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The Cost of Conscience: Quantifying our Charitable Burden in an **Era of Globalization**

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The Cost of Conscience: Quantifying our Charitable Burden in an Era of Globalization

Frank Pasquale Draft (August 24, 2004)

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The Cost of Conscience: Quantifying our Charitable Burden in an Era of Globalization

Who that cares much to know the history of man...has not dwelt, at least briefly, on the life of Saint Theresa? Theresa's passionate, ideal nature demanded an epic life...[and] she found her epos in the reform of a religious order. [But] [m]any Theresas have been born who found for themselves no epic life wherein there was a constant unfolding of far-resonant action; perhaps only a life of mistakes, the offspring of a certain spiritual grandeur ill-matched with the meanness of opportunity.... With dim lights and tangled circumstance they tried to shape their thought and deed in noble agreement; but...were helped by no coherent social faith and order which could perform the function of knowledge for the ardently willing soul.

--George Eliot, Middlemarch

When he was twenty-nine, Albert Schweitzer was about to engage in a promising career as a theologian and preacher. The young Schweitzer had committed himself to what, he then thought, were the highest things—a life of contemplation and moral teaching. But he was also troubled by his decision. He reflected in his autobiography that, "[w]hile at the University and enjoying the happiness of being able to study and even to produce some results in science and art, I could not help thinking continually of others who were denied that happiness by their material circumstances or their health."

He resolved that he "must not accept this happiness as a matter of course, but must give something in return for it."

And at that point he made his famous commitment, "to consider myself justified in living till I was thirty for science and art, in order to devote myself from that time forward to the direct service of humanity."

He thereafter committed himself to medical service in Equatorial Africa.

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¹ Albert Schweitzer, OUT OF MY LIFE AND THOUGHT, as anthologized in PILGRIM SOULS: A COLLECTION OF SPIRITUAL AUTOBIOGRAPHIES (Amy Mandelker and Elizabeth Powers, eds.), 2000.

³ Id.

Schweitzer is an exemplar—a paragon of self-sacrifice. As Susan Wolf argues, it is unwise to make "moral saints" the measure of our ethical aspirations.⁴ But his example still exerts moral pull—as a beacon of compassion we might reflect imperfectly in our own lives. For who among us can simply ignore the plight of the poorest? What American can reflectively believe he deserves the affluence he is born into?⁵ Like the healthy person shamed into quiet moroseness by the close presence of a dying relation,⁶ are we not called upon to temper our enjoyment of this world's plenty with some awareness of the third world's scarcity?⁷ Isn't sharing more, more than a supererogatory duty?⁸

Whatever the present merits of these emotional responses as apprehensions of moral duty, they are becoming more plausible given the collapse of traditional political mechanisms of mutual aid. As Robert Kaplan has documented, "scarcity, crime, overpopulation, and disease are rapidly destroying the social fabric of our planet." With the collapse of state institutions in afflicted regions, humanitarian interventions from non-governmental organizations offered the best hope for many troubled regions. The corruption of recipient "governments" and lack of funding for NGO's present the chief obstacles to these interventions. Thankfully, the World Bank is fighting corruption in order to enable NGO's to provide immediate relief and to rebuild institutions of self-

⁴ Wolf, Moral Saints, J. Phil. 1980.

⁵ Cf. Hilary Putnam, "All men are brothers," (in collection on genetic engineering/Oxford Amnesty Lectures 1999)

⁶ See, e.g., Proust at beginning of *Remembrance of Things Past* (near his sick aunt); David Leavitt's protagonist in *Equal Affections*.

⁷ Such memento mori's appear in several cultural traditions, such as the breaking of a glass at many Jewish weddings.

⁸ For an attack on the notion of supererogatory duties, see J. Raz, THE MORALITY OF FREEDOM.

⁹ Atlantic Article.

sufficiency. But how can NGO's do the work of governments when they lack the power to tax? Can new norms generate income when laws cannot?

Philosophers, theologians, and human rights activists have tried to generate such norms. They have addressed the personal responsibility of the well-off for the welfare of citizens of less developed countries. The United Nations Development Program has long announced targets for foreign aid contributions from wealthy *countries*. But philosophers like Peter Singer, Peter Unger, and G.A. Cohen suggest that these countries' *citizens* have a parallel moral responsibility to tithe a portion of their income directly for the relief of the poorest. Whereas Singer and Unger present strictly utilitarian arguments to this effect, Cohen explores a variety of ethical frameworks which could demand such a result.

All these thinkers would prefer a systematic global redistribution of income—some public mechanism for accomplishing worldwide what the tax systems of egalitarian social democratic states accomplish. But they all realize that such global governance is unlikely to come about in any of our lifetimes. So they turn their attention to individuals—Singer and Unger to persons generally, and Cohen to "rich egalitarians" who share his political concerns and lifestyle. All believe that giving more to the poor is not simply "supererogatory"—i.e., "something beyond duty that it would be especially admirable to do." They have begun to quantify a moral obligation of charitable support. And though the amount suggested is much higher in the case of Unger and Singer than

¹⁰ Barry and Satz on shift to cosmopolitan notion of justice in Global Justice. Brian Barry argues that: "individuals, rather than corporate entities of any sort—be they families, communities, or nations—are the appropriate subjects for all claims about justice." Id., 3.

^{1f} Utilitarianism is a consequentialist maximizing welfarism. Sen, Choice Welfare, and Measurement. ¹² Cohen, 178.

that of Cohen, all three thinkers advance principles which could significantly impact the way we think about charity.

Like Schweitzer, these thinkers would have us believe that we are obliged in some way to systematically care for those much worse off. But unlike Schweitzer, they do not ground these duties in an ecumenically religious ethic of Reverence for Life. Rather, they present strictly philosophical arguments. Singer and Unger systematically compare our behavior in a variety of situations and infer duties from the comparison. If we would spend \$500 to rescue a dying person by the side of the road, why not \$50 to feed someone about to starve in Africa? Cohen provides less systematic but more nuanced reflections on the same problem in his Gifford Lectures. He asks about the relationship between personal behavior and political philosophy—and the necessary cost of espousing egalitarian beliefs.

Although Singer has gotten a great deal of media attention, ¹³ and Unger has been praised by Richard Posner as perhaps the only recent moral philosopher to seriously aspire to moral entrepreneurship, ¹⁴ neither of these thinkers has been well-received by the wider public. This is not simply a matter of public obliviousness to the very serious issues each of them raises. Rather, the writers themselves avoid many of the hardest questions their approaches suggest. Neither of the utilitarians convincingly draws a line between necessity, convenience, and luxury—essential distinctions for those urging others to rethink their "unnecessary" consumption. Cohen is more subtle, but he too does not adequately concretize his proposed ethical framework.

¹³ Mostly negative, focusing on what he deems permissible (killing disabled babies) as opposed to what he deems mandatory (such as giving away a great deal of one's money.

¹⁴ Problematics lecture and book. Citing her own savage critique of Unger, Nussbaum singles out this praise as particularly worthy of ridicule.

Can their arguments for obligation be pushed further? I believe that Cohen and the utilitarians have proven our moral obligation to donate a portion of our income to NGO's serving the world's poorest. But their deliberate eschewal of virtue ethics leaves them ill-equipped to tell us how much is necessary. Wishing to avoid the absolute claims of a Jesus or a Buddha, they leave their proposals unspecified. But I believe this gap is unnecessary, and indeed must be filled with an ethic of consumption and charity in order to give their ideas real weight and force. There is some middle ground between the saintly rigor of an Elie Wiesel (who has said that "our lives belong to those who need them most") and the unreflective materialism so common in developed countries. The financial health of NGO's depends on the ability of the well-off to articulate such an ethic, and to act on it.

II. Anxieties of Affluence: The Positions of Singer, Unger, and Cohen

A. Singer's Principle of Obligation: Tithing Ethics

In an issue devoted to investment tips for doctors, the editors of the magazine *Medical Economics* asked "Is it possible to quantify our charitable burden?" ¹⁵ Having provided financial experts to advise on the proper level of personal investment and savings, they turned to philosopher Peter Singer for guidance on giving. Singer mercifully foregoes the schematic hypotheticals with which he usually opens such essays. ¹⁶ He instead turns our attention to a critically acclaimed Brazilian film—*Central Station*.

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¹⁵ Peter Singer, Why you should give away most of your money, MEDICAL ECONOMICS, November 8, 1999, 275

¹⁶ See Practical Ethics, Cambridge University Press, 1993.

Simplifying radically, but still capturing the gist of the story, Singer tells of the dilemma faced by the film's protagonist, Dora. Dora is a middle-aged messenger and letter-writer who leads an impoverished but secure life. One day, she is offered \$1000 to accompany a young boy to an "adoption agency." She buys a few small luxuries with the money (her first TV set, some cosmetics). But a neighbor cuts short her jubilation by letting her know that the boy is likely too old to be adopted—and that such "agencies" often kill their charges in order to sell their organs on the black market. After some agonizing, Dora "redeems herself" by rescuing the boy from the agency.

Singer notes that though most viewers in affluent societies "would have been quick to condemn Dora if she had not rescued the boy," they daily ignore less onerous opportunities for saving lives. There are nearly a billion people in the world who now live in absolute poverty. There are well-organized and efficient relief agencies capable of helping more of them—if only they had more funding. Meanwhile, "the average family in the United States spends almost one-third of its income on things that are no more necessary to them than Dora's new TV was to her." Had *Central Station* really mirrored our moral lives, Singer suggests, Dora would have stayed and home and watched TV.

Singer concedes that one can draw distinctions between Dora's behavior and our own—for example, the gap between acts and omissions. ¹⁹ He concedes that Dora was directly involved in the child's plight—she gained by putting him in harm's way. But he

¹⁷ As Singer defines it in Practical Ethics (using terms employed by the World Bank), "Absolute poverty is the lack of sufficient income in cash or kind to meet the most basic biological needs for food, clothing, and shelter." PE, 220.

¹⁸ Medical Economics article, 277. Singer's examples include "Going out to nice restaurants, buying new clothes because the old ones are no longer stylish, vacationing at beach resorts--so much of our income is spent on things not essential to the preservation of our lives and health." Id.

¹⁹ For a good recent critique of that distinction, see Sunstein, The Partial Constitution. But see F. Schauer, Acts, Omissions, and Constitutionalism (Ethics).

notes that, for a utilitarian philosopher, history doesn't matter—what matters are the consequences of our actions. And he notes that the consequences of a rich individual failing to give are not much different from the consequences of a Dora who failed to rescue. In the same manner, Singer dismisses a number of other distinctions as "missing the point." Certainly there are "practical uncertainties about whether aid will really reach the people who need it"—but Singer assures us that, with a little research, we can easily find agencies standing at the front lines of need. He even gives their phone numbers.²⁰

Singer's reflections on Central Station apply a moral principle he articulated long ago: "If it is in our power to prevent something very bad from happening, without thereby sacrificing anything of comparable moral significance, we ought to do it..." (I shall heretofore refer to this idea as "Singer's Principle of Obligation.") Singer lists a number of everyday consumption choices—from new clothing to dining out—that are not as morally significant as improving the lives of the poor. He notes that, while his principle appears uncontroversial, "If it were taken seriously and acted upon, our lives would and our world would be fundamentally changed." When asked to quantify our charitable obligations in a public interview, he proposed that nearly everyone should give away nearly everything they make above \$30,000.

Singer's philosophical reflections and practice are more measured. He gives one-fifth of his income to charity.²² His first article on the topic acknowledged that "any figure would be arbitrary, but there may be something to be said for a round percentage

²⁰ According to his research, "Three million children die each year of dehydrating diarrhea, and this can be prevented with packets of oral rehydration salts that cost a mere 15 cents a packet; with a few of these and some necessary overheads we can each save a life for well under \$5."

²¹ PE 229.

²² Although Singer gives 20% of his income to charity, he still "indulges" in many of the luxuries his book theoretically condemns. Peter Berkowitz, *Other People's Mothers: The utilitarian horrors of Peter Singer*, The New Republic, (Jan. 10, 2000, 27

of one's income like, say, 10 per cent." This position is more convincing, not simply because it is less, but because it is rooted in tradition. As Singer notes, the 10% figure is "reminiscent of the ancient tithe, or tenth, that was traditionally given to the church, whose responsibilities included care of the poor in one's local community." He argues that this "idea can be revived and applied to the global community."

Of course, the few Christians nominally obliged to tithe rarely do so,²⁴ and Singer presents us with little reason to believe that the arguments he just offered will do much to increase general levels of giving. As we will see in the next section, although there are a number of respectable critiques of Singer's principle of obligation, his most important shortcoming is his failure to give a convincing account of moral motivation. Pace Socrates, we may know what is right and fail to do it.

B. Unger's Principle of Obligation: The Moral Equivalent of War

Peter Unger tries to fill this gap in moral motivation by aggressively expanding Singer's position in *Living and High and Letting Die: Our Illusion of Innocence*. Singer concludes his *Medical Economics* article by praising Unger for presenting "an ingenious series of imaginary examples designed to probe our intuitions about whether it is wrong to live well without giving substantial amounts of money to help people who are hungry, malnourished, or dying from easily treatable illnesses like diarrhea." Unger believes that it is. After systematically considering moral objections to Singer's Principle of Obligation, he argues that not just *giving to* but *stealing for* the poor may be a morally necessary response to current inequalities.

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²³ DE 233

²⁴ See Ronsvalle on denominations where this is doctrinally required. <u>www.emptytomb</u>.org

Whereas Singer's hypotheticals are usually schematic, Unger deploys a range of complex stories to explore moral judgments of our conduct. One of Unger's key hypotheticals follows:

Bob's Bugatti: On a rural road near the garage where it's kept, Bob's gone for a careful drive in his Bugatti. At a certain point, he spies a shiny object. To inspect it, Bob parks his car...ten yards beyond a trolley track...[W]hen Bob walksl over to the shiny object, he finds it's a switch that can be set in two ways. And, as Bob observes, there's a trolley up the line that's barreling toward the switch's fork. As the shiny switch is set, the trolley will go down the fork's opposite side, not the branch leading to...Bob's Bugatti. But, as Bob sees, on that side there's a young child trapped on the track. As he knows, Bob has two options: if he does nothing about the situation, the child will be killed, but he'll enjoy a comfortable retirement [given the rising value of the car]. If he changes the switch's setting, then, while nobody's killed...the trolley will totally destroy Bob's uninsurable Bugatti, wiping out his entire retirement fund. Bob chooses the first option and, while the child is killed, he has a comfortable retirement.²⁵

Unger notes that "everyone responds that Bob's conduct was monstrous." But we respond differently to another hypothetical where the demand on the actor is *less* and the resulting harm is *much greater*. For, after discussing "Ray's Big Request from UNICEF" (a hypothetical wherein the multimillionaire Ray is asked to give half his fortune to "efficient life-saving programs), Unger notes that few of us would condemn Ray for refusing the request. But Unger suggests that, each time we fail to sacrifice some of our disposable income for the relief of the poorest, both we and Ray are acting like Bob—that the two cases are ultimately indistinguishable.

Most of us would find such an equation intuitively implausible. But like Mill's attack on the intuitionist Whewell in Utilitarianism, Unger's work challenges the foundations of these moral beliefs. For Unger, "all too often, our moral intuitions about cases are generated not by the basic moral values we hold, but by psychological

 $^{^{25}}$ Unger, Living High and Letting Die: Our Illusion of Innocence (1996), 136.

dispositions that prevent us from acting in accord with our deep moral commitments."

Unger believes that there is something deeply wrong with the method of "reflective equilibrium" that has come to dominate moral philosophy. In his chapter "Metaethics, Better Ethics: From Complex Semantics to Simple Decency," Unger argues that intuitions are only valid when the intuiting person is "aware of what's most morally relevant."

For Unger, the existence of absolute poverty is inescapably among the most morally relevant aspects of our lives. The mere spatial distance between a dying person in Ethiopia and one on your doorstep makes little difference.²⁸ After discussing "hot spots" of greatest global need, Unger observes that, "If you'd contributed \$100 to one of UNICEF's most efficient lifesaving programs a couple months ago, this month there'd be over thirty fewer children who, instead of painfully dying soon, would live reasonably long lives."²⁹ Most people financially capable of such a donation do not give the money, and believe that there is nothing seriously wrong with failing to do so.³⁰ But Unger concludes with his "Pretty Demanding Dictate:" "On pain of living a life that's seriously immoral, a typical well-off person, like you and me, must give away most of her

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²⁶ [Describe Method: Rawls S. 9]

²⁷ 159

²⁸ See also JJC Smart, "An Outline of a System of Utilitarian Ethics," in Utilitarianism: For and Against, 63. (on generalized versus localized benevolence).

³⁰ As Unger notes: "In a typical year, 1993, the US Committee for UNICEF mailed out, almost every month, informative appeals to over 450,000 potential donors. As a Committee staffer informed me, the prospects were folks whose recorded behavior selected them as well above the national average in responding to humanitarian appeals. With only a small overlap between the folks in each mailing, during the year over 4 million 'charitable' Americans were vividly informed about what just a few of their dollars would mean. With each mailing, a bit less than 1% donated anything, a pattern persisting year after year." Unger, 7

financially valuable assets, and much of her income, directing the funds to lessen efficiently the serious suffering of others."³¹

Stated as such, Unger's position sounds little different than Singer's. But by considering at length the implications of following it through, Unger proposes priorities of responsibility that are far more concrete. For example, one of the chief shortcomings of Singer's Principle of Obligation is that it fails to give any content to the idea of moral significance.³² What I call Unger's Principle of Obligation remedies this deficiency to some extent by explicitly considering (what is for most of us) the most important rival claim on our resources—our family. According to Unger's principle, "Insofar as they need her help to have a decent chance for decent lives, a person must do a great deal for those few people, like her highly dependent children, to whom she has the most serious sort of special moral obligation. Insofar as it's compatible with that, which is often very considerably indeed, and sometimes when it's not so compatible, she must do a lot for other innocent folks in need, so that they may have a decent chance for decent lives."33 I consider in more detail the demands of relations in Section IV below.

Unger pushes Singer's utilitarian position to its limits. He criticizes anyone who takes vacations or engages in other "luxury spending" because they're depriving the poor of these funds. While Singer circumscribes his discussion to persons' management of their own lives, Unger recommends that his readers steal from wealthy persons if that stealing would, on balance, relieve suffering. Unger presents the duty to relieve absolute

Unger, 12.

³¹ 140.

³² :Singer's principle: "If it is in our power to prevent something very bad from happening, without thereby sacrificing anything of comparable moral significance, we ought to do it..." Singer asserts that "I have left the idea of moral significance unexamined in order to show that the argument does not depend on any specific values or ethical principles." (231).

poverty as an absolute—the moral equivalent of war. As such, the ends justifies whatever means necessary to achieve them.

Singer takes as a baseline his readers' present careers and social positions. Unger thinks these, too, are obliged to change if they do not presently reflect the demands of his principle. He claims that nearly all corporate law professors are immoral, because they could relieve suffering more by maximizing their salary at a law firm and then donating it.³⁴ He encourages young philosophers to get out of the field in order to make more money, again to donate to the poorest.³⁵

I have come across no academics willing to support these extreme positions. One cleric who suggested similar "Robin Hood" proposals in England recently was universally condemned. Nevertheless, Unger's main arguments deserve notice and a more serious hearing. Although not directly addressed in G.A. Cohen's *If You're An Egalitarian, How Come You're So Rich*, Unger's philosophical position is a profound influence on Cohen's nuanced and qualified defense of the "rich egalitarian" in that work.

C) G.A. Cohen: A Limited Defense of the "Rich Egalitarian"

Cohen suggests a "back-handed" defense of Singer's position that may contain Unger's extremism. He does so by considering excuses and justifications that a non-giving egalitarian could offer in defense of his inaction. Cohen wants to explore "what justice demands of individuals in an unjust society," particularly those who recognize the society's injustice.³⁶ He asks "whether egalitarians who live in an unequal society....are committed to implementing, so far as they can, in their own lives, the norm of equality

³⁴ This does show the problem with the "it will cause global depression" argument…in fact, her he counsels that we work harder.

³⁵ Cf. Ray Monk, Wittgenstein.

³⁶ G.A. Cohen, IF YOU'RE AN EGALITARIAN, HOW COME YOU'RE SO RICH? [Gifford Lectures 1998] [Harvard University Press, 2000] 149.

that they prescribe for the government."³⁷ Throughout the essay he entertains arguments for and against the proposition that a wealthy person is morally bound to give away at least some of his wealth to ease their plight.

Cohen claims that the rich egalitarian can defend his practices in three ways. "Within the general category of justifications³⁸ for not performing action X (here, X is yielding up one's riches), one can distinguish between those that (1) make it wrong to do X and those that (2) make X neither obligatory nor wrong. One can, moreover, distinguish, within the latter subcategory, between justifications that (2a) do, and those that (2b) do not, make X 'supererogatory'--something beyond duty that it would be especially admirable to do."³⁹ Cohen considers five arguments of the type 2b variety, three of the type 2a variety, and a three of the type 1 variety—i.e., claims that such giving is simply wrong. I will consider Cohen's responses to each of these "defenses" of the rich egalitarian in reverse order, ranging from the mildest to the strongest.⁴⁰

1) Excuses for Not Giving: The Supererogatory Nature of Charity

Cohen notes that many egalitarians are quick to distinguish between "what states of affairs a person thinks are good and what obligations he has to promote those states of affairs." For instance, Thomas Nagel believes that while the results of charity are generally good, there is no duty to be charitable. Nagel argues that it is "acceptable to compel people to contribute to the support of the indigent by automatic taxation, but unreasonable to insist in the absence of such a system they ought to contribute

³⁸ cf. Austin, excuses

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³⁷ 149.

³⁹ Cf. Raz (against the supererogatory?)

⁴⁰ (The numbering above does not map to the numbering below.)

⁴¹ 160.

voluntarily....³⁴² Nagel claims that "this is partly due to lack of assurance that others would do likewise and fear of relative disadvantage; but it is also a sensible rejection of excessive demands on the will, which can be more irksome than automatic demands on the purse." Cohen deals with each of these two arguments, which he calls (respectively) the "mental burden" concern and the "relative disadvantage" problem. While Cohen finds the first argument specious, he lends a bit too much credence to the "relative disadvantage" problem, and to a cognate concerns about the welfare of those with "expensive tastes."

a) The Mental Burden of Self-Taxation

Nagel's position may make sense if, as a matter of pure theory, we are, ex ante, trying to choose between a regime of taxation (allocated to NGO's) and a regime of private support. His realism is a needed corrective to the libertarian fetishization of the voluntary—and to the religious hope of moral improvement via self-sacrifice.⁴⁴ For sacrifice means not only making holy, but also gving up something important.⁴⁵ When that giving up is part of the background of expectations,] it takes less moral energy to accept than when it must be done sua sponte.

But as a matter of applied moral theory, Nagel's argument is unconvincing. Cohen reflects on the mental burden argument by revisiting an ancient dispute in Greek philosophy. While Socrates "thought it was impossible to do intentionally what you think it wrong to do," Aristotle recognized the problem of akrasia, or weakness of will.⁴⁶

⁴² Thomas Nagel, "Libertarianism Without Foundations," in Jeffrey Paul, ed., Reading Nozick (1981), 199-200, qtd. in Cohen, 169.

⁴³ Id., 169

⁴⁴ As theological historian Boniface Ramsey notes.. 'almsgiving was characterized les as a work whose motivation is the alleviation of social ills than as a profoundly spiritual exercise...' In Wagner.

⁴⁵ Anne Carson, "Frusta" (notes to play Invention of Love)

⁴⁶ 155.

Although akrasia is a complex fact of our psychological makeup, it is by no means a norm to be valued. With automatic bank drafts, "giving off one's own bat and the state's just taking" are almost equally easy to do. 47 And given that one knows precisely where one's funds are destined in the former case, it ought in fact be easier to do, since results can be more directly monitored.

2) Relative Disadvantage in One's Peer Group

Nagel's second objection is more difficult. If all of one's friends and neighbors were to join in the project, engaged in common sacrifice, the worry over falling out of one's peer group would of course disappear. But what if, in the process of giving, I impoverish myself relative to my friends? What if I can no longer go out to dinner with them, or join them on vacations? More pointedly, what about my children? Am I to subject them to a second class public school system because I am devoted to the poor?⁴⁸ As Cohen notes, serious giving can "severely prejudice [the givers'] self-interest and, more poignantly, the interest of members of their families."⁴⁹ For this reason, many a "rich egalitarian" claims that he "should not be asked to depart from the observable norm of his peer group—a peer group to which...he continues to belong even if he impoverishes himself, since that group is substantially defined by his occupation and education."50 Without assurance that inegalitarian insititutions will eventually change, it is important to assure for oneself and one's children the chance for a reasonably decent life.

⁴⁷ 172.

⁴⁸ Unger says yes.

⁵⁰ Id

Cohen thinks this point has some substance: the relative disadvantage problem suggests that "equality is, necessarily, a social project." It certainly is unfortunate to be separated by money from one's friends, or to consign one's children to any situation not maximally capable of promoting their academic, social, athletic, and musical capabilities. The kinds of demands posed by friends and family, both explicit and implicit, have a great deal of "moral significance." But whether they are of "comparable moral significance" to the alleviation of absolute poverty is another matter. For a hard "do-nothing" position, far from merely accommodating the prevailing ethos of selfishness in one's peer group, actually reinforces it. 52 One is not merely acting within an unjust social structure, but promoting its preservation.

It is strange that Cohen does not make this point here, because he brilliantly conveys it earlier in his book. As Cohen notes, the great liberal fallacy about the *site* of distributive justice (particularly in evidence in Rawls) is that "the fundamental principles of justice apply to the rules of the basic structure of society, and not to the choices people make within that structure, beyond their choices about whether or not to promote, support, and comply with the rules of a just basic structure." The liberal position may have been convincing when we were less aware of the effects of social norms. But the Rawlsian quest for a just "basic structure" of society, within which individuals have the greatest liberty compatible with a like liberty for others, becomes ever more misguided as we understand the cognitive impact of the decisions of neighbors and peers. Even very personal decisions (such as a driver's decision to purchase an SUV) have important

⁵¹ Re kinds of flourishing and education: see Howard Gardner, Multiple Intelligences.

⁵² Cf. my Rawls essay on accommodation vs. promotion of pluralism.

⁵³ 148.

consequences for the justice of a society (by, for example, helping create social norms that encourage the proliferation of large vehicles).⁵⁴

A Rawlsian basic structure is not on the political horizon. As even vague and inferior versions of it recede from the horizon of possibility, personal decisions become ever more important to the accomplishment of justice. Perhaps one can argue that the "reinforcement effect" (of capitulating to the consumption standards of one's peer group) is so small as to be swamped by the general "relative disadvantage" concern. But I think it is a powerful argument for at least dropping to a lower level of consumption within one's peer group for the sake of aiding the poorest. Conspicuous consumption is simply unacceptable. Any attempt to gain in prestige merely by consuming more than one's peers is always suspect. Perhaps the only respectable relative deprivation arguments boil down to "self-defeat" or "culturalist" positions—which I explore in sections * below.

3) Special Deprivation: Expensive or Expansive Tastes?

Cohen relates Nagel's second, social objection to a third one of his own devising: the special deprivation argument. A "rich egalitarian" reduced to mere petit bourgeoise status by an aggressive program of giving is likely to feel a "constant sense of deprivation" unthinkable to one who has lived at that level his entire life.⁵⁵ Cohen earlier described this as the problem of "expensive tastes." To understand the objection more fully, it is helpful to review a recent philosophical debate over "equality of what:" welfare, resources, or capabilities.

Philosophers have long debated the degree to which well-being is objective or subjective. Subjective welfarists believe that individual happiness or utility is the only

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⁵⁴ See, e.g., G.A. Cohen, Where the Action Is, in IF YOU'RE AN EGALITARIAN, HOW COME YOU'RE SO RICH? [Gifford Lectures 1998], 136.

reliable guide to well being. Objective virtue theorists believe that well-being consists in certain practices in all the spheres of human flourishing, including the pursuit of knowledge, work, love, art, and religion. Neither position is convincing, for neither the joyful wanton nor the miserably virtuous person seem to be living well.⁵⁶

Nevertheless, the debate raises important questions in the realm of distributive justice. Imagine that we could "average out" housing resources, and henceforth everyone had to live in the situation now prevailing for the "average" resident of earth. Imagine too that such an "average house" afforded roughly 200 square feet per occupant. While the previously homeless might be overjoyed at the prospect of stable shelter, those used to 1000 or more square feet to themselves might find the new arrangements impossible to take. They have (relatively) "expensive tastes." And while everyone would have equal resources, subjective welfare would be quite unequal in this situation, given an endowment effect among the rich and (possibly symmetrically) lower expectations among the poor.

Of course, we cannot take the endowment effect too seriously or we slide into absurd "accommodations." As Amartya Sen points out, there is no reason why we should give less to a "pleasure wizard" like Tiny Tim (who always appears deliriously happy in Dickens' Christmas Carol) in order to compensate for the curmudgeonly anhedonia of a Scrooge. But here, again, much depends on the *source* of a Scrooge's difficulty in experiencing subjective welfare⁵⁸ (or, for our purposes, expensive tastes). If the problem is beyond his control, we may perhaps be justified in granting him some therapy that renders him better able to experience pleasure. Ceteris paribus, the anhedonic A should

⁵⁶ Compare also the experience machine, etc (subjective well being in the 2ci48 paper.

⁵⁷ Endowment effect Tversky and Kahneman.

⁵⁸ Not simply pleasure, but also larger forms of satisfaction, etc.

get the same level of resources as B, plus the therapy that would render him capable of experiencing pleasure with the same ease as B.⁵⁹ Less fanciful examples lead Sen to conclude that what matters is not welfare, or resources, but capabilities—i.e., giving individuals the resources they need to exercise certain such basic capabilities as walking, playing, or working. To Sen, we should not care if they're happy while they're engaging in this (broad) range of endeavors—we can only guarantee the *pursuit* of happiness.

Sen's capabilities approach would respond to expensive needs, but not expensive tastes.

Cohen resists Sen's account as too close to the "objective virtue" school. He believes that while both welfare and resources count, and they can't be reconciled so neatly into a "capabilities" approach. His residual sympathy for the potential loss of subjective welfare by those committed to serious giving suggests that he believes they have some right to continue indulging their expensive tastes even when those tastes clearly rise above the level of necessity. He admits that he "has not applied that view to the issues addressed here...reserv[ing] the task of doing so for a future and more systematically structured study of the 'rich egalitarian' problem."

In section IV below I try to respond to this call for further research. My effort to construct a procedural and substantive ethics of consumption draws on religious traditions of East and West, as well as modern research on the psychology of satisfaction. I shall argue that we are morally obliged to gradually pare down our expensive tastes in order to relieve the plight of the poor. Sen offered his capabilities approach as a way of thinking about the problem of redistributing to the poor—that is, of answering hard

⁵⁹ I explored the moral status of pleasure in 2 Concepts, Greenwall (Enriching Authenticity

⁶⁰ From that which people can have to that which they can do.

^{61 177.}

⁶² Jennifer Ruark, "Redefining the Good Life: A New Focus in the Social Sciences," *Chronicle of Higher Education*, Feb. 12, 1999.

questions about how to deviate from an equal distribution of resources in order to take care of the special needs of the poor disabled. I think it also has relevance to our way of thinking about the obligations of those who can give, by suggesting a ceiling for their consumption—one that provides the secure with a decent range of capabilities, but not the full menu of choice we now often take for granted.

b) Justifications for Not Giving: The Irrelevance of Charity

1) "My Giving Would be a Drop in the Ocean"

Although the weight of arguments like Singer's hangs on an immediate appeal to our conscience to save starving children, a far more complex and subtle intervention is really what is being called for. Over the long run, we would not accept a world in which we are constantly throwing life lines to those drowning in poverty. Compassion fatigue would justifiably set in.

Of course, in its harshest form, this critique turns into a form of Malthusianism. Just as Justice Holmes complained that "three generations of idiots are enough," the anticipatory-fatigue perspective recoils from supporting generations of marginally subsistent, dependent individuals. If such a perspective is to rise above cruel obliviousness, it must be translated into another: namely, that political, not individual action is a necessary response to present inequities.

Such a political vision probably does animate Singer. His goals must be more substantive than he lets on.⁶³ They might, for instance, include Roberto Unger's ideas about sustainable development, international commerce, and the need to preserve cultural traditions in the process of development. Since it is this state of affairs that we are truly after, a rich egalitarian might say, we shouldn't distract ourselves with "bucket brigades"

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⁶³ cf. Dunn on indeterminacy of utilitarianism (Rethinking Modern Political Theory).

that distract us from figuring out how to get fire trucks to the conflagration. From that perspective, one may argue that individual giving is simply negligible in comparison with the total effort necessary to a meaningful response.

But as Cohen reminds us, "'Negligible' can mean 'numerically small, relative to the total picture,' but it can also mean 'unimportant,' and neglibility in the first of these senses does not entail negligibility in the second."64 If the fire trucks don't exist, the bucket brigades can at least permit a few more people to escape. I recall once attending a "Key Club" community service convention in high school where one of the speakers addressed the "drop in the bucket" problem. He compared our small efforts in soup kitchens to a man who comes upon a seashore dotted with thousands of dying starfish, and throws back one each time he goes on a walk. Eventually someone questions him about the futility of his endeavor. The man replies: "It makes a difference to that starfish!"

2) The Real Problem is Unequal Power

Of course, the story is double-edged. It reminds us that we cannot turn away from the persons in the Save the Children advertisements simply by retreating to a detached perspective on the futility of the effort to save them. But any argument that relies on an analogy of the poor to invertebrates is deeply troubling. Many individuals find the very idea of "charity" morally offensive. As David Wagner argues in What's Love Got to Do With It (a critique of American philanthropy), "Charity [has] a clear social script...[of] heroes and model citizens who give, and deferential and meek citizens who accept."65 To an egalitarian, any long-term relationship of dependence of one class upon another is

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⁶⁵ Wagner, 73. As theological historian Boniface Ramsey notes.. 'almsgiving was characterized les as a work whose motivation is the alleviation of social ills than as a profoundly spiritual exercise...'

repugnant. Since poverty relief efforts presuppose a wealthier class helping a poorer one, they "fail to touch the fundamental injustice, which is the structured inequality of power between the rich and poor." 66

Serious Marxists once believed in an immiseration hypothesis—namely, that any effort to ameliorate the plight of the working class short of socialist revolution was counterproductive because it pacified workers into accepting their fate. Wagner eschews such a hard line, but does suggest the ways in which charity efforts may end up perpetuating the situations they seek to alleviate. Analogizing the role of charity organizations to radical monasteries marginalized by the larger church, Wagner concludes that

As the major institutions—business and government—comprise the power structure of society, some idealists are allowed...to work in small outposts of the empire to feed the homeless, care for the sick, and minister to the wounded. The more idealistic and different from the dominant organizations a charity is....the more likely its workers are to be poorly paid or serve as volunteers.

To Wagner, charity work diverts the best efforts of those who might otherwise be making society more just.

Despite the power of these critiques of charity, they do not touch the fundamental obligation of persons to do *something* to promote the well-being of the poor. If a critic of charity truly believes such activity only delays the "day of reckoning," he ought to contribute something to an organization devoted to hastening it. Far from being an excuse for quiescence, this perspective on the "futility of charity" obliges its adherents to give even more to politics.

⁶⁶ Cohen, 166. But note difficulty of providing for equal power...both in camp fin, and in equality of what debate.

Of course, the left-wing advocate of equality-through-politics can fight this battle in many ways—some of which depend on his own high level of consumption. Cohen himself notes that "since I'm rich, my position in society affords me access to influential people whose decisions affect the lot of the badly off." His children, afforded an excellent education, will, hopefully, share his egalitarian values and use their "privileged positions" for egalitarian ends. Cohen concedes that the "I-need-to-keep-my-moneyprecisely-in-order-to-promote-egalitarianism justification" "is more credible for the rather undemocratic politics of the US than for the somewhat...less elitedetermined...politics of Britain."67 He nevertheless accepts it as self-justification, and appears to believe that a great number of rich egalitarians can advance it. The position almost reminds one of the difference principle—(great) deviations from equality can be justified to the extent that those benefiting need their wealth in order to promote a more just social order. But it depends on some controversial assumptions about the relationship between consumption patterns, socialization opportunities, and moral authority. Certainly Gandhi did not need to consume much to lead a great social movement.

3) Reasons for Keeping: The Self Defeat of the Charitable Impulse?

a) The First Paradox of Charity: Impeding the Market Mechanisms that "Lift all Boats?"

The mirror image of the leftist critique of the futility of charity is the libertarian faith in the power of free markets. The latter position is rapidly becoming the civic religion of the United States. When not ignoring the problem, most Americans approach global

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⁶⁷ Cohen 179

inequality with a curious mixture of optimism and fatalism. We hope consumer demand will somehow permit the poor to earn a decent living. Faith in the invisible hand feeds on a tacit conviction that "progress" is inevitable and unchannelable.

The dogmatic market stance of Rand, Hayek, or P.T. Bauer is not the only variant on this position. The social theory and history of Adam Smith also supports such conservatism. Smith suggested that the nobility's penchant for "baubles" and other luxuries was the key reason for the expansion of middle class wealth *and power* in early modernity. Stable economic progress depended on an orderly exchange of goods of resources that gradually sparked a convergence of the living standards of the bourgeoisie and the nobility. Smith's history suggests that modernization was inevitably a slow and arduous process. Efforts to speed it up could have disastrous consequences. Even many progressives today insist that "trade, not aid" is essential to a stable economic order.

As the US learned in the 1930s and Japan is learning now, thrift is paradoxical: when too many people save, the entire economy is prone to collapse. Free-marketeers suggest there may be a similar paradox of charity. Given the enormous complexity of world trade, it is hard to write off this caution as callousness. Individuals who choose to give away money, instead of investing it, may be shifting funds from enterprises that would create permanent and sustainable development instead of mere relief. The shift might spark a general crisis of confidence that reduced welfare overall. Certainly the current economic slowdown shows how much economic growth depends on the tenuous reed of future expectations. As theorists of chaos suggest, a small decision can have immense

knock-on effects.⁶⁸ If a butterfly in Bali can cause a hurricane in the Bahamas, perhaps a foregone pair of Nikes in Indiana can cause a factory shut-down in Indonesia?

Perhaps. But certainly this objection is speculative. A supply-side, investmentoriented theory of economic growth may be popular, but is by no means the consensus
position among economists. As a Keynesian might note, the distribution of money to
people who desperately need to spend it may stimulate the global economy more than
continued accumulation by those who can afford to save. As for the long-term
perspective on modernization: well, as Keynes said, in the long run, we're all dead.
Libertarians might frame the global economy as a "rising tide that lifts all boats," but the
rise of intellectual property transactions means that global wealth is increasingly trapped
in ethereal digital transfers, rarely trickling down to the poor. The market is too slow and
unpredictable a mechanism to relieve their suffering.

This is not to suggest that the first paradox of charity can be dismissed out of hand as an excuse for not giving. But it certainly cannot be advanced as a knock-down case for keeping. Furthermore, to the extent that the first paradox of charity depends on the logic of "what if everyone gives away money instead of spending it," it is irrelevant. We are in no danger of an epidemic of tithing. Given the narrow circulation of Singer's and Unger's ideas, each person must respond to them on the basis of their potential marginal contribution to relief, and not from universalizing speculations on what would result "if everyone does this."

b) The Second Paradox of Charity: Destroying Indigenous Cultures While Inducing Dependence?

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⁶⁸ See James Gleick, CHAOS. But see Mitchell Waldrop, COMPLEXITY (on self-organizing systems).

Almost since the beginning of foreign aid programs, critics have argued that relief is self-defeating. Instead of engaging the world's poor in productive activity, aid induces them to depend on outside interventions. Aid organizations like the World Bank and IMF are increasingly cautious about interventions. Sudanese refugees, for instance, appear to have ceased farming because of a steady flow of airlifted food.⁶⁹ Meanwhile, some inefficient and even brutal regimes are arguably kept from collapsing by outside charity.

Although these arguments are earily reminiscent of conservative "welfare reform" within developed nations, other critics have complemented them with worries over the effect of aid on culture. Wendell Berry has explained how the human right of "reproductive freedom," as instantiated in condom distribution programs in rural Pakistan, helped upset the "natural balance" of customary sexual relations. "Efforts to help" may merely throw into high relief the deprivation of those aided, reducing their levels of satisfaction overall. ⁷¹

These are valid criticisms of certain *kinds* of aid to the poor, but certainly not of aid-as-such. It is unfortunate that the Sudanese stopped farming when aid arrived, but isn't their position analogous to that of a woman on welfare who hopes to complete a high school education before going to work, instead of being forced into a dead-end job immediately? As the leader of one of the world's leading relief organizations has observed,

Many people, perhaps the majority today, do not have the means which would enable them to take their place in an effective and humanly dignified way within a productive system in which work is truly central. They have no possibility of

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⁶⁹ NYT Mag article of February, 2001.

⁷⁰ Berry, The Unsettling of America.

⁷¹ cf. Bertoshuk article in NYT re interpersonal comparisons of utility (those poor people can't be happy!)

acquiring the basic knowledge which would enable them to express their creativity and develop their potential.⁷²

If these desperately impoverished persons are trying to leverage a foreign intervention into a permanent advance in living standards, who can blame them? It makes more sense to blame those intervening if they fail to provide a sustained commitment to development. Even if that intervention fails, it certainly is not an argument for not intervening at all. Rather, it should simply stand as a reminder to givers to assure they direct their money to the most efficient relief and reform organizations.

The cultural argument also rings hollow. Certainly it should give us pause before we send off missionaries to unexplored corners of Africa or South America. But by and large the relevant poor "crowd the cities of the Third World where they are often without cultural roots and are exposed to situations of violent uncertainty with no possibility of becoming integrated." People by and large need a basic level of security before they can enjoy and propagate their culture. We should not deny the vast majority of the world's poor the opportunity to do so based on romantic notions about "tribes" untouched by civilization. And if we seriously believe that charity efforts ignore the political dimension of poverty, we should allocate funds to those organizations which address it.

D) A Summary of the lessons of Singer, Unger, and Cohen

Singer, Unger, and Cohen each treat our present neglect of the world's poorest as a great collective and individual moral failing. As Stuart Hampshire observes in a passage on the nature of moral blindness, "No doubt our grandchildren will ask, 'How can they have failed to see the injustice of allowing billionaires to multiply while the very

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⁷² Pope John Paul II, Centesimo Anno, 457, para. 33 (Encyclical on Social Teaching issued on centennial of the 1891 Rerum Novarum).

⁷³ id

⁷⁴ See Joseph Pieper, LEISURE THE BASIS OF CULTURE.

same economy allowed abject poverty to persist uncorrected next-door to preposterous luxury?""⁷⁵ Each of the utilitarians argues that systematic concern for the world's poorest should become part of our everyday consumption decisions. They demonstrate that we need to be more systematic about our finances in general in order to think more clearly about what we can give to the poor. Although Unger's extreme positions are implausible, Singer's tithing ethics are a model method of responding to the crisis of absolute poverty. Given the speciousness of nearly all of the arguments against charity which Cohen entertained, we can conclude with Singer that we are obliged to give to the poor. His Principle of Obligation stands: "If it is in our power to prevent something very bad from happening, without thereby sacrificing anything of comparable moral significance, we ought to do it…"⁷⁶

But once we decide to tithe, how much should we allocate to this cause? Much depends on how we define obligations of "comparable moral significance." Critics of Singer have defined these rival claims very broadly. More importantly, they have argued that many of our obligations are duties incomparable with the claims of the poor but nevertheless imperative upon us. Whether they can discredit Singer's principle of obligation under the banner of incommensurability is the topic of the next section.

III. The Remaining Critiques: Material Needs of Dependents and Incommensurable Immaterial Aspirations

Unger and Singer try to convince us of their moral principles with a number of hypotheticals. They focus on cases where there is a clear moral, if no legal, duty to rescue. If one were to witness a child drowning in a shallow pond, such that all one would need to do to save him would be to ruin one's \$300 suit, one would be a moral

⁷⁶ PE 229.

⁷⁵ Hampshire, INNOCENCE AND EXPERIENCE (1991), *.

monster not to. Why then not give \$300 to a reputable charitable organization which will save four people from dying for the same amount? They systematically consider efforts to distinguish the situations, but reject them all on philosophical grounds.

Critics contend that such hypotheticals cannot be applied to our daily decisionmaking. Peter Berkowitz offers one of the most probing and eloquent responses to the utilitarians' moral demands. Berkowitz argues that analogies like Singer's and Unger's mislead us because they ignore the complexity of moral life. Consider again the story of Bob's Bugatti (as retold by Berkowitz):

Bob is close to retirement. He has invested most of his savings in a very rare and valuable old car, a Bugatti, which he has not been able to insure...In addition to the pleasure he gets from driving and caring for his car, Bob knows that its rising market value means that he will always be able to sell it and live comfortably after retirement. One day when Bob is out for a drive, he parks the Bugatti near the end of a railway siding and goes for a walk up the track. As he does so, he sees that a runaway train, with no one aboard, is running down the railway track. Looking farther down the track, he sees the small figure of a child very likely to be killed by the runaway train. He can't stop the train and the child is too far away to warn of the danger, but he can throw a switch that will divert the train down the siding where his Bugatti is parked. Then nobody will be killed--but the train will destroy his Bugatti. Thinking of his joy in owning the car and the financial security it represents, Bob decides not to throw the switch. The child is killed. For many years to come, Bob enjoys owning his Bugatti and the financial security it represents.

Unger would have us believe that, each time we fail to sacrifice some of our disposable income for the relief of the poorest, we act like Bob. But, as Berkowitz notes, the example "radically simplifies matters:"

Bob appears to be wifeless, childless, parentless, and friendless. And Bob appears to have only two choices: he can save his prized possession and personal fortune, which will allow the child to die, or, saving the child, Bob can allow his financial security to be wiped out...To replicate the situation in which we actually find ourselves, [the] example would not only have to allow degrees of generosity, it would also have to incorporate a variety of factors and recognize a range of tradeoffs.

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 $^{^{77}}$ Peter Berkowitz, *Other People's Mothers: The utilitarian horrors of Peter Singer*, The New Republic, (Jan. 10, 2000, 27.

Berkowitz notes that "in our lives we must balance sacrifices in personal wealth against, among other things, the kind of injuries that we can practicably prevent, the number of innocent sufferers involved, the proximity of those in need to us, and the cost of our benevolence to those whom we love and with whom we share our lives." Without considering all the potential tradeoffs involved, Berkowitz suggests, the moral intuitions of an Unger or a Singer are worthless as practical guides to action.

Nevertheless, awareness of the "many textures and myriad colors of the moral life"⁷⁹ does not force us to reject the moral force of these admittedly abstract hypotheticals.

Once we do flesh them out, we find that there are two main kinds of obligations that stand in the way of more giving to the poor: the material claims of family and dependents, and non-material goals that are simply incommensurable with the utilitarian concern with the welfare of the poorest. I discuss each of these rival claims below.

A) The Material Needs of Relations

As mentioned above, some of the utilitarian advocates of quantified charitable burdens are merciless in their demands from the wealthy. Peter Unger criticizes those who send their children to private school, since "by not spending thousands annually on tuition, you'll send thousands more to the likes of UNICEF and, thus, you'll see to it that fewer vulnerable youngsters die painfully and prematurely."⁸⁰ He probably would be little impressed by Cohen's argument that well-brought-up children with egalitarian values are more likely to do more to promote them in the world. But Unger does not acknowledge how he educates his own children. And recently Peter Singer has confessed

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⁸⁰ 150.

⁷⁸ Id.

^{′′} Id.

that, in violation of his own precepts, he spends thousands of dollars each year to care for his ailing mother—money that would, by his own account, be better spent in preventing multiple deaths in the poorest regions of the world.

Unger attempts to deconstruct the intuitions that lead us to approve of Singer's conduct, but with little success. ⁸¹ The demands and needs of family surpass reason and impartiality. To deny one's children an upbringing at least as good as one's own, or to deny one's parents life-extending health care (or even small luxuries at the end of life) roils the conscience. To do so in the name of morality seems perverse, since our relations are often the strongest of our "moral sources:" inculcators of the habits and attitudes most central to a moral life, including the capacity to love and to empathize. ⁸²

And yet obligations to family have their limits. No one can deny that a great number of children grow up spoiled, or that the default medical obligation to intervene near the very end of life effectively allocates hundreds of millions of health care dollars from preventive care to a cause that looks like little more than the extension of suffering. Such improper allocations of resources result from our unwillingness to think clearly about what we need and what we owe one another.⁸³ When the very poor drop off our moral map, we can grow myopic about our obligations to those nearest us. I would like to propose some guidelines, both substantive and procedural, to bring us closer to a true brotherhood of man.⁸⁴ Although they may seem unduly harsh or unrealistic in personal relations, they are also meant to serve as guides to societal allocations of resources—where they might be put into practice with less controversy.

⁸¹ Metaethics chapter.

⁸² Taylor; Kohlberg on moral development.

⁸³ See epigraph to Norman Daniels, Am I My Parent's Keeper? An Essay on Justice Between the Young and the Old (1988).

⁸⁴ Hilary Putnam on this ideal.

1) The Limits of Children's Obligations to Parents: An Investment Theory

As medical interventions become more sophisticated and complex, growing numbers of persons face a dilemma as their parents age. Decent nursing home or other care may cost \$80,000 per year. Drug costs can easily reach \$3,000 per month. Is a child obliged to take care of whatever medical or other needs arise, even to the exclusion of obligations to charity?⁸⁵ When the medical profession declares death itself a disease, how much spending on life-extension is merited?⁸⁶ As living standards diverge, it is easy to imagine citizens of the first world locked into obligations to provide for one another's "needs"-needs that are unimaginable luxuries in the third world.

I believe that one can only understand the problem in terms of a larger social transformation in the delivery of health care. While citizens of the US used to expect that programs like Medicaid and Medicare would fully fund their health needs in retirement, societal commitments in this area are slowly being rolled back. We will likely evolve (or regress) to a point where the only guarantee of health care is the individual purchase of long-term health care insurance.

As we transition to this state, adults are still obliged to provide care for their parents when they need it. But they cannot simply ignore the needs of those who are much poorer, and who have not even had a chance at the experiences enjoyed (or offered) to them or their parents. To reconcile the two obligations, a person might calculate how much a needy parent would have made had they invested all the money they spent raising the person in some kind of medical savings account or cognate scheme. The amount due

⁸⁵ Compare bankruptcy cases on whether tithing obligations can be diverted to creditors.

⁸⁶ Kenyon, qtd. in Ronald Bailey, *Petri Dish Politics*, REASON, Dec. 1, 1999, 33.

from the adult child would then nearly match what the parent would receive had the parent fully internalized the cost of care.

Obviously these calculations are difficult and complex. They would be more humanely disposed of via a collective, political process. But we are moving further away from such patterns of mutual aid with each passing year. With the devolution of power to individuals comes the devolution of responsibility. As difficult as quantifying our obligations to parents might be, it is certainly less morally irresponsible than simply spending without limit to support them, when the costs of preserving life in the third world are so much lower.

2) The Limits of Parents' Obligations to Children: An Opportunity Theory

The situation facing parents at the beginning of their children's life is less grim than that facing adults at the end of a parent's life. But the moral dilemmas are no less real. A child has nearly unlimited opportunities to cultivate her academic, athletic, musical and other abilities—opportunities that quickly diminish as she ages. The costs of a proper education are enormous—and far less than what we as a society customarily put into public schools. Nevertheless, can a parent spend money on, say, soccer lessons, in good conscience, when she knows that the relevant soccer balls may well have been sewn by child labor?⁸⁷

Like medical costs for the elderly, the costs of education are likely to expand even more over time. In determining the limits of (monetary expressions of) one's love for one's children, frank consideration of the claims of the poorest is essential. Although there is no easy way to quantify a ceiling of educational expenditures for one's children, a

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⁸⁷ But see 2 cheers for Sweatshops article (NYT) [In section on paradox of charity]

conscientious parent may ask: what are the preconditions for avoiding a future caste system in which my progeny do not even think of the poor? How can I assure that my own deliberations about their plight are a part of my children's moral life?

Any realistic answer would at least include the following condition: with hard work and application, the most intelligent among the poorest within one's community would be able to attend the educational institution to which one sends one's children.

Like the "class-mixing" proposed by Mickey Kaus to combat the pernicious effects of "assortative mating," the permeability of educational institutions to those who started with little in part legitimizes their role in providing the wealthy the opportunity to continue to have a lot. ** A continuing commitment to scholarships and other forms of financial aid is further evidence of an institution's willingness to end the patterns of segregation that leave the poor invisible to us. Any favoritism for "legacies" can only be justified economically, as a method for inducing contributions that make the institution more open to the poor.

3) Deliberative Preconditions for Moral Choice

Admittedly, each of the guidelines I have thus far proposed is fuzzy and imprecise. But they play some role in at least conditioning us to think about the poorest as we make our consumption decisions. Is there any other way to refine our deliberations in this manner? Certainly one first step is to budget our contributions to charity annually. I recall being shocked, after reading Unger's book, to realize that I had likely spent more

⁸⁸ In his book *The End of Equality*, Kaus describes the caste-creating effects of "assortative mating"—smart adults tend only to marry other smart adults. With a few soft assumptions about the genetic bases of intelligence, the prospects of a transition from a bell-curve shaped to a bimodal distribution of IQ scores (within a given society) are clear.

money on coffee and desserts in the year before than I had on charity. To budget from an annual perspective at least saves one the embarrassment of that kind of distortion.

There are also ways of formalizing Singer's intuitions. Philosophy may be thought of as a map, alerting us to the morally salient aspects of our decisions while downplaying less important aspects. If conceived in this way, we might usually consider our moral obligations to others as a function of both their need and their relatedness to us:

We are presently comfortable with the idea that there is a group of people (our family and closest friends) about whom we are obliged to care no matter what their level of material well-being. (The inhabit the zone marked by horizontal lines in the chart above.) Can we not also feel obliged to do something for those whose need is particularly great, no matter what their degree of relatedness is (i.e., those who occupy the zone marked by vertical lines)? In other words, isn't their common humanity and uncommon suffering enough to command our attention?

If so, we must refine our existential choices. Following Martha Nussbaum in the *Fragility of Goodness*, we can suggest the characteristic deliberation accompanying a

good choice. The literature of existential choice has long denoted the seriousness of a commitment by contrasting it with a rival claim of family or love. Aeneas can either stay with Dido in Carthage or build Rome. Agamemnon can either keep his position as commander, or sacrifice his daughter Iphigenia. Sartre's hypothetical soldier/son can either fight in the resistance, or stay home and take care of his mother. All these characters face well-nigh impossible choices between duty and family. To present the immediacy of an "intrinsically good" choice, the existentialist philosopher or dramatist juxtaposes it with a duty to family. 89

I think that the extreme need of the poor is just as morally relevant to our decisionmaking as the demands of our family. Just as we consider our children's or needy parents' interests when we make an important life decision, we should consider the plight of the most disadvantaged. For existential choice—where the choice is less a matter of expressing one's ethical commitments, than of constituting and crystallizing a muddy area of them—is an inescapable element of our allocation of resources between those near to and far from us. These choices have deep moral significance, with valences we presently ignore or overlook. Squarely facing their consequences is the first step toward making better ones.

B) Incommensurable Immaterial Aspirations

Colin McGinn's scathing review of Unger's book repeatedly faults him for failing to take into account the diversity of goods. As McGinn writes,

If we really lived by the principle that enjoins each of us to reduce our standard of living to such a point that nobody was better off than we were, by donating most

⁸⁹ See Discussion in P.S. Greenspan, Practical Guilt: Moral Dilemmas, Emotions, and Social Norms.

⁹⁰ Cf. Ackerman on giving issues of constitutional moment the same attention as we would the decision.

⁹⁰ Cf. Ackerman on giving issues of constitutional moment the same attention as we would the decision to buy a new home.

of our income to charity...we would be forbidden to...pursue the arts and sciences, to engage in any form of recreation that costs money, and so on.

McGinn considers such a stricture prima facie absurd. We can dismiss some of McGinn's objections as melodramatic at the outset—the harshness of the perfected application of Unger's principle should not render its partial instantiation risible. But they raise two larger points important even to those who sympathize with Unger's position. The first has to do with the utilitarian penchant for instrumentalizing all experiences. The second relates to the inarticulate, ultimate goals behind the utilitarian project. Consideration of each leads to refinements in our notion of a proper charitable burden.

1) Utilitarianism and Time: Ignoring the Value of One's Non-Charitable Experience for Oneself

As Singer acknowledges, a utilitarian is constantly concerned with the consequences of actions—and not necessarily with the actions themselves. This future-orientation is a step away from wantonness.⁹¹ But it also plays on some of our worst psychological traits. As Pascal explains,

Let each of us examine his thoughts; he will find them wholly concerned with the past or the future. We almost never think of the present, and if we do think of it, it is only to see what light it throws on our plans for the future. The present is never our end. The past and the present are our means, the future alone our end. Thus we never actually live, but hope to live, and since we are always planning how to be happy, it is inevitable that we should never be so.⁹²

Some eastern religious traditions offer similar lessons, and counsel us to live in the present.⁹³ Many practitioners of Vipassana Buddhism further claim that the daily

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⁹¹ Cf. Frankfort, in Rorty, ed., Identities of Persons.

⁹² Pascal, Pensees (47, or 172), p. 43 of Krailsheimer trans. (Penguin Classics, 1966). But see Rubenfeld, first chapter of Freedom and Time (insisting that we only live in the present now).

⁹³ See, e.g., Joseph Goldstein, The Experience of Insight. Cf.Dewey in Art and Experience.

practice of meditation permits one to be more empathic to the needs of others.⁹⁴ To urge a constant future orientation risks some of the cultural practices—and sheer capacity for relaxation!—that dispose us to care about the poor. What we ultimately want for the most disadvantaged is not simply adequate food and shelter, but lives more like ours.

I mean this not in a concrete, culturally imperialistic sense, but in a more general way: as lives full of opportunities for knowledge, play, love, meaningful (or at least engaging) work, and leisure. ⁹⁵ In order to want others to have better lives, we need to like our own. Individuals of the first world have something approaching a right to the kinds of art, religion, inquiry, and leisure that make their lives worthwhile—even if these activities demand sacrifices of time or effort that could be allocated to the poor. But they also have a duty to balance these immaterial aspirations against some consideration of the most pressing material needs of the poor. ⁹⁶ Just as Sartre's would-be soldier considered the needs of his ailing mother when deciding whether to join the resistance, we are morally obliged at least to consider the needs of the poorest before we make a substantial commitment of our resources to any cultural endeavor—ranging from a Muslim's pilgrimage to Mecca to a secular hedonist's purchase of a big-screen television. ⁹⁷

2) Utilitarianism as Reductionism: Ignoring the Value of One's Non-Charitable Contributions to the Community

Unger's objections to prevailing norms of charitable giving depend on the classic "utilitarian injunction to maximize the sum of value" in the world, which "implies...[a]

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⁹⁴ Mirabai Bush, Compassion in Action.

⁹⁵ See Finnis on the seven basic categories of human flourishing. Finnis, Natural Law and Natural Rights.
96 This is not a counsel of quietism—only the most unreflective economically secure individual would insist that he could only live well by living at his current rate of consumption.

⁹⁷ Compare John Rawls's Discussion of the Equal Worth of the Religious Liberties in PL, Lecture VI (on the distribution of the primary goods—seminal in the equality of what debate, discussed in n. supra (Sen in Cohen section).

reduced, and this 'stuff' is what we sum when we maximize." Unger might say he simply wants us to take unnecessary suffering seriously. But his personal demands clearly force individuals to "fraternize incompatibles" by weighing such things as vocational choice or avocational pursuit against the opportunity to earn more money in order to give it charity. Recalling Wittgenstein's advice to his students, Unger tries to persuade most of his philosophy graduate students to give up their studies in order to make money and donate it. He appears oblivious to the autonomous claims of art, religion, or other cultural pursuits.

The same problem of incommensurability arises for Singer's tithe ethics, if less dramatically. The opportunity cost of donating one's money to charity is sacrificing one's ability to influence other spheres with it. The conflict raises what I like to call Gresham's Law of Commerce: Those persons who devote the most time to profitable activity and investment are most likely to succeed economically and wield that market power over other spheres. So to give to the poor is not simply to sacrifice one's wealth. It is to sacrifice one's power—power to influence the spheres of art, education, politics or religion. Achievement or influence in these realms is incommensurable with the prevention of death—indeed, many of our greatest cultural leaders in effect gave their lives to their works.

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⁹⁸ Radin on Incomm. Radin also discusses "The scalar claim is that all values and packages of values can be arrayed in order from least valuable to most valuable on a continuous curve, so that we can maximize value by picking the highest package on the curve." Radin, Compensation and Commensurability, 43 Duke L.J. 56 (1993).

⁹⁹ Marx 1844 on money, qtd in Walzer

¹⁰⁰ Cf. Roy Monk, Wittgenstein: The Duty of Genius (relating his advice to many of his promising students to work in a canning factory).

Of course, one can "fit" these experiences into the utilitarian scheme by taking a slightly longer-term view of the problem and realizing the benign influence they might have on the experiencer. 101 Rather than urging immediate self-sacrifice in order to help the poor, Unger endorses prudential judgments: "a successful entrepreneur must commit his profits to a judicious mix of efficient business investment in efficient lessening of serious suffering; then he'll do all he can to lessen the serious suffering of others, taking into account the shorter and longer terms." ¹⁰² By the same token, a successful utilitarian "moral entrepreneur" can take into account the shorter and longer terms by urging individuals to support those cultural institutions that render people more capable of hearing the egalitarian message.

Many cultural activities, or exposure to a broader world community, render a person more sympathetic to the needs of the poor. Bill Gates presently outspends the entire US government in fighting tropical diseases. He became aware of the problem in part because of a vacation he made to South America during his twenties--for the first time he was directly present to massive poverty, and vowed to do something about it. To resist other entrepreneurs' trips to such regions would be self-defeating.

Of course, this response merely sidesteps the incommensurability critique. Beyond all consideration of potential moralizing effects of various non-necessary purchases and experiences is a strictly cultural critique of utilitarian strictures. Even cultural traditions with avowedly expansive principles of charitable giving draw the line somewhere. For example, there is the famous passage in the New Testament where Jesus commends a women for perfuming his feet (when his desciples said she should have sold

¹⁰¹ Cf. Bernard Williams, "Two Kinds of Remoter Effect," in Smart and Williams, Utilitarianism: For and Against.

102 Unger, 143.

the perfume to donate the proceeds to charity): "The poor you'll always have with you; I'll not always be with you." Although parallel concerns for the autonomy of culture and art can mestastasize into Nietzschean decadence, they nevertheless caution us against putting every activity to the test of whether it improves the lot of the least advantaged.

But again, as Charles Taylor has pointed out, the conflict may not be so sharp. 103 Singer's holistic, utilitarian perspective is deeply indebted to certain cultural traditions and practices. Certainly there is a conflict when I am deciding whether to give \$10 to restore my church or to Oxfam's relief efforts. But the church (at its best) is itself one of the main instruments for cultivating compassion and universal benevolence among all strata of society. 104 The decision to support the church (and many other cultural institutions) can in many ways be analogized (in utilitarian terms) to the decision by an entrepreneur not to give away all of his funds but to invest some of them in order to do more good in the future. 105 As Charles Taylor suggests, our present conceptions of what it is to be human, of moral obligation, and of personal responsibility, are the result of the delicate balance of commitments and sensibilities that have both secular and religious, artistic and governmental roots. That we are the kind of persons who can take Singer's book seriously depends on the cultivation and advancement of many cultural forms. Furthermore, when we have a properly ecological sense of culture, we realize just had delicate interplay of all parts is. As Taylor suggests in his recent lecture "A Catholic

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¹⁰³ See A Catholic Modernity (on moral sources of contemporary "worldwide movements of solidarity and support.")

¹⁰⁴ Cf Yeats' Sailing to Byzantium.

¹⁰⁵ For example, I think someone who did agree to tithe income would be wise to only start the tithe in earnest after having bought a house (provided that the house were deeded to the poor after his death). The purchase of insurance policies is also advisable for this reason. (Cf. also living wills providing for deals to be cut with insurance companies when individuals are terminally comatose).

Modernity?", a sustainable affirmation of worldwide movements of solidarity and support (saving life at great cost) may be predicated on a belief in life beyond death.

The question, of course, is whether we want or need to justify all cultural forms with some reference to their ultimate impact on relieving the suffering of the poorest in the world today. Although I risk skirting the moral absolutism of the late Tolstoy, I believe the answer is yes. I would find any religion which did not include such an idea among its central tenets entirely implausible. In only respect libertarians who connect their advocacy of laissez-faire to some story about the way in which unfettered private transactions are the quickest route to development. And while I disagree with Adorno's verdict that "no poems can be written after Auschwitz," I believe that any artist or scholar who entirely ignores the great suffering in our midst is simply not serious.

The incommensurabilist critics of Singer, Unger, and Cohen essentially attack straw men. They question is not: "Is any spending on non-charitable culture permitted?" but rather, "Is a failure to give a nontrivial percentage of one's income (above a certain point) to charity morally problematic?" To presume that a moral obligation to *some* charitable giving is tantamount to an obligation to completely abandon all non-charitable activities is a self-serving *reductio ad absurdum* worthy of the Pharisees.

IV. The Next Step for Quantifying Charitable Burdens: An Ethics of Consumption

These high-flown reflections on ordering the pursuit of truth and beauty to the demands of justice are only relevant to the boundaries of utilitarian demands—not their

¹⁰⁶ Cf. Tolstoy on final test of art—to bring us closer to God. In Perspectives on Aesthetics.

¹⁰⁷ This obviously raises difficult questions about the "value-added" by religion to the kind of humanism endorsed herein; can one adhere to revealed religion if one asserts that one would not believe the revelation had its content been different? Debates between voluntarists (things are right or wrong because God says so) vs. moral realists (God could not make bad good and vice versa).

¹⁰⁸ Even if they seem deluded, hypocrisy is the tribute vice pays to virtue. See Jon Elster on Laundering Preferences (in collection on collective choice and deliberative democracy).

main substance. They contain Unger's maximalism, but have little to do with Singer's "Principle of Obligation." Putting the principle into practice simply in the realm of our lives as consumers would do much to advance the welfare of the poorest.

Unfortunately, Singer does not provide us with concrete principles for guiding that process. He does not even attempt to draw a line between necessity, convenience, and luxury—essential distinctions for those urging others to avoid "unnecessary" consumption. Wishing to avoid absolute and concrete claims, he leaves his proposal unsatisfyingly unspecified. Singer has proven our moral obligation to donate a portion of our income to NGO's serving the world's poorest. But his deliberate eschewal of virtue ethics leaves him ill-equipped to tell us how much is necessary.

This kind of "argumentative abstinence" is unnecessary, and indeed must be replaced with an ethic of consumption and charity in order to give utilitarian ideas real weight and force. There is some middle ground between the saintly rigor of an Elie Wiesel (who has said that "our lives belong to those who need them most") and the unreflective materialism so common in developed countries. We can find it by articulating a procedural and substantive ethics of consumption, drawing on religious traditions of East and West, as well as modern research on the psychology of satisfaction. 110

We are morally obliged to gradually pare down our expensive tastes in order to relieve the plight of the poor—not simply for their sake, but for ours. 111 It is simply grotesque to juxtapose the "epidemic" of obesity in the US with malnutrition in the third

¹⁰⁹: "If it is in our power to prevent something very bad from happening, without thereby sacrificing anything of comparable moral significance, we ought to do it...PE 229.

See Ruark, n. * above.

111 Id.

world—but the two problems are intimately related.¹¹² The level of GDP spent on indisputably harmful things—such as tobacco, alcohol, and firearms—dwarfs our level of giving to the poor.¹¹³ Meanwhile, even self-avowed Christians on average spend more money on pet food and sporting goods than they allocate to church-based poverty relief efforts.¹¹⁴

Amartya Sen offered his capabilities approach as a way of thinking about the problem of redistributing to the poor—that is, of answering hard questions about how to deviate from an equal distribution of resources in order to take care of the special needs of the poor disabled. I think it also has relevance to our way of thinking about the obligations of those who can give, by suggesting a ceiling for their consumption—one that provides the secure with a decent range of capabilities, but not the full menu of choice now often taken for granted.

Of course, any precise line-drawing will draw legitimate protest. I am not about to pronounce upon whether one or two or three televisions are enough for a two-person household. Furthermore, the problem of expensive tastes is real and means that the calibration of needs, conveniences, and luxuries is a dynamic, subjective process. Even religious orders that pride themselves on egalitarianism realize this and pace the adoption of vows of poverty accordingly. If we are to take tithing ethics seriously but realistically, we cannot insist on a leveling of living standards. Instead, we can only offer heuristics designed to move individuals gradually, asymptotically, toward an ideal of selflessness. These can be very humble. Some suggest spending the same amount on

¹¹² Cf. Rodale, Diet for a Small Planet.

¹¹³ Cobb, If the GDP is Up, Why is American Down? (Atlantic); Ronsvalle on consumption figures.

¹¹⁴ www.emptytomb.org

¹¹⁵ Cf. the Constitutions and Norms of the Society of Jesus. (Jesuit Handbook). Cf also divorce settlements (providing for maintenance of a certain standard of living).

charity as one spends on gifts.¹¹⁶ Others employ a "yoking map," which commits them to advance the welfare of a particular impoverished place or person.¹¹⁷

The beauty of this process is that it can be justified entirely with reference to the effects on the giver. Although critics have suggested that Singer's ethic might lead to demoralizing self-instrumentalization, the "practices of the self" required to advance it are in fact a way of defying such an outcome. The freer we are from the need to consume, the less our vocational and personal choices hinge on the maintenance of a certain lifestyle. We move from having to being—from accumulating things to appreciating the present. In other words, the utilitarian advocates of tithing ethics can supplement their consequentialism with an account of the *good that tithing does for the giver*. ¹²⁰

V. Conclusion

Consider a fearful symmetry of 1998. As surgeons in France perfected the first human hand transplant, rebels in Sierra Leone terrorized opponents by cutting off their hands. As the "First World" chalked up yet another technological achievement, yet another part of the third world slipped into anarchy. Such juxtapositions indicate the breadth of the divergence of world living standards. 122

¹¹⁶ www.beliefnet.org

www.emptytomb.org

¹¹⁸ Term borrowed from Foucault's late reflections on ascetic practices in ancient Greece and among early Christians. (Foucault, 1984).

¹¹⁹ Cf. Fromm, To Have or to Be; Buddhist and other texts on detachment.

¹²⁰ Cf. Charles Taylor, Responsibility for Self, in A. Rorty, ed., THE IDENTITIES OF PERSONS (comparing two reasons for fasting: 1) the "simple weighing" of the pain of hunger against the pleasure to be gained by losing weight, and 2) the "strong evaluation" of oneself as a better person for having control over one's desires.)

Lawrence K. Altman, *Man Moving Transplanted Hand*, N.Y. Times, November 17, 1998; Barbara Crossette, *In West Africa, a Grisly Extension of Rebel Terror*, N.Y. Times, July 30, 1998.

Another example: 90% of pharmaceutical research funds go to fighting the 10% of diseases most common in wealthy nations. NPR, April 23, 2001.

Perhaps the new technology might someday be used for the poor as well as the rich. Certainly as productivity in developed nations grows, we can expect more of our surplus to be charity for less developed countries. Many progressive economists would insist that even the most baroque contemporary technologies play some role in fueling a global economy that will eventually benefit all. The hand surgeon may eventually volunteer for *Medecins sans Frontieres*.

But one can tell a different story about technology—indeed, a story more expressive of the practices of inequality now manifest in the global economy.

Worldwide, more than 1 billion people live on less than \$1 a day. As their lives, practices, and concerns grow more distant from our own it is easy to imagine the flagging of worldwide movements of sympathy and practical solidarity. Technology can either help knit the world together or entrench existing inequalities ever more deeply.

Political institutions can do little to advance either outcome. Individuals who care must start taking personal responsibility. As the competitive pressures of globalization compel national governments to reduce taxation levels, and more and more public duties are undertaken by international institutions lacking a tax base, systematic voluntary giving will take on increasing importance in relieving suffering and remedying absolute poverty. If these functions are to be performed well by NGO's in the future, they will need steady and widespread financial support. Well-off citizens are collectively responsible for providing it.

Considering the moral force of such global obligations, Stanley Hoffman concluded that "our state of conscience is somewhere between the argument that we owe nothing, except a dole, to those outside our community, and the argument that we owe the

same thing, full justice, to all mankind."¹²³ I hope the foregoing reflections have proven that most of us need to move towards the latter position. By revising and extending Unger's, Singer's, and Cohen's efforts to connect political philosophy to personal behavior, I have presented a case for systematic giving and methods for quantifying that burden. The relief of absolute poverty is an enormous and complex endeavor. Nevertheless, it is an indispensable part of any life well lived, and any "coherent social faith," of our age.

¹²³ "Problems of Distributive Justice," in DUTIES BEYOND BORDERS, 165.