

Singer on the Duty to Aid the Poor

In his book *The Life You Can Save: Acting Now to End World Poverty*, Peter Singer has presented a deceptively simple argument for there being a moral duty to donate to humanitarian aid and relief agencies whose missions are to alleviate poverty, hunger and preventable diseases:

First Premise: Suffering and death from lack of food, shelter, and medical care are bad.

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

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

Conclusion: Therefore, if you do not donate to aid agencies, you are doing something wrong. (Singer 2009: 15-16)

While there is certainly something to be said for simplicity of argument and exposition, particularly in a book on applied ethics written for a general audience, the complexity of the assumptions buried in Singer's argument, particularly in the second premise, call for closer examination, at least, by those of us who think about such matters professionally.

While I am sympathetic to Singer's moral intuitions about these matters, and agree, with some qualifications, with his conclusion, I think it is possible to construct an even simpler argument to a similar conclusion by employing the notions of human rights and social responsibility. Such an account provides a more nuanced justification for an obligation to aid to

the poor while also answering various categories of critics and skeptics who might doubt whether there are indeed any such obligations. The alternative argument that I would employ goes as follows:

First Premise: Human suffering, disability and death caused by the lack of food, shelter, or basic medical care are human rights violations.

Second Premise: All competent moral agents have a social responsibility to ensure that no one suffers violations or deprivations of their human rights.

Conclusion: All competent moral agents have a social responsibility to ensure that no one suffers or dies from lack of food, adequate, shelter, or basic medical care.

I think that this argument provides a better account than Singer's of the duty to aid the poor because it does not over-commit donors by requiring them to make personal sacrifices above what is necessary to secure the universal enjoyment of human rights. It also does a better job of answering libertarians who are likely to reject Singer's conclusion on the grounds that the moral duties of beneficence involved in such charitable aid are weak supererogatory ones. It also will better address objections from deontologists who might think that the second premises ignores the difference in urgency between negative duties to avoid causing harm, and positive duties to prevent or remediate harm. Finally, Singer's argument employs a personalistic interactional approach to ethics rather than an institutional structural approach in a way that fails to attend to the structural causes of extreme poverty and to the differentiation of moral responsibilities by means of social roles and their institutional contexts. In particular, it excuses governments, which are the main bearers of the duties derived from human rights from their primary responsibilities to observe, protect and fulfill these categories of basic rights. Voluntary donations to private charities, while commendable stop-gap measures in cases of extreme deprivation and

humanitarian emergencies should not be seen as permanent substitutes for governmental responsibility to ensure secure access to adequate food, shelter, and basic medical care to all persons residing in their territories.

One objection to Singer's account is that he fails to recognize the difference between special role-related obligations, such as the duty of parents to feed and clothe their own children, and supererogatory acts of donating aid intended to feed and clothe other people's children in distant lands. Those who omit the former are morally blameworthy because they violate a strict, but special duty of beneficence, but not so those who omit the latter, because the latter is only a supererogatory action. While it would be praiseworthy and considered meritorious for someone to donate to aid agencies that help feed hungry children overseas, failure to do so is not wrong and should not expose those who do not donate aid to moral criticism or blame.

We can say that an act is supererogatory if and only if:

- (1) It is neither obligatory nor forbidden.
- (2) Its omission is not wrong, and does not deserve sanction or criticism -- either formal or informal.
- (3) It is morally good, both by virtue of its (intended) consequences and by virtue of its intrinsic value (being beyond duty).
- (4) It is done voluntarily for the sake of someone else's good, and is thus meritorious (Heyd 1982: 115) .

Singer's view clearly implies that it is morally wrong to omit donating money to help feed and clothe impoverished people, even if they live in distant lands, so he is committed to the view that such acts are *not* merely supererogatory.

Many of those who object to utilitarianism in general and to Singer in particular do so not because they are just selfish bastards. Rather underlying their view is the notion that human beings are autonomous individuals who have a basic right to pursue their own ideals and projects, sometimes regardless of the public or general good. People are not just tools for the promotion of good or for maximizing value or happiness in the world. Their duty towards others is limited. Singer's unqualified universal duty of beneficence demands too much of persons.

For example, suppose I have the choice between spending \$50 on a plain but perfectly serviceable dress for my own daughter or buying her a more stylish \$100 dress from a brand name retailer. According to Singer's second principle, I am obligated to buy her the cheaper dress and send the \$50 I save to UNICEF to provide food or medicine for needy children overseas. He is not saying just that doing so would be praiseworthy, but that it is morally required and failing to do so warrants moral disapprobation. But this is too demanding. It is not morally wrong to spend one's money to benefit one's own children.

But consider the alternative to his utilitarian account based on human rights. This account argues that we have a social responsibility to see to it that everyone's human rights are adequately protected and fulfilled, but that, once that is accomplished our only responsibility is to do our fair share to maintain right-fulfilling institutions. We can use whatever wealth is left over after we have ensured that everyone's rights are protected as we please. We are not morally required to do more than meet the minimum standard for rights-fulfillment. Anything we choose to do over and above that is purely supererogatory.

The human right to "a standard of living adequate for the health and well-being of himself and his family, including food, clothing, housing and medical care and necessary social services" was first proclaimed in 1948 in Article 25 of the *Universal Declaration of Human*

Rights. These rights were further articulated and incorporated in Articles 11 and 12 of the International Covenant on Economic, Social and Cultural Rights (1976), which calls upon states to “take appropriate steps to ensure the realization” of these rights by means of progressive national measures and international cooperation. The UDHR also contains two important but often overlooked and misunderstood articles dealing with the duties associated with human rights implementation: Article 28 “Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized;” and Article 29, “Everyone has duties to the community in which alone the full and free development of his personality is possible.” These articles invoke a social responsibility to secure human rights.

The classic philosophical defense of social and economic rights was developed by Henry Shue who argued that what he termed “subsistence rights” must be understood as basic in the sense that their enjoyment is presupposed by other categories of basic rights, such as liberty rights and security rights (Shue 1980). James Nickel summarizes this argument by noting that, “The importance of food and other basic material conditions of life is easy to show. These goods are essential to people's ability to live, function, and flourish. Without adequate access to these goods, interests in life, health, and liberty are endangered and serious illness and death are probable. The connection between having the goods the right guarantees and having a minimally good life is direct and obvious — something that is not always true with other human rights” (Nickel 2006).

Like other categories of human rights, subsistence rights impose negative duties upon states as well as individuals and some kinds of non-state actors, such as corporations, not to deprive others of their means of subsistence. Thomas Pogge has argued that current institutional arrangements and policies that create and perpetuate extreme poverty, often violate these

negative duties (Pogge 2005). For example, the “resource privilege” allows corrupt and undemocratic governments to appropriate the wealth derived from natural resources such as oil and gas while millions of their citizens are forced to live on less than \$2 a day.¹ In fact, according to a World Bank analysis, in 2001, 2,735 million people were living on less than \$2 per day. As Pogge and others have extensively argued, the scale and persistence of this level of poverty is best explained by structural features of the world’s political and economic system.

In this case, and many others, governments are failing to fulfill their duties to ensure the realization of the right to an adequate standard of living for their own citizens. Donating aid to charities that try to compensate for this failure can do little to alter the institutional arrangements that create and perpetuate this kind of human rights violation, and may in fact make it worse, by relieving governments of the primary responsibility to ensure the fulfillment of these rights while doing little or nothing to alter the structural features that have created and maintain extreme poverty. As Pogge has argued,

We know how much money individuals, corporations, and governments of the affluent countries are now willing to set aside for poverty eradication: about \$18 billion annually. This amount is very small in comparison to the harms inflicted on the global poor by the evident injustices in the present global order. It is also very small in comparison to what would be required for substantial progress: The amount needed in the first few years of a serious offensive against poverty is closer to \$320 billion annually. It is not realistic to hope that we can achieve such a 18-fold increase in available funds through a moral change of heart of the

¹ A recent NGO report illustrates this problem HUMAN RIGHTS WATCH (2009) *Well Oiled: Oil and Human Rights in Equatorial Guinea*. New York.

relevant agents: affluent individuals, corporations and governments” (Pogge 2007: 28)

In such a situation where governments are massively failing to fulfill their solemn commitments with regard to the observance and protection of basic human rights, what is the social responsibility of individual people and corporations in the rich countries?

The concept of social responsibility should be understood as encompassing more than just duties related to human rights, and is often invoked as a way of describing duties to protect environmental quality and to promote other important social goods. However, the present discussion will be restricted to those kinds of social responsibilities that are derived from or are related to human rights, an important subclass of the wider concept. Most people believe that human moral agents have certain responsibilities to society, at least some of which flow from other people's rights. Rights and responsibilities are often seen as correlative, so that, if someone is a right-holder who has a right to something, then someone else must be a duty-bearer who has a responsibility to observe, protect, and fulfill that right. If we are talking about human rights, which belong to all human persons despite differences in race, gender, nationality, religion, property and other characteristics, and are held to be universal, indivisible, and inherent, then it is plausible to suppose that the duties and responsibilities that derive from human rights must also be universal, indivisible, and inherent.

However, this is not entirely accurate: with respect to the "duty-side" of human rights there is a division of moral labor in which different individuals and different organs of society have different kinds of duties regarding human rights. The social responsibilities associated with human rights, while common, are also differentiated, particularly with respect to positive duties; they can be ascribed both to human persons and to certain kinds of organizations; they are

ascribed separately to particular moral agents but are also shared; the right-holders who are the objects of these responsibilities include both fellow citizens and noncitizens; and the scope of these responsibilities potentially encompasses the full range of human rights recognized under contemporary international human rights law. While many of the duties and responsibilities that are correlated with human rights are *prima facie*, in that there may be valid ethical considerations that excuse or justifiably limit some actors' responsibilities with respect to human rights, fulfilling these responsibilities is not optional, and duty-bearers may be held accountable to society for their enactment of them.

Moral philosophers distinguish between negative duties which require that moral agents forgo certain types of actions, or simply refrain from interfering with others, from positive duties which require that one act in certain ways to bring about states of affairs that may involve giving up resources or privileges that one already possesses. The negative duties correlated with human rights, such as the duties not to torture or enslave others, because they involve omissions, are universal and can be ascribed to everyone. However, as Henry Shue has argued, with respect to the positive duties entailed by human rights there is a division of moral labor in which "the positive duties need to be divided up and assigned among bearers in some reasonable way" (Shue 1988: 690). The ways in which these positive duties and responsibilities are assigned must, moreover, provide for differing degrees of responsibility deriving from the limitations and capacities of different agents and the positional relationship between the duty-bearers and the right-holders who are the ultimate beneficiaries of their responsibilities.

In order to fulfill their positive social responsibilities with respect to human rights, individuals commonly delegate them to mediating institutions. For instance, by paying taxes we support police forces, courts, public schools and other governmental institutions that function as

the institutional means by which we discharge our social responsibilities to protect and fulfill our own human rights to security, justice, and education as well as those of our fellow citizens.

Thomas Pogge has argued that in discussing the positive duties associated with human rights, we should employ an “institutional understanding” that recognizes that, “By postulating a person P’s right to X as a human right we are asserting that P’s society ought to be (re)organized in such a way that P has secure access to X and, in particular, so that P is secure against being denied X or deprived of X officially: by the government or its agents or officials” (Pogge 1995). Under the institutional understanding, individuals and corporate non-state actors do not have direct responsibilities for protecting and fulfilling all human rights, rather they have the responsibility to ensure that appropriate mediating institutions fulfill these obligations. In cases where there exist well-functioning public institutions at the local, national, or international levels that effectively protect and efficiently fulfill human rights, the individual’s social responsibility to his or her community consists in accepting a fair share of the burdens and costs associated with maintaining them, usually through the payment of taxes. However, it is often the case that important human rights are not adequately protected by existing public institutions, for instance, with respect to social and economic rights, as evidenced by the plight of homeless and hungry people in many countries.

At the international level at present there are few effective rights-fulfilling institutions. Thus, when national governments fail to adequately protect the human rights of their own citizens, the responsibility to do so devolves to individuals and private voluntary organizations, who are the original duty-bearers for human rights. There is no reason to suppose that the social responsibility to ensure the universal protection and enjoyment of human rights is limited by national boundaries. The basic point can be summarized by saying that as private actors,

individuals and private corporations have a social responsibility to see to it that the international order is constituted so that all human rights can be effectively fulfilled for all persons.

In cases where effective mediating institutions are nonexistent, the individual's social responsibilities to his or her community can be discharged by means of donations to voluntary civil society organizations and nongovernmental organizations whose missions are directed to the fulfillment of various human rights. In some cases, individuals may wish to discharge their social responsibilities with respect to human rights of persons living in other countries by advocating that governments and multinational corporations do more to fulfill their own social responsibilities with respect to neglected and unfulfilled human rights. This is, by the way, my preferred means of working on these problems: I have spent much more of my time and money working for organizations like Amnesty International and Human Rights Watch, than I have for organizations such as Oxfam or ActionAid. There is nothing wrong with supporting these kinds of humanitarian relief and development organizations whose missions are directed towards poverty alleviation. However, I do not think it is morally blameworthy for me to pursue a different strategy for poverty eradication than donating to humanitarian relief organizations.

How particular individuals fulfill their social responsibilities with respect to human rights is discretionary, but doing so is not optional, in way that purely supererogatory actions are optional. On my view, social responsibilities form a category of moral obligations which discretionary, in most cases, but whose non-fulfillment is not immune from criticism. Competent moral agents have social responsibilities which are entailed by the human rights of other persons. There is still a sphere of purely supererogatory actions, to be sure, which does not reduce to either rights or strict responsibilities, but this sphere is smaller than traditional accounts suggest because many of the sorts of actions which would formerly be regarded as supererogatory and

therefore optional, should be seen as discretionary yet non-optional moral obligations that flow from social responsibilities entailed by human rights or more generally from the demands of social justice.

This can be made clearer perhaps with some examples. Consider the act of donating money so that a local little league baseball team can buy new uniforms. It would be praiseworthy, but not required, and omitting doing so would not subject one to moral blame or criticism. Charitable donations to the arts, to educational institutions, churches and other community organizations, and many other social causes, are like this. They are not morally required even though they produce good for the society and people would be worse off without them. Some bad things would happen if everyone decided to cease donating money to these kinds of charitable causes. There are many individuals who can do so without sacrificing anything nearly as important. They earn moral praise for their charitable giving, but it is optional and not giving to such causes does not open one to moral criticism or demands for accountability. No one's human rights are violated by not having new baseball uniforms.

Now contrast this case in one with the case of a man-made humanitarian catastrophe brought on by a deliberate campaign of ethnic cleansing or genocide which causes and tens of thousands of people to become refugees or internally displaced persons who are in danger of starvation or death from preventable diseases, such as has happened in Darfur. In this case, omitting aid to the affected persons is morally blameworthy, and those who fail to shoulder their share of the social responsibility to protect these vulnerable people can rightly be criticized and held accountable for inaction. Some individuals might be excused from fulfilling this responsibility for various good reasons, for instance, because they are themselves too poor, or because they are unable to do anything to affect the situation, or because they have other more

compelling responsibilities that conflict with doing something to aid the victims, or because the costs and sacrifices they would incur by doing so are too great. But individuals who can do something to help the victims, and have no good excuse for not doing it, are morally blameworthy, on my view, for they have failed to fulfill one of their social responsibilities with respect to human rights. Donating one's money or time in such cases is not an act of charity; it is a non-optional yet discretionary social responsibility.

But one's personal social responsibility for fulfilling unfulfilled human rights only extends to their adequate enjoyment. Once the task of fulfilling a human right is completed, and competent institutions are created that enable people to enjoy the content of their human rights, one's obligation is only to do one's fair share to maintain those institutions. One can legitimately devote oneself to one's own life projects and goals, and not divert additional funds or energy to the problem of meeting unmet human rights obligations.

Unfortunately, that is not the situation we find ourselves in today, which is why Singer is right that we all need to do more to ensure that everyone's human rights, including their subsistence rights, are adequately respected and fulfilled. However, because the social responsibilities to correct international human rights failures are discretionary, he is wrong to insist that the only proper way of fulfilling them is to donate money to humanitarian relief and development organizations. One can also fulfill these social responsibilities by joining the struggle for human rights.

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