

Peter Singer

One World

A Response to my Critics

Abstract: The following response to the essays by Dietrich, Kesselring and Schefczyk discusses impartiality and foundations of special duties; utilitarianism, foreign aid, NGOs and human rights; and ethical aspects of free trade and the World Trade Organization.

I am most grateful to all three participants in this *Analyse & Kritik* symposium for their extremely interesting comments. I am very glad that they all found something positive in my book, and I in turn have learned something from each of them. The brief responses that follow will not be able to do justice to all of their comments

1. Frank Dietrich

I shall begin with Frank Dietrich's contribution, as he focuses on the fundamental issue of impartiality in ethics which underlies my entire discussion. As he correctly notes, in ethics today there is a lively discussion about how special duties are to be grounded. One view, to which I adhere, is that special duties must be grounded on equal consideration for all. My own position derives from R.M. Hare's suggestion that while at the level of everyday conduct, we should be guided by particular moral principles including special duties, these principles themselves are justified by their utility, which of course is to be calculated in a manner that gives equal consideration to the interests of all those affected. Despite the usual need to be guided by particular moral principles, if we are in circumstances suitable for proper reflection on our actions, without time pressure, bias or other distortions, it may be justifiable to depart from the usual moral principles in order to achieve a better overall outcome.

Dietrich's view appears to be that at least some special duties need no impartial justification. They are, he asserts, part of our conception of what is moral, and the need for justification, he claims, flows in the opposite direction. The more abstract foundations that are used in the impartial justification are themselves justified by their consistency with the special duties that we take to be self-evident. Here Dietrich appears to accept the method of reflective equilibrium associated with John Rawls. As Dietrich notes in a footnote (250, fn.3), I am sceptical about judging a normative theory by the extent to which

it agrees with our common moral intuitions. These intuitions, including those about our special duties, are highly susceptible to distortion by cultural and religious teachings, personal or group interests, and biologically evolved psychology. I suggest that common moral intuitions are more likely to be the result of such distortion than more abstract ethical concepts (such as that of equal consideration of interests) which are more difficult to explain in terms of either specific cultural and religious teachings, personal or group interests, or evolved biological predispositions. (Admittedly, these grounds for rejecting our intuitions are consistent with the concept of reflective equilibrium, if we view that idea very broadly. But then, reflective equilibrium scarcely gives us a basis for saying that an acceptable theory must cohere with our moral intuitions, for very few, if any, of these moral intuitions will be left standing after such a wide-ranging critique. So broad a concept of reflective equilibrium preserves the method at the cost of rendering it vacuous.)

Dietrich thinks the best justification of special duties is as a constitutive element of social relationships necessary for the realization of specific community goods. He thinks this justification cannot have a rational basis consistent with my own approach, because it is directly grounded in the social relationship, and not grounded on equal consideration for third parties. The challenge he poses is: what argument can be given, without presupposing universalism, for the view that there is a requirement for a universalist grounding, rather than a direct one? One possible answer is that only a universalist grounding provides a plausible way of determining the limits of the duties that are part of such social relationships. For example, with respect to the parent-child relationship, Dietrich admits that parents are not justified in inflicting harm on third parties in order to benefit their children. Parents may not, presumably, gain food for their own needy children by stealing food from other equally needy children. On the other hand, they are not obliged to assist the hungry children of strangers to the same extent that they are obliged to assist their own hungry children. But are they obliged to assist the hungry children of strangers before they send their own children to expensive private schools (assuming that adequate public schooling is available at no cost)? Dietrich clearly states, in his conclusion, that he accepts that there is an obligation to assist people in need beyond national borders, in so far as this is compatible with the more specific obligations he favors. But how is this compatibility or incompatibility to be discerned? Somehow limits to the special duties of parents to their children, and to the universal obligation to assist anyone in need, must be determined. I suggest that these limits should be determined by considering the negative impact that any proposed limit will have on the goods to which the social relationship contributes, and weighing that against the goods lost by the needy third parties who would otherwise benefit by greater assistance. This is, of course, a universalist ground. But if the limits have a universalist basis, then it is plausible to assume that the duties themselves have this foundation.

If supporters of special duties do not accept my suggestion for resolving the question of the limits to special duties, what alternative mode of resolving it could there be? Only, as far as I can see, a purely intuitive judgment. And, of

course, different people will have different intuitions about this, and there will be no way of deciding between their differing judgments.

I turn now to Dietrich's discussion of the more specific question, whether we owe those who live beyond our national borders the same consideration we owe to our fellow citizens. Here it is important to note that in *One World* (OW) I did suggest some reasons for giving greater weight to one's fellow citizens that are not so different from Dietrich's own reasons for so doing. After discussing the various ways in which fellow-citizens are part of a web of mutual assistance, for example, I wrote: "It is therefore possible to see the obligation to assist one's fellow-citizens ahead of citizens of other countries as an obligation of reciprocity..." (OW 169). I doubted, however, that this was a sufficient reason for favoring one's fellow citizens ahead of citizens of other countries whose needs are far more pressing. I am not sure that Dietrich disagrees with me about this. It all depends where he draws the limits that I mentioned in the previous paragraphs.

One final comment. Dietrich correctly points out that in his political writings J. S. Mill justified the nation state by the argument that the present condition of civilization does not allow a far-reaching application of universalist principles. I am not sure if Dietrich was suggesting that my own views are in conflict with Mill's, but just in case readers draw that conclusion, I should point out that Mill was referring to the situation in his own time, before the modern era of globalization. As I show in *One World*, there are many ways in which the world has become much more of a single community than it was in Mill's time. I am not referring only to institutional changes, like the existence of the United Nations and the World Bank, but also to the fact that news travels instantly around the world, and aid need not be more than a few hours behind. Hence the goods that can be achieved by assisting people in distant countries are vastly greater than they were a century ago.

2. Thomas Kesselring

Like Frank Dietrich, Thomas Kesselring rejects my utilitarian ethic. He claims it is unsuitable for dealing with questions like humanitarian intervention, or the preservation of indigenous peoples. He also claims, more surprisingly, that ethical positions like mine are not supported by any non-government organizations. But he justifies these claims by painting an extreme picture of my position, and of the positions of utilitarians in general.

Take, for example, my position on the issue of development assistance. My position is certainly demanding, for those who are living in affluent nations. At present, most nations give less than 0.5% of their gross domestic product in foreign aid—that's less than 50 cents in every 100 euros—and private citizens give even less, on average, as a proportion of their income. Only Denmark, Luxembourg, Sweden, Norway and the Netherlands exceed this figure. Germany gives less than 30 cents in every hundred euros, although in fairness it should be mentioned that Germany's share of the aid given directly by the European Union would raise this figure a little. I argue that we should be giving far more.

But Kesselring suggests that for a utilitarian, nothing less than a strictly equal distribution of resources between all the inhabitants of our planet can satisfy the duty of satisfying preferences. It is puzzling that he makes this assertion without much argument. There is a vast literature on utilitarian arguments to the contrary, based on well-known problems like the loss of incentives, and transfer costs. In fact, Kesselring mentions the loss of incentives as a ground for Rawls's refusal to apply the difference principle internationally. This is a straightforwardly utilitarian argument. Why does he allow Rawls to use it, but deny it to utilitarians? My argument for aid is based on the importance of meeting the most pressing human needs, for food, shelter, sanitation, basic health care and some education. To take care of these needs for most of the world's poor would require only a small percentage of the income of the world's affluent citizens, if all of them were to contribute. If few are contributing, it is true that the obligation on us to give as individuals increases dramatically, but this still does not entail that we should divide all resources equally.

If my position on foreign aid is correctly understood, then it is false to say, as Kesselring does, "*Eine materielle Umverteilung internationalen Massstabs, wie sie Singer vorschwebt, findet sich in den Programmen der NGOs nirgends.*" (272). On the contrary, many NGOs in the development field advocate something along the lines of what I advocate. Among the NGOs mentioned in my book, as Kesselring notes, is Oxfam International, an alliance of NGOs based in several different countries. These NGOs broadly share my views about the need for the affluent nations to give much more in assistance to the world's poorest people. (In recognition of this, Oxfam America has recently invited me to join an advisory council.) Incidentally, many other NGOs support different aspects of the positions I argue for in *One World*—for example, my concerns about the impact of the World Trade Organization on the environment, animal welfare and human rights.

Kesselring again oversimplifies utilitarianism when he suggests that a utilitarian cannot argue against the devastation of the lives of indigenous peoples caused by, for example, extractive mining industries. Thus he asks "Mit welchen Argumenten würde [ein Utilitarist] den Schutz indigener Lebensformen begründen, wenn diese dem Aufbau einer 'effizienten' Wirtschaft im Wege stehen?" (273) But an answer is not so difficult to find. An 'efficient' industry is not an ultimate end for a utilitarian. Utility is not to be equated with Gross Domestic Product. When resources are being mined merely for raising the living standards of those who are already quite adequately provided for, a utilitarian need not give great weight to the interests thereby served. On the other hand, if the way of life of indigenous people is damaged, or even destroyed, this may inflict great suffering on them. It may also cause the irretrievable loss of forms of knowledge and ways of living that can contribute to the quality of life of all human beings. Admittedly, in some circumstances, the need to provide resources for those who might otherwise lead greatly impoverished lives will have to be balanced against the harm to indigenous peoples. But Kesselring himself seems committed to that view. For he says that among our obligations is "der Verzicht darauf, Anderen den Zugang zu den Ressourcen abzuschneiden, die für ein menschenwürdiges

Leben erforderlich sind" (266). It would not be difficult to argue that indigenous people who occupy land that contains great mineral wealth, and refuse to allow mining on their land, are violating that obligation.

To learn more about how Kesselring would deal with such conflicts, it would be useful to know more about what kind of ethic he advocates. His remarks about human rights based on cooperation are intriguing but require further explanation. What are "diejenigen Rechte, die die Möglichkeitsbedingungen für Kooperation sichern" (266)? I might be extremely hungry, but still able to cooperate—in fact, more eager to cooperate than if I had enough to eat. Even people being tortured may cooperate with their torturers—that may be the objective of the torture. Since Kesselring wants to argue for a human right not to be tortured, he might say that he means "cooperation on an equal basis". But then he, rather than the utilitarian, will need to advocate something close to an equal distribution of material resources, for otherwise the basis will not be equal. And what about human beings who, for reasons of intellectual disability, are permanently unable to cooperate? Do they lack all human rights? If not, why not? Alternatively, what about animals who can cooperate with us to some degree—do they therefore possess 'human' rights?

Whatever human rights there are, and whoever has them, we also need to know whether these human rights are absolute, never to be violated for any gain, or whether it is justifiable to violate the rights of some humans in order to protect the rights of other humans. Kesselring explicitly states that "Politische Massnahmen, die zwar das Gemeinwohl bzw. die allgemeine Nutzen- oder Glücksbilanz steigern, aber die Grundrechte einer Gruppe von Personen verletzen, lassen sich ethisch nicht rechtfertigen." (265f.) That sounds like an absolutist stance. But how is that compatible with the obligation mentioned above, not to cut people off from the resources they need for a life with dignity? Are governments ever justified in dispossessing some people in order to provide enough food for others to survive? Does Kesselring believe that human rights can never come into conflict? If not, how does he believe that such conflicts should be resolved?

One situation in which human rights may conflict is when a government is violating the human rights of its subjects, and this can only be stopped by military intervention from another nation or group of nations. Kesselring is again critical of a utilitarian approach to humanitarian intervention. If I have understood him correctly, his objection is that utilitarian reasoning implies that humanitarian intervention may be justified against a small, weak country that violates the human rights of some of its citizens, but would not be justified against a country that violated the rights of even more of its citizens, if that country was a nuclear power. Of course, one may see this as a kind of 'double standard'. But once again, we need to ask, what is the alternative? Remember that we are asking, not when we are justified in condemning the conduct of another country, but when we are justified in intervening militarily for humanitarian reasons. In deciding such an issue, it would be complete folly to *exclude* from consideration the risk that such intervention will trigger a nuclear response from the nation against which the intervention is planned. Nuclear wars can violate the human

rights of millions. Isn't that relevant to the ethics of an action that carries with it a risk of starting a nuclear war?

Finally, I should mention that Kesselring has misunderstood the structure of my argument in Chapter 2, on climate change. It is true that, in this context, I mention several non-utilitarian approaches to the question of what might be a just distribution of the capacity of the atmosphere to absorb our waste gases. But this does not mean that I endorse any non-utilitarian approaches, and certainly not the property-based approach that might be taken by a follower of John Locke. My aim in this chapter is to show that on *any* reasonable criterion of justice, the current distribution, which is so heavily skewed towards the industrialized nations, and especially the United States, is indefensible. For that purpose, I tried to be comprehensive, and consider all plausible principles of distribution. I did not endorse any non-utilitarian view as the correct one.

3. Michael Schefczyk

Michael Schefczyk's essay addresses some of the difficult questions about the impact of economic globalization on the protection of the environment, animal welfare, and human rights, or as he conveniently puts it, EAWHR. He is correct to say that my focus on the World Trade Organization is a narrow one, and that there is far more to economic globalization than the WTO. One reason for my narrow focus is that I wanted my discussion to be one chapter of a relatively concise book, and not an entire volume in itself. The second reason is that so much of the opposition to globalization has seen the WTO as the enemy, while many proponents of economic globalization regard it as justified in virtually everything it does. I thought it was useful to ask who is right in this specific debate.

So when Schefczyk's broadens my claims about the WTO to claims about economic globalization, I must reject his interpretation. He is wrong, for example, to write:

"Peter Singer contends that the product/process-distinction of the GATT (and later on of the WTO) panel gives 'commercial interests precedence over environmental protection' (*OW* 69). The precise meaning of Singer's contention is far from clear, but the most plausible interpretation is that he is saying globalisation as we know it today harms EAWHR." (277f.)

Since, as I have indicated, the 'product/process distinction' is a distinction made by the rules of the WTO, it could not on its own serve as a basis for a claim about globalization as a whole. Hence when Schefczyk says that "we have to take long-term trends into account if we want to give our claims about an integrated world economy and its effects a solid basis" (p.XX). I agree entirely, but this point is irrelevant to my criticism of the product/process distinction in WTO decision-making. It is possible that over the long-term, economic globalization

helps EAWHR, but that WTO rules mean that these benefits to EAWHR are not as great as they otherwise would be.

With regard to the WTO, Schefczyk says that it “does not stand in the way of governments who are mustering support for stricter environmental standards and a more effective protection of animal welfare and human rights” (279). His evidence for this claim appears to be that many years after the WTO’s predecessor struck down the United States government’s attempt to ban tuna caught in ways that kill dolphins, it eventually proved possible for the US, Mexico and other nations to sign an agreement to protect dolphins, and the toll of dolphins killed by tuna fishing fell. But obviously, this shows only that the WTO is not an insuperable barrier to making some progress on EAWHR issues. It does not count against the claim that the WTO makes such progress more difficult. I believe that, in *One World*, I provided evidence that the WTO rules do make it more difficult.

Schefczyk makes a number of specific criticisms. In response to my charge that the WTO “places economic considerations ahead of” EAWHR concerns, he correctly points out that “economic values” does not mean “values of businesses and corporations”. I agree, but I don’t believe that I ever suggested the contrary. I meant, simply, whatever values free trade promotes. I had in mind the values achieved by economic growth, rather than simply the satisfaction of all human preferences. As even Adam Smith appreciated very clearly, ‘higher material living standard’ does not necessarily lead to greater satisfaction of all significant human preferences. (Which is not to deny that, for those living in great poverty, it may be of overriding importance.)

Perhaps the most philosophically interesting difference between Schefczyk and myself is over whether it is more democratic to allow a national government to decide that, for example, eggs from hens kept in battery cages will not be sold within its territory, or to allow the market to decide that question. Schefczyk says “Markets are places where people can reveal their preferences by purchase or non-purchase, at least in a liberal society with free media. ... In my opinion, it is often preferable to give people ‘a vote on the market’ instead of coercing them by parliamentary decision.” (282)

But the problem with this version of ‘democracy’ is that it gives the community as a whole no way of dealing with free-riders. Consider, for example, the decision to allow, or prohibit, lead to be added to petrol. Perhaps everyone in the community agrees that it is bad to have a lot of lead in the atmosphere, and would be prepared to have the performance of their car slightly reduced (or the cost of their petrol slightly increased) in order to avoid this. But individuals, seeing both kind of petrol available at the service station, tend to think that their own purchase will make very little difference to the levels of lead in the atmosphere. So they choose to benefit from the better performance that leaded petrol provides for their car, without making any appreciable difference to the amount of lead they and their children will breathe. This is, from a self-interested point of view, a rational choice. But here individual rationality produces collective irrationality, and if everyone makes that choice, everyone will be worse off. A coordinated outcome that excludes free riders is fairer than

leaving everything to individual choice and produces a better outcome. There are many other such examples. (Incidentally, although I have often come across arguments for allowing the market, rather than national legislation, to decide standards of animal welfare, or environmental protection, I have never yet seen anyone use the same argument against a ban on imported 'snuff movies', that is, movies the production of which involves committing murder. This leads me to wonder if people really hold, on principle, the view that markets rather than national legislatures should decide such matters, or if they simply don't regard animal welfare and environmental protection as serious ethical issues.)

On the issue of whether the WTO's decision-making procedure, which requires unanimity, is democratic, Schefczyk seems to think that the leading argument for democratic decision-making is epistemic—that better decisions will result from following the views of the majority. But that is not my reason for supporting democracy. In my view, democracy is a fair decision-procedure, because it does not give more power to anyone than it gives to anyone else. If, however, one member can block changes to rules, that member is able to dominate the decision-making process. True, every other member could also do this, but the outcome is that the majority has no power to change the status quo unless it can obtain unanimous consent. I continue to think that this is a strange idea of democracy. In any case, beyond the formal question of the decision-making procedure, in *One World* I also give other reasons for questioning whether the WTO is democratic. These include the disadvantage faced by developing nations that cannot afford to maintain a large staff or perhaps any staff at all in Geneva to deal with trade issues.

Schefczyk makes a concluding remark about the compatibility of my second and third charges, that is, the charge that the WTO erodes national sovereignty, and the charge that it is undemocratic because its decisions are based on consensus rather than majority rule. I agree that there is a problem here for those who make both these charges simultaneously, but it is not my problem. For while I find that the WTO does, to some extent, erode national sovereignty, I do not regard this as necessarily a bad thing. It is only a bad thing when the sovereignty of democratic nations is replaced by an undemocratic way of making decisions at a global level. In concluding my discussion of this charge against the WTO, I point out that the left has traditionally been internationalist, and that the WTO could meet this criticism from the left "by claiming that it provides the possibility of democratic rule over the global corporations" (*OW* 74). In other words, in keeping with the entire thrust of *One World*, I argue that we should accept a decline in national sovereignty in order to gain greater democratic control of what is happening at a global level.

Needless to say, there are many more points raised by these three critiques of *One World* than I have been able to answer in this brief space. In writing the book, my aim was not to provide definitive answers about ethics and globalization, but to show that there are ethical issues underlying the debate about globalization, and to trigger further debate that is more explicitly aware of these

ethical issues than most of the previous debate has been. This symposium has helped to fulfil that aim. I hope that our exchange will provoke further thought and reflection on all these questions.