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# International Aid and the Scope of Kindness\*

*Garrett Cullity*

It is now over twenty years since Peter Singer's "Famine, Affluence and Morality" stimulated philosophical discussion of whether affluence is immoral in a world where there is starvation.<sup>1</sup> However, there has for some time been little direct philosophical discussion of the question whether affluent individuals have nonderivative moral responsibilities toward the starving, despite the depressing fact that the misery which prompted Singer to write is no less prevalent today.<sup>2</sup> The explanation

\* Successive versions of this article have benefited greatly from the comments of Berys Gaut, Jonathan Glover, James Griffin, Onora O'Neill, Derek Parfit, and Bernard Williams, to whom I express my thanks. I am also grateful to Alan Ryan and two anonymous readers for *Ethics*.

1. Peter Singer, "Famine, Affluence and Morality," *Philosophy and Public Affairs* 1 (1972): 229–43. Several collections of philosophical treatments of the same question appeared in the mid-1970s: William Aiken and Hugh LaFollette, eds., *World Hunger and Moral Obligation* (Englewood Cliffs, N.J.: Prentice Hall, 1977); Peter Brown and Henry Shue, eds., *Food Policy: The Responsibility of the United States in Life and Death Choices* (New York: Free Press, 1977); George R. Lucas and Thomas Ogletree, eds., *Lifeboat Ethics: The Moral Dilemmas of World Hunger* (New York: Harper & Row, 1976). For Singer's other presentations of argument, see "Postscript to 'Famine, Affluence and Morality,'" in Aiken and LaFollette, eds., pp. 33–36, "Reconsidering the Famine Relief Argument," in Brown and Shue, eds., pp. 36–53, and *Practical Ethics* (Cambridge: Cambridge University Press, 1979), chap. 8.

2. There are some exceptions: Susan James, "The Duty to Relieve Suffering," *Ethics* 93 (1982): 4–21; L. J. Cohen, "Who Is Starving Whom?" *Theoria* 47 (1981): 65–81; Jonathan Bennett, "Our Neglect of the Starving: Is It as Bad as Murder?" in *The Tanner Lectures of Human Values*, ed. S. McMurrin (Salt Lake City: University of Utah Press, 1982), vol. 2, pp. 72–95; Douglas Odegard, "Charity and Moral Imperatives," *Theoria* 55 (1989): 81–94; John M. Whelan, Jr., "Famine and Charity," *Southern Journal of Philosophy* 29 (1991): 149–66. To be contrasted with this is the recent work on international justice in relation to institutions (since many individuals have obligations in relation to the institutions in question, derivative individual obligations follow). See Onora O'Neill, *Faces of Hunger* (London: Allen & Unwin, 1986); P. Alston and K. Tomasevski, eds., *The Right to Food* (Dordrecht: Nijhoff, 1984); Stanley Hoffman, *Duties beyond Borders: On the Limits and Possibilities of Ethical International Politics* (Syracuse, N.Y.:

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of this silence seems to have two different sources. Some philosophers appear to believe that Singer's argument has definitively established his two conclusions—the strong one that affluent people's not contributing money or time to voluntary international aid agencies is immoral,<sup>3</sup> in the same way that a bystander's failing to save a drowning child would be immoral, and the stronger one that noncontribution to such agencies only ceases to be wrong when one has reduced oneself to a level such that any further sacrifice would actually be worse for those whom one is trying to help.<sup>4</sup> The larger part of the explanation, though, surely resides in the more widespread view that Singer's conclusions only follow from some robust and contentious consequentialist assumptions, in contradiction to his own claim that his argument should be acceptable to consequentialists and nonconsequentialists alike.<sup>5</sup> Indeed, to many people it appears that progress in answering this practical moral question, as with many others, can only be made by first addressing the much larger task of defending one normative moral theory against its rivals. It will be my concern to show that both of these beliefs are false: Singer's own argument is unsuccessful, but a better argument supports his first conclusion, and perhaps his second as well.

In contrast, a topic which has received considerable recent attention from moral philosophers is that of the demandingness of morality. Could it be the case that in order to be living a morally perfect life,

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Syracuse University Press, 1981); and Henry Shue, *Basic Rights: Subsistence, Affluence and U.S. Foreign Policy* (Princeton, N.J.: Princeton University Press, 1980). There is, of course, an extensive nonphilosophical literature on food and development policy.

3. In what follows, I shall often refer to voluntary international aid agencies simply as "aid agencies." However, the claim to be examined is that it is wrong not to be contributing to international aid in a purely private and voluntary capacity, over and above the contributions which one may be making as a taxpayer to the aid programs of one's government and international institutions. I shall not be able to address here the question whether famine relief agencies are the only such agencies to which the arguments of this article applies.

4. For the two conclusions, see Singer, "Famine, Affluence and Morality," pp. 230, 241–42. For endorsements of Singer (at least in respect of the first of the two), see T. M. Scanlon, "Contractualism and Utilitarianism," in *Utilitarianism and Beyond*, ed. Amartya Sen and Bernard Williams (Cambridge: Cambridge University Press, 1982), pp. 103–28, p. 116; Paul Gombert, "Consequentialism and History," *Canadian Journal of Philosophy* 19 (1989): 383–404; and Whelan, who gives a variant of Singer's argument at p. 164.

5. For Singer's claim, see "Postscript to 'Famine, Affluence and Morality,'" pp. 35–36, and esp. *Practical Ethics*, pp. 168–71. For the skepticism concerning it, see, e.g., O'Neill, pp. 56–58; Odegard, p. 92; Jan Narveson, "Equality vs. Liberty: Advantage, Liberty," *Social Philosophy and Policy* 2 (1984): 33–60, pp. 45–46; Barbara MacKinnon, "Pricing Human Life," *Science, Technology and Human Values* 11 (1986): 29–39, p. 38, n. 42; and Stephen J. Pope, "Love, Moral Values and Proportionalism," *Heythrop Journal* 31 (1990): 199–205, p. 201.

or even simply a life which is not positively immoral, one might be precluded from pursuing practically any source of personal satisfaction? This problem (if it is a problem) arises directly for conceptions of the moral point of view as the impartial point of view; and it is in this form that the recent discussions have considered it.<sup>6</sup> So considered, it invites the response that the moral point of view is not the impartial point of view; and one of the more forthright forms which this response can take is given by a position the advocates of which I shall call "Practical Ethicists." We may initially characterize this position as the view that those considerations which constitute the actual practical justifications of moral agents are not answerable to any further justification from the nonpractical principles of a moral theory.<sup>7</sup> The Practical Ethicist may then claim that the nature of actual practical justification does not support a conception of morality as impartiality.<sup>8</sup> Likewise, it seems that a Practical Ethicist can take a short way with

6. Prominent recent treatments include Bernard Williams, "Persons, Character and Morality," in *The Identities of Persons*, ed. A. O. Rorty (Berkeley: University of California Press, 1976), reprinted in Bernard Williams, *Moral Luck* (Cambridge: Cambridge University Press, 1981), pp. 1–19; James Fishkin, *The Limits of Obligation* (New Haven, Conn.: Yale University Press, 1982); Thomas Nagel, *The View from Nowhere* (New York: Oxford University Press, 1986), chap. 10, and *Equality and Partiality* (New York: Oxford University Press, 1991); Susan Wolf, "Moral Saints," *Journal of Philosophy* 79 (1981): 419–39; Samuel Scheffler, *The Rejection of Consequentialism* (Oxford: Clarendon, 1982), and *Human Morality* (New York: Oxford University Press, 1992); Shelly Kagan, "Does Consequentialism Demand Too Much? Recent Work on the Limits of Obligation," *Philosophy and Public Affairs* 13 (1984): 239–54, and *The Limits of Morality* (Oxford: Clarendon, 1989); Peter Railton, "Alienation, Consequentialism and the Demands of Morality," *Philosophy and Public Affairs* 13 (1984): 134–71; and Michael Slote, *Common-Sense Morality and Consequentialism* (London: Routledge & Kegan Paul, 1985).

7. Obviously, "nonpractical" and "theory" require further explanation: they receive it in Sec. I. Bernard Williams is a Practical Ethicist in this sense: see *Ethics and the Limits of Philosophy* (London: Collins, 1985), esp. chaps. 5, 6. So is Edmund L. Pincoffs, in his *Quandaries and Virtues: Against Reductivism in Ethics* (Lawrence: University Press of Kansas, 1986), chap. 4. Affinities with the Practical Ethicist's position are also to be found in G. E. M. Anscombe, "Modern Moral Philosophy," *Philosophy*, vol. 33 (1958), reprinted in her *Ethics, Religion, and Politics*, The Collected Philosophical Papers of G. E. M. Anscombe, vol. 3 (Minneapolis: University of Minnesota Press, 1981), pp. 26–42; Julius Kovesi, *Moral Notions* (London: Routledge, 1967); Peter Winch, *Ethics and Action* (London: Routledge & Kegan Paul, 1972), esp. essays 2–6; Michael Stocker, "The Schizophrenia of Modern Ethical Theories," *Journal of Philosophy* 73 (1976): 435–66; John McDowell, "Virtue and Reason," *Monist* 63 (1979): 331–50; and Alasdair MacIntyre, *After Virtue* (London: Duckworth, 1985), esp. chaps. 4, 5.

8. For this approach to the problem of demandingness, see Williams, "Persons, Character and Morality." A Practical Ethicist might go further and reject the "problem of demandingness" as incoherent, on the grounds that there is no intelligible distinction between the best life and the morally best life. (For some blasts in this spirit, see MacIntyre; and Richard Taylor, "Ancient Wisdom and Modern Folly," *Midwest Studies in Philosophy* 13 [1988]: 54–63.) However, I am not taking this further claim as constitutive of the Practical Ethicist's position.

any argument that tries to convince us that we ought to reform our moral practice by accepting Singer's conclusions.

However, this article's first aim is to show that there is a sound nonconsequentialist—indeed, a nontheoretical—argument for Singer's first, strong conclusion, that affluent people's not contributing money or time to aid agencies is immoral, in the same way that a bystander's failing to save a drowning child would be immoral. Its nontheoretical status means that the proponents of any plausible ethical theory should accept it, and that even Practical Ethicists should do so as well. The second aim is to show that, given this, it is not obvious what argument there is for resisting the second and stronger of Singer's two conclusions—that noncontribution only ceases to be wrong when one has reduced oneself to a level such that any further sacrifice would actually be worse for those whom one is trying to help. It follows that any moral outlook must address the problem of demandingness, whether or not it identifies the moral point of view with the impartial point of view.

Now as Singer has claimed such a theoretical neutrality for his own argument, I must begin, in the first of the five sections of this article, by setting out the objections to it.<sup>9</sup>

## I. SINGER'S ARGUMENT

Singer imagines that he is walking to a lecture when he sees a child drowning in a pond beside the path. He thinks it would be wrong not to rescue the child, and surely we should agree. Someone who is not moved to help under such circumstances—where saving a life requires nothing more than the inconvenience of a canceled lecture and a wet suit of clothes—exhibits a paradigmatically immoral lack of regard for other people.

Singer's next step is to maintain that the judgment that I ought to save the drowning child is supported by, or at least exemplifies the truth of, the following principle:

If it is in our power to prevent something very bad happening, without thereby sacrificing anything of comparable moral significance, we ought to do it.<sup>10</sup>

9. See Singer's "Postscript to 'Famine, Affluence and Morality,'" pp. 35–36; and esp. his *Practical Ethics*, pp. 168–71.

10. For this formulation of the principle, see *Practical Ethics*, p. 168, where the relation is held to be one of support. Singer's two earlier presentations of the argument give a slightly different formulation and claim also that a weaker principle will equally establish the conclusion that noncontribution to international aid agencies is wrong: "If it is in our power to prevent something very bad from happening, without thereby sacrificing anything morally significant, we ought, morally, to do it." See "Famine, Affluence and Morality," p. 231, and "Reconsidering the Famine Relief Argument," p. 37. Compare Henry Sidgwick, *The Methods of Ethics*, 7th ed. (Indianapolis: Hackett, 1981), p. 253.

This principle, he maintains, should be accepted as uncontroversial by consequentialists and nonconsequentialists alike.<sup>11</sup> Plausible forms of nonconsequentialism differ from consequentialism, according to Singer, not in rejecting the claim that we ought to prevent what is bad and promote what is good but in accepting other ultimate ethical claims as well. (His examples are nonconsequentialist assertions of the wrongness of violating rights, doing injustice, and breaking promises. According to Singer, even if the nonconsequentialist attaches greater disvalue to any of those than he does to the loss of a life, he is not thereby rejecting the proposed principle but is, rather, maintaining that the respecting of rights or promise-keeping is of comparable moral significance to the saving of lives.) Accordingly, a plausible non-consequentialism cannot deny that in those cases where nothing else of comparable moral significance is at stake, we ought to prevent very bad things from happening. Singer completes the argument by observing that the wrongness of noncontribution to aid agencies is entailed by the same principle, in conjunction with the claims that absolute poverty is very bad and that we can prevent some of it without sacrificing anything of comparable moral significance.

I shall not recapitulate here the ensuing exchange between Singer and his critics over the meaning of the phrase “of comparable moral significance.”<sup>12</sup> For what is more interesting is a series of objections which culminate in an attack not only on Singer’s argument but on any alternative attempt to support his conclusion.

### *The Anticonsequentialist’s Objection*

The standard account of consequentialism is perhaps best characterized as making it a two-part claim, that (i) states of affairs can be evaluated impersonally (i.e., without relativization to a proper subset of the set of persons); and (ii) the moral value of any object of moral evaluation (the principal ones being acts, intentions, states of character, people, and institutions) is a function of the impersonal values of those states of affairs to which it is related (as well as of the relation).<sup>13</sup> We have noted Singer’s claim that the adherents of any plausible nonconsequentialism share with consequentialists a principle that we

11. See Singer’s “Postscript to ‘Famine, Affluence and Morality,’” pp. 35–36, and *Practical Ethics*, pp. 168–71.

12. See esp. John Arthur, “Rights and the Duty to Bring Aid,” in Aiken and LaFollette, eds., pp. 37–48, esp. pp. 39–44; and Singer’s reply, in Aiken and LaFollette, eds., pp. 35–36.

13. Compare Scheffler, *The Rejection of Consequentialism*, p. 1; Derek Parfit, *Reasons and Persons* (Oxford: Clarendon, 1984), pp. 24–25; Philippa Foot, “Utilitarianism and the Virtues,” *Mind* 94 (1985): 196–209, pp. 224–25; and Williams, “A Critique of Utilitarianism,” in J. J. C. Smart and Bernard Williams, *Utilitarianism: For and Against* (Cambridge: Cambridge University Press, 1973), pp. 82–89.

ought to prevent what is bad and promote what is good, but weigh this against other moral principles, such as the principle that one ought not to infringe rights. However, many nonconsequentialists will be unprepared to accept this.

A first objection will be that one cannot assess the goodness or badness of an event or state of affairs independently of ascertaining whether it involves (for example) the infringement of a right. The more thoroughgoing anticonsequentialist objection is the denial that the rightness or wrongness of an action is ever a function of *impersonally* assigned values of those states of affairs which are its consequences.<sup>14</sup> (It can make a difference to the wrongness of an action, on this view, whether it involves the agent's infringing a right, or whether it will lead to others' doing so.) Such a denial might be supported by asserting the unintelligibility of judgments concerning the goodness of states of affairs which are made independently of the perspective of a particular agent,<sup>15</sup> or, if the intelligibility of such judgments is conceded, by denying that conclusions concerning the rightness or wrongness of the agent's actions can be derived from them.

A deeper source of reservation about Singer's argument, though, is the following.

#### *The Methodological Objection*

Singer's discussion proceeds by considering a case which we are likely intuitively to agree with him is one of wrong action, and seeking to identify a plausible moral principle which will support the judgment that the action in question is wrong.<sup>16</sup> This provokes two sorts of methodological challenge. First, one might have doubts about the implied picture of the moral justification of action as involving the production of true universal moral principles which entail statements about the moral status of those actions and which it is the business of moral philosophy to discover. But there is more straightforward objection. To most people, it is about as obvious that there is a moral difference between our relations to a child drowning in front of us and a child starving in another country as it is that failing to save a drowning child is wrong. Accordingly, if we are to produce a principle which accords with our intuitive judgments, we had better adopt one which distinguishes cases of *immediate* emergency, like that of the

14. On my reading of the standard account, someone who makes the first objection but not the second still qualifies as a consequentialist.

15. See Foot, "Utilitarianism and the Virtues."

16. I use 'intuition' and its cognates to refer to our unreflective moral opinions, and not as any part of an account of how we come by those opinions or of what their assertibility consists in.



drowning child, from other, more remote, cases of dire need.<sup>17</sup> If the constraints on the acceptability of basic moral principles are only those of consonance with intuition, then strongly counterintuitive conclusions must invalidate the principles from which they are derived. But if not, Singer needs to describe and defend the alternative set of constraints which he is presupposing, and it is looking unlikelier than ever that he can do so while retaining his neutrality between all plausible moral views.

(Notice, moreover, that it will not be a satisfactory response to this to anatomize the various components which may contribute to the immediacy of an emergency—such as its physical proximity, the number of potential victims, the directness of my help and so on—and argue that none of them can support the moral significance attributed to the distinction.<sup>18</sup> A moral category like that of “immediate emergency,” it might be objected, possesses its justifying force insofar as the circumstances with which we may be faced exemplify it, and not thanks to any further feature which a “naturalistic” reduction might attempt to identify. One might as well argue that torture is not morally wrong on the grounds that neither the deliberate infliction of pain, nor acting to secure one’s own ends, nor any of the other particular features which cases of torture may have in common, is by itself morally significant.)

### *The Practical Ethicists’ Objection*

The methodological objection just stated is certainly strong enough to constitute a serious problem for Singer, and also, it seems, for any hopes I might have had of arguing properly for Singer’s conclusion in an article of this length. It seems that doing so would require me first to defend consequentialism, or some equally ambitious revisionary moral theory, against its many critics before being in a position to harness it to drawing conclusions about this particular issue. But moreover, my predicament may seem even worse than this. For there is a position concerning ethical justification which extends the line of thought contained in the methodological objection to maintain a conclusion which is stronger still—the conclusion not simply that any attempt to establish the wrongness of noncontribution to aid agencies must involve a far more ambitious argument than that which Singer claims is necessary, but that any such attempt must fail.

17. Compare Williams’s more restricted point in *Ethics and the Limits of Philosophy*, p. 186; and see also Judith Lichtenberg, “National Boundaries and Moral Boundaries,” in Brown and Shue, eds., pp. 79–100; and Jonathan Bennett, “Morality and Consequences,” in McMurrin, ed., pp. 45–116.

18. This appears to be Singer’s strategy in “Famine, Affluence and Morality,” pp. 231–34.



The position I have in mind is the one advocated by "Practical Ethicists," whom we should now describe more precisely. Let us say that a *practical consideration* is a consideration which an agent regards (rightly or wrongly) as a justifying reason for action—that is, as a *practical justification*. An *ethical theory*, we may further stipulate, is a conceptual structure which makes the justificational status of a practical consideration answerable to nonpractical principles—principles which are not themselves practical considerations (although they purport to supply the justification for taking certain considerations to be practical justifications). Given this, *Practical Ethicists* are those who make two claims: first, they deny that any ethical theory can provide us with good reason to revise our ethical practice; and second, they claim that the familiar normative schools in moral philosophy, supported on either foundationalist or coherentist lines, constitute ethical theories in the proscribed sense, since the systematizing impulse which leads to their construction invokes nonpractical principles.

The objection which seems available to Practical Ethicists is one which takes a short way not only with Singer's argument but with his conclusion. For, as has already been observed, we do recognize a practical distinction between immediate and nonimmediate threats to life. The immediacy of an emergency is itself a practical consideration, it seems, and if so, the Practical Ethicist may add to the methodological objection above, which maintained that without contentious theoretical assumptions, Singer's revision of ethical practice cannot be defended, the further contention that no theoretical claims could constitute such a defense.

Of course, this objection is only as serious as the plausibility of the Practical Ethicists' position. And on that question I shall have very little to say here. Suffice it to point out that the essence of their argument is this: the pressure of foundationalist theories to accept nonpractical principles as the basis of practical justification, or exclusively to privilege some of the practical considerations we already recognize above others, and the pressure of coherentist theories to supersede our existing set of practical considerations through seeking principles for conferring a structure upon them, should be resisted simply by denying that the reasons which might be given for pursuing such theoretical enterprises have the justifying force of those practical considerations which we already recognize. The first challenge for Practical Ethicists will be to show that their position does not commit them to the implausible-looking denial of the possibility of ethical argument and of the refutation of prejudice: their reply will be that the resources for ethical argument must come exclusively from practical considerations themselves.<sup>19</sup> Beyond this, there are two main options for their

19. See Williams, *Ethics and the Limits of Philosophy*, chap. 6; and Pincoffs, *Quandaries and Virtues*, chap. 4.

opponents: either to break the connection which they require between justification and motivation, maintaining that there are norms of practical reason underwriting the possibility that we may be fundamentally misguided in what we regard as having justifying force; or to show how the desiderata of univocality, consistency, and simplicity embodied in the systematizing impulse are themselves derivable from practical considerations.

However, a different line of response to the Practical Ethicists' objection is available, and it is developed in what follows. It will be maintained that "the Practical Ethicists' objection"—the claim that the Practical Ethicists' position generates a sound argument for the falsity of Singer's conclusions—should be rejected, not because of the implausibility of their position itself but because the objection is one which Practical Ethicists should not make. An alternative argument for Singer's conclusions is presented below which, it is claimed, even Practical Ethicists should accept.

If one thinks that the Practical Ethicists' views concerning ethical justification deserve serious consideration (as I do), then this conclusion is itself significant. However, it will lead our discussion to a far more ambitious goal—one which presents an important challenge even to those who think the Practical Ethicists' position may be quickly dismissed. For in seeking an alternative to Singer's argument which circumvents all three of the objections which have been described, I shall be aiming to produce an argument for his conclusions which is uncommitted to any moral theory. And this is to say that the argument with which Singer's conclusions will be supported is one which should be accepted by the proponents of any plausible moral theory, as well as by their antitheoretical opponents.

## II. NONIMMEDIACY AND RACE

The objections just raised against Singer's argument are good ones: his argument cannot be accepted as it stands. However, there is a sound argument for Singer's strong conclusion—that affluent people's not contributing money or time to aid agencies is immoral, in the same way that a bystander's failing to save a drowning child would be immoral—which circumvents the preceding objections. It need not defend any contentious ethical theory, since it appeals only to the simple practical considerations recognized by the possessors of the moral virtues of justice and kindness.

Let us begin by stating the argument quickly, in a form which invites a reply in the spirit of the objections to Singer. We shall then need to develop the argument more carefully in order to show how the reply may be defeated.

### *First Formulation*

How can we make sense of moral error without resorting to moral theory? Consider the terms *women*, *Jews*, *barbarians*, and *Negroes*. These

have in the past been used to designate moral categories the invocation of which purportedly justified discriminatory treatment: it was at one time seen as acceptable to treat one group but not another as enslavable *because* the former were classified as Negroes.<sup>20</sup> However, it would be a mistake to think that a Practical Ethicist must hold that if this was a well-entrenched practice of treating a certain practical consideration as a justification, and one from which its adherents refused to be dislodged by the challenges of would-be reformers, then there could be no question of its being morally erroneous. For against such a practice, the Practical Ethicist can endorse the following argument.

Ethical practice includes certain forms of virtuous concern: kindness is a concern for the welfare of others, and justice at least includes a concern for fairness—a concern not to treat oneself in an unfairly preferential way. It is a sufficient condition of an action's being unkind and unjust that it manifests the absence of a concern for these objects. Now those slaveholders who were ethically motivated had no difficulty in recognizing that enslaving people of their own race would be unkind and unjust.<sup>21</sup> What enabled them to suppose that racially based slavery was ethically justified was the belief in certain empirical or metaphysical claims purporting to support differences in the natures or purposes of the different races.<sup>22</sup> With the discrediting of those claims, therefore, there has ceased to be any ground for holding that racial differences support differences either in the extent to which a given form of treatment affects a person's welfare or in the fairness of that treatment. It follows that if a certain form of treatment of a European would be unkind or unjust, then the same form of treatment of a Negro would be equally unkind or unjust. Thus the attempt to use such categories to license differential treatment of members and non-members is itself unkind and unjust: it is in these respects morally wrong. Moral error is demonstrable using only the resources offered by moral practice itself.<sup>23</sup>

The same strategy can be employed in arguing against noncontribution to aid agencies. First, the callousness of the person who fails

20. See Winthrop D. Jordan, *White over Black: American Attitudes toward the Negro, 1550–1812* (Chapel Hill: University of North Carolina Press, 1968), pp. 97–98. The early antislavery agitator Morgan Godwyn complained in 1680 that “these two words, *Negro* and *Slave*” had “by custom grown Homogeneous and Convertible” (*The Negro's and Indians Advocate, Suing for Their Admission into the Church* [London, 1680], p. 36).

21. To call enslaving someone “unkind,” of course, sounds absurdly weak: “callous” is about the weakest term that would make conversational sense. It should not be controversial, though, that callousness is an extreme of the absence of concern for the welfare of others, which we may generically refer to as unkindness.

22. See Jordan, pp. 3–43, 91–98.

23. It seems that this already goes further than the sorts of arguments Williams countenances against such forms of prejudice in *Ethics and the Limits of Philosophy*, pp. 115–17.

to pull Singer's drowning child out of the pond may plausibly be seen as exemplifying both unkindness and injustice. The failure to avert a threat to someone else's life (in a case like this, where there are no countervailing considerations) is manifestly unkind, involving as it does an extreme of the absence of a concern for other people's welfare. Equally, the grotesquely preferential treatment of oneself that such conduct embodies, in granting one's own convenience greater importance than another person's life, could as plausibly incline us to characterize it as exhibiting injustice.

But if the failure to save the drowning child exemplified unkindness and injustice, then how does noncontribution to aid agencies differ? The starving people the threats to whose lives would be averted by such contributions are not right in front of us, and the help in question is not help we could give directly but only through the mediation of an aid agency. However, like the other categories mentioned above, the nonimmediacy of the presentation of an emergency and the indirectness of the means of addressing it have no bearing in themselves upon the extent to which the threatened people's welfare is jeopardized or the extent to which not acting in their favor involves a hugely preferential weighting of my own interests over theirs. If kindness is a concern for other people's welfare and justice involves a concern not to treat oneself in an unfairly preferential way, then neither the nonimmediacy of the presentation of the threat nor the indirectness of the means of helping mitigates the unkindness and injustice of failing to respond to a threat to someone's life.<sup>24</sup> And this equally amounts to a case for holding that the use of a category such as *immediate emergency* as a justification-conferring moral category is itself an exemplification of unkindness or injustice. An affluent person's not contributing money or time to international aid agencies is unkind and unjust; therefore, it is morally wrong.

### *The Practical Ethicists' Reply*

The above introduces my argument for the first of Singer's conclusions. Stated in this way, however, it is unlikely to impress Singer's Practical Ethicist opponents. All I have done, they will protest, is to concoct tendentious definitions of the virtues of kindness and justice as concerns for welfare and nonpreferentiality in relation to *people in general*. But how are such definitions arrived at? Not, they will insist, by attending to the extension actually attributed to the terms in practice: for, once more, we clearly do not regard our not averting nonim-

24. Not the only, nor even (I think) the most harmful feature of destitution is its threatening people with death. The argument here is at its clearest, though, and if successful can be extended to cover other kinds of harm.

mediate threats to life as exhibiting the unkindness and injustice of the bystander who fails to save the drowning child. An onus has been placed upon me, the Practical Ethicists might repeat, to show why the practical distinctions which we recognize are indefensible: this cannot be done simply by adopting a moral usage which is incompatible with that practice.

Thus there appears to be no obstacle to the Practical Ethicists' availing themselves of the argument against racism but refusing, through an adamant adherence to the actual distinctions of ethical practice, to extend the attack to categories such as nonimmediacy. Evidently, taking such a staunch line concerning ethical justification will mean that there are forms of prejudice against which they possess no argument: an example would be a whole society of racist bigots according to whose usage kindness and justice are owed essentially to members of one's own race (analogously to family loyalty).<sup>25</sup> But here, they can deny that our lacking an argument against such a linguistic practice is at all unsatisfactory. From the perspective internal to our ethical practice, a person's being a member of my family is a justification for acting toward him in ways in which I need not act toward others, whereas the consideration that a person is a member of the same race (however the racist proposes to individuate races) is not. There may be no external standpoint which we and the bigot are both committed to and from which the racially egalitarian attitude can be shown to be superior, but that is no reason for us (i.e., for those whose reasons are the reasons of the egalitarian standpoint) to relinquish our endorsement of racial equality.

But if the entrenchment of a justificatory practice within a linguistic community is not something against which an argument for reform can be furnished, then this seems fatal to the project being attempted here. For proponents of the claim concerning the irrelevance of immediacy to kindness and justice are indisputably in the minority.

### *Second Formulation*

The objection of our Practical Ethicist opponents appears well taken. It can be met, however, by a more careful formulation of the argument, along the following lines:

25. One does not encounter such views in the contemporary seminar-room, but they can hardly yet be assigned to the annals of historical curiosity. "One basic principle must be the absolute rule for the S.S. men: we must be honest, decent, loyal and comradely to members of our own blood and nobody else. . . . Our concern, our duty is our people and our blood. We can be indifferent to everything else" (Heinrich Himmler, speech at Posen, October 4, 1943, Nuremberg Trial Document N.D. 1,919-PS, cited in Alan Bullock, *Hitler: A Study in Tyranny* [London: Odhams, 1952], pp. 638–39).

1. When one is aware of threats to other people's lives, the failure to take available steps to avert those threats is unkind and unjust, unless there are countervailing considerations.
2. An affluent person's contributions to voluntary international aid agencies will avert threats to people's lives.
3. Therefore, unless there are countervailing considerations, the failure of any affluent person to contribute to voluntary international aid agencies is unkind and unjust.
4. The fact that affluent people are not immediately presented with the threats in question is not a countervailing consideration.
5. There is no other countervailing consideration.
6. Therefore, the failure of any affluent person to contribute to voluntary international aid agencies is unkind and unjust.
7. Therefore, the failure of any affluent person to contribute to voluntary international aid agencies is morally wrong.

The reader can hardly be expected to find this convincing as it stands. For how are we to defend Claim (1), without simply presupposing the claims concerning unkindness and injustice to which we have just seen the Practical Ethicists' objection? What needs to be shown is why we should adopt the generalized conception of kindness and justice which it employs, as against the immediacy-sensitive conception to which, according to the Practical Ethicist, we do adhere. And first of all, what are "countervailing considerations"? The next section answers these questions.

### III. KINDNESS AND JUSTICE

To support the generalized conception of kindness and justice, let us begin by introducing the notion of "agent-justification."

#### *Agent-Justification*

Let us say that one is a *morally decent agent* to the extent that what one does (where this is taken, in the broadest sense, to include the motivation of one's actions) is not morally wrong. In most circumstances, it seems that many different actions will be available to a morally decent agent, but presented with the drowning child, anyone who qualifies as a morally decent agent must pull him out of the water, since failing to do so would be wrong.

Next, let us say that a person's *agent-justification* for an action is the respect in which she regards it (rightly or wrongly) as worth performing.<sup>26</sup> An agent-justification, then, cites certain features which

26. That an agent-justification of an action might not be a bona fide justification of it is least controversially illustrated by the possibility of false beliefs concerning the means to one's ends.



a given agent attributes to the action of which it is the agent-justification: if the attribution is correct, the agent-justification will cite facts about the action; if not, it will cite false propositions.<sup>27</sup> A *conclusive* agent-justification, let us further stipulate, is an agent-justification which reports the respects in which an agent sees an action as more attractive than any available alternative.

Now in the case of most actions, asking a person in what respect she thought what she did was worth doing would be an odd thing to do, since the answer will be very simple and obvious. And this will surely be true of the actions of most morally decent agents in saving the drowning child. The conclusive agent-justification of most morally decent agents for pulling the drowning child out of the water will simply be the fact that his life is threatened, together with the fact that by pulling him out they will avert the threat to his life.

### *Breadth and Depth*

This is not to suggest that all agent-justifications possess such simplicity. No doubt, there are some morally decent agents for whom these facts alone do not constitute the whole of their agent-justification for pulling him out. We may distinguish two possibilities here, of an agent-justification which is either "broader" or "deeper" than this simple one.

The former possibility will be that of a morally decent agent who only regards pulling the child out of the water as an action worth performing because the two facts cited above are conjoined with some further fact. For example, unless a Kantian conscientiousness is morally objectionable, there will be some morally decent agents whose reason for pulling out the drowning child will be the conjunction of these facts with the further fact that it is one's duty to come to the aid of those whose lives are threatened.<sup>28</sup>

The second possibility is that of a morally decent agent of a more theoretical cast, for whom the agent-justification which has been cited is supplemented not by conjoining any further facts about the action to the two already mentioned but by supplying an account of why the facts which have been cited are a justification of the action. According to those morally decent agents whose agent-justification is "deeper" than the one mentioning only the two facts, there is a justification for the practice of regarding the two facts as a justification. (Kantians, of course, will also want to claim this for the three facts they cite.)

27. Notice that what I am asserting is quite compatible with allowing that there is a sense in which all action is motivated by beliefs and desires.

28. For the question of the moral defectiveness of a Kantian ethic of duty, see Marcia Baron, "The Alleged Moral Repugnance of Acting from Duty," *Journal of Philosophy* 81 (1984): 197–220.



Those whose agent-justification for pulling out the drowning child is fuller, in either of these two ways, than the one initially described need not be thought at all morally inferior. The claim is merely that the more spontaneous and less reflective disposition of the person whose agent-justification consists only in the two facts is not morally wrong. (I may appear to be taking on Kant here, but while he famously holds that only the motive of duty, in contradistinction to the spontaneous motivation, possesses true moral worth, he does not deny that the spontaneously kind person does what is morally right.)<sup>29</sup> The facts that a life is threatened and that by acting in a certain way one will avert the threat can comprise the complete agent-justification which a morally decent agent possesses for acting in that way.<sup>30</sup>

### *Countervailing Considerations*

It is of great importance to see that maintaining this does not mean endorsing the implausible claim that for a morally decent agent of this sort, these two facts must constitute conclusive agent-justifications for acts of helping in all situations in which they obtain. This claim is highly dubious: if my saving one person would preclude saving many others, and he is responsible for the threats to their lives, it might even be morally wrong to save him instead of the others. But recognizing this should not lead us to think that the agent-justifications of a morally decent agent in the straightforward cases must be more complicated than the one cited above. For surely agent-justifications—the respects in which actions appear to agents to be worthy of pursuit—need not include the nonobtaining of all those counterfactual possibilities under which the action would not have been attractive. The absence of any masked gunmen from my study was not one of the respects in which it seemed to me to be a good idea to walk into it this evening. Similarly, there is no inconsistency in holding that the simple agent-justification suggested above can in some circumstances be complete for a morally decent agent while accepting that there are other circumstances in which a morally decent agent might not save a person, even though his life is threatened.

We can express this as follows. Let us say that a consideration *countervails* against the force of a certain set of facts as an agent-justification for an action under a given description if and only if in the absence of that consideration, those facts would have been a

29. See Immanuel Kant, *The Groundwork of the Metaphysic of Morals*, trans. H. J. Paton (New York: Harper & Row, 1964), pp. 65–67; or Prussian Academy ed., pp. 397–99.

30. This is of course consistent with allowing that there may be some further standard of justification, of which he is unaware, which supports this practical attitude of his.

conclusive agent-justification for the action under that description, but owing to its presence they are not. Our point is then that the absence of countervailing considerations need not itself be part of an agent-justification. In circumstances where countervailing considerations are absent, a morally decent agent's agent-justification can consist in the two simple facts mentioned above. Notice that countervailing considerations need not take the form of "stronger" considerations which "outweigh" those against which they countervail—although sometimes they do. In circumstances where the agent-justification I have for letting someone die is that trying to save him would have meant seriously endangering the lives of my own family, it might well be appropriate to characterize me as holding that the threat to my family outweighs the threat to him: the presence of the countervailing consideration might not weaken the agent-justification for saving the person but provide an opposing consideration to which I attribute greater force.<sup>31</sup> However, things seem different in the case where my agent-justification for not helping is that the person in question is responsible for many other threats which I could avert instead: this time, the suggestion is that the further considerations countervail by lessening—perhaps, in some such cases, annulling completely—the extent to which the threat to him makes helping him worth doing, rather than by simply supplying stronger opposing considerations which outweigh it.<sup>32</sup>

It is also important to note that nothing has been said to deny the context-sensitivity of agent-justifications and, correspondingly, of the considerations which countervail against them. Given that an agent-justification supplies the description under which an agent sees an action as worthwhile, the content of an agent-justification will depend upon the agent's expectations of normality. Thus if in circumstances of wartime destitution it becomes normal both to encounter strangers whose lives are threatened and to know that one's own family would be jeopardized if one helped, then a morally decent agent might become accustomed to not helping; and against this background, when he unusually encounters someone whom he can save without jeopardizing his family, the fact that it does not jeopardize them might well become part of his agent-justification. So although in the earlier cases the absence of countervailing considerations was not part of an agent-

31. If it doesn't even occur to me to do anything other than to secure the safety of my family, of course, then there won't be a question of one agent-justification's outweighing another.

32. Compare Shelly Kagan, "The Additive Fallacy," *Ethics* 99 (1988): 5–31, which attacks the assumption that "the function that determines the overall status of the act given the values of the particular [moral] factors [present in the act] is an additive one" (p. 14).

justification, in conditions where the presence of those considerations is normal, their absence is capable of being one of the salient features of an action that make it worth performing.

### *The Scope of Kindness*

The claim I have been defending is that one form of moral decency is the disposition—in the absence of countervailing considerations—to take the facts that a person's life is threatened and that my  $\Phi$ -ing would avert the threat as comprising a conclusive agent-justification for  $\Phi$ -ing. A disposition selectively to accept certain sorts of agent-justifications as conclusive is naturally redescribable as a form of *concern*.<sup>33</sup> Accordingly, the disposition just identified may be equivalently described as a concern to avert threats to life, unless there are countervailing considerations. Now it does not seem wrong to say that the Kantian agent, whose agent-justification essentially includes the further thought that she has a duty to avert threats to life, is also concerned to avert threats to life. However, there is a difference in the nature of the concerns: the agent with whom we have been preoccupied is someone who is concerned to avert threats to life for no further reason than that they are threats to life; the conscientious Kantian is concerned to do so because doing so will fulfill her duty. Let us say that the first agent is *finally* concerned to avert threats to life: she is concerned to do so for no further reason.

The reader will recognize the former, final concern to avert threats to life as an instance of the virtue of kindness. Only an instance; for of course, kindness concerns more than threats to life—but the description of kindness as a whole, generalizing the observations so far, presents no difficulty. Kindness is—extensionally—a final concern for the welfare of others, unless there are countervailing considerations. An agent would have to be given to abstractions, of course, to be concerned about the welfare of others, under that description, but we can say of those goods which do characteristically engage the concern of the kind person, under their various descriptions (e.g., as the averting of a threat to life) that what they have in common is their comprising the welfare of others.

Kindness, we have seen, requires the right concern in the right circumstances.<sup>34</sup> We saw above that the possession of kindness is compatible with not offering one's help to those who would greatly benefit from it, in the presence of certain countervailing considerations—but also that the absence of those countervailing considerations will not

33. To see the force of “selectively” here, consider the disposition to act on whatever agent-justification happens to cross one's mind or amuse one. This is not a concern for anything, unless it expresses a judgment of the superiority of undirected activity.

34. Compare Aristotle *Nicomachean Ethics* 1109a26–29.

normally feature as part of the kind person's agent-justification under those circumstances where such considerations are absent. And this point may be reexpressed in the vocabulary of concern. Kindness is (extensionally) not a final concern *for those goods which comprise the welfare of others in the absence of countervailing considerations* but, rather, a final concern, in the absence of countervailing considerations, *for those goods which comprise the welfare of others*: the absence of the countervailing considerations does not lie within the scope of the concern which is characteristic of kindness.

A corresponding definition of unkindness presents few difficulties: unkindness is (extensionally) the absence of a concern for the welfare of others, when there are no countervailing considerations. (The point to notice here is that one may lack kindness without thereby being unkind, provided one has a nonfinal concern for the same goods. The conscientious Kantian and the caricature of piety who is concerned only to help others as a means to his own salvation illustrate this possibility: such agents, although not kind, are not unkind.)

If this is the nature of unkindness, then it is possible to argue for conclusions concerning unkindness in the following way. If one is to possess (extensionally) a concern for the welfare of others, there are certain agent-justifications on which one must act, unless there are countervailing considerations. For instance, when there are no countervailing considerations, failing to avert what one knows to be a threat to someone's life when one could avert it manifests the absence of a concern for his welfare. But the absence of such a concern, unaccompanied by any countervailing consideration, is unkind. And from this, we can draw the conclusion:

When one is aware of threats to other people's lives, the failure to take available steps to avert those threats is unkind, unless there are countervailing considerations.

### *Justice*

A similar set of observations may be made concerning justice.

The virtue of justice, like that of kindness, is describable as a final concern for objects of a certain sort.<sup>35</sup> A kind person is concerned about objects such as threats to people's lives, their needs, and their comfort: in general, we have observed that what these concerns have in common is that they exemplify a concern for the welfare of others. The objects of a just person's final concern, by contrast, include other people's rights, her own duties, fairness of distribution, and desert. It is difficult to say anything very interesting about what the concerns

35. Not all virtues are describable in this way: contrast courage and other "executive" virtues.

for these various objects have in common, for the best general description is that they are all (extensionally) concerns for the justice of states of affairs.<sup>36</sup>

Once more, just forms of concern are equivalently expressible as dispositions to accept certain sorts of agent-justifications as conclusive. Thus the virtue of justice includes the disposition to take a person's deserving X as a conclusive agent-justification for giving him X (in the absence of countervailing considerations), and the disposition to take an action  $\Phi$ 's involving an unreasonably preferential weighting of my own interests over those of other people as a conclusive agent-justification not to  $\Phi$  (in the absence of countervailing considerations). It is a sufficient condition of one's possessing injustice that one lack these dispositions.

Again, the necessity of including the absence of countervailing considerations in the specification of the dispositions constitutive of the virtue of justice (but not within the scope of the agent-justification) should be obvious enough. If X is not mine to give, it may be unjust to give it to someone, even if he deserves it.

This gives us a parallel argument to the one concerning kindness. Unless there are countervailing circumstances, failing to avert a threat to someone else's life at a small cost to myself involves an unreasonably preferential weighting of my interests over his. Therefore, we are entitled to extend our previous finding, as follows:

1. When one is aware of threats to other people's lives, the failure to take steps to avert those threats is unkind and unjust, unless there are countervailing considerations.

#### IV. NONIMMEDIACY AS A COUNTERVAILING CONSIDERATION

Now I might seem still to be a long way from a satisfactory reply to the Practical Ethicist opponents of Section II. For it would appear that the foregoing defense of Claim (1) of my argument simply compels them to rephrase their attack in a new vocabulary. It has been asserted that the failure to avert threats to the lives of others is unkind and unjust, unless there are countervailing considerations. Why can't they decisively reply that the nonimmediacy of the presentation of the threat simply is recognized by us as an adequate countervailing consideration?

The response to this begins by asking a question of my own. The failure to avert a threat to someone else's life, where there are no countervailing considerations, is both unkind and unjust. But given the various considerations to which we do attribute such countervailing

36. Compare Williams, *Ethics and the Limits of Philosophy*, p. 180.

force, do those considerations explain why an action which is a failure to avert such a threat may nonetheless be neither unkind nor unjust, or must this simply be accepted as a brute fact? The case for the former will soon become plausible when we consider some instances.

### *How Considerations Countervail*

One consideration to which such countervailing force is standardly attributed is that of whether my own life would be seriously endangered by any attempt to avert a threat to someone else. The way in which this consideration countervails seems to be by outweighing rather than annulling the considerations in favor: a morally decent agent, that is to say, will still see the threat to the other person as being as strong a consideration in favor of helping as it is in the straightforward case of the drowning child, but she might find a stronger consideration in the preservation of her own safety without thereby proving herself to be unkind. Why should one think so? A simple thought which suggests itself is that the presence of the consideration that the agent's own life is threatened explains how not saving the other person is compatible with a genuine concern for his welfare. It is possible, the thought goes, to be genuinely concerned about his welfare but more concerned for my own—we'll need an extensive set of arguments for a contentious moral system such as that which some forms of consequentialism provide if we are to show that there is anything morally wrong with that.<sup>37</sup> If kindness is a concern for the welfare of other people, therefore, the presence of such a consideration shows how a person's refraining from averting a threat to someone else's life can be reconciled with the claim that she is kind.

Let us turn next to a consideration which appears to countervail in a different way. If I offer to massage the limbs of a weary torturer, this is not merely not an act of kindness; it may be morally obnoxious. And yet it might be motivated by a simpleminded concern for his welfare; why isn't it kind? A plausible answer is not hard to find: although perhaps my offer to the torturer could manifest a concern for his welfare, it is incompatible with a concern for his victims. The point here does not primarily concern his future victims, we may add: even if his torturing career is over, it is incompatible with a respect for his past victims to have anything to do with him apart from punishing him. This explanation, moreover, shows why we should think of the countervailing consideration in this case not as outweighing the consideration in favor of helping but as *annulling* it; the sort of concern constitutive of kindness will lead the kind person to see the fact that an action of his could alleviate the weariness of a torturer as a consider-

37. But see Kagan, *The Limits of Morality*, for such a set of arguments.



ation against, rather than in favor of it. The case of the drowning person who is responsible for many other threats is naturally treated in the same way (if it is right that his responsibility does lessen the extent to which it is appropriate to help him).

The same suggestion applies with equal plausibility to those considerations to which we attribute countervailing force in relation to justice. If X is not mine to give, then giving it, even to someone who deserves it, may be arrogating to myself a privilege which I rely on others' renouncing and, if so, is in this way incompatible with a concern for justice. Again, the point is simply that this is the sort of case in which giving a person what he deserves is incompatible with the concern of the just person for justice.

And cases in which taking someone else's property to help a third person is not unjust—I must take the nearest coat in the restaurant to 'put out a fire, say—are accounted for in the same way. No such arrogation is involved if I need X in order to save a life, and hence no injustice is done. Thus its bearing upon the concerns constitutive of the virtue once more explains why such a consideration should or should not countervail against the agent-justification in question as an expression of justice.

It is readily apparent, therefore, that the attribution of countervailing force to such considerations, in relation to the agent-justifications characteristic of kindness and justice, is not simply to be accepted as a brute fact. In each case, the presence of a consideration to which such countervailing force is attributed explains, in a simple and transparent way, why not acting on the agent-justification in question is after all compatible with the virtue, and does so in a way which makes apparent the appropriateness of the manner in which it countervails—whether by outweighing the agent-justification or annulling it.

#### *International Aid and Nonimmediacy*

From here, our argument may be quickly completed. We have just seen the way in which the presence of countervailing considerations, given the failure to act on an agent-justification which is conclusive for morally decent agents in other circumstances, shows how such a failure can be reconciled with a virtue. But once the reconciliatory role of countervailing considerations is revealed, the argument proceeds as before. For as with considerations of racial membership, it is hard to see how the immediacy with which an emergency presents itself to a potential helper is relevant to either outweighing or annulling the considerations of welfare and fairness which count for a morally decent agent in favor of helping. The putatively countervailing consideration of immediacy surely does not show how the threatened people are in any way less worthy of one's concern or will benefit to a lesser extent from it. But nor does it show how the huge disparity in the extents



to which our interests are compromised, mine by helping and his by not being helped, is in any way mitigated. It does not appear that nonimmediacy lessens the extent to which, if threats to others in general provide a kind or just person with a strong consideration in favor of helping, they do so in this case also. However, it is if anything less clear how the consideration of nonimmediacy can provide a stronger, outweighing consideration which opposes the threat to life as a ground for acting.

In short, although in the case of other candidates for the role of considerations which countervail for a morally decent agent against the agent-justifications characteristic of kindness and justice, it is possible to show how such considerations successfully reconcile the concern for the welfare of others or for justice with one's not helping, this is no more convincing in the case of nonimmediacy than it is with respect to race, and consequently the claim of both to such a countervailing role should be rejected. That is to say:

4. The fact that affluent people are not immediately presented with the threats in question is not a countervailing consideration.

### *Racism Revisited*

In Section II, we considered the prospect of a society of bigots who assimilate racial loyalty to family loyalty. Proponents of the Practical Ethicists' objection had to accept that they possessed no argument against such a practice; they contented themselves with the assurance that the bigots possess no argument against our emphatically different moral outlook which we have a reason to credit with any force.

However, it is a corollary of our argument that there is something further to say here. For not even within a discriminatory practice of the sort being considered will racial considerations themselves standardly enter into the scope of the forms of concern characteristic of kindness and justice. The practice is, rather, one of treating racial considerations as countervailing in relation to those forms of concern—as determining the circumstances in which that concern is regarded as appropriate. (The racially exclusive concern, that is, is [extensionally] a concern not for *white people's welfare* but for *people's welfare*, provided they're white.) But again, such a practice is impossible to reconcile with our explanation of why a morally decent agent should properly attribute countervailing force to a given consideration. In the absence of an argument for attributing different natures to the members of different races, we lack any grounds for holding that their welfare would be affected differently by the same treatment or that the fairness of the treatment would differ with race. That is, racial considerations do nothing to reconcile one's not acting on the agent-justifications characteristic of kindness and justice with the possession of the relevant forms of concern. Therefore, such a discriminatory practice—even if

widespread—stands, morally, in need of further support which its practitioners refuse to supply. If they then ask us what is wrong with unkindness and injustice, perhaps the Archimedean move is all that is left, taking refuge in the claim that there is no external standpoint from which this could be demonstrated, but none from which it could be invalidated either. However, it is only having reached this point that we should contemplate such a move.<sup>38</sup>

Notice, importantly, that the above argument is compatible with allowing that, in a culture in which racism is prevalent, someone who gives no consideration even to members of his own race is more unkind and unjust than the rest. For of course, it is not surprising, for the reasons which the bigot tries to claim as a justification, that people have in many societies tended to treat members of other races as being worthy of less consideration than members of their own. Where such a practical distinction is widely observed, a lack of consideration for the members of one's own race will typically indicate a depth of indifference which precludes to a greater degree the forms of concern constitutive of kindness and justice.

This gives us a parallel point in relation to the immediacy of the presentation of a threat to someone else's life. Our motivation to recognize threats to life as reasons for acting in a person's favor will be triggered far more easily when the facts in question are right in front of us. It is not at all surprising that we respond more readily to threats to life when they are presented to us immediately; consequently, we ought to say that the failure to respond even to those emergencies with which one is immediately confronted exhibits a depth of indifference to the interests of other people which makes it more unkind or unjust than the failure to act in response to more distant need. My claim is not that the extent to which a person is moved by the situations of distress with which she is directly confronted is irrelevant to moral assessment.

However, while this explains the difference between the degrees of unkindness or injustice exhibited by indifference to immediate as against nonimmediate emergencies, it remains the case that unless some further feature of noncontribution to aid agencies may be identified to which countervailing force may plausibly be attributed, there is the same reason for regarding noncontribution as wrong as there is for regarding the failure to save a drowning child as wrong. It may not be as wrong, but it is wrong nonetheless, and wrong in the same way.

38. "But why doesn't this argument equally entail an attack on family loyalty?" The answer, of course, is that it does. For the family loyalty which is analogous to the racist's, limiting the sphere of kindness and justice exclusively to the members of one's own family, is that of the *Mafioso*, against whom the argument is the same.

*Moral Revision without Moral Theory*

After giving the first formulation of our argument for the wrongness of noncontribution to aid agencies, I acknowledged that it relied upon generalized conceptions of the virtues of kindness and justice as concerns for welfare and nonpreferentiality in relation to people in general. The Practical Ethicists' challenge was that the incompatibility of those conceptions with the practical moral distinctions we are actually making, in regarding noncontribution to aid agencies as neither unkind nor unjust, is a ground not for rejecting our moral practice but for rejecting those conceptions of the virtues.

The response to this has been to give a brief and partial account of the virtues of kindness and justice, containing three essential points. First, kindness and justice are particular forms of concern: dispositions selectively to accept particular sorts of agent-justifications as conclusive. Speaking extensionally, kindness is a final concern for the welfare of others, and justice includes a final concern to avoid giving oneself unreasonably preferential treatment. Second, although other considerations may countervail against the agent-justifications which are characteristic of these virtues, supplying conditions under which a person's not acting on those agent-justifications may nonetheless be neither unkind nor unjust, the countervailing considerations do not enter into the scope of the concern which characterizes each virtue. And third, the considerations to which this countervailing force is attributed do explain how one's not acting on the agent-justification which characterizes a virtue is nonetheless reconcilable with the possession of that virtue. But if so, the fact that someone else's life is threatened is an agent-justification which is conclusive for anyone who is not unkind, unless there are countervailing considerations. And the nonimmediacy of the presentation of the threat is not a countervailing consideration.

But perhaps we need to consider one last Practical Ethicist response to this, of the same form as the earlier ones. Can't a Practical Ethicist object that if the proposed account of our justificatory practice does not accommodate the whole of that practice, then it is not the practice which is at fault, but the account?

Now if Practical Ethicists could supplement this challenge by producing an alternative explanation of how considerations can countervail in relation to the agent-justifications characteristic of the virtues of kindness and justice—one which handled the undisputed cases but also accommodated nonimmediacy—they would have a powerful objection. But until they do so, their complaint that the above account is incompatible with our justificatory practice falls flat. They are left simply asserting that immediacy is a countervailing consideration, even though it does nothing to show how failing to act on a practical justification central to kindness and justice is compatible with the possession

of those virtues. They are left, that is to say, with a picture on which countervailing considerations do not justify at all.

The Practical Ethicist cannot dismiss as unnecessary or unintelligible the question of how considerations countervail against the agent-justifications characteristic of a virtue. This does require an explanation, for the following reason. As we have seen, a kind or just person's agent-justification for averting a threat to someone's life need only consist in a certain simple consideration—the consideration that his life is threatened and that she could avert the threat. But if this simple consideration is, in some circumstances, regarded as a justification, then it must be so regarded in the others in which it is present, unless there is some appropriately countervailing consideration. And the only way in which a consideration might appropriately countervail is by justifying one's not acting on the simple consideration, despite its presence. An account has been given on which that justifying force is transparent. A consideration plainly possesses such force if it reconciles one's not acting on the simple agent-justification with the forms of concern—kindness and justice—which recognize the agent-justification as conclusive elsewhere. However, the attribution of such countervailing force to considerations such as those of race or of nonimmediacy cannot be rendered intelligible in this way. In the absence of a better explanatory account, the attribution of countervailing force to such considerations cannot be seen as part of a justificatory practice at all.

One further question must be addressed in order to complete our discussion. How do we explain the existence of a practice of treating certain considerations as if they possess countervailing force, when they do not? In the case both of race and of nonimmediacy, there is a straightforward explanation. When we consider the practice of racially based slavery, the moral complacency of our forebears may be explained—without thereby justifying it—by pointing to the natural affinity of people toward what is similar and familiar to themselves, and the natural fear of the unfamiliar; to the lack of contact and hence of comprehension between races; and to the recurrence of interracial conflicts which have fostered xenophobic currents within most cultures. In the same way, explanations of the source of the strength of our misguided intuitions concerning the practical significance of the immediacy of emergencies come readily to hand. First, the distinction gives us a cozier morality which it is easy to live up to. And second, it is only relatively recently that we have been supplied with the means (through the existence of international aid agencies) of easily helping the very poor of other countries. Throughout the centuries prior to the existence of such agencies, not helping the destitute abroad was not wrong, since such help was not within people's power; and the moral tradition which we have inherited evolved in that different era.

Does the argument for moral reform presented here draw on a theory, in the Practical Ethicists' proscribed sense? No—for the justification which is being claimed for the wrongness of not contributing to aid agencies is simply the practical consideration that threats to people's lives could thereby be averted; and for all that has been said to the contrary, there may be no nonpractical principle to which the practice of regarding such considerations as practical justifications is itself justificational answerable. Of course, I have had to invoke a canon of consistency in presenting the argument for moral reform. However, it will be difficult for a Practical Ethicist to find an objection to this. For one thing, objecting to the pursuit of consistency in morality does begin to make their problem of distinguishing ethical practice from prejudice appear insurmountable. Any argument which purports to provide reasons for revising one's moral views is going to need to have recourse to a requirement of consistency. And anyway, it is simply a condition of moral action's even purporting to involve practical *justification* that it should be answerable to such a requirement. I cannot claim a consideration as a justification for a certain action in one set of circumstances, but not do so in another, unless I am prepared to invoke countervailing differences between the two.

## V. FURTHER WORK

Our argument has employed Singer's basic strategy, of comparing noncontribution to aid agencies with Bad Samaritanism, to support the conclusion that such noncontribution is morally wrong. Three objections were raised against Singer's own formulation of the argument, but we have seen that it can be reformulated, as an argument about kindness and justice, in a way which avoids them. In arguing from an account of the practices of practical justification characteristic of the virtues, we have not relied upon an ethical theory; therefore, Practical Ethicists should accept our conclusion. But nor have we precluded the possibility that there is a true ethical theory. For perhaps there is a further reason—and maybe a theoretical reason—why unkindness and injustice should be regarded as wrong. (Perhaps, on the other hand, we have reached the end of the justificational line, as we have when I adduce in support of my contention that a period of illness was bad the fact that it was boring.)<sup>39</sup> The Practical Ethicist and the theorist may be left to debate this point: all we require is the absence of any compelling justification for abandoning the conviction that unkindness and injustice are morally wrong. Both the Practical

39. See Philippa Foot, "Moral Beliefs," *Proceedings of the Aristotelian Society* 59 (1958): 83–104, esp. p. 101, reprinted in her *Virtues and Vices* (Oxford: Blackwell, 1978), p. 127.

Ethicist and the proponent of any plausible ethical theory should accept our argument.

This constitutes a strong presumptive case for the conclusion that the failure of any affluent person to contribute to voluntary international aid agencies is morally wrong. Only a presumptive case, though: for although Claims (1) and (4) have been defended here, the two other premises of the argument have not been discussed. Obviously, both are required to produce a sound argument, but they have been extensively discussed elsewhere.<sup>40</sup>

Let us recall them briefly. Claim (2) was

2. An affluent person's contributions to voluntary international aid agencies will avert threats to people's lives.

It is sometimes denied that the net effect of the activity of aid agencies is the averting of threats to people's lives. More subtly, it may be objected that even if aid agencies avert threats to people's lives, the contribution of any one affluent person will probably not do so.<sup>41</sup> Unless there are satisfactory answers to these objections, the case presented here for the wrongness of noncontribution to aid agencies clearly collapses. And just as clearly, I require the truth of Claim (5):

5. There is no other countervailing consideration.

Here the sorts of claims which must be considered (and which have been, by others) are that by feeding the world's surplus population now we are simply contributing to worse problems in the future, that responsibility for the welfare of the destitute belongs to governments rather than to us, that the absence of proper birth control practices in poor countries makes them responsible for their own plight, that since we have a valid right to our money it cannot be wrong for us to keep it, that paternalistic interference in the affairs of another country is wrong, and that charity degrades the objects of our pity.

I could hardly seek to include in this article a satisfactory discussion of such issues, but I do claim to have shown here that it is only if some such objection can be sustained that one may avoid Singer's first, strong conclusion: affluent people's not contributing money or time to voluntary international aid agencies is immoral, in the same way that a bystander's failing to save a drowning child would be immoral.

40. See the works cited in nn. 1, 2.

41. For the difference between my giving and not giving a sum of money to a relief agency is very unlikely to be reflected in someone's death: it will not mean that fewer people are fed in the food distribution centers but, rather, that the available food will be marginally more thinly spread around. See Whelan, pp. 157–62.



*Demandingness*

The way in which our argument leads to a problem of demandingness is clear. If the claimed analogy between drowning children and starving children really does hold, then it will be wrong to donate to aid agencies only enough money to feed one child when others are starving too, just as it would be to pull one child from the pond and leave others to drown. But the further difficulty, of course, is that the number of impoverished potential beneficiaries of the lifesaving help of any affluent individual is great enough to exhaust all of her resources for helping. When am I justified in ceasing to contribute to aid agencies?

Singer's answer—his second, stronger conclusion—is that non-contribution to aid agencies only ceases to be wrong when one has reduced oneself to a level such that any further sacrifice would actually be worse for those whom one is trying to help.<sup>42</sup> Now it may seem that the grounds for rejecting this have been furnished above, in the form of the claim that considerable personal sacrifice can countervail for a morally decent agent against the fact that someone's life is threatened. However, even if true, this does not obviously leave us far short of Singer's stronger conclusion.

To see this, suppose that \$D is a sum which is so considerable that if saving someone's life were to cost me \$D it would not be wrong for me to refrain from doing so. If I continue giving money to international aid agencies, I shall eventually have given away \$D. Perhaps this sum is sufficient to avert the deaths of a hundred people. The problem I now face is, What should I do about the hundred-and-first? Having given away \$D, I am poorer than I was: maybe now a smaller sum, say \$D', is the amount my losing which would be a considerable enough sacrifice to excuse letting someone die. If our argument is correct, it is difficult to see how there could be any relevant question for me apart from whether I can save the hundred-and-first person for less than \$D'. But if so, I will only be permitted to stop giving when the cost of saving one further person from starvation is so considerable to me that there would be nothing wrong with letting a single child drown in a pond beside me at that cost. And the cumulative sacrifice I will have to have made before I reach that stage will surely be huge.

Thus it does seem that if I continue to give money to aid agencies, my aggregate sacrifice will eventually reach a level which would make it considerable in relation to a single victim. However, provided the

42. In "Reconsidering the Famine Relief Argument," pp. 48–49, and *Practical Ethics*, pp. 180–81, Singer claims that we should not advocate such a claim, because it would be counterproductive—but he still thinks it is true. Compare Jonathan Glover, *Causing Death and Saving Lives* (Harmondsworth: Penguin, 1977), pp. 109–10.



amount which I must give away to save the next person is not of that considerable magnitude, the question is why it is not unkind to be unprepared to make that individual sacrifice in favor of him. Why should personal sacrifices in favor of other people be considered cumulatively rather than individually?

This presents us with a problem of demandingness which arises independently of an equation of the moral point of view with the impartial point of view; and it is a problem which the proponents of any plausible moral outlook, theoretical or not, must address. Maybe the response to the problem in this form should be the same as one of the responses which have been offered to the more familiar version.<sup>43</sup> I think that it should not, but that the problem does have a solution. However, supporting these claims is a much larger task, for another occasion.

43. See n. 5.