

Chapter 2

Outsiders: our obligations to those beyond our borders

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In an article entitled “Famine, Affluence and Morality,” first published in 1972, I argued that:

it makes no moral difference whether the person I help is a neighbor’s child ten yards from me or a Bengali whose name I shall never know, ten thousand miles away¹

As far as I am aware, no one has disputed this claim in respect of distance *per se* – that is, the difference between 10 yards and 10,000 miles. Of course, the degree of certainty that we can have that our assistance will get to the right person, and will really help that person, may be affected by distance, and that can make a difference to what we ought to do, but that will depend on the particular circumstances we find ourselves in. The aspect of my claim that has been the subject of greatest philosophical dispute is the suggestion that our obligation to help a stranger is as great as our obligation to help a neighbor’s child. Several critics have claimed that we have special obligations to our family, friends, neighbors and fellow-citizens. Raymond Gastil, for example, has objected that:

There is no doctrine of nonuniversalistic obligation with which Singer seriously deals. The flatness of his map of obligation and responsibility is suggested by the remark that “. . . unfortunately most of the major evils – poverty, overpopulation, pollution – are problems in which everyone is almost equally involved.”²

My aim in this paper is to restate and defend my earlier view, or at least something still recognizably related to it. Before I do so, I shall note that the issue of our obligations to strangers as compared with our obligations to our compatriots is raised not only by the issue with which

I was concerned in “Famine, Affluence and Morality” – that is, the issue of how much aid we ought to give to those in danger of starvation, malnutrition, or death from easily preventable diseases – but also in many other arenas. One prominent example is the strategy followed by the NATO powers in their 1999 intervention in Kosovo, where the restriction of intervention to aerial bombardment meant that the NATO forces suffered not a single casualty in combat, but approximately 300 Kosovar, 209 Serb and three Chinese civilians were killed.³ Another issue that raises the relative weight we place on the interests of our own citizens and those of other nations is trade policy, a topic on which there has been heated debate since the 1999 World Trade Organization meeting in Seattle. I will not, however, have space here to pursue any of the additional ramifications of the issue of the relative weight that political leaders may give to protecting the lives and incomes of their own citizens, as compared with those of other countries. That must await another occasion.

SOME MORAL TOPOGRAPHIES

If it is supposed to be a mistake to have a map of moral obligation that is as flat as mine, then where, on a morally superior landscape, should the peaks, plateaus and escarpments be placed? Here are some examples of how people have structured the moral landscape:

- (1) In Victorian England, Henry Sidgwick presented the moral topography of Victorian England as follows:

We should all agree that each of us is bound to show kindness to his parents and spouse and children, and to other kinsmen in a less degree: and to those who have rendered services to him, and any others whom he may have admitted to his intimacy and called friends: and to neighbors and to fellow-countrymen more than others: and perhaps we may say to those of our own race more than to black or yellow men, and generally to human beings in proportion to their affinity to ourselves.⁴

- (2) Paul of Tarsus, in his Epistle to the Galatians, urges:

As we have, therefore, opportunity, let us do good unto all men, especially unto them who are of the household of faith.⁵

- (3) In the following well-known passage from *The Adventures of Huckleberry Finn*, Huck explains to Aunt Sally why he was delayed:

"We blew out a cylinder-head."

"Good gracious! anybody hurt?"

"No'm. Killed a nigger."

"Well, it's lucky; because sometimes people do get hurt."⁶

- (4) Here is a more extreme statement of an essentially similar attitude:

We must be honest, decent, loyal and friendly to members of our blood and to no one else. What happens to the Russians, what happens to the Czechs, is a matter of utter indifference to me. Such good blood of our own kind as there may be among the nations we shall acquire for ourselves, if necessary by taking away the children and bringing them up among us. Whether the other races live in comfort or perish of hunger interests me only in so far as we need them as slaves for our culture; apart from that it does not interest me. Whether or not 10,000 Russian women collapse from exhaustion while digging a tank ditch interests me only in so far as the tank ditch is completed for Germany.⁷

- (5) Alasdair MacIntyre offers us a contemporary version of Sidgwick's outline of relationships:

I am someone's son or daughter, someone else's cousin or uncle; I am a citizen of this or that city, a member of this or that guild or profession; I belong to this tribe, that clan, this nation. Hence what is good for me has to be what is good for one who inhabits these roles. As such, I inherit from the past of my family, my city, my tribe, my nation, a variety of debts, inheritances, rightful expectations and obligations. These constitute the given of my life, my moral starting point. This is part of what gives my life its moral particularity.⁸

- (6) In the course of a recent defense of human dominion over other animals, Lewis Petrinovich claims that ". . . certain biologically instated [sic] moral boundaries are imperatives." He gives as examples "children, kin, neighbors, and species."⁹

THE IMPARTIAL JUSTIFICATION OF PARTIALITY

This grab-bag of alternatives to a flat moral landscape reminds us that the categories to which people give moral significance vary over time and place. For reasons that I shall discuss shortly, this is not true of all such categories. It is significant, though, that whereas it is easy to find thinkers from different times and places to whom it is intuitively obvious that we have special obligations to those of our own religion, race,

or ethnic affiliation, this does not seem so obvious to contemporary ethicists and political theorists. If the strength of intuitions favoring special obligations based on racial and religious affinity is not sufficient grounds for accepting them, then the strength of our intuitions about, say, special obligations based on fellow-citizenship, should also not be sufficient reason for accepting them. Instead, we need another test of whether they should be accepted. I propose that the test should be whether accepting the idea of having these special duties can itself be justified from an impartial perspective. The remainder of this paper is an attempt to work out the implications of this proposal and defend it against some recent objections and alternative views.

The proposal itself is anything but novel; indeed we are re-entering a debate that goes back two hundred years to William Godwin, perhaps the first notorious champion of impartiality. Godwin asserted that if Archbishop Fénelon, whose writings have brought happiness and consolation to thousands, should be trapped in a burning building together with your mother, and there is no time to rescue both, it is the celebrated Archbishop whom you should save.¹⁰

Godwin's view was highly controversial in his own time. Some of the most trenchant criticism came from the clergyman Samuel Parr, who preached a sermon against Godwin's "universal philanthropy." Parr argues against impartialism in ethics on the grounds that it takes an unrealistic view of human nature. Our real desires, our lasting and strongest passions, are not for the good of our species as a whole, but, at best, for the good of those who are close to us, and we should not demand of men something that they cannot give.¹¹ Godwin subsequently, perhaps influenced by his wife Mary Wollstonecraft, accepted some elements of Parr's argument and sought to make room within his universalist view for natural feelings like love for one's parents or children.¹²

The contemporary debate on this issue is not all that different from that which took place between Godwin and Parr. Today the critics of impartialism argue that an advocate of an impartial ethic such as utilitarianism would make a poor parent, neighbor or friend, because the very idea of such personal relationships involves being partial toward the other person with whom one is in the relationship. This means giving more consideration to the interests of your child, neighbor or friend than you give to strangers, and from the standpoint of an impartial ethic this seems wrong. Consequentialists have responded to these objections by claiming that their position does not require that we should be

impartial in every aspect of our lives. Rather, there must be an impartial justification for accepting areas of our lives in which we may act partially. R. M. Hare, for example, has developed a two-level version of utilitarianism. He argues that in everyday life it will often be too difficult to work out the consequences of every decision we make, and if we were to try to do so, we would risk getting it wrong because of our personal involvement, and the pressures of the situation. For guiding our everyday conduct, he therefore suggests that we need a set of principles that should become something that we know intuitively, without a lot of reflection. In a calmer or more philosophical moment, on the other hand, we can reflect on the nature of our moral intuitions, and ask whether we have developed the right ones, that is, the ones that will lead to the greatest good, impartially considered. When we engage in this reflection, we are moving to the critical level of morality.¹³

Do any of the special obligations suggested by the passages quoted above survive Hare's demand for impartial justification, and if so, which ones? If we subject our intuitions about the preferences we should give to the interests of different groups of people to a test of this kind, I think we will find that the first set of preferences mentioned by Sidgwick – family, friends, those who have “rendered services” to us, and neighbors – stands up quite well. The love of parents for their children, and the desire of parents to give preference to their children over the children of strangers is, as the experience of utopian social experiments has shown, highly resistant to change.¹⁴ Here Petrinovich's reference to the “evolutionary imperative” is at its most plausible. Not, of course, that we can deduce moral imperatives from evolutionary theory, as Petrinovich appears to do – that would involve an indefensible crossing of the gap between “is” and “ought” – but evolutionary theory can make a contribution to this debate. It offers us reasons for believing that some of our emotional attachments are deeply rooted in our nature as intelligent, long-lived primates, or even in our nature as social mammals. These attachments are therefore likely to be common, if not quite universal, in all human cultures. Even if we were to decide that these attachments are undesirable, we would find them very difficult to eradicate, and any attempt to do so would have high costs and would require constant supervision or coercion to ensure that people did not act on the attachments in question. Unless we are willing to engage in an all-out campaign of intense moral pressure, backed up with coercive measures and draconian sanctions, to suppress parental bias, we are bound to find

that most parents constantly favor their children in ways that cannot be directly justified on the basis of equal consideration of interests. If we do engage in such a campaign, our only achievement may well be that we have brought about guilt and anxiety in parents who want to do things for their children that society now regards as wrong. This is not mere speculation. In the early days of the Israeli *kibbutzim*, or socialist collectives, the more radical *kibbutzim* sought to equalize the upbringing of children by having all children born to members of the *kibbutz* brought up communally, in a special children's house. For parents to show particular love and affection for their own child was frowned upon. Nevertheless, mothers used to sneak into the communal nursery at night to kiss and hold their sleeping children, presumably, if they shared the ideals of the *kibbutz*, feeling guilt for doing so. Such guilt will itself be a source of much unhappiness. Will the gains of diminishing partiality for one's own children outweigh this? That seems unlikely, because for the children themselves, the care of loving parents is likely to be better than the care of paid employees, no matter how benevolent they may be, or how professionally skilled in carrying out their duties. There is evidence, too, that children are more likely to be abused when brought up by people who are not their biological parents.¹⁵ Given the unavoidable constraints of human nature and the importance of bringing children up in loving homes, then, there is an impartial justification for approving of social practices that presuppose that parents will usually be partial towards their own children.

It is even easier to find an impartial reason for accepting love and friendship. If loving relationships, and relationships of friendship, are necessarily partial, they are also, for most people, at the core of anything that can approximate to a good life. Very few human beings can live happy and fulfilled lives without being attached to particular other human beings. To suppress these partial affections would destroy something of great value, and therefore cannot be justified from an impartial perspective.

Bernard Williams has claimed that this defense of love and friendship demands "one thought too many."¹⁶ We should, he says, visit our sick friend in hospital because he is our friend and is in hospital, not because we have calculated that visiting sick friends is a more efficient way of maximizing utility than anything else we could do with our time. This objection would be valid if pressed against those who claim that we should be thinking about the impartial justification of love or friendship at the time when we are deciding whether to visit our sick friend; but

it is precisely the point of two-level utilitarianism to explain why we *should* have an extra thought when we are thinking at the critical level, but not at the level of everyday moral decision-making.

Consider the idea supported, to varying degrees, in the passages I have quoted from Sidgwick, Twain, and Himmler, to the effect that, say, whites should care more for, and give priority to, the interests of other whites, or that “Aryans” should give priority to the interests of others “of their blood.” These ideas have had, in their time, an intuitive appeal very similar to the intuitive appeal of the idea that we have obligations to favor family and friends. But racist views have contributed to the worst crimes of our century, and it is not easy to see that they have done much good, certainly not good that can compensate for the misery to which they have led. Moreover, though the suppression of racism is difficult, it is not impossible, as the existence of genuinely multi-racial societies, and even the history of desegregation in the American South, shows. White people in the South no longer think twice about sharing a bus seat with an African American, and even those who fought to defend segregation have, by and large, come to accept that they were wrong. Taking an impartial perspective shows that partialism along racial lines is something that we can, and should, oppose, because our opposition can be effective in preventing great harm being done to innocent people.

Thus we can turn Williams’ aphorism against him: philosophers who take his view have one thought too few. To be sure, to think *always* as a philosopher would mean that, in our roles as parents, spouse, lover, and friend, we would indeed have one thought too many. But Williams *is* a philosopher, and there are times when he should be prepared to reflect critically on his intuitions – and not only philosophers, but all thoughtful people, should do this. If we were all simply to accept our feelings without the kind of extra reflection we have just been engaged in, we would not be able to decide which of our intuitive inclinations to endorse and support, and which to oppose. As the quotations with which I began indicate, the fact that intuitive responses are widely held is not evidence that they are justified. They are not rational insights into a realm of moral truth. Some of them – roughly, those that we share with others of our species, irrespective of their cultural background – are responses that, for most of our evolutionary history, have been well suited to the survival and reproduction of beings like us. Others – roughly, those that we do not share with humans from different cultures – we have because of our particular cultural history. Neither the biological nor the cultural basis

of our intuitive responses provides us with a sound reason for taking them as the basis of morality.

Compare the passages I have quoted above from Sidgwick and MacIntyre. The most curious aspect of MacIntyre's list is race, which reminds me of "the curious incident of the dog in the night-time" to which Sherlock Holmes once directed Dr Watson's attention.¹⁷ The dog, of course, did nothing in the night, and MacIntyre's list, though it appears to mention every other association that comes to his mind, says nothing about the racial basis of fellow-feeling that has been so great a force in the world over the past two hundred years and more. Why does MacIntyre include such groupings as "my clan, my tribe, my nation" but not "my race"? Because, I would suggest, in the light of the crimes committed by those who follow their racial feelings, it would be impossible for MacIntyre to recognize its existence while continuing to deny the need for critical evaluation of the "debts, inheritances, rightful expectations and obligations" that we inherit from our past and which give our lives their "moral particularity." That critical evaluation, however, requires us to take a standpoint that transcends our particularity, a possibility that MacIntyre is reluctant to accept.

Let us return to the issue of partiality for family, lovers, and friends. We have seen that there are impartial reasons for accepting some degree of partiality here. But how much? In broad terms, as much as is necessary to promote the goods mentioned above, but no more. Thus the partiality of parents for their children must extend to providing them with the necessities of life, and also their more important wants, and must allow them to feel loved and protected; but there is no requirement to satisfy every desire a child expresses, and many reasons why we should not do so. In a society like America, we should bring up our children, both for their own good and for those of others, to know that others are in much greater need, and to be aware of the possibility of helping them, if unnecessary spending is reduced. They should also learn to think critically about the forces that lead to high levels of consumption, and to be aware of the environmental costs of this way of living. With lovers and friends, something similar applies: the relationships require partiality, but they are stronger where there are shared values, or at least respect for the values that each holds. Where the values shared include concern for the welfare of others, irrespective of whether they are friends or strangers, then the partiality demanded by friendship or love will not be so great as to interfere in a serious way with the capacity for helping those in great need.

What of the other categories on Sidgwick's list of those to whom we are under a special obligation to show kindness: parents, kin, "those who have rendered services," "neighbors" and "fellow-countrymen"? Can all of these categories be justified from an impartial perspective? The inclusion of "those who have rendered services" is seen by ethicists who rely on intuition to be a straightforward case of the obligation of gratitude.¹⁸ From a two-level perspective, however, the intuition that we have a duty of gratitude can be seen not as an insight into some independent moral truth, but something desirable because it helps to encourage reciprocity, which makes cooperation, and all its benefits, possible. Here too, evolutionary theory can help us to see why reciprocity, and with it the sense of gratitude, should have evolved. Reciprocal relationships are common among primates and in some other social mammals. They have been studied extensively by anthropologists, ethologists and game theorists, and shown to be highly advantageous for those who participate in them. Moreover the rewarding of cooperative behavior has benefits for the society as a whole, and not only for those who are cooperating. If one agent makes a cooperative move, for example, sharing food when she has more than someone else, then the recipient has a choice between reciprocating when she has more, or cheating, by not sharing when she has more. If cooperative moves are usually reciprocated, cooperators will do well and cooperation will thrive; if cooperative moves are rarely reciprocated, cheats will do better than cooperators, and cooperation will decline. Since both being cheated and guarding against being cheated have costs, everyone is better off if society recognizes a general duty of gratitude – and a duty of retribution against those who do cheat. That is, in some form or other, a universal norm in all human societies.¹⁹

Once a duty of gratitude is recognized, it is impossible to exclude parents from the circle of those to whom a special duty of kindness is owed. For since parents have generally "rendered services" by the million to their children, we can hardly subscribe to a general principle of gratitude without recognizing a duty of children towards their parents. The exception here would be the case of children who have been maltreated or abandoned by their parents – and it is the exception that proves the rule, in the sense that it proves that our common moral consciousness sees the obligation largely as one of gratitude, rather than one based on blood relationships.

Another of Sidgwick's categories, that of our neighbors, can be handled in the same way. It is not so much the fact of geographical proximity

that makes it good for us to be especially concerned about our neighbors, but rather that this proximity means that we have many opportunities to enter into relationships with them of various kinds, but especially those of friendship and mutually beneficial reciprocity. Of course, increasing mobility and communication has, over the course of the past century, eroded the extent to which neighbors are important to us. We can talk to our friends wherever they live, and in large cities we can visit them without taking much more trouble than is involved in visiting a neighbor. Hence the common phenomenon of living in suburbs with neighbors one sees frequently, but barely speaks to. In these circumstances, it becomes doubtful if we have special duties of kindness to our neighbors at all, apart from, perhaps, the things that only a neighbor can do, like calling the police if one sees someone trying to break into the house while the neighbor is on vacation.

This leaves, of Sidgwick's list, only "kin" and "fellow-countrymen." "Kin" is an expression that ranges from the sibling with whom you shared your childhood, and with whom you may later share the task of caring for your parents, to the distant cousin you have not heard from for decades. The extent to which we have a special obligation to our kin should vary accordingly. Kin networks can be important sources of love, friendship, and mutual support, and then they will generate impartially justifiable reasons for promoting these goods. But if that distant cousin you have not heard from for decades suddenly asks for a loan because she wants to buy a new house, is there an impartially defensible ground for believing that you are under a greater obligation to help her than you would be to help an unrelated equally distant acquaintance? That would seem to depend on whether there is a recognized system of cooperation among relatives. In rural areas of India, for example, such relationships between relatives can play an important role in providing assistance when needed.²⁰ Under these circumstances there is an impartial reason for recognizing and supporting this practice: in the absence of any such system, there is not.

Finally, then, what impartial reasons can there be for giving preference to one's compatriots over foreigners?

HELPING OUR OWN FIRST: THE EFFICIENCY ARGUMENT

Robert Goodin defends a system of special obligations to our compatriots "merely as an administrative device for discharging our general

duties more efficiently.”²¹ If you are sick and in hospital, Goodin argues, it is best to have a particular doctor made responsible for your care, rather than leaving it up to all of the hospital doctors in general; so too, he says, it is best to have one state that is clearly responsible for protecting and promoting the interests of every individual within its territory. There is no doubt something in this, but it is an argument with very limited application in the real world. Goodin recognizes this, saying:

If there has been a misallocation of some sort, so that some states have been assigned care of many more people than they have been assigned resources to care for them, then a reallocation is called for.²²

Evidently, our world suffers from very grave misallocations, for some nations have abundant resources, and others far too few. But while we wait for the required reallocation to occur, what should ordinary citizens do? Although Goodin starts his essay by inquiring into the special duties that “we have toward particular individuals because they stand in some special relation to us,”²³ by the end of his essay he writes of the duties of the state, rather than of the duties that “we” have to other individuals. Arguably, though, it would follow from Goodin’s view that individuals should do what they can, using the resources under their own control, to remedy the misallocation of resources between states. While it may, in general, be more efficient for states to look after their own citizens, in the real world, this is not so if we are living in one of the countries that has more than its fair share of resources to protect and promote the interests of its citizens. Then we can use our resources far more efficiently by assisting people in countries where \$1,000 is three times the average annual income, than we can in our own country, where that amount would barely keep a family for a month. Hence the argument from efficiency, far from being a defense of special duties towards our compatriots, provides grounds for holding that any such duties are overwhelmed by the much greater good that we can do abroad.

**WELLMAN’S IMPARTIAL REASONS FOR PREVENTING
INEQUALITY WITHIN A SOCIETY RATHER THAN
BETWEEN SOCIETIES**

Christopher Wellman has recently suggested three other impartial reasons for thinking that it may be particularly important to prevent economic inequality from becoming too great *within* a society, rather than

between societies. These reasons would therefore, if valid, give grounds for some degree of preference for one's compatriots. The first is that political equality within a society may be adversely affected by economic inequality within a society, but is not adversely affected by economic inequality between societies; the second is that inequality is not something that is bad in itself, but rather something that is bad in so far as it leads to oppressive relationships, and hence we are right to be more concerned about inequality among fellow-citizens than we are about inequality between foreigners who are not in a meaningful relationship with each other; and the third is a point about the comparative nature of wealth and poverty.²⁴ The classic expression of this last point is by Karl Marx:

A house may be large or small; as long as the surrounding houses are equally small it satisfies all social demands for a dwelling. But let a palace arise beside the little house, and it shrinks from a little house to a hut . . . however high it may shoot up in the course of civilization, if the neighboring palace grows to an equal or even greater extent, the occupant of the relatively small house will feel more and more uncomfortable, dissatisfied and cramped with its four walls.²⁵

These three points have some weight when they are brought against the strong claim that it is *no* less desirable to eliminate marked economic inequality between any of the world's inhabitants than it is to eliminate it within a single society. But the weight we should give them is limited, and subject to particular circumstances. In regard to the third point, for example, it is a mistake to think that people compare themselves only with their fellow-citizens, and with all their fellow-citizens. Inhabitants of rural Mississippi, for example, probably do not compare themselves with New Yorkers, or at least not in regard to income. Their lifestyle is so different that income is merely one element in a whole package. On the other hand, many Mexicans living in Tijuana obviously do look longingly north of the border, and think how much better off they would be if they could live in the United States. That is shown by the attempts that many of them make to get there. And the same can be true of people who are not in close geographical proximity, as we can see from the desperate attempts of Chinese to travel illegally to countries like the United States and Australia, not because they are being politically persecuted, but because they will have a better life.

Despite these qualifications, let us grant that there are some reasons for thinking that we should place a higher priority on avoiding marked economic inequality within a given society than on avoiding it across the

entire range of the planet's inhabitants. Even so, Wellman would, I think, agree that in the present situation, we may have duties to foreigners that override duties to our fellow-citizens. For even if inequality is often relative, there is also a state known as absolute poverty, that is, poverty that is not relative to someone else's wealth. Absolute poverty has been described as:

a condition of life so characterized by malnutrition, illiteracy, disease, squalid surroundings, high infant mortality and low life expectancy as to be beneath any reasonable definition of human decency.²⁶

Reducing the number of human beings living in absolute poverty is surely a more urgent priority than reducing the relative poverty caused by some people living in palaces while others live in houses that are merely adequate. Here Sidgwick's account of the common moral consciousness of his time is in agreement; for after giving the list of special obligations I quoted above, he continues:

And to all men with whom we may be brought into relation we are held to owe slight services, and such as may be rendered without inconvenience: but those who are in distress or urgent need have a claim on us for special kindness.

There can be no doubt that those living in absolute poverty are in distress and in urgent need.

RAWLS AND THE LAW OF PEOPLES

If efficiency arguments do not justify much in the way of preference for our compatriots, what of social contract arguments? I shall not attempt to cover the entire range of arguments that might be derived from the various ideas about social contract that are currently circulating in political philosophy. That would be too large a task for this paper, and it is in any case a task that would take us too far from my original claim about our obligations to aid distant strangers. Social contract theory is generally, though not invariably, addressed to the question of what kind of principles a society should adopt, rather than what our personal obligations may be. Nevertheless, in view of the recent publication of John Rawls' *The Law of Peoples*, a work that is sure to influence discussions of what different "peoples" owe one another in the way of assistance, I cannot refrain from making a few comments on the arguments of that book.

When I first read *A Theory of Justice* I was astonished that a book of nearly 600 pages with that title could fail even to tackle the injustice of unequal wealth between different societies. That omission cries out for explanation, so I will offer one. Rawls' method is to seek principles of justice by asking what principles persons in the original position would choose, if they were choosing behind a veil of ignorance that concealed from them certain facts about themselves. If we apply this method globally, rather than for a given society, it is obvious that one fact the veil of ignorance should conceal would be whether one is a citizen of a developed nation like the United States, or a less developed nation like Haiti, Bangladesh or Mozambique. Given a veil of ignorance that concealed nationality, Rawls' arguments for the choice of a principle that maximizes the prospects of the least-advantaged would immediately be transformed into an argument for maximising the prospects of the worst-off people in the world. This means that the argument would lead to conclusions that are in direct and deep conflict with our settled intuitions about what we owe people from other countries. But for Rawls, a sound theory of justice ought to be able to match our settled intuitions in a state of reflective equilibrium. To apply Rawls' methods globally would therefore imperil his entire project, for it would lead to the conclusion that the foundation of the theory – choice behind the veil of ignorance – is in irreconcilable conflict with our settled intuitions. We would have to throw out either the foundation or the intuitions, and once we did that, anything could emerge, perhaps something quite different from the ethical theory that Rawls was defending.²⁷

With the publication of *The Law of Peoples* Rawls has at last addressed himself to the issue of justice beyond the borders of our own society. Consistently with what I have argued in the preceding paragraph, he does so in a manner that does not disturb conventional moral views about what we owe to those who are not our compatriots. But to do so, he has to use arguments that are sharply at odds with positions he took in his earlier work.

Here is one example. Rawls asks us to consider a world in which there are two societies, each of which satisfies internally the two principles of justice in *A Theory of Justice*, and in which the worst-off representative person in the first society is worse off than the worst-off representative person in the second. He then supposes that it were possible to arrange a global redistribution that would improve the lot of the worst-off representative person in the first society, while allowing both societies to continue to satisfy the two principles of justice internally. Should we

prefer that redistribution to the original one? No, Rawls says, "The Law of Peoples is indifferent between the two distributions."²⁸

How does an advocate of a system of justice in which "no one is advantaged or disadvantaged in the choice of principles by the outcome of natural chance or the contingency of social circumstances"²⁹ reach a position of *indifference* to consequences of something as contingent as which side of a national border one happens to live? The answer lies in Rawls' abandonment of the methodology of argument used in *A Theory of Justice*. In contrast to the "original position" in that work, in which the deliberating parties weigh up alternative principles of justice, such as classical utilitarianism and moral perfectionism, in the second "original position," to decide on a framework for international relationships, in *The Law of Peoples* the deliberating parties do not even consider classical utilitarianism as a possible principle by which they might regulate the way in which peoples behave towards each other. This is because, Rawls tells us:

a classical, or average, utilitarian principle would not be accepted by peoples, since no people organized by its government is prepared to count, *as a first principle*, the benefits for another people as outweighing the hardships imposed on itself.³⁰

Clearly, here the descriptive truth – if it is a truth – that no people *is* prepared to count the benefits for another people as outweighing the hardships imposed on itself serves Rawls as a conclusive reason for ruling out of consideration any possibility that they *would* choose to accept this principle, if they were choosing in the original position. And from there, of course, it is a short step to the moral claim that they *ought* not to accept it. But why should we accept what governments are now prepared to accept as decisive about what they would accept, if they were choosing impartially? In contrast to the case I defended before regarding parents' attitudes towards their children, we do not know how difficult it might be to persuade people to give more weight to benefits to other peoples. We have scarcely begun the task of educating people towards taking a larger and more generous perspective.

Another strange aspect of *The Law of Peoples* is Rawls' readiness to invoke, against the idea of economic redistribution between nations, arguments that could easily be brought against economic redistribution between individuals or families *within* the same nation. Thus he invites us to consider an example of two countries that are at the same level of wealth, and have the same size population. The first decides

to industrialize while the second, which prefers a more pastoral and leisurely society, does not. Decades later, the first is twice as wealthy as the second. Assuming that both societies freely made their own decisions, Rawls asks whether the industrializing society should be taxed to give funds to the pastoral one. That, he says, "seems unacceptable,"³¹ But if Rawls finds this unacceptable, how does he answer the critics of his position in *A Theory of Justice* who find it unacceptable for a person who has worked hard and achieved wealth to be taxed in order to support someone who has led a more relaxed life and so is now among the worst-off members of society?

Rawls does, in *The Law of Peoples*, urge that "well-ordered peoples have a *duty* to assist burdened societies," that is, those societies that "lack the political and cultural traditions, the human capital and know-how, and, often, the material and technological resources needed to be well-ordered."³² The duty extends, however, only to the requirement of assistance to help the societies to become "well-ordered"³³, and for this purpose Rawls places emphasis on the need for societies to develop a suitable culture, for he conjectures "that there is no society anywhere in the world – except for marginal cases – with resources so scarce that it could not, were it reasonably and rationally organized and governed, become well-ordered."³⁴ This conjecture may or may not be correct, but it leaves untouched the plight of individuals who are dying from starvation, malnutrition, or easily preventable diseases, in countries that presently lack the capacity to provide for the needs of all their citizens. The same is true of Rawls' further discussion, a few pages later, of the reasons for reducing inequalities in the domestic situation and between peoples:

In itself, it doesn't matter how great the gap between rich and poor may be. What matters are the consequences. In a liberal democratic society that gap cannot be wider than the criterion of reciprocity allows, so that the least advantaged (as the third liberal principle requires) have sufficient all-purpose means to make intelligent and effective use of their freedoms and to lead reasonable and worthwhile lives. When that situation exists, there is no further need to narrow the gap. Similarly, in the basic structure of the Society of Peoples, once the duty of assistance is satisfied and all peoples have a working liberal or decent government, there is again no reason to narrow the gap between the average wealth of different peoples.³⁵

Rawls does say, in the course of discussing contrary views of international justice by Charles Beitz and Thomas Pogge, that he shares their

goals “of attaining liberal or decent institutions, securing human rights and meeting basic needs,” and he believes that these goals “are covered by the duty of assistance.”³⁶ But he nowhere suggests that wealthy nations ought to try to assist poor nations to meet the basic needs of their citizens, except in so far as this is part of a much broader project of helping those peoples to attain liberal or decent institutions. The probability that, in the real world in which we live, tens of millions will starve or die from easily preventable illnesses before such institutions are attained, is not something to which Rawls directs his attention.

THE PROBLEM OF MOTIVATION

In conclusion, I want to return to the objection urged by Samuel Parr against William Godwin’s “universal philanthropy.” If Parr were alive today he might well point to modern evolutionary psychology as explaining and underpinning his observation that our lasting and strongest passions are for the good of those who are close to us, not for the good of the species as whole. Contemporary writers have echoed Parr’s point. David Miller, for example, says that “universalism rests upon an implausible account of ethical motivation . . . For the mass of mankind, ethical life must be a social institution whose principles must accommodate natural sentiments towards relatives, colleagues, and so forth . . .”³⁷ I do not challenge this general account of what human nature is like, on the whole – subject to the usual qualifications demanded by the range of human variation. I would, though, question two possible implications that have been drawn from this account of human nature. The first dubious implication is that we are somehow motivated to assist our compatriots to a much more significant degree than we are to assist foreigners. Arguably, wartime and other national crises apart, the requirement to assist our compatriots, simply because they are our compatriots, is already beyond the motivation of most human beings. Especially where there is ethnic diversity, or great disparity of wealth, it is hard to believe that the bond between compatriots is based on any kind of natural love and affection that makes it different in kind from that between members of different countries. If the motivational claim defeats arguments for an obligation to assist strangers in other countries, then, it also defeats arguments for an obligation to assist anyone other than one’s family, friends and some other relatives.

I do not, however, accept that this account of human nature shows that impartialism in ethics is untenable. Parr asserts that “the moral

obligations of men cannot be stretched beyond their physical powers."³⁸ but impartialism is not beyond our physical powers. It is not even, strictly speaking, beyond our moral powers. Each of us, individually, is *capable* of acting impartially, even if most of us, most of the time, choose not to do so. That is true, too, of Miller's "mass of mankind." "Ought" implies "can," not "is likely to." Impartialists would be relying upon "an implausible theory of human motivation" only if they expected most people to act impartially. But they need not do so. There is nothing contradictory or incoherent in saying: "Everyone ought to do X" and "It is certain that most people will not do X."

Still, it might be argued that it is poor policy to advocate a morality that most people will not follow. If we come to believe that we are doing wrong when we do not give nearly all we have to assist those who are starving, then our response, following the maxim of "damned for a penny, damned for a pound," may be, not to give more, but to be less observant of other moral rules that we had previously followed. Thus making morality so demanding threatens to bring the whole of morality into disrepute.

Once the objection shifts to become a point of policy, rather than principle, however, the nature of the question changes. It is again a matter of what policy will produce the best consequences. If it is true that advocating a highly demanding morality will lead to worse consequences, for all those affected, than advocating a less demanding morality, then indeed we ought to advocate a less demanding morality – even though, at the level of critical thinking, we will know that impartialism is sound. Here Sidgwick's point holds good: there is a distinction between "what it may be right to do, and privately recommend," and "what it would not be right to advocate openly."³⁹ Some philosophers reject this distinction, claiming that there is a "publicity requirement" for moral judgments. We can, if we wish, define an institution such that no rule in that institution can be valid unless it can be publicly advocated. We can even specify that we will call that institution "morality." To do so achieves very little, however, for now any reflective person will have to ask why, in our own conduct and our private recommendations, we should do what "morality," as now defined, demands, when doing something else will have better consequences for all concerned. The answer "because you cannot publicly advocate the course of action that will have the best consequences" does not seem very convincing, if we didn't intend to advocate it publicly anyway.

Finally, what about the *ad hominem* objection that impartialism is too demanding even for its most unflinching proponents? Would William Godwin really have left his mother in the burning building while he rescued the noble archbishop? He was never put to the test; I have, however, been judged to have failed a similar challenge. My critics have claimed that, by paying for home care for my mother after she began to suffer from dementia, I have violated the standard of impartiality that I advocate.⁴⁰ R. M. Hare has suggested that because I know my mother well, and can see that the money being spent on her care does mean that she gets excellent care, and does not suffer, the money is well-spent⁴¹ He may be right. Suppose, however, that it were crystal clear that the money could do more good elsewhere. Then I would be doing wrong in spending it on my mother, just as I do wrong when I spend, on myself or my family, money that could do more good if donated to an organization that helps people in much greater need than we are. I freely admit to not doing all that I should do; but I could do it, and the fact that I do not do it does not vitiate the claim that it is what I should do. This leads, of course, to the further question of whether it makes sense to ask why we should act morally, and if it does, what kind of an answer it is possible to give; but that is another topic, on which I have written elsewhere.⁴²

NOTES

I have learned much from discussing the subject of this chapter with Paula Casal, Thomas Pogge, and Dale Jamieson; the first two of these also kindly read, and suggested valuable improvements to an earlier draft. A different version of this essay appears in Peter Singer, *One World: The Ethics of Globalization* (New Haven: Yale University Press, 2002).

- 1 "Famine, Affluence and Morality," *Philosophy & Public Affairs*, 1:2 (1972), 231–2.
- 2 Raymond D. Gastil, "Beyond a Theory of Justice," *Ethics*, 85:3 (1975), 185; cf. Samuel Scheffler, "Relationships and Responsibilities," *Philosophy & Public Affairs*, 26 (1997), 189–209.
- 3 See "Civilian Deaths in the NATO Campaign," *Human Rights Watch*, 12 (1), available at www.hrw.org/reports/2000/nato. I thank Aaron Jackson for his assistance with this research.
- 4 Henry Sidgwick, *The Methods of Ethics*, 7th edn. (London: Macmillan, 1907), p. 246. Note that Sidgwick is here merely setting out the moral sense of Victorian England in order to examine to what extent it is coherent and defensible; he does not take it as a standard of what is right.
- 5 *Galatians* vi, 10.

- 6 Mark Twain, *The Adventures of Huckleberry Finn*, ch. 32. [1885] various editions.
- 7 Heinrich Himmler, Speech to SS leaders in Poznan, Poland, October 4, 1943; cited from www.historyplace.com/worldwar2/timeline/Poznan.htm.
- 8 Alasdair MacIntyre, *After Virtue* (Notre Dame: University of Notre Dame Press, 1984), p. 220.
- 9 Lewis Petrinovich, *Darwinian Dominion: Animal Welfare and Human Interests* (Cambridge, Mass.; London, England: MIT Press, 1999), p. 29.
- 10 William Godwin, *An Enquiry Concerning Political Justice and its Influence on General Virtue and Happiness* [1793], ed. and abr. Raymond Preston (New York, 1926), pp. 41–2.
- 11 Samuel Parr, *A Spital Sermon Preached at Christ Church upon Easter Tuesday, April 15, 1800, to which are added notes* (London, 1801), p. 4.
- 12 For a more detailed discussion of Godwin's views on impartiality, see Peter Singer, Leslie Cannold, and Helga Kuhse, "William Godwin and the Defence of Impartialist Ethics," *Utilitas*, 7 (1995), 67–86.
- 13 R. M. Hare, *Moral Thinking: Its Levels, Method and Point* (Oxford: Clarendon Press, 1981), pt. I.
- 14 Perhaps the most revealing and best documented of these experiments in collective child-rearing is the Israeli kibbutz movement. See Yonina Talmon, *Family and Community in the Kibbutz* (Cambridge, Mass.: Harvard University Press, 1972), pp. 3–34.
- 15 See Martin Daly and Margo Wilson, *The Truth About Cinderella: A Darwinian View of Parental Love*, (London: Weidenfeld and Nicolson, 1998).
- 16 Bernard Williams, "Persons, Character and Morality," in Bernard Williams, *Moral Luck* (Cambridge: Cambridge University Press, 1981), p. 18.
- 17 A. Conan Doyle, "Silver Blaze," in *The Memoirs of Sherlock Holmes*, [1894] various editions.
- 18 See, for example, W. D. Ross, *The Right and the Good* (Oxford: Clarendon Press, 1930), p. 21.
- 19 See Alvin Gouldner, "The Norm of Reciprocity," *American Sociological Review*, 25 (1960), 171; Peter Singer, *How Are We to Live?* (Oxford: Oxford University Press, 1997), ch.7.
- 20 M. Rosenzweig, "Risk, implicit contracts and the family in rural areas of low-income countries", *Economic Journal*, 98 (1988), 1148–70; M. Rosenzweig and O. Stark, "Consumption smoothing, migration and marriage: Evidence from rural India," *Journal of Political Economy*, 97 (4) (1989), 905–26. I am grateful to Thomas Pogge for this information.
- 21 Robert Goodin, "What is so special about our fellow countrymen?" *Ethics*, 98 (1988), 663–86, and reprinted in Robert Goodin, *Utilitarianism as a Public Philosophy*, (Cambridge: Cambridge University Press, 1995), p. 286. I was reminded of this quotation by Christopher Wellman, "Relational Facts in Liberal Political Theory: Is there Magic in the Pronoun 'My,'" *Ethics*, April

2000. I thank Christopher Wellman for sending me this paper prior to publication.
- 22 Goodin, *Utilitarianism as a Public Philosophy*, p. 286.
- 23 *Ibid.*, p. 265.
- 24 Christopher Wellman, "Relational Facts"; this third point is also made by David Miller, *Principles of Social Justice* (Cambridge, Mass.: Harvard University Press, 1999), p. 18.
- 25 Karl Marx, *Wage Labour and Capital*, in David McLellan (ed.) *Karl Marx: Selected Writings* (Oxford: Oxford University Press, 1977), p. 259.
- 26 Robert McNamara in World Bank, *World Development Report, 1978* (New York: World Bank 1978), p. iii.
- 27 See John Rawls, *A Theory of Justice* (Oxford: Oxford University Press, 1971). The objection to Rawls that I have put here was made by Brian Barry in *The Liberal Theory of Justice* (Oxford: Oxford University Press, 1973), pp. 129–30. See also the same author's *Theories of Justice* (Berkeley: University of California Press, 1989). Other arguments to the same end have been pressed by Charles Beitz, *Political Theory and International Relations* (Princeton: Princeton University Press, 1979), and "Social and Cosmopolitan Liberalism", *International Affairs*, 75: 3 (1999), 515–29; and by Thomas Pogge, *Realizing Rawls* (Ithaca, NY: Cornell University Press, 1989), and "An Egalitarian Law of Peoples," *Philosophy and Public Affairs*, 23: 3 (Summer 1994).
- 28 John Rawls, *The Law of Peoples* (Cambridge, Mass.: Harvard University Press, 2001) p. 120.
- 29 John Rawls, *A Theory of Justice* (Oxford: Oxford University Press, 1971), p. 12; see also p. 100.
- 30 John Rawls, *The Law of Peoples*, p. 40.
- 31 *Ibid.*, p. 117.
- 32 *Ibid.*, p. 106.
- 33 For Rawls, a society is "well-ordered" when it is designed to advance the good of its members and effectively regulated by a public conception of justice. For further details, see *A Theory of Justice*, pp. 4f, 453f.
- 34 Rawls, *The Law of Peoples*, p. 108.
- 35 *Ibid.*, p. 114.
- 36 *Ibid.*, p. 116.
- 37 David Miller, *On Nationality* (Oxford: Oxford University Press, 1995), pp. 57–8; quoted by Wellman, pp. 555–56.
- 38 Samuel Parr, *A Spital Sermon*, p. 4.
- 39 Henry Sidgwick, *The Methods of Ethics*, pp. 489–90.
- 40 See Michael Specter, "The Dangerous Philosopher," *The New Yorker*, September 6 (1999), 46–55; Sharon Churcher, "Philosopher Peter Singer believes that the terminally ill and severely handicapped have less right to life than animals . . . but what will he do now that his own elderly mother is dying of

Alzheimer's disease?", *Mail on Sunday* (London) September 12 (1999), 54–5;
Peter Berkowitz, "Other People's Mothers: The Utilitarian Horrors of Peter
Singer", *The New Republic*, January 10 (2000), 27–37.

⁴¹ R. M. Hare, personal communication, September 23, 1999.

⁴² See *Practical Ethics*, 2nd edn. (Cambridge: Cambridge University Press, 1993),
ch. 12; *How Are We to Live?* (Amherst, NY: Prometheus, 1995).