs," Harper's Magazine (August 1971), 72-3.

cited in Charles R. Beitz, Political Theory and International Relations (Princeton: Princeton University Press, 1977), pp. 23-4.

152. , Less than Slaves

153. There is, of course, a long-standing controversy about the profitability of slavery. The case for is argued by R.W. Fogel and S. Engerman, Time on the Cross (Boston: Little Brown, 1974).

154. Robert Stuart Nathan, "Coddled Criminals," Harper's Magazine (January 1980), 30-35, p. 35.

155. Ibid., p. 31.

156. Quoted in *ibid.*, p. 31.

161. New York: Basic Books, 1977.
162. Ibid., p. 136.
163. John Somerville, "Patriotism and War," forthcoming in Ethics.
170. "[T]he real cost to the United States taxpayer was actually only the shipping, and from this expenditure one should have deducted the monies saved in dispensing with storage in the United States." Paul Alpert, Partnership or Confrontation? Poor Lands and Rich (New York: The Free Press, 197 ), p. 118.
171. Lester R. Brown with Erik P. Eckholm, By Bread Alone (New York: Praeger, 1974), p. 70.
172. See, for a representative sampling of clichés, Herbert Feis, Foreign Aid and Foreign Policy (New York: St. Martin's Press, 1964).
173. William T. R. Fox, "Population and World Politics: A Political Science Perspective on 'The World's Most Critical Problem,'" Journal of International Affairs 37 (1977), 101-139, p. 132.
174. Feis's book, which presents standard State Department thinking circa 1963, illustrates this perfectly.
175. Judith Hart, Aid and Liberation (London: Victor Gollancz, 1973), pp. 166-7.
176. Ibid., p. 164.

177. Mende, From Aid to Re-Colonization, p. xxiv. Mende went on a little later to observe that "in the past few years aid appropriations have declined most sharply in the United States where they have been most regularly justified on national security grounds. In contrast, they have notably increased in the Scandinavian countries (in Sweden in particular) where it is rather the moral argument which has most frequently been invoked." Ibid.

851. North-South: A Program for Survival (Cambridge, Mass.: MIT Press, 1980).
861. This set of prescriptions is drawn from Robert Tucker, The Inequality of Nations (New York: Basic Books, 1977), especially 182-199. See also Daniel Moynihan, A Dangerous Place ( ) for an unvarnished presentation of the chauvinist viewpoint.
871. Smith, op. cit., pp. 234-5.
872. Ibid., p. 234.
873. Ibid., p. 238.
874. Ibid.
881. Olson, The Logic of Collective Action, Ch. 1; see also Hardin, Collective Action, Ch. .

## CHAPTER 2

### THE PRINCIPLE OF HUMANITY

#### 1. The Obligation of Humanity

In this chapter I shall ask whether there is an obligation to behave in accord with the dictates of humanity, and, if so, how far that obligation extends. In the following chapter I shall take up some practical questions that arise when we attempt to apply the principle put forward in this one.

Let me begin with a definition of the key term: humanity. What is it to act in a way called for by humanity? A humane act is a beneficent act, but not every beneficent act is a humane one. To do something that helps to make someone who is already very happy even happier is certainly beneficent, but it would not naturally be described as an act called for by considerations of humanity.

The Oxford English Dictionary defines humanity as "Disposition to treat human beings and animals with consideration and compassion, and to relieve their distress; kindness, benevolence."<sup>211</sup> In this book I shall understand by "humanity" the relief of distress. As a matter of usage, it seems to me that the OED is right to put this before the more extended sense of kindness or benevolence in general. In any case, it is this notion that I want to discuss and the word "humanity" is the closest representation of it in common use.

I shall begin my discussion by taking up and considering the argument put forward by Peter Singer in his article "Famine, Affluence and Morality."<sup>221</sup> Singer, in this article, puts forward a simple, clear, and forceful case for there being a humanitarian obligation on those in rich countries to give economic aid to those in poor countries. It will provide an excellent starting point.

The premises of Singer's argument are as follows. The first is "that suffering and death from lack of food, shelter, and medical care are bad."<sup>222</sup> The second is given in two alternative forms. One is that "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."<sup>223</sup> The other, and weaker, form is that "if it is in our power to prevent something very bad from happening, without sacrificing anything morally significant, we ought, morally, to do it."<sup>224</sup> He goes on to say that "an application of this principle [i.e., the second version] would be as follows: if I am walking past a shallow pond and see a child drowning in it, I ought to wade in and pull the child out. This will mean getting my clothes muddy, but this is insignificant, while the death of the child would presumably be a very bad thing."<sup>225</sup> All that has to be added is that the application of the second premise is unaffected by proximity or distance and "makes no distinction between cases in which I am the only person who could possibly do anything and cases in which I am just one among millions in the same position."<sup>226</sup> If we accept these premises, we are committed, Singer claims, to the



conclusion that people in the rich countries have a moral obligation to help those in the poor countries.

I shall now consider a number of ways in which this conclusion can be challenged. I shall take the first premise -- that suffering and death are bad -- as uncontentious. The second certainly has been contended, since philosophers have denied that there are any duties of beneficence. The only morally required thing, they would say, is not to harm others, and one is not harming others by simply leaving them to starve. The same is often expressed in the terminology of (moral) rights: there are negative rights, that is to say, rights not to be harmed; but there are no positive rights, that is to say, rights to be helped. In particular, there is no "right to life" if this is understood to mean a right to the means (food, shelter, medical care, etc.) of life. The only sense in which there may be said to be a "right to life" is that in which acts by others that bring about death (as against the omission of acts that might have saved life) are morally prohibited.

One response that has been made at this point is to accept, for the sake of argument anyway, that there are no duties of beneficence but then to deny that this lets off the people in rich countries from having a duty to transfer resources to poor ones. Thus, Onora Nell has claimed to be able to show that the rich are killing the poor, and not merely letting them die, by failing to provide them with food. However, this alleged proof depends upon the notion that we kill people "where our activities lead to others' deaths which would not have occurred had we either done something else or had no causal influence."<sup>227</sup>

On the basis of this argument, she can therefore say that, for example, by permitting low prices of primary commodities to occur, people in the rich countries are killing people in the poor countries, since there are alternative policies, giving rise to higher prices, that would save lives.<sup>228</sup> But it surely does not require much penetration to notice that her argument simply collapses the distinction between killing and letting die. If killing is doing something such that a life is lost when it might (by doing something else) have been saved, allowing a preventable death is killing. By walking past the child that is drowning, I am killing it, on this analysis, because I might instead have waded in and saved it. Now it may indeed be that the distinction between killing and letting die is not a morally significant one, and that we should hold people responsible for deaths that they could have prevented as well as deaths that they directly bring about. But the point that is relevant here is that nobody who is inclined to think that there is a morally significant distinction between killing and refraining from saving life is going to be convinced to the contrary by the mere verbal sleight of hand involved in redefining the concept of killing so that it includes letting die within its scope.

For the purpose of this book, I am going to take it as common ground that one would, indeed, be doing wrong to walk past Peter Singer's drowning child and do nothing to save it. This, of course, entails that there must be, at least in the most favorable cases, certain duties of beneficence. Without devoting the entire book to the subject, it hardly makes sense to try to argue for a complete theory of morality from which this can be

deduced, and in any case I myself am more sure of the conclusion than of any of the alternative premises from which it would follow. Anyone who disagrees with the claim that there is an obligation to rescue the child in the case as stated will not find this chapter and the next one persuasive, since I certainly do not think that the case for international aid on humanitarian grounds is stronger than the case for rescuing the drowning child.

There is, however, a long distance from an obligation to rescue a drowning child to an obligation to give international aid. Let us now look at two arguments that can be made by somebody who accepts the first but wishes to deny that this entails a commitment to the second.

## 2. From the Drowning Child to International Aid

One move would be to accept that one ought to rescue the child but then circumscribe the second premise so that it follows from it that the child should be rescued but not that there is an invariable duty to relieve suffering. Why, we might ask, did Singer make the example one involving a child? Maybe partly because we feel more sympathy towards children (along with puppies, kittens, baby seals, etc.) but perhaps also because we do not hold children fully responsible for the scrapes that they get themselves into. Isn't the obligation to rescue people reduced (possibly even at some point eliminated) if they got into the mess by their own recklessness or improvidence? Do we really have to make a big effort to rescue people who gratuitously take big risks -- setting out to climb mountains without <sup>proper</sup> training or equipment, for example? Why shouldn't we revive on a world scale the Victorian distinction between the deserving poor and the undeserving poor?

Concretely, before we accept an obligation on the part of the rich countries to provide aid to the poor ones, is it not relevant to ask how far their troubles are of their own making? Perhaps but for unrestrained population growth and/or an inefficient system of agricultural production, there would be no problem of mass starvation in many countries. Suppose that somebody to whom I am giving food insists on sharing it with a sacred cow (or for that matter a sacred landlord). Do we really want to say that, the more he gives away, the more I have to give him, so that he always finishes up with the same amount for himself? Or what if there is plenty of food available but he is not prepared to eat it because of strong dietary preferences? Or what if

he prepares the food that he has (and whatever additional food he gets) in such a way as to destroy much of its nutritional value?<sup>231</sup> If we start with a commitment to doing good, does that mean that people can coerce us morally into heroic efforts that would not be required but for their improvidence, incompetence or obstinate refusal to cooperate with attempts to help them?

Singer has, in a later article,<sup>232</sup> addressed this question, though in a way that somewhat seems to miss the point. He finds an explanation couched in consequentialist terms for taking account of contributory negligence (etc.) by saying that (a) refusing to help those who gratuitously get themselves into trouble may have valuable incentive effects on others -- "pour encourager les autres" -- and (b) that "we can use our aid most effectively by giving it only to those who do what they can to reduce their dependence on aid."<sup>233</sup>

Both of these factors no doubt have some weight at some places and some times, but they surely miss the real objection to unadulterated consequentialism, which has sometimes been put in a rather hysterical way by saying that it seems to presuppose a world of one agent (the person being advised by the consequentialist moralist) and a lot of objects whose behavior he has to predict and take account of in designing his own course of conduct so as to bring about the posited end-state. If, instead, we start from the assumption that (in the absence of definite evidence to the contrary) other people are to be taken as having the same responsibility for the consequences of their own conduct as we have for ours, it is not going to seem unreasonable to say that (to take an example from Singer) someone who ignores signs warning of thin

ice and falls into the icy water is less deserving of rescue than someone who finds himself in similarly icy water through no fault of his own.

Incidentally, I think that Singer makes the notion seem stranger and less plausible than it really is by confusing two very different propositions. The first is that the reckless skater deserves to drown. The second is that the obligation to rescue him (say, at some material danger to life and limb) is reduced by his foolhardiness or, if you prefer, his voluntary assumption of the risk, as compared with someone who was a victim of unforeseeable misfortune. We may choose to express this proposition by saying that the first character is less deserving of rescue than the second, and perhaps, if the case is gross enough, that he does not deserve to be rescued at all. But that is not in any way equivalent to saying that he deserves to drown. No doubt, if it were a question of punishment, we would agree that "death is too severe a punishment for the offense he has committed"<sup>234</sup> but it is not.

Perhaps Singer's failure here to distinguish deserving to die from not deserving to be rescued derives from the fact that, as a consequentialist, he cannot attach any moral significance to the distinction between acts and omissions when they have the same causal effects. But I think that this simply shows that a hard line consequentialist is never going to be able to make any sense of the view in question.

If we were really to believe that the reckless skater "deserved" to die, that death was an appropriate "punishment" for his recklessness, we would presumably be committed to saying that it is better for him to drown than not (as we might think it's better if <sup>an</sup> Eichmann doesn't get off scot free). Yet there is no question that it is better if the ice

doesn't break. And if it does break, someone who rescues him unquestionably does a good deed. As Singer appears to envisage the view to be considered, it would be perfectly all right, maybe even praiseworthy, for some bystander to say "He deserves to drown but unfortunately the ice seems to be holding up" and then throw a large rock onto the ice to ensure that the reckless skater does not escape his just deserts. And if there is no moral distinction between acts and omissions, there is indeed no difference between deliberately drowning somebody and failing to rescue him. But, if there is, then being drowned by somebody else's act and drowning as a result of somebody else's not acting are prima facie different states of affairs in their moral significance.

So, against Singer, I would suggest that, although bad outcomes are always bad outcomes, so that it is (tautologically) better if they are prevented from coming about, the obligation to prevent them from coming about does depend upon the context. And in particular, even if there is no utilitarian reason for, say, rescuing one person rather than another, there is still a reason for differentiating if one <sup>of them</sup> is responsible for requiring rescuing while the other is not.

Having said all that, I must follow it, however, by saying that I agree substantially with Singer when he says that it does not have much of a bearing on the obligation of those who are in a position to do so to contribute to famine relief. "The point is a conceptual one, resulting from the juxtaposition of the concepts of famine and moral desert. The former, defined by the Oxford English Dictionary as 'extreme and general shortage of food, in a town, country, etc.' (my

italics), refers only to situations affecting whole groups of people, and such situations must, if we are to make any sense of them at all, have some general cause or causes. Moral desert, on the other hand, requires individual moral responsibility."<sup>235</sup> The point can clearly be extended beyond famine to all the general economic conditions in a society. If we are imputing individual responsibility or lack of it, we should beware of illegitimately transferring to individuals responsibility that can be imputed legitimately only to collectivities. For example, even if we say that "India" or "Bangladesh" is partially responsible for its own woes, this does not mean that some unfortunate villager afflicted by famine has any significant responsibility for the plight in which he finds himself. It therefore seems to me morally obtuse to say that, since "India" (meaning either the collectivity of Indians, going back a number of generations, who have had too many children, cut down the forests, denuded the soil, etc., or the Indian government now) is partially responsible for the starvation of some individual Indian, we can therefore sleep easily.

At the same time, it is equally a mistake to move too easily from lack of individual responsibility to lack of collective responsibility. Suppose that a group of people decide to act collectively in a certain way by majority vote, and the majority for the decision adopted is three or more votes larger than the minority. Then no individual is responsible for the outcome, since no individual could, by changing his vote, have altered the outcome from what it was.<sup>236</sup> Yet surely at least in some contexts we would quite reasonably wish to hold either



the group as a whole or those who voted in the majority collectively responsible for the decision. (In British law, for example, all the members of a local council are responsible for the decisions it is authorized to take, whereas if it acts ultra vires those who voted in favor are liable to be charged personally for any unauthorized expense incurred by the council as a result of the ultra vires decision.)

Exactly how collective responsibility works and how in particular it bears on international redistributive obligations are both very hard questions, and ones on which extraordinarily little work has been done by political philosophers, in relation to their importance. I shall for the moment shelve both questions, since they are most conveniently taken up in the next chapter.

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But I want to draw attention to it as an unresolved problem.

### 3. How Much Sacrifice?

The case for at least a prima facie obligation to aid still stands, then. (I shall take up in the next chapter the question whether aid really does good. Let us assume for now that it does.) But then the question remains of how much sacrifice the obligation demands. And here, it can be argued, the drowning child case is unhelpful because the obligation is so clearly finite. The example is set up so that the choice is a simple dichotomous one, rather than a matter of more or less. You either save the child at the cost of getting your clothes muddy or you let it drown. International aid entirely lacks this feature of a finite obligation which it does not take too much trouble to fulfill. There is almost no limit to how much we could give. What, then, do we have a moral obligation to give?

It is interesting to notice that, in practice, both individuals and governments are more likely to respond to appeals for aid the closer the situation approximates to that of the drowning child. What we really like are emergencies, preferably brought on by some natural disaster such as flood, earthquake, hurricane or drought. These combine all the nice features of a humanitarian case: their cause is beyond human control, they are exceptional and they are inherently limited in their demands, since all that is required is the restoration of the status quo ante. There is, of course, a large element of self-delusion in this way of looking at things, since the effect of the natural phenomenon depends on the condition of the country. If crop failure leads to famine or floods lead to outbreaks of typhus and cholera, that is

usually because the levels of nutrition and sanitation are so close to disaster level all the time. And floods themselves are not simply Acts of God, but often the consequence of deforestation, which in turn arises as a response to severe shortage of fuel, as in much of south Asia. But the fact that we try so hard to press a recalcitrant reality to fit the model of the drowning child illustrates the hold that it has on us.

It should, however, be clear that there is no rational basis for giving humanitarian aid in emergencies while refusing to give it to alleviate chronic poverty. But then what are the limits? Singer says that "one possibility...is that we ought to give until we reach the level of marginal utility -- that is, the level at which, by giving more, I would cause as much suffering to myself and my dependents as I would relieve by my gift. This would mean, of course, that one would reduce oneself to very near the material circumstances of a Bengali refugee."<sup>261</sup> (We could update this to a Cambodian or Ethiopian refugee.) However, a standard utilitarian argument against severe redistribution that goes right back to Bentham says that, other things being equal, losing money is more painful than gaining it is pleasurable.<sup>262</sup> Having one's expectations disrupted by loss is more significant than having one's expectations vastly exceeded. (Indeed, there is a stronger version suggesting that great departure from the way of life people have adapted themselves to makes for unhappiness, as evidenced by studies of those who win the football pools in a big way in England.) And also -- or maybe this is just a different way of putting the same point

in another terminology -- tastes develop on the basis of experience so that what is hardship for one person is relative luxury for another.

The implication of these considerations is presumably to temper the wind to the shorn lamb. In the long run, a country can adjust its way of life to a lower material base (though a pretty major change in the patterns of housing, shopping and workplace would be required before the USA could manage at even a multiple like ten times of average world oil consumption) and the young can be brought up to do without the luxuries that the old have come to count on (though there are presumably practical <sup>differentiation</sup> limits on how far this can be carried).<sup>263</sup> But for something like fifty to a hundred years, the rich countries could, on this basis, claim to be let off the apparently extreme implications of Singer's strong principle.

It may be replied (and usually is against "grandfather clauses") that the mere fact that people have got used to unjust luxury is no reason for indulging them any longer -- if anything they should get less than the rest in future to compensate for their having had too much in the past.

But it is to be observed that nothing has so far been said about justice and the form of argument we are considering cannot by its nature exclude the possibility that somebody can make a claim to have more in virtue of his great expectations or refined tastes. If you dislike that then you have to take up your quarrel with the utilitarian principle itself.

In spite of these qualifications, however, I do not see any reason to doubt that Singer's strong principle interpreted in a utilitarian way would have these implications. First, that a middle class person

in a rich country should make really massive sacrifices, given that few others are doing much, since it does seem undeniable that, down to quite a low point, his income could be better spent by others in the poorest countries. And second, that, although the people in rich countries would not have to lower themselves to that level if everybody in them acted according to the same principle, they would still have to come down a long way.

At this point, we are brought face to face with two points that are usually presented as separate but that I think are closely related. One common objection is that the limits on redistribution are set, way within those we have so far considered, by incentive considerations: people simply will <sup>refuse to</sup> produce stuff if all of it over some minimum is going to go to people they don't know or care about. And a second objection is that we simply <sup>cannot</sup> bring ourselves to believe that there really is an obligation to make oneself destitute for the sake of complete strangers thousands of miles away, though it would no doubt be virtuous (unless you're a follower of Ayn Rand) to do so. But, surely, if people were really utilitarians, then presumably they would act in the appropriately self-sacrificing manner. Conceding that they have to be given material incentives to get them to produce stuff that is to be taken off and given to the poor is simply conceding that they're not utilitarians, and that the prospects for mass conversion are remote.

Singer's answer is, like that of many other utilitarians, that for popular consumption we may put about rules that require only more

modest sacrifices but that we should still recognize that people really ought to do more. But that is not responsive to the doubt I am raising. The question is not: given that we all ought to act so as to maximize total good (or minimize total bad), what conventional morality will screw the most out of people by maintaining the optimum balance between asking so much that they give up on morality altogether and asking so little that they fall further short of the ideal conduct that they might have been brought to do? The question I'm raising is whether the goal can be put forward reasonably as a moral standard (even entre nous) if hardly anybody believes it and fewer still are prepared to act on it?

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We have here arrived at a crux and I must confess that I do not know quite how to proceed. The only defence I can offer is that I appear to be in good company since I have been unable to find anywhere a clearly stated criterion for the amount of sacrifice that is called for by humanitarian considerations. There are two simple positions. One, which we rejected earlier, is that there are no obligations to help others. This would leave no problems unless we wonder whether refusing to help can sometimes constitute harming, as Mill, for example, maintained. The other is the utilitarian principle that aid should always be given when the benefit to the recipient outweighs the loss to the donor. This, of course, contains no qualifications about the respective levels, in utility terms, of the parties. So it may be that someone is required by this principle to make a sacrifice in order to make somebody who is already better off than himself even more well off. Thus the utilitarian principle, although it provides a quite consistent rule, goes much further than underwriting an obligation, however stringent, to relieve those in distress. It seems to me, in any case, to be highly implausible. For, even if we agreed that one state of the universe is better than another if it has more aggregate happiness in it, this clearly does not mean that there is an obligation in all circumstances to contribute to bringing it about.

The problem, then, is to find a criterion that allows for an obligation to give aid but does not simply derive it from the utilitarian principle. Let us backtrack and see if we can get any help from

Singer. We should observe that Singer regards his own criterion as one that is compatible with a wide variety of ethical views: the utilitarian interpretation, he suggests, is just one possible way of filling it in. However, it must be said that Singer's statement of his criterion is tantalizingly obscure. As will be recalled, he says that if there is anything we can do to prevent something bad from happening "without sacrificing anything of comparable moral significance" we ought to do it. But the use of the word "moral" here is puzzling to me, since it seems to me that states of affairs have no moral significance in themselves -- only insofar as they are brought about by or include in their description people acting well or badly, or displaying good or bad motives. Disease, starvation and death are, on almost any accounting, bad. Generally speaking, the world would be a better place if there were less of them. But I can make no sense of the idea that they are morally bad except as an elliptical way of saying, in some particular context, that they came about as the result of human dereliction of duty. But we clearly cannot gloss the notion of "moral significance" in this way here, since we are supposed to be using it in order to establish whether, for example, a death from starvation that might have been prevented by someone at a certain cost does constitute a bad state of affairs that has resulted from dereliction of duty.

Singer's own attempts to explain the concept of "comparable moral significance" are remarkably perfunctory, when one considers its crucial role. How is the comparing to be done and what is to be compared? Since we are supposed to compare the gains of those in poverty and the losses of the affluent, the natural mode of comparison seems to be the classical



utilitarian one, and that will then entail transferring from rich to poor until they have equal marginal utilities of money. If we forget the word "moral", this certainly provides an answer that one can come to grips with. But Singer says that non-utilitarians can also establish comparability of moral significance between what they might give up and what others stand to gain. He does not suggest, though, how they might do it. To say, as he does, that "the precise amount of absolute poverty that can be prevented before anything of moral significance is sacrificed will vary according to the ethical view one accepts"<sup>271</sup> is very misleading.

It is quite true that there are disagreements among those who share the view that there is a duty to maximize the amount of good in the world as to what the good consists of: whether, for example, it is pleasure, or the kind of thing postulated by G. E. Moore in Principia Ethica in the final chapter on the Good which became the Bible of Bloomsbury.<sup>272</sup> On the Moorean view of the Good, "'by far the most valuable' [goods] are states of mind involving either 'the pleasures of human intercourse' or 'the enjoyment of beautiful objects.' This thesis pointed to 'the life of passionate contemplation and communion' as the 'Ideal' for Keynes and his friends."<sup>273</sup> Clearly, one might conclude that hardly any transfers of material goods were called for if one believed that the / cultivation of such states of mind required a lot of expensive prerequisites.<sup>274</sup> But surely the main difference between "ethical views" lies not in the conception of the good but in the question what obligation there is to pursue it.

A Kantian or a rights theorist could agree that it is a better state of the universe if fewer people are dying from disease or starvation or living in desperate poverty but deny that there is anything wrong in its happening so long as nobody is failing to do his duty or violating another's rights.<sup>275</sup> Thus, Singer's claim that his criterion is hospitable to a wide variety of ethical theories is rather bogus. Just as Henry Ford said the customer could have any color he wanted so long as it was black, Singer is in effect saying that you can have any ethical theory you like so long as it's consequentialist. Only on the supposition that we ought to be maximizing the amount of good in the universe will it be relevant to our obligations to compare the amounts of good and bad.

Singer did, we may recall, put forward a weaker version of his principle, which said that we are obliged to act so as to prevent something bad from happening if nothing of moral significance would be sacrificed. However, Singer himself <sup>has</sup> admitted that he can see no merit in this version except that it may be more acceptable to those who find the implications of the other version too strenuous. And in his most recent return to the subject<sup>276</sup> he has tacitly abandoned it, preferring to make an ad hoc adjustment of the implications for those who balk at the real implications of the good-maximizing principle. In this, I think he is well advised. Unless we somehow allow the word "moral" to bemuse us into packing the answer into the question, it is hard to see how the things that Singer regards as easy targets ("colour television, expensive dinners, a sophisticated stereo system, overseas holidays....")<sup>277</sup> have no significance since they are surely sources of

pleasure and self-cultivation. The weak version of the principle therefore seems hopelessly weak. Even getting one's clothes muddy in the course of rescuing the child is not literally insignificant, though we may have no difficulty in agreeing that it is relatively insignificant in comparison with the death of the child.

ON TO P. 22

A more promising departure from the utilitarian criterion might appear to be negative utilitarianism. This posits an asymmetry between relieving distress and promoting pleasure: the idea is that there is an obligation to relieve distress that is not simply a corollary of the classical utilitarian obligation to maximize the overall balance of pleasure over pain. This seems to me to have an undeniable intuitive appeal. We surely do feel that the obligation to help those who are suffering stands on its own feet and can be sustained without any commitment to an equally stringent (or any) obligation to make those to whom we have no special relationship happier than they are already. The trouble with it is, however, that I do not think that the doctrine of negative utilitarianism is anything more than a fancy way of stating the point of departure: that there is indeed some sort of obligation to relieve such things as dire poverty, starvation and disease.

Remember how we got to where we are now. The problem was that, having acknowledged the obligation, we found that our intuitions about the extent of the obligation were ill-defined, so we began to cast about for a principle that would provide a precise criterion for the amount of sacrifice required. What I am saying about negative utilitarianism, then, is that its appearance of functioning as such a principle is illusory, because as soon as we try to flesh it out we find that we have to make exactly the same judgements that got us into trouble in the first place. In other words, the principle of negative utilitarianism, instead of providing a standard to guide our intuitions, merely offers a receptacle for them.

This judgment is, in my view, confirmed by the two extant defenses of negative utilitarianism under that name that I know of, which appeared in a symposium on the topic twenty years ago.<sup>281</sup> Of the two symposiasts, one argued that "those in distress need help more than those who are prospering, so there must be a greater moral urgency to help the former than to help the latter."<sup>282</sup> The other based his case on "the plain fact that people's judgments about what is wrong or bad are far more confident, and display considerably less personal variation, than their judgments about what is right and good."<sup>283</sup> However, these are both ways of repeating the common idea that there is indeed a moral obligation to relieve suffering which is not matched by an obligation to make already happy people even happier, though that is, of course, a laudable thing to do. But neither suggests that there is really a principle of negative utilitarianism, akin to that of classical utilitarianism, from which we may (in theory) deduce how much is required.

Let me try to be more precise about the limits of negative utilitarianism as a complete principle. There are, clearly, two parameters in any conception of negative utilitarianism: the level at which the crossover from negative to positive occurs and (to continue the electronic metaphor) the steepness of the rolloff above that level -- does positive utility count for nothing, or for something but less than negative utility, and, if so, how much? What I maintain is, first, that by choosing different values of these two parameters one can produce almost any desired implication for the extent of the obligations of the affluent; and, second, that the only way of choosing is to see what the implications

are and support the values that produce what one independently believes to be the right answer in any given case. Thus, if we set the crossover level very low, we can minimize the calls on the affluent; if we set it at a middling level (and also give little weight to above-the-line satisfactions) we can make the principle swallow up the entire GNP of the world; and if we set it yet higher, so that the truncation of (possibly expensive) life-plans counts as a deprivation,<sup>284</sup> we may finish up with the conclusion that hardly anybody is very far above the line, so that not much is available for redistribution.

ON TO P. 25

Since the principle of negative utilitarianism throws back the decisions to us, I conclude that there is no firm criterion for the amount of sacrifice required to relieve distress. This does not mean that nothing can be said. I think it is fairly clear that there is a greater obligation the more severe the distress, the better off the potential helper would still be after helping, and the higher the ratio of benefit to cost. What is indefinite is where the line is to be drawn. In the words of C. D. Broad, in what may be the best single article in philosophical ethics ever written, "it is no objection to say that it is totally impossible to determine exactly where this point comes in any particular case. This is quite true, but it is too common a difficulty in ethics to worry us, and we know that we are lucky in ethical questions if we can state upper and lower limits that are not too ridiculously far apart."<sup>291</sup>

What, in any case, are we talking about here as the range? We could perhaps wonder whether the level of aid from a country like the USA should be 3% of GNP (the level of Marshall Aid) or 10% or 25%. But, unless we reject the idea of an obligation to aid those in distress altogether, we can hardly doubt that one fifth of one per cent is grotesquely too little.

#### 4. Distance and Numbers

Let us move on to consider another way in which a challenge may be mounted to Singer's extension of the argument for a duty to aid from the case of the drowning child to that of international economic assistance. It may be recalled that Singer explicitly made the shift from the one case to the other via the statement that neither proximity nor the one-to-one relation between the victim and the potential rescuer makes any moral difference. Clearly, if this claim is denied, we can again agree on the duty to rescue the drowning child but deny that this is an appropriate analogue to the putative duty of people in rich countries to aid those in poor ones. A number of philosophers have tried to drive a wedge between the two cases in this way, but I have to say that I am not very impressed by their efforts. The argument for proximity as a relevant factor is that, if we posit a duty to rescue those near at hand, we keep the duty within narrow bounds and thus do not let it interfere with people's life plans; but, if we allow the duty to range over the whole of mankind, it becomes too demanding. Although some people seem to see merit in this, it appears to me that it is invoked simply because it provides a way of arbitrarily truncating the application of the principle so as to arrive at a convenient answer. I have just conceded that there are limits to what people can be required to sacrifice. But I see no ethically defensible reason for saying that, if we can't (or can't be required to) do everything we might, we should simply invent some arbitrary spatial limitation so as to contract the sphere of operation of the principle. Perhaps, if



the total extent of our humanitarian efforts is going to be fixed by the costs to us rather than by the needs of others, we should channel them to where the need is greatest, rather than to whatever need is closest at hand. However, we must, again, leave open for now the question whether proximity may not be a surrogate for responsibility. And we shall have to ask in the next chapter how the picture is altered by special responsibilities to, for example, family members or compatriots.

Singer also made it explicit that, if the case of the drowning child were to be extended to international aid, one would have to rule out the one-to-one relation between the rescuer and the potential rescuee as a morally relevant factor. Attempts have been made to do so but they seem to me to lack merit. If there are several people who could save the drowning child it is sometimes said that none of them is particularly responsible for saving it. But if it drowns because none of them saves it they are all, I would suggest, morally responsible for its death. Conversely, suppose that several people are drowning at some distance from one another and there is only one person around to save them. It has been argued that since he cannot do his duty, if that is defined as saving all those whom he might save (assuming that he could save any one of them but cannot save more than one), there can be no such duty so defined. The obvious reply to this is that the duty has been incorrectly defined: the duty in a case like this one is to save one, and his duty is not affected by the fact that there are others who cannot be saved.

##### 5. Humanity without Justice?

In the next chapter, I shall take the conclusions reached in this one, and ask what, concretely, they imply about the requirements in the present international situation of the obligation of humanity. Before I do so, though, I should like to end this theoretical chapter by discussing a possible theoretical objection to the whole enterprise of asking what the obligation of humanity calls for here and now. For it must be noted that I am assuming, in pursuing this strategy, that it makes sense to talk about the obligations imposed by humanity before I discuss the requirements of justice. In other words, I am going to be asking the following, limited, question: given that there are rich and poor in the world, do the rich have an obligation, on the basis of the principle of humanity, to make over some of their income to aid the poor? But it may indeed be suggested that this is a rather absurd way of proceeding. For how could we call someone a humanitarian if he merely gives someone a part of what should rightfully be that person's anyway?

In practice, however, this is the way the world works: there are actual entitlements, both within and between countries, and we do in fact make judgements about the use to which people put those entitlements (including giving away part of what is due to them under the existing rules), which we temporarily divorce from any consideration of the ultimate justice of those entitlements. Logically, it may, indeed, seem that this is putting things back to front, and that we should

start by establishing (to put it in the broadest terms) what rights and opportunities people ought to have and only then discuss the question of the criteria for someone's making a morally good use of those rights and opportunities. But there are two good reasons for refusing to accept that no other course makes sense.

The first is that there are -- manifestly -- deep differences in the world (both within and between countries) about the requirements of justice, and it would be a serious limitation on the application of the analysis of humanitarian obligations if we were to insist that it presupposes some agreement on what a completely just order would be like. That is not, of course, to say that the extent -- or even the existence -- of humanitarian obligations is an uncontroversial matter. Indeed, as I have suggested, it is quite hard to come up with any precise criterion to establish the extent, even if the principle is conceded. But we may, nevertheless, be able to agree that you would do wrong to feed a crust of bread to your (obese) dog, or to the waste-disposal unit, when there is somebody at the door starving, rather than give it him, even though we might be deadlocked on the issue of the <sup>starving person's</sup> having a claim of entitlement to it rooted in considerations of justice.

That is one pragmatic reason for taking up the obligation of humanity as a question independent of the claims of justice. The other is that, even if we did agree on the requirements of ideal justice (and I hope, naturally, that my arguments on this score later in the book will be found persuasive) the fact remains that there is here and now

a certain system of entitlements in existence. Unless, therefore, we are content -- as I am not -- to talk only about how things would be in an ideally just world, we must be prepared to say how people should act in the present, highly imperfect, one.

There is an obvious answer, namely, that they ought to do what they can to help bring about just institutions. Actually, this answer, although obvious, is far from straightforward. Are any means, however costly in terms of lives or forgone production, legitimate? If not, what are the constraints? And what are the constraints set by justice itself on the pursuit of an ideally just order? As we shall see below (Chapter 5), any set of institutions that has been in existence long enough for people to have based important choices upon expectations of its continuing gives rise to a certain kind of "conservative" justice, and we have to ask how, and how far, that is to be accommodated in any process of change in established rights.

However complex it turns out to be, that is plainly one answer that must be given. But there is another as well, and that is the one on which I want to focus here. For if, as I have suggested, there are always two questions -- what rights should people have and how should they use them -- we can surely quite reasonably ask how people ought to use the rights they actually have, whether or not we believe that in an ideally just system of entitlements they would have exactly those rights. We can, therefore, without any kind of question-begging or incoherence, ask what are the obligations of humanity on people, given that they have a certain set of rights. We simply accept, for

the moment, that there are rich people and poor people, rich countries and poor countries, and try to discover what, in that context, humanity demands.

I shall, after putting put forward my ideas about this in the next chapter, turn to the requirements of justice in the rest of the book.

¶ Oliver Goldsmith once complained that you couldn't win an argument with Samuel Johnson because if his pistol misfired he knocked you down with the butt end of it. I am not sanguine enough to think that I can bludgeon the reader with similar effectiveness, but my strategy does have something of the same two-part character. Even if my arguments about the demands of justice are unpersuasive, I hope nevertheless to make the case for international redistribution on humanitarian grounds. Conversely, if the reader is left cold by the idea of an obligation to behave with humanity, I hope that he will be convinced that the present international order fails on the score of justice. My own view is, as will become clear in due course, that humanity and justice both have relevance in international affairs. Within the present system, humanity must carry much of the burden. In an ideally just system, on the other hand, humanity would be called for only to supplement just arrangements for continuous international redistribution.

Footnotes to Chapter 2

211. Oxford English Dictionary, sub. Humanity, 3b. In the light of the central example to be discussed below, it is interesting to note that the title of a society founded in England for the rescuing of drowning persons in 1774 was the Humane Society (OED, sub. Humane, 1c).
221. Philosophy and Public Affairs 1 (1972), 229-43. (See, for a briefer and more recent statement of the same basic case, Peter Singer, Practical Ethics [Cambridge: Cambridge University Press, 1979], Ch. 8, pp. 158-81.)
222. *Ibid.*, p. 231.
223. *Ibid.*
224. *Ibid.*
225. *Ibid.*
226. *Ibid.*, p. 232.
227. Onora Nell, "Lifeboat Earth," Philosophy and Public Affairs 4 (1975), 273-292, p. 282.
228. *Ibid.*, pp. 284-5.
231. See on the last two points, for example, Norge W. Jerome, "Nutritional Dilemmas of Transforming Economies," in Peter G. Brown and Henry Shue (eds.), Food Policy (New York: The Free Press, 1977), 275-304, pp. 282-4.

232. "Reconsidering the Famine Relief Argument" in Brown and Shue (eds.), Food Policy, 36-53.
233. Ibid., p. 45.
234. Ibid.
235. Ibid., p. 40.
236. See, for a more extended discussion of this point, and its involvement in various so-called "paradoxes of power," my article "Is It Better to Be Powerful or Lucky?" Part I, Political Studies 28 (1980), 183-94; Part II, Political Studies 28 (1980), 338-52.

261. Singer, "Famine, Affluence and Morality," p. 241.
262. See Elie Halévy, The Growth of Philosophic Radicalism (Boston: Beacon Press, 1955), p. 50; and Bhikhu Parekh, "Bentham's Theory of Equality," Political Studies 18 (1970), 478-95.
263. This was Bentham's solution to the opposing utilitarian prescriptions of equality and stability of expectations. "Would you follow the counsels of equality without contravening those of security, wait for the natural period which puts an end to hopes and fears -- the period of death." Halévy, The Growth of Philosophic Radicalism, p. 51.
271. Singer, Practical Ethics, p. 171.
272. See Paul Levy, Moore: G. E. Moore and the Cambridge Apostles (London: Weidenfeld and Nicolson, 1979), Chapter 9.
273. R. B. Braithwaite, "Keynes as a Philosopher" (quoting Moore) in Milo Keynes, ed., Essays on John Maynard Keynes (London: 1975), p. 243, cited in Levy, Moore, p. 242.
274. Gerald Brennan wrote in his Personal Record 1920-1972 (London: Jonathan Cape, 1974) as follows: "In May 1930 I arrived in London. After calling on my lawyers I found that I now possessed an income of nearly £350 a year, drawn from some thirty different industrial concerns. These were scattered all over the world from China to Peru in



the form of mines, railways, factories, tramways and gasworks, and it amazed me to think that so many spots on the earth's surface were preparing to support me in comfort. A feeling of gratitude towards these kindly organizations welled up in me, only to be succeeded by others of guilt which prevented me from ever thinking about them again." (p. 218) But on Moorean criteria the guilt was perhaps misplaced: how would one weigh the sufferings of the Peruvian miners and the Chinese coolies against the Moorean good constituted by the delicious complications of life at Ham Spray?

275. Onora O'Neill, "The Moral Perplexities of Famine Relief" in Tom Regan, ed., Matters of Life and Death (Philadelphia: Temple University Press, 1980), 260-298: "It is conceivable that a society of Kantians...would end up with less happiness or with fewer persons alive than would some societies of complying utilitarians. For since the Kantians would be strictly bound only to justice, they might without wrongdoing be quite selective in their beneficence and fail to maximize either survival or happiness...." (p. 295).

Singer,

276. Practical Ethics, Ch. 8.

277. Ibid., pp. 170-1.

281. H. B. Acton and J. W. N. Watkins, "Negative Utilitarianism," Proceedings of the Aristotelian Society, supplementary volume 37 (1963), 83-94 and 95-114.

282. Ibid., p. 93.

283. Ibid, p. 111 (*italics in original omitted*).
284. See James Fishkin, Tyranny and Legitimacy: A Critique of Political Theories (Baltimore: Johns Hopkins Press, 1979) for such a conception.
291. C. D. Broad, "On the Function of False Hypotheses in Ethics," pp. 389-90.

## CHAPTER 3

### HUMANITY IN PRACTICE

#### 1. The Simple Case for Aid

I shall assume in this chapter that the principle of an obligation to give humanitarian aid is acceptable. I want now to address two main questions that arise when we ask what implications this principle has in the international sphere. I shall first take up the objection that aid does not do any good -- that it is wasted or even makes things worse. Clearly if this is true then the principle of humanity generates the conclusion that no aid should be given.

Before we get bogged down in the endless, and at times vicious, disputes between rival schools of development economists and population experts, let us just take a look at the simple case for saying that transfers from those in the rich countries to those in the poor ones will relieve suffering at the cost of relatively little loss, <sup>on the part of the donors.</sup> The income of the world is, as is well known, extremely unequally divided -- more unequally than that in almost any country. On the face of it, disease, malnutrition, lack of pure water, insanitary housing and similar causes of misery could be alleviated if the poorest quarter, say, of the world's population had higher incomes; and, if this were paid for by, say, a ten per cent tax on the richest quarter, they would still have a high material level of living, by historical standards (even quite recent history) or in comparison with the rest of the world.

To get some idea of the magnitudes involved, consider a recent study that attempted to establish the relation between increments of income and two bedrock measures of human welfare -- life expectancy and infant mortality -- at different levels of income. This study found that "at GNP levels under \$600 per capita (1973 dollars), typical of most of Africa, Asia, and much of Latin America, ... approximately one year of life is gained for every \$28 per year increment in GNP per capita. At the other end of the curve, from about \$1,800 upwards, ... life expectancy varies between seventy and seventy-five years with little regard for income levels."<sup>321</sup> At the upper end even the very slight trend line does not really suggest that a reduction of, say, twenty-five per cent in the income of the richest countries such as the U.S.A., Canada and Western Europe would entail any decrease in life expectancy. For the striking implication of the figures is that, once we get above an average per capita income of \$1,800 a year, countries have the life expectancy they choose: whether they finish up with 70 or 75 years depends on the form of the organization of medical services and the way of life of the people.<sup>322</sup> Infant mortality presents much the same picture: big improvements with increases in income at the bottom and little change even with a doubling of income higher up. As another writer has said, "the rate in a poor African country can probably be halved (say, from 150 per 1000 live births to 75) simply by the provision of basic and relatively inexpensive ante- and post-natal care, but to halve the rate in an advanced country

(e.g. from 20 to 10) would require much more sophisticated and expensive methods. Similarly, life expectation at first increases rapidly with nutrition level (measured by calorific content of diet), but the curve flattens out at higher levels.... This kind of analysis clearly suggests that the transfer of resources from rich ones to poor ones could greatly improve life in the latter, at relatively little cost to the former."<sup>333</sup>

What can be said against this? The two most familiar arguments are the argument from waste and the Malthusian argument. Both have undeniable force, but I do not believe that they succeed in showing that no aid can be useful -- and it is not sufficient to show that some aid is not. Like the belief in the genetic fixity of IQ, I fear that the appeal of these ideas lies in the convenience as legitimators of privilege. They enable us to say that it is indeed unfortunate (that some children fail in school, that some people are starving) and we'd love to help, but scientific analysis shows that, alas, nothing can be done about it.

## 2. Expectations about Aid

One does not have to talk to many people about economic aid to realize that there is a widespread perception that aid is inevitably "wasted." If this belief is well founded, then the implication is that we can accept everything that has been said in the previous chapter about the obligation of humanity and it still will not demand any sacrifices from people in the rich countries. For there is nothing in the principle of humanity that calls for sacrifice that does not relieve suffering. (It is not, be it noted, a principle concerned with distribution

as such.)

I am afraid that those who believe this to be a serious objection to the humanitarian case for aid are going to be shocked by my refusal to accept it as a problem in the terms in which they conceive it. For in my view the place to start is with the conception of the problem itself. How did the criteria come to be set up in such a way that it could appear to be a serious question whether or not aid could improve things in poor countries for those who suffer the lack of the elementary necessities of a decent life?

For an answer we should go back to the origins of foreign aid in the period following the end of the Second World War. We should remember that the official title of the World Bank is the International Bank for Reconstruction and Development (IBRD) -- and that, even then, the addition of 'development' was something of an afterthought. And we should give due weight to the crucial role of Marshall Aid in creating the model of a successful foreign aid program -- not only in the U.S.A., which gave the money, but among the recipients in western Europe.

Marshall Aid was, of course, a great success story. With American aid, the countries of western Europe were able to rebuild their shattered economies to such good effect that by the early nineteen fifties they had reached prewar levels of prosperity and then went on to begin closing the historical gap between the per capita income of the U.S.A. and that of any western European country. By the end of the nineteen-sixties, almost all had narrowed it and some had almost closed it.

Meanwhile, the Japanese "miracle" (also supported by the U.S.A.) had paralleled the West German "miracle," putting the two defeated countries in the strong economic position they now enjoy.

I rehearse these well known facts here because Marshall Aid remained the inspiration for later aid efforts when, in the wake of decolonialization, the emphasis shifted from reconstruction to development. On the model of Marshall Aid, economic aid to poor countries (originally "underdeveloped," then "less developed" and now, by a wave of the United Nations wand, "developing") was conceived of as an operation of strictly finite duration. Foreign aid would help the poor countries to get started on the road to "development," just as it had helped the countries of western Europe on the road to "recovery." Once they had achieved what was called, in the fashionable cant of that period, the "takeoff into sustained growth," development aid would no longer be required. The poor countries would by then have a faster rate of per capita economic growth than the rich countries and would begin to close the gap between themselves and the rich ones. A popular exercise at the time was to calculate what rate of growth would be needed to close the gap by some arbitrarily chosen date, such as the year 2,000, and such figures (involving per capita growth rates of six per cent per annum and upward) were solemnly enshrined in official documents.

Needless to say, none of this has happened. Almost all poor countries have had positive per capita economic growth rates most years, but few have equalled, let alone surpassed, the growth rates of the



rich countries. The gap has therefore widened rather than narrowed, when expressed as a ratio of rich country and poor country incomes. And of course in absolute terms -- expressed as the gap in (constant) dollars between average incomes in rich countries and poor countries -- it has increased far more dramatically. Foreign aid shows no sign of being self-liquidating. The planes continue to lumber down the runway (in honor of the inventor of the metaphor, Walt Whitman Rostow, we might think of them as heavily laden B52s) but only a handful could be said to have taken off, and the rest show no immediate signs of doing so.

What went wrong? What was mainly wrong was the utter unrealism of the expectations induced by the success of the Marshall Plan. To begin with, the Marshall Plan was quantitatively much larger than aid to the poor countries has been. At its height, in 1947-9, it ran at around three per cent of United States national income, compared with less than one tenth of that proportion now. Of course, more countries are now contributors to aid and national incomes have grown, but the fact still remains that the Marshall Plan mobilized more resources. Conversely, and equally significantly, the aid was concentrated on far fewer people. The recipients of Marshall Aid numbered about two hundred million. The population of India alone is three times that. The per capita receipts therefore, as a result of both factors, dwarfed the amounts received by poor countries in aid. Only Taiwan, South Korea, and Israel have received economic aid on a comparable scale, and they have duly achieved high per capita growth rates. Even that, however, is misleading in that

these were hardly typical poor countries in any case.

The main reason why Marshall Aid provides a hopelessly misleading model for "development" is the obvious one: that the circumstances of postwar western Europe bear absolutely no relationship to those of the world's poor countries. The countries of western Europe were basically wealthy. They possessed an educated and skilled workforce, technical sophistication, managerial capacity, and an infrastructure of road, rail and water communications. Much of their capital equipment had been destroyed and almost all of it run down in the course of the war. The injection of capital equipment, made possible by the Marshall Plan, produced recovery at a faster rate than would otherwise have been possible. The program of aid thus exactly provided what was lacking. But, even if the Marshall Plan had never been conceived, there is no reason to suppose that western Europe would have failed to make a recovery -- though no doubt it would have taken longer and required greater austerity.

The position of most poor countries is not one in which all the conditions for economic development exist except for capital equipment. India simply is not West Germany minus machine tools. Since the per capita aid received by India from all sources has never amounted to more than a few dollars a year, its failure to turn into West Germany in the course of the last thirty years hardly constitutes convincing evidence against the thesis. But, clearly, India is different in too many other ways to enumerate. There is no need here to enter into disputes about which factors are most important -- infrastructure, social organization, education and training, or what not. The point is simply that a phrase

like "the takeoff into sustained growth" (and indeed the concept of "economic growth" itself) conceals a process of thoroughgoing transformation, as both cause and effect, that would ramify through every aspect of the society. It is hardly surprising that in most poor countries it has been slow and partial, and that in almost all it has met resistance.

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### 3. An Alternative Approach

It may appear that in saying all this, I have kicked the ball into my own net. Have I not just made the case for those who claim that aid is "wasted"? No. All I have done is to show how the idea has arisen and achieved such plausibility. Let us start somewhere different and notice that the criteria for international aid's being "wasted" are quite different from those normally used to evaluate the effect of economic transfers. The only economist I have come across who has acknowledged this peculiarity is Ian Little, who wrote that "if we are considering disinterested aid, it can be argued that the principle of redistributing wealth should govern aid-giving." He went on to draw the obvious domestic parallel: "Within countries, the State takes a hand in reducing inequality by aiding the poor from the proceeds of progressive taxation. It is not regarded as an argument against the receipt of social benefits that the beneficiary would spend it all on consumption, or that he is incapable of improving himself because he is demented or chronically ill. Giving aid for development seems almost the exact reverse. If aid all goes on consumption, donors are inclined to say it is 'money down the drain'; and if the recipient country is almost incapable of self-improvement it is said to have very low 'absorptive capacity', which is regarded by many as a reason for giving it very little aid."<sup>341</sup>

Little goes on to reject the implication that international humanitarian aid should be dispensed on the same criteria as aid provided within countries to the sick, the old, or those with dependent children. I shall discuss his reason for doing so later since it would, I think,

be regarded as a decisive objection by many people. But before turning to the problems, let us for a moment enjoy the opportunity to dwell on the attractions.

Everybody knows about Hemingway's riposte to Scott Fitzgerald's remark that "the very rich are different from us" -- "Yeah, they have more money." But, oddly enough, hardly anybody seems to have appreciated the relevance of its obverse to the relief of poverty. This seems to be especially true in the U.S.A., where, for example, the Johnson "War against Poverty" tried almost everything except the one thing guaranteed to make the poor less poor: putting checks into envelopes and mailing them to poor people on a regular basis. The notion that problems cannot be solved by throwing money at them depends on the definition of the problem. If it is defined as lack of money then it can indeed be solved with money.

There is an obvious analogy here with the international situation. Corresponding to the multitude of public employees who were the only direct beneficiaries of the "War against Poverty" there are the numerous and well-paid officials of the World Bank, the OECD and the donor governments. And, like the former, the latter also want to deal in "projects" rather than simply act as conduits for the funds.

This is not intended to denigrate the work of these agencies but simply to suggest that it should be put in its place. Even the "softest" loans still tend to be given on the orthodox banking principle that there should be some identifiable income-bearing asset to which the money can be related. (Outright grants too are usually given for specific

capital projects.) The normal rationale in domestic banking for doing this kind of lending is, first, that it is reassuring to know that the loan will increase the recipient's earnings, and, second, that the facility built may be used as collateral. In the international case, a donor government or institution has a claim for repayment against the recipient country as a whole. It cannot seize the particular facility that it financed in the event of default. But the other rationale -- that, if one finances some definite capital project, there will be an income stream generated that will be available for repayment -- still holds sway. A country, however, is not a firm. Even from the point of view of increasing production in the future, the most fruitful expenditure may be on education, nutrition or prevention of disease. An illiterate, malnourished and debilitated population is bad human material out of which to construct an economic advance. And people whose heads are only just above water are not likely to be receptive to innovation. For, even if the prospective benefits are substantial, the risk that the transition will be bad is one that elementary prudence forbids running. But the main point to make here is that aid, whether in the form of loans with deferred payments and low interest rates or in the form of outright grants, is still seen as something that should be self-liquidating rather than as part of the process of transfer from rich countries to poor ones that will continue indefinitely into the future.

#### 4. Individuals and Collectivities

The natural objection that may be made at this point to the analogy with transfers inside a single society is that domestic transfers go to individuals whereas international transfers go to countries. Therefore, while we can have some confidence that transfers from rich to poor people increase welfare, we cannot similarly be sure that transfers from rich countries to poor ones will similarly serve a good humanitarian purpose.

This is the argument used by Ian Little, which I said I would discuss. Little says that "it could be argued that an international progressive tax should be levied on rich countries...and the proceeds given to [poor] countries...in such a way that the poorer the recipient the more aid it would get. The recipient would have the right to its share of the proceeds, and no questions about development would be asked." He then goes on to say: "The weakness of such arguments is that they assume that if income is redistributed from rich to poor countries, redistribution of income from rich to poor people -- which is the only morally desirable form of redistribution -- will automatically be achieved. This assumption is far from justified, unless steps are taken to ensure that governments receiving aid use it in certain clearly specified ways."<sup>342</sup> On the basis of this observation, Little goes on to support the conventional wisdom that aid should be given only for development.<sup>343</sup> However, it is clear that this conclusion does not follow, even if we grant all the premises. For the alternative to automatic aid, geared solely to a country's per capita income level, does not have to be aid with "development strings"<sup>344</sup>

attached. It might instead be aid with distributional strings attached, and this, it seems to me, is the conclusion that would follow from Little's argument rather than the one that he in fact draws.

There are, however, a number of points at which the premises themselves may be questioned. We might begin with the most apparently innocuous: the premise that individuals are the appropriate subjects of distributive policies, so that policies are to be evaluated morally by their impact on allocation among individuals. In this context it is salutary to observe that domestic redistributive policies do not, strictly speaking, allocate among individuals but among families. That we think of individuals as the direct beneficiaries is a prejudice derived from individualistic ideology which we drop in practical matters almost all of the time without being conscious of the fact, so foreign is it to the way we really think about things.<sup>345</sup> Occasionally, the individualistic outlook surfaces, as when couples each with a substantial earned income make a fuss if their incomes are aggregated so as to increase their joint tax liability beyond what it would be if they were taxed as single individuals. Yet a woman with no income of her own who is married to a man with a substantial earned income is automatically assumed to have resources which make her ineligible for welfare payments (or vice versa if the wife has the income and the husband does not). The idea that a housewife (or a housewife) should be treated by social policy as indigent never even occurs to anyone. The only aspect about which doubts are ever expressed is how far the doctrine should be extended to non-marital relationships in assessing a



woman's claim to welfare benefits (the American "man in the house" rule and its British analogue). The point is that we simply take it for granted when it comes to making welfare payments that family income and not individual income is the relevant consideration.

The case I have given is just one example. Another that arouses little controversy is the assessment of a student's need for financial assistance on the basis of parental income, rather than the student's own income. That parents should support their children if they can afford to is simply built into American financial aid schemes and the British scheme of state bursaries.

Some feminists have supported the view that the tax-cum-welfare system should be "individually based," with each person in a country being entitled to a certain fixed income from birth, thus extending the model of British child allowances across the board.<sup>346</sup> However, if the sums were to be sufficient to make each person self-subsistent irrespective of family circumstances, not much would be left over to be distributed as post-tax earnings.

On the other hand, if the automatic individual payments were cut back to what would be compatible with an income tax system leaving people with an average of, say, two thirds of their incomes, the result would be to exacerbate inequalities among families, making a family with two professional incomes very well off and a family with one low income breadwinner very badly off, even compared with the status quo.

Getting away from the family as the unit of social policy is

very hard, and, since as a matter of sociological fact, families do, generally speaking, pool resources and enjoy a common standard of living, it is not at all clear why individuals rather than families should be the units of social policy. If we are concerned with individual consumption, shouldn't we be concerned with each individual's share of the consumption that comes out of whatever income-sharing unit he or she belongs to, rather than with that individual's own income?

That is the next question on the agenda, but before we get to that it should be observed that the sharing unit is not something that can simply be stipulated. The sharing unit -- nuclear family, extended family, commune, kibbutz or whatever -- is constituted out of the actual pattern of distribution, the range of people for whose wellbeing personal responsibility is accepted. The composition of the unit whose members are thought of as sharing a common economic fate varies with time and place. The significance of this for social policy can be well illustrated by considering the interwar system of "means tested" benefits in Britain, which, in determining eligibility for national assistance, took into account not only the income of the nuclear family of husband, wife and dependent children but that of other relatives as well. The basis of this was presumably some notion that the state should bail people out only after the resources of people within some limits of consanguinity had been exhausted. The degree of hostility aroused by the "means test" in this form suggests that the theory about the bounds of collective responsibility on which the standard was based did not correspond to

the norms that people actually subscribed to. Perhaps it would have been more acceptable among first-generation Indian and Pakistani immigrants.

I shall return to some of these points later, since they provide a number of illuminating parallels to the international case. For now, however, all we need to note is that the dilemma stated by Little -- that aid may not get to the intended beneficiaries -- may occur within the context of domestic welfare programs too. "For example, a school lunch program in Brazil may provide children from poor families with one good meal a day, but their families may in response reallocate the child's portion of food at home to other uses that the family now views as more important."<sup>347</sup> The upshot, then, which has an obvious parallel with a country rather than a family, is that "it is extraordinarily hard to regulate by legal statute such activities as school attendance, child labor force participation, internal migration, fertility, distribution of nutrition among family members, and the use of health services, to name only a few."<sup>348</sup>

So far all that I have done is to point out that Little's factual premise -- that social policies within countries either are invariably designed with the object of or actually have the effect of distributing among individuals -- is false. But what about the ethical premise that he slips in to the effect that the only morally desirable form of income redistribution is from rich to poor individuals? This is, I find, whenever I discuss questions of international distribution, an extraordinarily pervasive idea. Indeed, it is one that, in the absence of

reflection, seems so obvious that only perversity, it appears, could lead anyone to question the idea that individuals rather than, say, countries, are the morally relevant units.

The underlying idea, which comports well with the way in which welfare economics operates, can I think be stated as follows. Ultimately, the only morally significant thing is human happiness or misery. Of course, this has many sources, but, insofar as income redistribution has any relevance, it is via the pleasure derived from consumption of goods or services. Therefore, we should be interested only in the way in which individual consumption is distributed.

There is, manifestly, a gap here between what has been said and what Little suggested, namely that we should be concerned morally only with the distribution of income. For an individual with a certain income may consume it himself, but he may instead save it, or transfer the income to somebody else (i.e. transfer the discretionary control over undifferentiated purchasing power), or spend it for the benefit of somebody else. The point of income is that it provides you with a set of options, and the possibility of turning your income into your own personal consumption constitutes only one subset of these options.

In the light of this, is it so obvious that we should look on income distribution only as a proxy for the distribution of consumption? I do not think so. Indeed, I wish to suggest that, insofar as we are concerned with issues of justice, it is precisely the distribution of

rights and opportunities (including income as a set of marketplace opportunities) that should be our direct, not mediate, concern. In other words, we predicate justice of the distributions of rights and opportunities and do not say that a just distribution has been subverted simply because somebody waives a right, or transfers an opportunity to somebody else. The distribution is just when the correct people control the correct arrays of rights and opportunities -- including, to repeat, income among the opportunities.

There is, however, nothing in this that restricts the holders of just entitlements to individuals. We may quite comprehensibly speak of a just distribution of rights and opportunities among collectivities -- families, communes, firms, or, for that matter, countries. In the following chapters I shall be engaged in an effort to fill out this claim by trying to indicate what are the criteria for just distribution among countries and trying to work out their implications for redistribution. For the present, the only point that I want to make is that it is perfectly plausible that there may, contrary to Little's parenthetical remark, be moral principles that have collectivities rather than individuals as their subject matter. For justice, a two (or more) level appraisal may be needed. We may have to ask about justice between collectivities and justice within collectivities. The temptation always exists to collapse the levels, and think of distribution between collectivities as morally significant only insofar as it affects the thing that "really" matters, namely distribution between individuals regardless of their membership in any collectivity. That temptation

should be resisted. If we fail to insist on the importance of getting the distribution among collectivities right our moral thinking lacks an important dimension. It fails to take account of the significance -- for individual human beings -- of belonging to collectivities that have the autonomy to take decisions and the resources to carry them out.

This is all very well, it may be replied, but it has no bearing on aid given for humanitarian purposes. Since humanitarian aid is, by definition, given for the relief of suffering, and suffering is a predicate of individual human beings, the effects of humanitarian aid must be assessed at the individual level. Making a poor country better off by giving it economic aid may or may not result in the relief of destitution in that country. That depends on the destination that the aid reaches. If, for example, the aid goes entirely into the pockets of the rich minority in the recipient country, it is, from a humanitarian point of view, completely wasted. The humanitarian obligation simply does not come into play if the aid will not in fact relieve distress.

This statement is fair enough as far as it goes, but it does not go very far and actually conceals the real moral complexity of the problem. As we shall see, the issue is not one of the efficacy alone, of aid, but involves the vexed problem of responsibility that was raised as a theoretical question in the previous chapter. Before I try to show that, however, it is necessary to introduce another complication that is elided in the statement that I just set out.

That statement implied that it is a fairly unproblematic matter to determine the destination of aid. But this is not so. First,

suppose that the aid is used to build roads, dig wells for irrigation, or build factories. Who benefits? The answer may depend on the time-period we select. But it may depend, even more, on our social and economic theory. In the nineteen fifties there was a widespread faith in development agencies that the benefits of economic deployment, even if they initially flowed to those already relatively well placed, would in time "trickle down" to the poor. Experience in a variety of countries has suggested, however, that there is nothing inevitable about this, and that the effect of economic development may indeed be to make the poor poorer if, for example, it reduces the demand for rural labor. It is for this reason that the World Bank has in recent years shifted somewhat from the idea that if GNP per capita is raised everything else will follow towards a so-called "basic needs" strategy that is supposed to concentrate attention on improving the lot of the poor. Clearly, however, there is still no way of being sure what the ultimate effects on the distribution of income will be of channelling investments directly to, say, the poorest farmers. It could still be, as some critics have claimed, that the best way to raise the incomes of the poor would be to back the more efficient producers and then redistribute the extra income to the poor. But then, of course, it may be politically or administratively difficult for any such redistribution to be affected, in which case investing directly in the poor may still be the most attractive out of the range of feasible strategies. This book is not the place, nor have I the expertise, for a discussion of the pros and cons in actual cases.

My object here is simply to emphasize the hidden complexities that lie behind the notion of the destination of economic aid. As both politicians and economists know, the longest way round may be the shortest way home.

It may, however, be objected that these problems occur only where aid is used for economic development, whereas it is the implication of what is being said here that aid might be conceived of as a way of making people better off here and now. Even then, there is no simple way of establishing where the aid goes. Suppose -- to take the most crudely obvious case -- that we were talking about sacks of grain with "US Govt." stencilled on them. We must recall here the illustration of the Brazilian school lunch program. Even if we could trace every single sack of grain to an impoverished recipient, what if the government of the country took advantage of the largesse to cancel an exactly equal amount of aid that it would otherwise have provided itself to the same people? Then the net contribution of the foreign aid is precisely zero.

We must, in other words, be aware of the fallacy of misplaced concreteness with respect to resources. The paradigm of this fallacy has always, for me, been provided by the people who write to the Daily Telegraph in England to complain about women claiming their family allowances and then immediately spending them on cigarettes. Since a sub-post office is often located at the back of a confectioner/tobacconist shop, this is a perfectly natural and convenient thing to do if one is going to buy cigarettes anyway. The fallacy consists in



the idea that because it's, physically, the same money, that means that the amount provided in family allowances goes on tobacco rather than on, say, food and clothing for the children. But, obviously, what has to be asked is how the additional income constituted by family allowances changes the entire household budget from what it would otherwise have been. The answer is quite likely going to be that it increases the amount spent on children over what it would otherwise have been, and also enables the parents to spend a bit more on themselves than they would otherwise have done.

Thus, to tell "what was the destination" of foreign aid, we have to ask not the simple-minded question "Where did the actual aid go?" (a question that in any case does not even have any meaning except in special cases like that just considered) but "How did the <sup>overall</sup> pattern of consumption differ from what it would otherwise have been?" But, suppose we have done that to the best of our ability. The question still remains: what are we to do with the information? This turns out to be an extraordinarily difficult question, perhaps the most difficult one raised in this book because it involves so many inadequately-explored problems. I am not at all confident of having got to the bottom of it but I will do my best.

## 5. Humanitarian Obligations to Compatriots

The question that I promised to discuss is: how does the destination of aid (defined in the way set out above) affect the strength of the humanitarian obligation to give aid? But this question is indissolubly linked with another one, namely, what are the relative responsibilities of the rich within a poor country and the rich in a rich country for relieving destitution within that poor country? And, following on from that, how are the responsibilities of one party altered by a default by the other party? Some of our intuitions lead us to say that the second party should do more to pick up the slack. Other intuitions run in the other direction and suggest that the obligations are lessened. "Gunnar Myrdal reports a typical question in donor countries: 'Why do they not tax their own rich and reform their countries before they come to us with the begging bowl?'"<sup>351</sup> Finally, there is an obvious common-sense compromise to the effect that default by one party does nothing to affect the obligations of the other. But this proves hard to rationalize. It is all very complicated.

I can illustrate why the questions of the destination of aid and the distribution of income cannot be separated by going back to the child allowance example that I brought up at the end of the previous section. Suppose that we look at three families with identical incomes and commitments and find the following. In one the amount spent directly on the children rises by the full amount of the child allowance, in comparison with what the budget would have been in the absence of this

allowance. In the second it rises by half the amount, the parents spending the other half on themselves. And in the third, no more is spent on the children than would have been spent if there were no child allowances -- the parents appropriate the whole of the increase themselves. Obviously, if the system is already in operation, these estimates will have to be made not by comparing actual before-and-after budgets but by comparing the actual pattern of expenditure with an estimate of what it would otherwise be. Conversely, if there is no child allowance system and the estimates are being made as part of a study of the advisability of introducing them, a counterfactual budget of each family with child allowances will have to be constructed and compared with the actual budget. Suppose, however, that this has somehow been done, with the results stated. What follows?

It might at first glance appear that the answer is quite straightforward. We can simply read off the success of the program in getting the aid to the children by seeing what proportion of the increased budget goes to them. The first family is a model one: score one hundred per cent for child allowances. The second family represents a "wastage" of half the funds. And in the third the parents are a couple of reprobates who are subverting the aims of the policy by siphoning off all the extra money for their own consumption.

But suppose we also discover that, in the absence of child allowances, the children of the first family would be wearing threadbare clothes and eating table scraps, and that, even after all the additional money has been applied to the children, they are still miserable fed and clothed.

Suppose that, conversely, in the third family the parents would go without everything that could be spared in the absence of child allowances, so as to provide for their children, and are using the additional income to obtain a little comfort for themselves. And suppose that the second family divides whatever income it has according to some ideally equitable standard, and this happens to work out so that the increase is equally divided. Do we still feel so sure of our initial judgement? If we don't, then my case is established.

I shall take it that the reader does share my view that the example is persuasive in at any rate unsettling the conviction that causal efficacy is all that can possibly be relevant -- though we may still be unsure quite what conclusion does follow. We are then left, as I suggested, with some tough problems about the way in which responsibility interacts with obligation. The reason why this issue arises in the context of international aid is that we are naturally rather inclined to think that the rich people in a poor country have in some sense a more direct or pressing obligation to aid their distressed compatriots than do people in rich countries. This is, of course, the sentiment embodied in the quotation from Myrdal.

Is this, however, a well founded sentiment? Let us go back to the discussion of general principles in Chapter 2. I said there that Singer seemed to me correct in denying that distance or proximity made any difference to the obligation to aid -- except, of course, insofar

as it affected the practicality of rendering aid or the efficiency with which any given effort might be turned into aid received. And this is, in my view, a fairly straightforward point. It is hard to see how, if all else is equal, sheer propinquity should make any difference.

The question is, however, whether the relation of compatriot is simply one of proximity. Clearly the two need not go together precisely: someone who lives near the border of his own country might be nearer to an area of extreme poverty in a neighboring country than to one at the other side of his own. If we say that someone has greater obligations towards his fellow-citizens than to others, we are invoking the notion of a relationship giving rise to a special responsibility. There is an obvious analogy here to the case of the family that has already been introduced. For the idea that one has greater obligations to aid a member of one's family than a stranger is clearly not simply based on the assumption that they are nearer in a geographical sense. Of course, it may well be that aid will be given more easily and with more knowledge of what is needed when it is given to family members or to compatriots. But I do not think that this would normally be regarded as exhausting the reasons why the obligation should be regarded as stronger. There is, surely, some notion that, after allowing for all the practical reasons why transfers between compatriots should be more efficient than transfers across political borders, there is still a more stringent obligation to aid one's fellow-countrymen than to aid others.

How much more stringent? This seems to me to be another problem --

like the more general one of the amount of sacrifice required by the principle of humanity itself -- which does not lend itself to precise answers. Perhaps, like the question of the extent of the family -- does it include <sup>adult</sup> brothers and sisters, cousins? -- it is a matter of actual belief and practice, and thus not susceptible of any answer in the abstract. Indeed, when we try to see what are the conditions generating an increase in the stringency of the obligation of compatriots to come to one another's aid, we may finish up by concluding that the principle of humanity itself is universal and unaffected by political boundaries, and that the greater obligations of compatriots arise from the application of other principles.

What I mean by this is that the most significant practice leading us to attribute special obligations to conationals would be the existence of an understanding that, if the roles were reversed, any of the poor who became rich would help such of the rich as fell on hard times. And this understanding might be embodied institutionally in an established social welfare system. But once we introduce the idea that the special relation rests on (potential) reciprocity, we are getting away from the pure principle of humanity. For, as I shall argue below (in Chapter 5), reciprocity is one of the core constituents of justice. So, if the principle of humanity is what is left as a reason for acting after all other reasons are eliminated, the right answer may be that the obligations of humanity are invariant. Our idea that they are more stringent for compatriots is, perhaps, an illusion brought about by the fact that compatriots usually have other, special, obligations to one another.

I am not at all sure that that is a complete account of the matter. Just as "blood is thicker than water," so, at any rate in ethnically homogeneous countries, there are surely analogous feelings that one does have stronger obligations to aid those who share one's culture, language, religion, national aspirations, and what not, than those who do not. And I am very reluctant to say that such a natural sentiment is "irrational" simply because it cannot be fitted easily (or perhaps at all) into the conventional Anglo-American framework of liberal individualism.

Fortunately, however, for the purposes of the present discussion there is no need to reach a final resolution of that question. Let us simply say that it seems plausible to claim that for some reason or complex of reasons, humanitarian or otherwise, compatriots do generally speaking have greater obligations to aid one another than do other people. What then follows? And what, in particular, follows for the humanitarian obligations of those outside a country if those within it default on their obligations? I propose to attack a view which I find very common in conversation, though it less often attains the relative respectability of print. According to this, the fact that the people in a country who are in a position to help the poor in that country fail to do so excuses people outside that country from any obligation to help. This sounds very much like Ben Franklin's recollection of having been reluctant to eat fish until he saw a fish with other fish in its stomach, and said "If you eat fish, it must be all right for me

to do so too." Franklin, however, had the grace to add, ironically, "Such a reasonable creature is man that he can find a reason for anything he has a mind to do." Whereas I fear that those who put forward the analogous argument in the international context expect to be taken seriously.



## 6. Some Criteria for Humanitarian Aid

I have said that I do not think it is possible to specify the greater obligation of compatriots to give aid. But, just as with the general humanitarian obligation, that does not mean that we are unable to set broad limits to it. Suppose we agree that there is a humanitarian obligation on people in rich countries to give at any rate several times more than they are now giving. (This runs from a low of about one fifth of one percent for the U.S.A. to something approaching one percent for Sweden.) If we also take it that there should be some relation between what people in rich countries should give and what comparably rich people in poor countries should give to their own compatriots, we immediately begin to get some sort of grip on the subject. How much more? There is no need to settle for any definite amount, but let us say that it should be a multiple of two or three. It seems hard to see why it should be put higher than this. Now, the point that I want to make is that, on this basis, the argument that the rich in poor countries are not doing their bit becomes one of very limited significance. For in really poor countries there are very few people who are as well off as the average person in a rich country.

There is, it seems to me, a curious kind of dual standard that many people in rich countries seem to bring into play here. While they balk at the idea that a country with an average per capita income of \$8,000 or \$10,000 should transfer just a few per cent of its GNP to poor countries, they consider themselves in a position to adopt

a morally superior attitude to people in a poor country who are living at a level several times that of the national average, but still well below the average level in the richest countries. Yet, unless one has a quite extraordinary notion of the greater stringency of the obligation to aid compatriots than foreigners, such an attitude is wholly unfounded.

To illustrate the point with some very round numbers, let us take the case of India. On the most recent available figures (for 1977) India had a per capita income of about \$150 per annum. There are, of course, difficulties in interpreting this figure. As has often been pointed out, if it means that an average Indian lives as well as an American who had an income of three dollars a week, it would be totally mysterious how the Indian population maintains itself, let alone increases. For manifestly nobody could live, even poorly, on three dollars a week in the U.S.A. The national income figures are therefore, quite reasonably, taken as indicating the rank order of poverty rather than as enabling strict ratio operations to be carried out, on the order of "France has twenty times the average income of India." And in those terms they seem to work quite well. It is the experience of most observers (and my own for what it is worth) that if one goes from, say, a \$1,000 per capita to a \$500 per capita to a \$250 per capita income country, one does find that the people are perceptibly less well off materially. And of course other figures, such as infant mortality, longevity, nutritional levels, and so on, tend to bear out such impressions.

However, for the present purpose we need something that does enable

cross-national comparisons to be made, and the World Bank has in recent years begun to try to estimate "purchasing power parity" figures to replace the existing figures, which simply turn the local GNP per capita into dollars via the official exchange rate. It is, of course, still hard to make a lot of sense of this notion, because not everything available in India is available in the U.S.A. and vice versa, and in any case relative prices of what is available in both will be very different.

However, let us take the biggest adjustment that anyone has, as far as I know, proposed, and say that the figures for the poorest countries should be multiplied by four to represent purchasing power parity. This means that, very roughly, the average Indian family lives as well as a family in the U.S.A. would do if it had an income of \$600 per head. It is clear that this is still extremely little but since the average Indian is very poor, it may give the right general impression. Now consider someone with four times that average. Such a person is, obviously, in Indian terms, quite well off. But, with an income corresponding to \$2,400 in the U.S.A., he is still quite poor by American standards. Indeed, he would be not much above the average for the world as a whole. Thus, if he lived in a rich country, an equitable way of raising international aid would entirely or largely exempt him from contributing. And if he lived in a country where his income was the average income, the country as a whole would be considered too poor to be a contributor to international aid. So, unless we think that the compatriot factor is quite overwhelming in importance, we can hardly

make much of a self-exculpating issue out of the fact (if it is a fact) that middle class people, by Indian standards, do not make heroic sacrifices for the sake of improving the lot of the Indian poor.

Of course, there are, I am not denying, very rich people in India, but even if all income over the American average were distributed among the Indian poor, it would make singularly little difference. The case for aid from outside therefore seems almost unaffected by the fact that the Congress party, in spite of its nominal socialism, has in practice made extensive accommodations with the rich and powerful.

The Indian case is not, however, the only kind. A more difficult one is posed by a middle-income country in which wealth is extremely unequally distributed so that there are a substantial minority who live at a level that is high by international, not just local, standards, and a larger part of the population, perhaps forty per cent, who live in desperate poverty and degrading physical conditions. This is, of course, a portrait of a number of Latin American countries. Thus, from a recent report on extreme poverty in Latin America I draw the following: "Carlos Martínez Stomayor, regional director of UNICEF, said that the substantial increase of incomes in the region, calculated to stand now at \$900 per person in 1970 dollars, 'relates the problem of alleviating poverty much more to imperfections in the distribution of income than to lack of resources.' Recent income distribution studies, conducted by the project on extreme poverty, indicate that the upper-income half of the population in most Latin American countries receive

six times more than the lower half, while the top 5 percent receives as much as 50 times more than the bottom 20 percent, which is regarded as indigent."<sup>361</sup>

The director of the United Nations regional project on poverty is quoted as saying: "The poverty project is designed to help governments that show the political will to deal with this very complex problem."<sup>362</sup> But there's the rub. What if the political will is lacking? Does this affect the obligation to give aid? Should priority be given to relieving the sufferings of equally poor people in generally poor countries like Upper Volta or Bangladesh?

The difficulty that we find in reaching a definite conclusion here stems, I believe, from the fact that we feel drawn intuitively to espouse three different principles. These principles were foreshadowed in my earlier discussion of the family example and are as follows:

- (1) The Principle of Efficacy. Aid should go wherever it will do most good. The criterion for "doing good" is the net change in the amount received by those in the direst need.
- (2) The "No Bail Out" Principle. Aid should not go to any country where it would not be necessary at all if the most privileged section of the population within the country made reasonable sacrifices for the benefit of their own poor.
- (3) The Principle of Compensation for Heroic Sacrifice. Aid can go, acceptably, to those (e.g. compatriots of those in need) who, in its absence, would be making sacrifices that are out of scale

with the sacrifices being made by the wider community of similarly (or more favorably) circumstanced people.

As soon as we realize that these are liable to point in diametrically opposite directions in certain situations, it is easy to understand why the problem creates so much confused thinking.

If we disdain to throw up our hands and exclaim at the intractability of the problems with which life presents us, how are we to proceed? My suggestion is that we should take the line that aid is justified (in fact required) whenever either the first or the third condition is satisfied (thus eliminating the dilemma by embracing both horns) and that the second principle should be treated with the utmost circumspection. Let me elaborate.

We can regard principles (1) and (3) as complementary rather than contradictory, if we say that (1) applies where the local rich would behave badly in the absence of aid, and (3) applies where they would behave particularly well in the absence of aid. This, however, presupposes that, however badly the rich would behave in the absence of aid, the increment to the national income represented by aid does go to the poor. What if this presupposition does not hold?

There is, it seems to me, only one completely clearcut case. That is where the local rich not only are failing to make reasonable efforts themselves but would appropriate for their own use everything that came in from the outside in the form of aid. In such a case it is clear that aid satisfies neither (1) nor (3), and of course it does not satisfy (2) either. There is, obviously, no point in sending in aid under such

circumstances.

I should add, however, that people in rich countries should not simply heave a sigh of relief that at least one country can be crossed off the list. It is surely plain that what we are here contemplating is a really tragic situation in which local elites not merely behave in an unconscionable way in the absence of international aid but do not even permit aid to go to its intended beneficiaries. The humanitarian efforts of other governments must be directed at the replacement of this regime by some other more sensitive to the needs and the interests of the poor. This is, in my view, a subject like that of war between nations (touched on in Chapter 1) about which no hard and fast rules have very much value. It is quite easy to list a number of considerations that are relevant: the risk of the great powers using the different sides as pawns in international competition; the advantage of an internally-organized transition, if possible, with outside intervention confined to the diplomatic isolation of the government, refusal to supply it with arms, spare parts or oil and to supplying the opposition with those things, and so on. But, ultimately, what is required is the most careful thinking of a generally utilitarian kind: how can this regime be replaced by a better one with a minimum of bloodshed and destruction and in a way that gives the successor regime the most legitimacy and the best chance of success?<sup>363</sup>

It is simple enough to see that if all aid is syphoned off by the well-to-do in a country, there is no point in giving it. Equally, if all the aid is added to what the poor get, then (if we discount

principle (2), the "no bail-out" principle) the humanitarian case for aid is clear. But it is likely that almost every actual situation will fall in between these two extremes. These are not in fact the theoretical limits, but what holds for the extremes set out here presumably holds even more for what goes beyond them. Thus, aid could make the poor worse off than they would otherwise have been -- e.g., if it goes into distributionally-regressive development or enables the regime to buy more up-to-date repressive equipment for use against the poor. And, more happily, aid could lead to the total amount of resources going to the poor increasing by more than the amount of aid itself, on the principle of the matching grant.

For the intermediate cases, where aid to the poor increases by some but by less than the amount of aid, a fourth principle has a certain visceral appeal. We might call it the "Anti-Sucker" principle. It is a relative of the second, "No Bail-Out," principle but applies to a different range of cases. The "No Bail-Out" principle articulates the sentiment "We're damned if we're going to make up for the deficiencies of others," whereas the sentiment underlying the "Anti-Sucker" principle is "We'd sooner not give anything than let part of it fall into the hands of those who don't need it." Formally, then, we may state it as follows:

(4) The "Anti-Sucker" Principle. Aid should not be given to any country (unless it qualifies under (3) as one in which heroic sacrifices would otherwise be made) in which the increase in resources going to the poor is any less than the amount of the aid.



This fourth principle has one obvious consequentialist consideration going for it, namely that, other things being equal, a given amount of aid will do more good if it goes to a country where it all (loosely speaking now) goes to the poor than if it goes to one where the rich in effect levy a toll on it. And the larger the proportion of the aid that is diverted away from the intended beneficiaries, the stronger the force of this consideration. Thus, we can make an argument based purely on maximizing the efficacy of aid for refusing to aid countries in which the poor get anything less than the whole benefit.

However, if we think about it for a moment we must recognize that the argument is really pretty flimsy. First of all, the ceteris paribus condition is very strong. It entails that of two otherwise identical countries, it would be better to devote aid funds to one in which all the aid goes to the poor than one which some lesser proportion does. But suppose that other things are not equal. Suppose specifically that the second country has poor people in more desperate straits than the first; or suppose that, although the poor are equally poor, for some reason a dollar's worth of aid reaching the poor in the second country makes a more dramatic improvement to their lot than a dollar's worth of aid makes to the poor in the first. (For example, suffering by the poor in the second country could be alleviated substantially by the use of some relatively cheap medical or agricultural technology that would not be relevant in the first.) Then, in spite of the second country's being one where only a part of the aid gets through to the

poor, it may still be that, say, seventy cents on the dollar does more good in the second country than a dollar does in the first.

In any case, even if the ceteris paribus <sup>condition</sup> were met, the proposition set out in principle (4) manifestly does not follow. For, even if we are talking about a fixed amount of aid, so long as the amount is not trivial in relation to need, it may well be that, after the worst distress has been relieved in the first country, the best thing to do with the rest is to divide it between relieving less intense distress in the first and relieving (at admittedly lower returns on the dollar) the most severe deprivations in the second. Another way of looking at the same thing is to observe that, as soon as the poor in the first country have been made better off, the ceteris paribus clause no longer holds and we have the situation envisaged earlier in which the poor in the second country are worse off than those in the first.

Moreover, there is nothing that tells us to allocate only some fixed amount of aid. Although the criteria for sacrifice required by the principle of humanity were somewhat indefinite, it was made clear in the last chapter that there were two relevant factors: the degree of sacrifice and the scope of relieving suffering. It is not therefore valid to suppose that the limits of the obligation to aid can be set by looking only at one side. The more suffering, the more sacrifice required. If we bear this in mind, we may finish up with the conclusion that, if in most countries only some proportion of aid less than unity gets to the poor, the amount of aid that the rich countries will have to give is actually going to be greater than it would otherwise be.

At this point, however, we have to realize that the driving force behind principle (4) is not in fact the possibly lower efficiency, in benefit-cost terms, of aid to countries where not all of it reaches the poor. Rather it is, as I implied in calling it the "Anti-Sucker" principle, a feeling of deep repugnance at handing over money part of which goes to people who don't need it. And this feeling is liable to be intensified in cases where one feels that aid would not be necessary at all if the domestic rich were making a reasonable effort themselves. I am, of course, assuming that one does not subscribe to principle (2), since that would have the implication that one should not give aid in such a case, whether it all goes to the poor or not. But the sentiments lying behind principle (2) may still exacerbate the sense of grievance among the donors.

There is a quite instructive parallel here with the question of responsibility that was discussed in Chapter 2. It may be recalled that Peter Singer confronted the feeling that those who were responsible for needing aid deserved it less than those who needed it through no fault of their own, and tried to rationalize it in consequentialist terms by arguing (a) that aid would be more effective if given to those who were not in trouble as a result of incompetence or recklessness and (b) that, looking beyond the individual case, one could discern useful incentive effects from a policy of giving higher priority to the rescue of those in trouble through no fault of their own. And I said at that time that, although there might indeed be some force in

both of these considerations at certain times and places, they did not adequately account for the sentiment that the person in need of aid through no fault of his own should get preference even if neither of the conditions put forward by Singer obtained.

The same point can be made here. The idea that aid is more effective if it all goes to the poor corresponds to Singer's point (a); and one might construct an argument parallel to his point (b) to the effect that, taking the long view, donors discourage stealing by the rich if they refuse to give aid whenever any of it is misappropriated. However, once again it seems that the sentiment I characterized as "Anti-Sucker" cannot be reduced to those utilitarian considerations. We have a certain irreducible reluctance to treat our fellow human beings as if they were objects with predictable reactions. If we did, the effect on us would be the same if we learned, first, that money given for digging tube wells would go only half as far as we had thought because of <sup>unanticipated</sup> geological difficulties, and, second, that the money would go only half as far as we had thought because the chief of state was putting half of the funds into a Swiss bank account. But of course the effect is not the same. We are sorry to hear about the first but accept it as just one of those things. We are outraged by the second, and unwilling to accept that sub specie aeternitatis that too is just one of those things. It is beyond my scope here to ask whether we should try to cultivate the dispassionate attitude called for by a certain kind of strict determinism. What is plain is that our entire way of thinking morally would be overturned if we did.<sup>364</sup> And I am prepared, for the purposes of this book, to

stay inside the broad limits of the common understanding underlying ordinary moral thinking. For one thing, I really have no idea how even the simplest moral cases would come out on an alternative understanding, let alone the rather complex problems dealt with here.

Having said all that, however, I want to turn round and insist that the "Anti-Sucker" principle should be resisted, at any rate as a principle based on sheer reluctance to lose money to people who don't need it when it is given to benefit those who do. For, unlike the principle of responsibility discussed in the previous chapter, this one has the effect of damaging innocent parties. It is true that if we cut off aid we end the unjust enrichment of the already comfortably off. But we also hurt the poor. We may, if we like, try to salve our consciences by saying that the responsibility for the plight of the poor rests on the local rich, who have triggered our (perfectly reasonable) refusal to give aid. This is a form of moral pass-the-parcel which seems to have acquired a certain vogue in recent American philosophy.<sup>365</sup> But, however we shuffle off the responsibility, the fact remains that we have failed to help when we might have done.

There is, however, a possible utilitarian argument in favor of adopting principle (4), which derives from the incentive considerations that I canvassed briefly above. It is well known that one of the chief difficulties inherent in utilitarianism is that it is liable to put blackmailers in a strong position. By threatening us (credibly) with sufficiently grisly consequences unless we do his bidding, somebody

may be able to bring it about that the less evil consequences involve our doing something extremely bad in turn. In order to circumvent this, it may be desirable, from a long-term utilitarian point of view, to have a policy of never surrendering to blackmail. And here the point seems <sup>reasonable</sup> that it is the blackmailer who is responsible for the bad things he does if we refuse to accede to his demands. If someone takes twenty hostages and threatens to kill them unless we kill ten people whom he lists, we may well say that the killing of the hostages, if it happens, is not our responsibility, even though we could have prevented it by complying with the demand.

The application of this to the present case is as follows. If there really were very good evidence for believing that aid funds would not be misappropriated if it were known that they would be cut off whenever this happened, and if also it were apparent that no alternative strategy, less damaging to the poor, were available, we might then be able to say that a strict policy of withdrawing aid in all such cases would be justifiable. However, I see no reason for accepting either of the conditional terms in the proposition. Aid with such tight strings as would be required to guarantee that it all went to the poor might well be rejected by a government in a country that would otherwise permit (or arrange for) the partial diversion of aid funds. And there are alternative ways of putting pressure on governments -- ways that are more likely to hurt the government than the threat to cut off aid.

I have left to the end principle (2), the "No Bail-Out" principle,

because what I have said about principle (4) applies with even greater force to it. It would no doubt be very satisfying to be able to wash our hands of poor countries in which the local rich are failing to do their share and offer the canting thought that it's all their fault. But in my view it simply won't do. We should not let our indignation at the failings of others act as a smokescreen to let us off our own -- especially since our own are, potentially, far more significant in scale, in relation to the amount that the <sup>local</sup> rich might reasonably be expected to contribute in any really poor country. Again, this does not entail passivity with respect to the government of a country in which there are gross inequalities of income uncorrected by redistributive taxation. Especially in middle-income countries, where the local rich could reasonably be expected to carry much of the burden themselves (as in much of Latin America) the donor countries have an obvious and legitimate interest in the replacement of the current government by one committed to internal redistribution. My point is that while the non-redistributive regime exists, there is no excuse for taking out our displeasure with it on the poor.

## 7. The Malthusian Nightmare

Author's note. I have pulled out the draft of this section that I wrote while immersed in the voluminous literature on the causes and consequences of population growth because it got too involved in the intramural disputes of demographers. The main points that I want to make in this section are as follows:

1. Per capita GNP would be higher the less population growth there is.
2. However, population growth is going to happen in poor countries, whatever transfer policies are adopted by rich countries.
3. Although there are vicious disputes between experts about the social mechanisms involved and the relative causal efficacy of improved living conditions and the availability of contraceptive devices, nobody seems to deny that (once one gets above literal famine conditions) improvements in nutrition and sanitation tend in the long run to reduce population growth. Therefore, given that the medical improvements (smallpox vaccine, spraying of malarial swamps, etc.) are here to stay, there is no hard choice to be made between the short-run humanitarian case for aid and the (alleged) long-run Malthusian case against.
4. Unfortunately, this is not the end, however. We must again introduce the issue of responsibility. The poor countries at the Bucharest conference insisted on "national sovereignty" in



population policy. But if a country insists on that, why should it expect any aid if, as a result of pronatalist policies, its people don't have enough to eat?

5. N.B. that the point here is not that the rich countries couldn't feed much larger poor countries' populations. They could -- e.g. by not eating meat. (This is not the, fallacious, vegetarian case that by not eating meat now one would help feed India, which is strictly analogous to the nursery appeal to eat up what's on one's plate. If Americans ate less meat, grain production would be cut back. The point is rather that the grain could in principle be redistributed.) The question here is not whether or not far larger populations could be fed, but whether the humanitarian obligation on the rich countries to make additional sacrifices holds if the problem has arisen only because of failure by poor countries to do their best to restrain population growth by pursuing active population policies.

6. I therefore conclude that, once we introduce the factor of responsibility, we can say that humanitarian aid is not required to feed populations that could have been avoided. However, the more immediate implication is that, as far as possible, sanctions should be applied (before the excess population arises) against pronatalist or neutral governments. Denying military aid, for example, may be more effective as a way of putting pressure on a dictatorial regime than the threat of eventual withdrawal of economic aid.

7. The obligation on rich countries to achieve and maintain zero population growth (or even better negative population growth) is even more stringent however:

first because such countries do have the means to do so. (Since most of their populations are well above subsistence level, they can if necessary introduce extremely large economic disincentives to childbearing.)

second because an additional member of a rich country uses perhaps a hundred times as many resources, adds a hundred times as much to atmospheric pollution (etc) as one in a poor country.

8. To the extent, therefore, that the additional sacrifices required by rich countries are caused by their own population increases, they ought to be prepared to accept these sacrifices. In other words, once we accept the principle of humanitarian aid as an obligation, it's equally invalid for poor countries and rich countries to say "our population size is our business." The poor countries aren't entitled to say "We'll multiply and you pick up the pieces" and the rich countries aren't entitled to say "We'll multiply because we can afford it."

9. My object in this section is to say that aid should be given even though population in poor countries will increase, because it will increase anyway. Yet at the same time, I don't see how a humanitarian obligation to aid can be construed as an open-ended commitment that is unaffected by the efforts of poor countries to

reduce population growth as quickly and as far as possible. I find it impossible to ignore the consideration that all the problems now facing the world would be much easier if the post-1950 growth in population had not occurred.

8. Do Individuals or Countries Have Humanitarian Obligations?

There remains one final practical question to discuss. Until now, I have left it open what is the relevant unit having the obligation to give aid. Is it the individual or the country? The case for saying that it is an individual obligation is simple: the humanitarian obligation is one on those who can afford to do so to help those in distress. It should therefore be defined at the individual level. I think that this is basically correct. But I want to try to show that, in spite of this, there is a good case for saying that countries should collect money from their citizens in taxes, according to their ability to pay, and disburse it to poor countries. This is, of course, not to deny that individuals would, even so, be doing a good thing by giving aid privately in addition. And, where the amount collected by the state was too low (as it is now) there would indeed be an obligation to give privately.

Before I put forward the case, I should perhaps take note briefly of an argument that is sometimes put forward to the effect that a state has no (moral) right to compel people to contribute to good causes which they do not wish to support. This seems on the face of it a rather bizarre view in that it gives a single believer in Nozickian rights a veto over collective expenditures of which he disapproves. Yet there is surely nothing more neutral or above the battle in Nozick's views than in, say, Singer's.

When we say that somebody has an obligation to do something, we mean that there would be no objection in principle to enforcing it.

The qualification is important, since there may be all kinds of practical reasons for not imposing a legal obligation. Thus we might (though I do not think we would be correct) conclude that the elementary obligations of Good Samaritanism such as saving the drowning child should not be legally enforced because of difficulties about evidence (did the person really see it?) and difficulties in defining the costs that a person should be required to bear in the course of rescue. But if we agree that the obligation exists, there is, it seems to me, no objection in principle to putting legal sanctions behind it. As John Kleinig has observed, in a fine article on the topic, "there can be no objection to the contemplated interference with acts whose immorality consists in their harm-causing or harm-threatening character. And since Bad Samaritanism is a causal factor in the continuation or aggravation of harm to others, it falls into the category of acts which are rightly proscribed by law."<sup>381</sup>

As far as I can see, the same reasoning applies equally well when the aid is financial and the beneficiaries live in a different country. It is true that, when the obligation is laid on people to help members of their own society, there is a second and independent justification, since we can argue by a sort of social contract reasoning that everybody in the long run stands to gain from the enforcement of Good Samaritanism. Thus, justice here reinforces humanity. I shall return to this in a later discussion of the "duty of fair play" in Chapter 5. But I will simply say here that in my view humanity is an independent ground of obligation -- including, I am now suggesting, enforceable obligation.

This still leaves the question whether enforcement can change not merely the probability of individuals complying with the obligation to give international aid but the extent of that obligation. I would argue that it increases the amount of aid called for (though not the amount of sacrifice called for) because, both subjectively and objectively, the sacrifice represented by giving up some proportion -- say a tenth or a fifth -- of one's income is markedly less if everybody else in one's society is, on average, giving up the same amount. I should remark parenthetically that I say "on average" because the total amount to be raised might -- and I think should -- be raised by a progressive rather than a proportional tax. For the purpose of the following argument, this does not matter. The important thing is that those at the same level as oneself should come down by the same amount and that rankings should not be altered. Although one may query their exact significance, Richard Easterlin's findings that reported happiness correlates with relative economic standing in one's society as well as absolute income level makes a lot of sense.<sup>382</sup> For one thing, relative income is what determines the allocation of a lot of things within a society. (There are good neighborhoods, good schools, etc., in societies at all economic levels.) Second, "relative deprivation" is an obvious enough psychological phenomenon that no elaborate demonstration of its existence is needed: how well off we feel depends to some degree on how well off we are in relation to those with whom we associate. And, third, the income required to achieve various broadly-defined objectives (mobility, nutrition, etc.)

tends to be higher in societies where the average income is higher, because such things as the transport system and the goods in the shops adapt to the general level of affluence. For all these reasons, then, we can say that, whatever degree of individual sacrifice the principle of humanity is held to mandate, it will correspond to a larger transfer of income if it is a matter of everyone giving up a set amount than if the question is one of scattered individuals within a society lowering their own disposable incomes while everybody else retains the existing level of income.

Chapter 3 - Footnotes

321. Bruce Russett, "Estimating the Marginal Utility of Global Income Transfers" in D. John Grove (ed.), Global Inequality: Political and Socioeconomic Perspectives (Boulder, Colo.: Westview Press, 1979), 59-76, p. 61.
322. An analysis of the correlations between income and mortality statistics within countries over time produces even larger effects at the low end of the scale, though some improvement might be expected anyway from medical advances such as DDT spraying and mass immunization. See *ibid.*, p. 66.
323. David M. Smith, Where the Grass is Greener: Living in an Unequal World (Harmondsworth: Penguin Books, 1979), pp. 74-5.
341. I. M. D. Little and J. M. Clifford, International Aid: A Discussion of the Flow of Public Resources from Rich to Poor Countries with Particular Reference to British Policy (London: Allen and Unwin, 1965), p. 93.
342. *Ibid.*, p. 93.
343. *Ibid.*, pp. 93-6.
344. *Ibid.*, p. 93.
345. Thomas Schelling has recently noted that this unrealistic individualism pervades orthodox economics: "A striking characteristic of



economics is that the consumer is a single person.... Only recently has the family made an appearance.... The family is an income-sharing unit, a consumption-sharing unit, and a welfare-sharing unit; that is, they live off the same income, share the same bathroom, and care about each other. No wonder theory neglects the family: It complicates things enormously." Thomas C. Schelling, "The Intimate Contest for Self-Command," The Public Interest, No. 60 (Summer 1980): 94-118, p. 97.

346. See, for example, Fran Bennett, Rosa Heys and Rosalind Coward, "The Limits to 'Financial and Legal Independence': A Socialist Feminist Perspective on Taxation and Social Security," Politics and Power - 1: 185-202, esp. p. 197.

347. Nancy Birdsall, John Fei, Simon Kuznets, Gustav Ranis and T. Paul Schultz, "Demography and Development in the 1980s" in Philip M. Hauser (ed.), World Population and Development: Challenges and Prospects (Syracuse, N.Y.: Syracuse University Press, 1979), 211-95, p. 233.

348. Ibid.

351. Oscar Schachter, Sharing the World's Resources (New York: Columbia University Press, 1977), p. 11.

361. Juan de Onis, "35 Million Children in Latin Area Said to Lack Food Needs," The New York Times, December 11, 1979, p. A12.

362. Ibid.

363. For a recent controversy on the rights and wrongs of humanitarian intervention, see Michael Walzer, "The Moral Standing of States: A Response to Four Critics," Philosophy and Public Affairs 9 (1980):209-29 (and references there to his critics) and the replies by Charles Beitz, David Luban and Gerald Doppelt, Philosophy and Public Affairs 9 (1980), 385-403.
364. P. F. Strawson, "Freedom and Resentment," Proceedings of the British Academy (1962),  
Isaiah Berlin, Four Essays on Liberty (London: Oxford University Press, 1969), especially "Historical Inevitability," 41-117.
365. See my "And Who Is My Neighbor?" Yale Law Journal 88 (1979): 629-658.
381. John Kleinig, "Good Samaritanism," Philosophy and Public Affairs 5 (1976): 382-407, p. 406.
382. R. A. Easterlin, "Does Economic Growth Improve the Human Lot?" in P. A. David and M. W. Reder (eds.), Nation and Households in Economic Growth: Essays in Honor of Moses Abramowitz (New York: Academic Press, 1974).

## CHAPTER 4

### JUSTICE AND THE INTERNATIONAL ECONOMIC ORDER

#### 1. The Demand for a New International Economic Order

[Not written.] The object will be to analyse the way in which the poor countries have arrived at a program, pursued particularly through the United Nations General Assembly and UNCTAD, and to examine the components of this program. The main point will be to try to show that, whatever one may think of the specific demands (most of which will be looked at later in the course of my own discussion of the requirements of international justice), there is a singular lack of any coherent theoretical basis to the NIEO. In particular, I do not have much time for the common United Nations move of asserting ungrounded "rights" -- a practice that goes back at least to the Declaration of Human Rights. In my view to assert a right is simply to say that there is some morally adequate reason for acceding to the demand. But it is not actually to give such a reason. Those reasons must, I believe, be derived from a thoroughly worked out theory of justice. Chapters 4-7 offer at least the sketch of such a theory and attempt to show its implications for international redistribution.

## 2. The Concept of Justice

"Are we not trying to pack too much into the concept of justice and the correlative concept of rights? The question whether it is wrong to act in certain ways is not the same question as whether it is unjust so to act."<sup>421</sup> I think the answer to Passmore's rhetorical question is that there is indeed a contemporary tendency to try to make the concept of justice (and the correlative, or at any rate related, concept of rights) do too much work. We should not expect to get out of it a blueprint for the good society -- nor should we wish to, since that degree of specificity would inevitably limit potential applicability. Surely it would be possible for a just society to be rich or poor, cultivated or philistine, religious or secular and (within some limits that are inherent in justice itself) to have more or less of liberty, of equality, and of fraternity.

Up to this point in the book, I have been talking about the obligation to relieve suffering as a matter of humanity. The fact that the obligation is not derived from justice does not make it a matter of generosity nor does it entail that it should be left to voluntary action to adhere to it. It is an

obligation that it would be wrong not to carry out and which could quite properly be enforced upon rich countries if the world political system made this feasible. And the core of the discussion has been the claim that the obligation to help (and a fortiori the obligation not to harm) is not limited in its application to those who form a single political community.

It is, of course, open to anyone who wishes to do so to argue that, if there is an obligation to the rich to give which might properly be enforced, this is all we need in order to be able to say that the rich must give to the poor as a matter of justice. I have no way of proving that it is a mistake to use the term 'just' to mark out the line between on the one hand what is morally required and on the other what it is praiseworthy to do but not wrong to omit doing. All I can say is that such a way of talking seems to me to result in the blunting of our moral vocabulary and therefore to a loss of precision in our moral thinking. Justice, I wish to maintain, is not merely one end of a monochromatic scale which has at the other end sacrifice of self-interest for the good of others in a heroic or saintly degree. Rather, it points to a particular set of reasons why people (or societies) may have duties to one another and to particular features of institutions that make them morally condemnable.<sup>422</sup>

My plan is to analyse justice under two main heads.

The first is justice as reciprocity, which I shall discuss in the next chapter. This is an utterly familiar idea. So it should be, not only because (as Hume said) "new discoveries are not to be expected in these matters" but more critically because it is my claim that "unjust" has a clearcut meaning that distinguishes it from "very nasty," so I must be able to appeal to recognizable conceptions of justice. The second conception is justice as equal rights. This is also a familiar notion, though I shall give it a less familiar twist so as to apply it to material things. I shall discuss the principle in Chapter 6 and then consider the institutions that would be required to realize it in Chapter 7.

### 3. Humanity and Justice

There is a tendency for those who pride themselves on the possession of sturdy Anglo-Saxon "common sense" to conclude that, if we agree on the humanitarian obligation, we are wasting our breath in arguing about the claims of injustice -- claims for the rectification of alleged unrequited transfers from poor to rich countries in the past that are hard to assess and impossible to quantify or involving more or less abstruse doctrines about the nature of justice in the contemporary world. If we recognize the case for action on simple and straightforward humanitarian grounds, the idea goes, shouldn't we concentrate on putting into place the appropriate aid policies, rather than allow ourselves to get sidetracked into fruitless wrangles about justice? In this context it is often said that the demands made by the countries of the South are "symbolic" or "ideological" and have the effect only of making more difficult the real, practical task of negotiating actual concessions by the countries of the North.

It is safe to say that this kind of attitude is found almost exclusively among those who live in, and are identified with, the rich countries. Among those who speak for the poor countries, whether officially or privately, the case for humanitarian aid will not indeed be repudiated, especially when it comes in the form of help with the effects of such natural disasters as drought, flood, or earthquake, or when it consists of aid with such man-made problems as the millions of refugees produced by war or political repression. But it will nevertheless be insisted that none of this in any way leads to the

withdrawal of the claim for a substantial, automatic and continuous flow of funds from rich countries to poor ones on grounds of justice.

When we encounter such diametrically opposed visions of what is going on and what is at stake, it is wise to think carefully before dismissing the unfamiliar one as irrational. Perhaps it has a consistent logic that we are liable to overlook. In the present case, I believe that it is quite easy to see, if we think through the implications of humanity and justice as bases of redistribution, why the poor countries should refuse to abandon claims based on justice, even at the cost of creating deadlock in various international forums. I shall suggest that they would in fact be quite irrational not to do so.

As Tibor Mende has put it, the "small but dedicated minority" who have been pushing the case for aid in the rich countries have to recognize "that if it is morally inadmissible to be against aid, it is immoral to prolong it when it implies acquiescence in the price it exacts in its present forms."<sup>811</sup> It is not enough simply to be in favor of "more aid." It really makes a difference to one's commitments to support systematic and automatic transfers on a basis of justice rather than discretionary aid, even if that were purged of its present connection with Cold War politics.



#### 4. Rights and Goals

How, then, do humanity and justice differ as moral principles? Putting it in the most abstract terms, the obligations of humanity are goal-based whereas those of justice are rights-based.<sup>821</sup> I would once have expressed the distinction between humanity and justice as one between an aggregative principle and a distributive principle.<sup>822</sup> I now, however, regard that distinction as less fundamental than the one I wish to mark by talking of goal-based and rights-based obligations. The point is that humanity and justice are not simply alternative prescriptions with respect to the same thing. Rather, they have different subject-matters.

Humanity, understood as a principle that directs us not to cause suffering and to relieve it where it occurs, is a leading member of a family of principles concerned with what happens to people (and other sentient creatures) -- with what I shall call their well-being, intending to include in this such notions as welfare, happiness, self-fulfilment, freedom from malnutrition and disease, and satisfaction of basic needs. Justice, by contrast, is not directly concerned with such matters at all. As well as principles that tell us what are good and bad states of affairs and what responsibilities we have to foster the one and to avert the other, we also have principles that tell us how control over resources should be allocated. If we understand "resources" in a very wide sense, so that it includes all kinds of rights to act without interference from others, to constrain the actions of others, and to bring about changes in the non-human environment, then we can say that the subject-matter of justice (at any rate in modern usage) is the distribution of control over material resources. At this high level of generality, it is complemented

by the principle of equal liberty, which is concerned with the control over non-material resources. To put it in a slogan, which has the advantages as well as the disadvantages of any slogan, humanity is a question of doing good, justice is a question of power.

When the contrast is stated in these terms, it might seem that bothering about justice is indeed a waste of time, and that the bluff Anglo-Saxon advocates of common-sensical utilitarianism have the best of it after all. Why, it may naturally be asked, should we care about the distribution of stuff as against the distribution of welfare? Isn't this simply commodity fetichism in a new guise?

The easy, but inadequate, answer is that the concept of justice is, of course, concerned not with any old stuff but the kind of stuff that has the capacity to provide those who use it with the material means of well-being: food, housing, clothing, medical care, and so on. This is correct as far as it goes, and shows that there is nothing irrational in being concerned with justice. But it is inadequate because it leaves the supporter of justice open to an obvious flanking movement. His opponent may reply: "You say that the only reason for concern about the distribution of the things whose proper allocation constitutes the subject-matter of justice is that they are the means to well-being. Very well. But are you not then in effect conceding that your deep theory is goal-based? For what you are saying is that we really are ultimately concerned with the distribution of well-being. We simply take an interest in the distribution of the means of well-being because they are what we can actually allocate. But this means that justice is a derivative principle."

There are two lines of response open at this point. One is to concede that criteria for the distribution of resources are ultimately to be referred to the goal of well-being, but at the same time to deny that it follows from that concession that we can cut out the middleman and set out our principles for the allocation of resources with an eye directly on the well-being they are likely to produce. Or, more precisely, we may say that among the constituents of well-being is autonomy, and autonomy includes the power to choose frivolously or imprudently. Thus, on one (admittedly controversial) interpretation, Mill's talk of justice in Book V of Utilitarianism and his presentation of the "simple principle" of On Liberty in terms of rights are all consistent with an underlying utilitarian commitment if we allow for the importance to people of being able to plan their own lives and make their own decisions.

I think that this is by no means an unreasonable view, and has more to be said for it than it is, perhaps, fashionable to admit. Anyone who wishes at all costs to hold a monistic ethical position is, I suspect, almost bound to finish up by trying to make some such argument as this. But I think that it is, nevertheless, in the last analysis a heroic attempt to fudge the issue by using the concept of autonomy to smuggle a basically foreign idea into the goal-based notion of advancing well-being.

The alternative is to deny that, in conceding that control over resources is important only because of the connection between resources and well-being, one is thereby committed to the view that principles for the distribution of resources are derivative. According to this view, there simply are two separate kinds of question. One concerns the deployment of resources to promote happiness and reduce misery.

The other concerns the ethically defensible basis for allocating control over resources. Neither is reducible, even circuitously, to the other. When they conflict, we get hard questions, such as those involved in the whole issue of paternalism. But there is no overarching criterion within which such conflicts can be solved, as is offered (at least in principle) by the idea that autonomy is an important, but not the only, ingredient in well-being.

As may be gathered, this is the position that I hold. In what follows, I want to show what difference it makes to employ an independent principle of justice in considering issues of international distribution. To make the discussion as clear as possible, I shall draw my contrast with a principle of humanity understood in the kind of pretty straightforward way exemplified in the previous two chapters. The contrast would be softened the more weight we were to give to autonomy as a component in well-being. Note, however, that even those who might wish to emphasize the importance of individual autonomy are liable to doubt the value to individual well-being of autonomy for states, yet it is precisely the question of autonomy for states that is going to turn out to be the main dividing line between humanity and justice at the international level.

## 5. Domestic Application

Before broaching international issues, however, it will be helpful to gain some idea of what is at stake by looking at the contrast between humanity and justice in the context of domestic distribution. This will have the advantage of enabling me to illustrate this very abstract discussion with some everyday examples. The question to be asked is as follows: if we take it as a given that there is an obligation to give aid to the needy, what exactly does this obligation entail and does it differ in its nature from obligations derived from considerations of justice?

The crucial difference, from which all else in some way follows, is that humanity is a duty of "imperfect obligation," that is to say there is no particular person to whom it is owed. One familiar way of putting the point is that the obligation is one without correlative rights of recipience. Thus, when St. Thomas Aquinas wrote that "whatever a man has in superabundance is owed, of natural right, to the poor for their sustenance,"<sup>851</sup> we would be guilty of anachronism if we took him to be asserting a "natural right," in the seventeenth century sense, of each poor person to economic support.

Many contemporary philosophers adhere to a dogma according to which there can be no such thing as an obligation without a correlative right. This raises awkward questions for them when it is asked, for example, whether we have obligations not to ill-treat infants, imbeciles or (non-human) animals. They are faced with the impalatable choice of either saying that, since there are no rights here, there are no obligations, or saying that, since there are obligations here there must be some

correlative rights, however strange it may seem. I can, however, see no reason except a misplaced desire for tidiness why one should accept the dogma in the first place. It seems to me perfectly reasonable that some obligations should be the obverse side of rights and that others should not.

But what difference does it make whether there is a right of recipience or not? We can best approach that question by asking what it means for somebody to have a right to something. Suppose, to take the paradigm example, I have borrowed a sum of money from someone and promised to repay it by a certain date. There are three things that can be said about the situation when the date comes round. (Actually, there are others too, but these are the ones that matter for now.) The first is that I have an obligation not simply to pay the money to somebody, but to pay it to the person from whom I borrowed it. I will not have discharged the obligation by paying the money to some third party (unless, of course, the person to whom I owe the money has transferred the debt) even if the third party could make better use of it. Second, the obligation to repay the debt is not affected if it would be a hardship for me to give up the money. And, third, the obligation is not affected by the use that I happen to know the person to whom I owe the money is planning to put it to, even if that use is, in my judgement, completely wasteful or indeed antisocial.

It is hardly necessary to add that none of these claims is absolute. In sufficiently exceptional circumstances the obligation to repay the debt would be overridden, though not obliterated. But these circumstances are the same as the kind in which it would be morally acceptable to borrow without consent: emergencies or other extreme situations. Thus, we can

say, with Socrates, that you should not return a weapon to somebody who has gone insane. But by the same token it would surely be right to remove for safe-keeping a weapon that this madman had in his possession.

The significance of rights can be summed up by reverting to the notion of control that was introduced earlier. If someone has a right to a sum of money from me then I do not have the right to control the disposition of that money and he does, even if I am still in possession of it. The fact that it happens to be in my bank account rather than his is morally irrelevant.

We can draw up a point-by-point contrast between this kind of case and one in which there is no right of recipience. Consider the obligation of humanity. This is owed not to any specified person or persons. It is discharged by relieving some suffering, but no particular person can complain if it is somebody else's, suffering that gets relieved. The obligation varies with the circumstances of the agent: the greater the hardship involved in helping others, the less the obligation to do so. And, conversely, it is conditional upon the circumstances of the potential recipient of aid. The obligation of humanity is to relieve distress, and this entails that there is no obligation, for example, to give money to somebody in distress unless there is reason to believe that it will be used effectively. In sharp contrast with an obligation of justice, there is no call to give money that will be wasted or used in ways that one judges to be harmful to the recipient or others.

Thus, the control over the resources remains with the person who possesses them, and the obligation extends only to deploying some part of them prudently in order to do good with them. I do not want to over-emphasize the element of discretion in deciding whom to help and how.

That is not, in my view, the crucial point. It is very unlikely, for example, that somebody who came across the child drowning in the shallow pond could do better than to devote the time and effort required to pulling it out. Let us suppose for a moment that the obligation of humanity is not merely to do good but to do as much good as one possibly can. Then in principle there will always be a unique set of actions prescribed by the principle. If we imagine (which is of course rather absurd) that somebody could know for certain what disposition of, say, a tenth of his income would relieve the most suffering, there would then be no discretion on the side of the agent.

But the point about there not being a right of recipience is not so much that the agent has discretion as that the recipient does not. His claim depends entirely on his happening to be the most suffering-minimizing destination as things are. If anything changes -- so that, for example, he shows signs of becoming less efficient in turning funds into reduction of suffering or somebody else becomes more efficient -- his claim collapses. This is, of course, exactly what is meant by our saying that the principle of humanity is goal-based: whatever is done under it is done in the pursuit of the goal of relieving suffering.

It may quite reasonably be said that the principle of humanity is not properly interpreted as a maximizing (or more precisely minimizing) principle, and, indeed, I have stated as much myself in denying that it can be equated with negative utilitarianism. And since, in any case, there must always be an element of judgement in deciding whether one use of resources would relieve more suffering than another, it is clear that in practice the principle of humanity will always leave discretion to



the donor. I do not want to deny this, but I do want to emphasize the critical importance of the fact that the recipient's claims are dependent on the use he makes of resources.

The significance of this can be brought out if we turn to the kind of collective humanitarian aid embodied in state welfare policies. We have to be careful here to distinguish between payments that are envisaged as income-replacements such as pensions and unemployment or sickness benefits and those which are thought of as responsive to "need." It is the latter that are of interest to us here. Now these programs -- supplementary benefits in the UK, means-tested "welfare" benefits in the USA -- are not, at any rate in theory, discretionary on the part of the administering authority. There are in fact masses of complex rules that prescribe the benefits that should be made available. But they have exactly the property already identified, that they are not discretionary on the receiving side.

This is more difficult to see here because, in virtue of the codes that specify the rates of benefit, the recipients have legal or quasi-legal rights, and, as we shall see <sup>in Chapter 5,</sup> law gives rise to a kind of justice, whatever its content. But the "deep theory" underlying these rights is goal-based, as may be seen from the fact that benefits are either given in kind or calculated in money terms to provide the wherewithal for meeting certain standards of clothing, housing and nutrition. (It is, incidentally, characteristic of such schemes that, in computing the amounts "needed," the recipients are held to a much stricter standard of careful consumerism in getting value for their money than the rest of the population achieves.)

Popular attitudes reinforce these ways of proceeding. Someone with

an income that is derived from a job or from investments regards what is left after tax as "his" to do what he likes with, and he does not expect to be criticized if he buys food for its flavor rather than for its nutritive value, or generally spends money frivolously or wastefully. But his view of those on welfare tends to be that they are spending "his money" too, and, even if he accepts a humanitarian obligation to prevent destitution, he considers that the recipients can properly be held accountable for the use they make of it and be criticized for using it on expenditure that he would take for granted himself. This precisely illustrates the central significance of the right to the unconditional control over resources.

## 6. International Applications

Having prepared the ground by drawing the division between justice and humanity within a country as sharply as I can, I do not have to belabor the extension to the international arena, I hope. The point is again one of control. The rich countries already mostly concede, at least in verbal declarations, that they have a humanitarian obligation to assist the poor countries economically.

But to see its limitations, let us be really utopian about humanitarian aid. Let us imagine that it is collected on a regular and automatic basis from rich countries according to some formula that more or less reflects ability to pay.

And suppose that the proceeds were pooled and dispersed through agencies of the United Nations, according to general criteria for entitlement to assistance. We would then have a system at the world level corresponding in every particular to the kind of domestic "welfare" system depicted earlier.

Now there is no question that such a world would be an immense improvement over the present one, just as the modern welfare state has transformed, say, Mayhew's London. But it would still have the division between the donor countries, free to spend "their" incomes as they pleased, and the recipient countries, which would have to spend their incomes "responsibly."

No doubt, this would be less objectionable if the criteria were drawn up in partnership between donor and recipient countries, rather than, as now, being laid down by such bodies as the IMF and the World Bank in whose governing councils the rich countries have a preponderant voice. But funds earmarked and conditional upon approved use would still be basically different from income of the usual kind.

In contrast, transfers that were consequential upon considerations of justice would simply reduce the resources of one set of countries and augment those of another set. There would be an actual shift in the distribution of control over resources. It is therefore easy to see that the question of justice in the relations between rich and poor countries is by no means a purely "symbolic" one. There are real issues at stake, and it is no self-delusion that leads the poor countries to press for a recognition of the claims of justice and the rich countries to resist.

The conclusion we have reached, then, is that the crucial characteristic of justice is that the obligation to make the transfers required by it does not depend upon the use made of them by the recipient. At this point, I find that the following kinds of objection are usually made. What if the recipient country wastes the resources transferred to it? What if it is going to spend the money on armaments? What if it has a very unequal distribution of income and that the additional income will be divided in the same unequal way? Such objections illustrate how difficult it is to get across the idea that if some share of resources is justly owed to a country then it is (even before it has actually been transferred) as much that country's as it is now normally thought what a country produces belongs to that country.

The answer that I give is )

↳ that there are extreme circumstances in which the international community or some particular donor country would be justified in withholding resources owed as a matter of justice to some country. But these are exactly the same extreme conditions under which it would also be justifiable to refuse to pay debts to it or freeze its assets overseas.

One could envisage a world in which there was indeed an international authority that allowed countries to keep only that income that was justly distributed internally and used in approved, non-wasteful ways. Such a world would not be at all like ours since there would be no principle of national autonomy within it. It would be a world in which a presently non-existing world society had inscribed on its banner "From each according to his ability, to each according to his needs."

The alternative is a world in which the general presumption is of national autonomy, with countries being treated as units capable of determining the use of those resources to which they were justly entitled. This is the world which we now have and the only modification in the status quo I am arguing for is a redefinition of what justly belongs to a country. It inevitably, as the price of autonomy, permits countries to use their resources in wasteful ways ("theirs" on my interpretation, being of course those in their own territories plus or minus transfers required by justice) and does not insist that a country that allows some to live in luxury while others have basic needs unfulfilled should lose income to which it is entitled as a matter of justice.

My point is that both of the models I have sketched are internally consistent. We could have a system in which there are no entitlements

based on justice and in which, assuming that states are still the administrative intermediaries, funds are allocated for worthy purposes and cut off if they are misspent, just as in the USA the federal government cuts off funds to state and local governments that do not comply with various guidelines. Or we could have a world in which, once the demands of just distribution between countries are satisfied, we say that we have justice at the world level and the question of domestic distribution and national priorities then becomes one for each country to decide for itself.

What is not consistent is to have a world in which those countries that are required by international justice to be donors live under the second system while those that are recipients live under the stern dispensation of the first. If the idea is going to be that countries should have their entitlements reduced if they are wasteful and fail in internal equity, then the obvious place to start is not with some poor country in sub-Saharan Africa or South Asia but with, say, a country that burns one-ninth of the world's daily oil consumption on its roads alone and which, in spite of having a quarter of the world's GNP, is unable to provide for much of its population decent medical care, while a substantial proportion live in material conditions of abject squalor that (except for being more dirty and dangerous) recall the cities of Germany and Britain in the aftermath of the Second World War.

None of this, of course, denies the independent significance of humanity as a criterion in international morality.

But the need for humanitarian aid would be reduced in a world that had a basically just international distribution. It would be required still to meet special problems caused by crop failure due to drought, destruction due to floods and earthquakes and similar losses resulting from natural disasters. It would also, unhappily, continue to be required to cope with the massive refugee problems that periodically arise from political upheavals.

Beyond that, humanitarian aid in the form of food, technical assistance or plain money is always a good thing, of course. How much the rich countries would be obliged to give depends on how we answer two questions: the full extent of redistribution required by justice and the stringency of the obligation of humanity -- how much sacrifice can be demanded to deal with what level of need.

As will be clear, this book is concerned only with a preliminary investigation of the principles relevant to an ethical appraisal of international distribution and redistribution. I must therefore leave any more precise statement of implications for future discussions. And not necessarily discussion by me. Ultimately, if anything is to be done, it will require a widespread shift in ideas. Greater precision can be expected to develop pari passu with such a shift. I very much doubt the value of single-handed attempts to produce a blue-print in advance of that.

## Footnotes to Chapter 4

421. John Passmore, "Civil Justice and Its Rivals" in Eugene Kamenka and Alice Erh-Soon Tay, Justice (London: Edward Arnold, 1979), 25-49, p. 47 [italics in original].
422. For a sustained argument along these lines, see T. D. Campbell, "Humanity before Justice," British Journal of Political Science 4 (1974), 1-16.
811. Tibor Mende, From Aid to Re-Colonization, p. 163.
821. For a distinction stated in these terms, see Ronald Dworkin, "The Original Position," University of Chicago Law Review 40 (1973), 500-33, reprinted in Norman Daniels, ed., Reading Rawls (Oxford: Basil Blackwood, 1975), 16-53. The relevant discussion is on pages 38-40 of this reprint.
822. Political Argument (London: Routledge and Kegan Paul, 1965), pp. 43-4.
831. Cited by Singer in "Famine, Affluence, and Morality," p. 239 n. 4. Singer quotes Aquinas to illustrate that the principle of humanity was held by someone "not normally thought of as a way-out radical" (p. 238). I would be inclined to say that Aquinas clearly did not regard himself as seeking to overturn the status quo and that the conclusion this suggests is that the principle is not as radical as Singer supposes.



## CHAPTER 7

### JUST INSTITUTIONS

#### 1. International Institutions

It would be ridiculous to spend time here on a blueprint for a scheme to put into effect the principle of equal rights that I advanced in Chapter 6. Its implementation on a world-wide scale, if it happens at all, is going to occur over a period measured in decades and, indeed, centuries. It will depend on both fundamental changes in outlook and on the development of international organs capable of taking decisions and carrying them out with reasonable efficiency and honesty.

The history of domestic distribution is, I think, very much to the point here in suggesting that there is a virtuous circle in which the existence of redistributive institutions and beliefs in the legitimacy of redistribution are mutually reinforcing and have a strong tendency to become more extensive together over time. When Hume discussed redistribution in the Enquiry, the only form of it that he considered was "perfect equality of possessions."<sup>711</sup> The notion of continuous redistribution of income through a system of progressive taxation does not seem to have occurred to him. The Poor Law did, of course, provide a minimum of relief to the indigent, but it was organized by parishes and it is doubtful that the amateurish and nepotistic central administration of the eighteenth century could have handled a national scheme. The introduction of unemployment and sickness benefits and old age pensions in one western European country after another in the late nineteenth

century and early twentieth century was made possible by the development of competent national administrations.

At the same time, these programs constituted a political response to the extension of the suffrage, or perhaps one might more precisely say a response to conditions that, among other things, made the extension of the suffrage necessary for the continued legitimacy of the state. A certain measure of redistribution was the price that the privileged were prepared to pay for mass acceptance of their remaining advantages. Once in place, however, such programs have shown a universal tendency to take on a life of their own, and to grow incrementally as gaps in the original coverage are filled in and the whole level of benefits is gradually raised. Indeed, it has been found in cross-national studies that the best predictor of the relative size of a given program (say, aid to the blind) within the whole welfare system is the amount of time the program has been running compared with others. In the long run, the programs seem to generate supporting sentiments, so that even Margaret Thatcher and Ronald Regan propose only reductions of a few percentage points in programs that even thirty years ago would have seemed quite ambitious.

I do not want to drive the comparison with the international arena into the ground, but I think that, if nothing else, reflecting on domestic experience ought to lead us to look at international transfers from an appropriate time perspective. The United Nations Organization obviously has a lot wrong with it, for example, but its administration is probably less corrupt, self-serving and inefficient than that which served Sir Robert Walpole. If one takes a time-span of thirty years, it is, I suggest, more remarkable that the network of international cooperation has

developed as far as it has than that it has not gone further. And in the realm of ideas the notion that poor countries have claims of one sort or another to aid from rich ones has moved from being a quite exotic notion to one that is widely accepted in principle. At any rate in public, the representatives of the rich countries on international bodies no longer deny such a responsibility. They merely seek to evade any binding commitment based on it. But in the long run what is professed in public makes a difference to what gets done because it sets the terms of the discussion.

Although any implementation of the principle of equal rights will be an evolutionary process spread over many years, I think it may nevertheless be worth giving some brief consideration to the forms that implementation might take, if only to allay the suspicion that any action on it would have to wait upon the creation of a world state with direct authority over individuals. It is, I think, more important to show that it would be possible to get started on applying the principle with the kinds of international institutions that already exist.

To begin with, of course, there is nothing to prevent individual states or groups of them (the EEC or the group of ten major industrial countries) doing something themselves. They could simply start giving more aid, for example. This is, I have argued, in any case something that is required by humanitarian considerations and if I am now correct those obligations are reinforced by considerations of justice.

Another kind of move which requires no new institutions is for those countries with favorable ratios of resources to people, notably

Canada, Australia and the USA, to increase their immigration quotas. This would also help answer to the humanitarian requirements, but is peculiarly appropriate as a way of meeting the demands of justice as equal rights in natural resources. For it is a way of moving directly towards greater equality in the proceeds of exploiting natural resources. It is, of course, true that in the countries I have mentioned natural resources may be privately owned (though some are in fact publicly owned) but the gains do not accrue solely to the owners but are distributed among workers through the labor market and to citizens through the tax system. The natural resources of, say, Canada clearly increase the standard of living of all Canadians, compared with what it would be in their absence.

How does this advocacy of a relaxation of immigration restriction  
(put forward in Chapter 5)  
tie in with the earlier point that migration imposes a loss on the country from which migrants are drawn? There are two answers. The first is that the loss to the sending country is to a great extent a result of the particular immigration policies of the receiving countries. To the extent that these countries follow a so-called "active manpower policy" they are, in effect, taking as immigrants exactly the people that the poorer countries cannot afford to lose. An extension of the same policy simply with bigger quotas would indeed be deleterious. But immigration that was designed to attract something closer to a cross-section of the population of the sending country would not impose anything like the same unrequited burden on it.

The second answer is that, even if those left behind do lose, there

is no implication that this makes migration wrong, only that the losers should be compensated. Those who move normally improve their lot, quite often dramatically, and this is, undeniably, aid to the inhabitants of a poor country. The only trouble with it is that it is inequitable if those left behind are as a consequence made even worse off than before. So, once again, the solution is for some compensation to be paid to the sending country by the receiving one.

I must confess that I do not expect a lot from increased immigration as a way of sharing access to natural resources. Unless it were accompanied by increased taxes on land and capital, it would tend to shift the distribution of income in a way adverse to the interests of workers in the countries of immigration. And there are, needless to say, problems in assimilating large numbers of people from different cultures. However, I think it is important to emphasize that increasing immigration is by far the most immediate and direct way of making access to natural resources more equal. If a country turns its back on it, then it seems to me that it must accept the case for transfer payments as the only alternative means.

## 2. Control over Extraterritorial Resources

What, then, of schemes for international control over natural resources involving the creation of new institutions or the development of new functions by existing ones? The most promising site for pioneering such schemes is the sea. There are only three basic ways of allocating control over the resources in and under the sea. (For example, regional control may be seen as a variant of the first.) One, then, is to extend the principle of national sovereignty into the offshore area adjacent to each country's coastline. The second is the "law of capture" -- the ancient principle that, outside territorial waters, the oceans are a free-for-all. Finally, there is the principle of a collective right of all the world's people to benefit from the exploitation of this part of the "common heritage." Up till now, the first two principles have divided the field between them, but the third has been making some headway in recent years in international negotiations. If it were adopted, it would, I think, naturally lead people to wonder why the "common heritage" stops at national boundaries, and would thus smooth the path for the acceptance of the general principle of an equal right to enjoy the earth's natural resources.

The dominant trend in the last two decades has, of course, been the extension of national claims to the exclusive exploitation of marine life and natural resources on or beneath the seabed. This fits in with the strong assertion of the claim to national sovereignty over natural resources that we have already noted. And, compared with the "law of capture" it has a good deal to be said for it. Locke wrote of the ocean as "that great and still remaining Common of mankind" and regarded


it as an appropriate sphere of application for his principle that one acquires a property in something by virtue of "the Labour that removes it out of that common state Nature left it in."<sup>721</sup> But although the primitive technology of Locke's time may have entailed that one person's efforts left "as much and as good" for others, that ceased to be so for whales a long time ago and is no longer true for fish in many parts of the world now.

In order to avoid "the tragedy of the commons"<sup>722</sup> it is essential that the exploitation of renewable resources be regulated, with restrictions on the size of the catch, controls over the size of mesh used for catching fish, seasonal limits and so on. In the absence of international regulation, the third option, one is left with the extension of the first, national sovereignty, as a way of escaping from the problem of the commons. And the general adoption by countries of the two hundred mile "exclusive economic zone" may be seen as a vast Enclosure Act, transferring into national control "more than one third of the traditional area of the high seas" including "the greater part of harvestable fisheries."<sup>723</sup> Since fish do not necessarily stay within a single jurisdiction, the solution may still require some agreement between states, but the small number of actors involved makes such agreement far more likely to be forthcoming than before.<sup>724</sup>

But of course the extension of national sovereignty over a greatly increased area of the sea is not just a conservationist measure. It has strong distributive implications. And the general tendency of these is strongly regressive. In sheer terms of area, two of the biggest

proportional gainers are the USA and Canada. And in the more relevant terms of exploitable resources, it is (as far as is known) the already well-endowed countries that stand to gain the lion's share: most of the oil and most of the marketable fish are off the coasts of the countries of the North.

What we have, then, is the de facto acceptance by the international community of the extension of each country's "exclusive economic zone" from the traditional three miles of territorial waters to two hundred miles, or, in the case of resources beneath the seabed, the edge of the continental shelf -- itself an ill-defined notion, which is likely, unless there is some reversal in the supine attitudes that led to the "exclusive economic zone" of two hundred miles, to be indefinitely expanded. There is no question that this huge expropriation by states of the traditional "commons" of the sea is an enormous set-back to the cause of making a reality of the idea that the earth's resources are the "common heritage" of mankind. For the immediate future, the struggle is concentrated on the relatively minor question of the control and the disposition of the economic rents of the "mining" of the ferromanganese nodules (invariably described as being shaped like small potatoes) that lie on the bed of the deep ocean. Estimates of the economic potential of these resources vary widely, depending both upon guesses about the cost of developing and employing the as yet non-existent technology required to retrieve the nodules and upon the view taken of the future of the prices of the minerals and the impact on those prices of adding various amounts from the seabed to the world supply. <sup>725</sup>





But, however one reckons it, the amount of potential rent is not going to be enough, even if all of it were to be given to the poor countries, to make a sizeable difference to their prosperity. And it is, if the expression may be pardoned, small potatoes compared to the steal represented by the exclusive appropriation of rents from the exploitation of offshore oil reserves by those countries fortunate enough to have them.

The main significance of the claims of the Third World countries for an international authority to exploit the nodules directly is that it provides a prototype for the internationalization of the exploitation of other natural resources. The importance of developing a source of expertise independent of the big transnational corporations can hardly be overestimated. If the power of the transnational corporations is ever to be broken, it is essential. The experience of the Statoil corporation, formed to exploit the Norwegian offshore oil resources, illustrates both the difficulties but also the possibilities if enough determination is shown. The problem on the world scale is, of course, how an active and effective international authority can come into existence when the immediate economic interests of the transnational corporations and the governments that operate as their instruments lie in sabotaging it. Probably the best that can be hoped for is some scheme that will divide the oceans in a checkerboard and by some means divide the squares between private (or, in principle, state) corporations and the international authority. There would then have to be some system deriving income from the cession of the areas turned over to private exploitation, either by auctioning the rights in one go or by charging a royalty or some combination of the two.

There are, of course, economically valuable resources in the sea as well as at the bottom of it even in the area left by the new "exclusive economic zones": about a third of the fish and the most of the whales. The fish are at present subject to the "law of capture." The catching of whales is regulated by agreement among the "historical" whaling countries, which has the implication that the economic rents to be derived from reducing the uneconomic scramble are to be engrossed by those countries.

It is the obvious implication of the arguments put forward in this book that the idea of these living resources as the "common heritage of mankind" should be given effect by their internationalization. This need not entail that the exploitation be carried out by an international authority, but it should, I think, mean that the optimal number of licenses to catch fish or whales should be estimated by an international commission on the basis of "maximum sustainable yield" (which may mean zero licenses for now) and the number determined should then be auctioned off. This would be a way of giving reality to the principle that there should be common benefit from common wealth.

There remains the vast enigma of the Antarctic continent, at present precariously internationalized by an agreement among countries with claims on its land mass to suspend (not permanently withdraw) them. This could be a potentially explosive issue in the future if it appears economic to exploit the mineral resources that some believe it to have. The importance of establishing the principle of international control, and of getting an international authority into being, gains added significance against this background.

[Author's note. This section needs revision in the light of the results of the Law of the Sea Conference, which has made definite the 200 mile "exclusive economic zone." I should also like to add a bit more on the origins and development of the idea -- obviously relevant to this book -- of the oceans as the "common heritage of mankind."]

### 3. International Taxation

It is not at all difficult to come up with proposals for a system by which revenues would be raised on a regular basis from the rich countries and transferred to the poor ones. There is no need, therefore, for an elaborate discussion here. If any such scheme ever gained enough momentum to be a serious international issue, economists and accountants would no doubt have a field day arguing about the details. There is no point in anticipating such arguments, even in outline. However, the relative brevity of treatment here should not lead to any underestimate of its importance. It is in fact the centerpiece of what is being put forward in this book, as an essential instrument of justice.

Now there are, broadly speaking, two alternative approaches that are possible. One would be to take up each of the aspects of international justice that have been discussed -- and whatever others might be raised -- and to base a system of taxes and receipts upon each. This would be messy and endlessly contentious. The alternative, which is, I predict, the only way in which any systematic redistribution will ever take place, if it ever does, is to have one or two comprehensive taxes and distribute the proceeds according to some relatively simple formula among the poor countries.

The most obvious, and in my view the best, would be a tax on gross national product, adjusted according to average per capita <sup>income</sup> / to have a progressive effect and a lower cut-off point, the proceeds distributed to poor countries on a parallel basis of negative income tax. Gross national product reflects, roughly, the use of irreplaceable natural

resources, the burden on the ecosphere, and advantages derived from the efforts of past generations and past exploitation of other countries. Ideally, this tax would be supplemented by a severance tax on the extraction of nonrenewable natural resources. It is interesting to note, in this context, that the idea of the oceans as the "common heritage of mankind" is beginning to be extended to territorial natural resources. Thus, in a recent collection of papers on the New International Economic Order, one contributor "borrows from [a suggestion] frequently made for the use of royalties generated by the exploitation of seabed resources. Producers of all nonrenewable resources, wherever they may be, should be taxed on their output, and the proceeds should be used in aid of development. It is by now generally acknowledged that the world's nonrenewable resources are or should be subject to global regulation for purposes of conservation. It is a simple, logical extension of this principle to assert that rents arising from ownership and exploitation are or should be placed at the disposal of the international community. If the accident of ownership does not justify reckless exploitation, neither can it justify unilateral appropriation.

"I do not propose that all of these rents be devoted to international use. I would not even know how to calculate them. Instead, I suggest that a tax be levied at one percent of the value of output and that some of the revenue raised be used to finance the multilateral institutions' share of the costs of debt relief....

"A one percent tax would have raised \$1.3 billion at 1971 prices

and \$3.5 billion at 1974 prices (because most commodity prices were higher). The United States would have paid one-fifth of the tax. The oil-exporting countries would have paid about 15 percent at 1971 prices and about 30 percent at 1974 prices. This distribution reflects the fact that oil and coal, the two nonrenewable fuels included in the calculation, account for most of the revenue. The large contributions of the United States and OPEC are neither unreasonable nor punitive. These countries sit on precious resources whose worth is in no way due to the genius, industry, or abstinence of their citizens. Resources are the gift of God, no matter what language we use to address Him."<sup>730</sup>

And another writes as follows: "The rents from scarce natural resources, that is, the excess over the supply price for the exploitation of natural resources, which includes a reasonable rate of profit for the exploiters, is an income which is not due to the ability, genius, or hard work of the countries in which these natural resources happen to be located. The location of natural resources across the nation-states is an accident of geography and the appropriation of rents from them by a nation-state is no different in the ultimate analysis from the appropriation of profits from ocean resources. There is one difference, neither in economics nor in logic but in law, that is, ocean resources have not yet been legally appropriated whereas land resources were appropriated long ago."<sup>730a</sup>

I find these remarks encouraging, because they suggest that the ideas advanced in this book, although they may initially appear strange, in fact soon take on an air of inevitability once one begins to think things through.

I believe that any other kinds of general tax, that is to say taxes not related specifically to some aspect of justice, should be rejected. For example, it has been proposed that there should be a tax on foreign trade, or on foreign trade in fossil fuels.<sup>731</sup> This is so obviously arbitrary that it is hard to see how anyone can have considered it worth mooting. It has the manifest effect of penalizing small countries and countries that export (or import, if one believes that the tax on exports of fossil fuel would be shifted forward) coal and oil. It conversely has an absurdly favorable effect on very large countries that import and export little in relation to the size of their GNPs and are relatively self-sufficient in energy derived from fossil fuels. No doubt the State Department loves it, but why should anyone else be imposed on?

NOTE:

This chapter needs to be recast, extended, and supplied with a concluding section that should serve to tie together the book. Some of the points that will have to be discussed are as follows:

(1) What is the relation between the application of the equal rights principle at the individual level and its application at the collective (state) level? The general theme is touched on in Chapter 3 but needs much more careful treatment here. The idea that I want to put over is that in principle justice, as control over resources, can be predicated at any level from the individual up. But I haven't said anything about exactly what the criterion for justice between collectivities is. Clearly, the tax scheme outlined implies that the basis for division among states should be population, in the sense that, if two poor states have the same level of per capita GNP and one has twice as many people as the other, the larger one should get twice the funds (or provide twice the funds if they're both rich). Does this, however, undermine the idea of autonomous decision-making about distribution at the supra-individual level? I don't think it does but I obviously need to try to show how this all works out.

(2) It would also be useful to say something about the practicality of transfers -- e.g., to point out that Third World non-oil-exporting countries are predicted to run a \$70 billion deficit on current account this year, so that transfers of that scale are being made already -- it's simply that at present the poor countries have to go further into debt



to finance that deficit. So a \$70 billion transfer from rich to poor countries would not entail any change (on the whole) in the value of unrequited physical flows from rich to poor countries. All that would change would be the paper obligations of poor countries -- not that that is in the long run insignificant, of course.

It would also be a good idea, as well as referring to the network of existing international organizations and agreements, to discuss explicitly the kinds of incremental changes in them that could lead towards automatic transfers -- e.g., the extension of the idea of increasing the special drawing rights of poor countries in the IMF. Similarly, it would be worth pointing out that justice would be served partially by transfers of an appropriate kind even if they were done by regional blocs -- e.g. the STABEX scheme for compensating the dependencies associated with the EEC for shortfalls in commodity earnings. (Of course, to the extent that transfers from rich to poor countries were motivated by the collective interest of the rich, on the lines discussed towards the end of Chapter 1, there would be a "free rider" problem if some rich countries contribute and others don't. But if the basis is justice between rich and poor then it is definitely an improvement if some rich countries transfer to some poor ones, even if others don't do their part.)

(3) I suspect that, in spite of the disclaimer about premature specificity, it would help to fix the readers' ideas to spell out in a little detail a possible scheme of international taxation.

(4) There should be some consideration of the way in which justice among contemporaries interacts with justice between generations. (I have already set out some ideas about this in a paper on energy policy and future generations.) One point worth noting -- as it has been by Toby Page -- is that a severance tax on the extraction of raw materials may be regarded as an instrument of intergenerational equity. It can thus be made to serve the purposes (by the way in which the proceeds are distributed) of both intergenerational and international justice.

## NOTES TO CHAPTER 7

711. David Hume, An Enquiry Concerning the Principles of Morals (Oxford: Clarendon Press, 1975), 3rd edition, pp. 193-4.
721. Locke, Second Treatise, §30, p. 331.
722. Garrett Hardin, "The Tragedy of the Commons," Science CLXII (1968), 1243-8.
723. Schachter, Sharing the World's Resources, p. 47.
724. For an excellent discussion see Russell Hardin, Collective Action (Baltimore: Johns Hopkins University Press, forthcoming).
725. Eleanor B. Steinberg and Joseph Y. Yager (eds.), New Means of Financing International Needs (Washington, D.C.: The Brookings Institution, 1978), Chapter 5.
726. In a world of perfect information and perfect competition, an auction of the rights would have theoretical advantages. See Kenneth W. Dam, Oil Resources: Who Gets What How? (Chicago: University of Chicago Press, 1976). It is plain, however, that we do not live in such a world and that there would be no way of preventing the small number of companies involved from implicitly colluding to bid low.
730. Peter B. Kenen, "Debt Relief as Development Assistance" in Jagdish N. Bhagwati, ed., The New International Economic Order: The North-South Debate (Cambridge, Mass.: MIT Press, 1977), 50-77, pp. 68-9.

730a. Nurul Islam, "Comment" on Richard N. Cooper, "The Oceans as a Source of Revenue," 121-4 in *ibid.*, p. 122.

731. Steinberg and Yager, New Means..., Chapter 3.