

to be the best that can be advanced, but it would be interesting to canvass the alternatives. See Norman Bowie's attempt to do this in *Towards a New Theory of Distributive Justice* (Amherst, MA, 1971), pp. 114ff.

25. This, roughly, is Robert Nozick's view in *Anarchy, State, and Utopia* (New York, 1974), chapter 7.

26. I do not claim to have resolved the problem that underlies this objection, although I believe that my remarks point in the right direction. It should be noticed, however, that what is at issue here is really a general problem for any theory that addresses itself to institutional structures rather than to particular transactions. One can always ask why institutional requirements should apply in full force to persons who make minimal use of the institutions they find themselves in. This point emerged from discussions I have had with Thomas Scanlon.

27. For a suggestive account of a similar problem, see Michael Walzer, "The Obligation to Disobey," *Obligations: Essays on Disobedience, War, and Citizenship* (Cambridge, MA, 1970), pp. 3-23.

28. On the problem of the second best, see Brian Barry, *Political Argument* (London, 1965), pp. 261-62.

29. Joel Feinberg, "Duty and Obligation in the Nonideal World," *Journal of Philosophy* 70 (10 May 1973): 263-75.

30. For example, the UN Charter, articles 2(4) and 1(3), and article 1 of the "Declaration of Principles of International Cooperation..." approved by the General Assembly on 24 October 1970. Both are reprinted in *Basic Documents in International Law*, ed. Ian Brownlie, 2nd ed. (Oxford, 1972), pp. 1-31 and 32-40.

31. See Gene Sharp, *The Politics of Nonviolent Action* (Boston, 1973).

3. THOMAS NAGEL

Nagel defines "radical inequality" as characteristic of situations in which the poorest party is in direst need (i.e., lacking in even the barest essential goods), and claims that this kind of inequality raises issues beyond those posed by inequality per se. His concern is to develop an argument for why radical inequality between the world's affluent and its starving multitudes is unjust—an argument that is independent of the claim that the affluent have, through colonization for instance, played a role in causing the relevant poverty. For Nagel, the mere existence of radical inequality in the world is a mark of continuing injustice: Even if the rich countries (and their citizens) have done nothing wrong, the global political and economic system that allows radical inequality to persist is morally objectionable.

Poverty and Food: Why Charity Is Not Enough

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Although the world food situation raises acute problems of distributive justice, they are not comparable to problems about how to distribute a definite quantity of food that is already on hand to numerous hungry victims of a natural calamity. Because of the significant effects of distribution on production, and the impossibility of separating the distribution of food from that of wealth in general, there is no isolable question of justice about redistribution of food from the haves to the have-nots. In a sense, therefore, the ethical aspects of this topic can be discussed only as part of the general problem of global economic inequality. In a

money economy, anything can be exchanged for anything else, and the issue of the distribution of food is inseparable from that of the distribution of transistors or power plants.

Nevertheless there is a reason for thinking about the larger question in terms of food. Food is basic. It is the last thing an individual can afford to give up, if he can afford nothing else, and this means that in the current world situation we are not dealing with an abstract problem of inequality, but with something more specific and acute. If everyone in the world had at least a minimally adequate standard of living, there would still be ethical problems about the justice of big differences in wealth above that minimum—as there are, for example, about the distribution of wealth within the United States. But whatever may be said about this general problem, the inequalities that appear in the distribution of food on a worldwide scale are of a very different kind, and raise a different issue. They are, to be sure, basically inequalities in wealth rather than in food; but inequalities in wealth and income that result in starvation or severe malnutrition for some are in a different moral class from those inequalities higher on the scale that result in luxuries and multiple dwellings for some and marginal poverty for others. When the subject is enough to eat rather than a yacht, the difference between haves and have-nots goes beyond the general problem of equality and distributive justice. It is an extreme case, involving extreme needs.

I shall use the term “radical inequality” to describe this situation. A radical inequality exists when the bottom level is one of direst need, the top level one of great comfort or even luxury, and the total supply is large enough to raise the bottom above the level of extreme need without bringing significant deprivation to those above—specifically, without reducing most people to a place somewhat above the current bottom, or otherwise radically reducing their standard of living. The term therefore describes not merely the size of the gap between top and bottom but also the available total and the level of the bottom. The distribution of the world’s food supply is a case of radical inequality because in a situation of adequate productive capacity for the world’s population over the predictable short term, economic inequalities mean that under a market system millions of people will be undernourished from infancy and their health and life expectancy severely damaged.

The point of separating out this kind of case for special treatment is to forestall or at least weaken the force of a question that tends to arise whenever the rectification of inequalities is discussed: the question

“Where do you draw the line?” When it is observed that people in the U.S. and Northern Europe have a high standard of living and people in South Asia are starving or malnourished, and that there is something wrong with this, one reaction is anxiety about the prospect of bringing everyone to a common level only a bit higher than that of an Indian peasant. Now there may be an argument that justice requires such a solution, but it is not one that I am prepared to endorse, and the issue does not have to be decided in order to deal with situations of radical inequality. It does not take a strongly egalitarian principle to indicate that something is wrong in these cases, and that it would be an improvement to raise the bottom even if the resulting distribution were still very unequal.

But even if one decides that radical inequality is unacceptable, that does not tell us what to do about it. If those who are well off had *stolen* their riches from those who are poor, then redistribution would be nothing more than the uncontroversial rectification of past wrongs. But it is not so simple as that. To be sure, there has been substantial colonial exploitation of poor countries by rich ones, in labor, and in development. But a great deal of the difference in wealth between developed and underdeveloped countries is independent of this and depends on a big head start in technology, organization, and capital accumulation, which would have existed even without colonialism. While this claim may be disputed, it seems important to arrive at a view of the situation on the assumption that it is true. One would concede too much if one tried to base an argument for the injustice of radical inequality entirely on the claim that the inequality arose through wrongdoing. Even if it did not, there is still something wrong with the result, and with the system that allows it to continue. There is something wrong, in other words, with an international market economy in which many people are malnourished while many others live high, when there is enough productive capacity to feed everyone adequately. There is something wrong even if nobody is stealing from anyone else, and even if the inequalities result automatically from the influence of supply and demand, which can produce inequalities of wealth that result in inequalities of distribution.

Such a view challenges the idea that individuals, companies, or nations have a basic right to accumulate wealth and property and to trade with others on whatever terms are mutually acceptable, letting the chips fall where they may. It challenges the idea that if, by industrial and other

development, the U.S., the USSR, Europe, and Japan become wealthy enough so that competition between them bids the price of grain up out of the range that India and other poor countries can afford, then there is no moral objection to this outcome because no one has done anything wrong. The position I want to defend is that even if it doesn't involve anyone's *doing* anything wrong, the system that permits this outcome is still morally objectionable. It is true that the moral principles that tell us not to harm other people, by killing or injuring them or stealing the food out of their mouths, are extremely important. But they do not exhaust the moral conditions on personal interaction.

It may seem that the natural suggestion to make at this point is that the worst effects of market inequalities should be dealt with by charity: charity of the rich nations toward the poor. This is a familiar remedy, and seems particularly appropriate when the inequality of wealth is paralleled by an inequality of power. In such circumstances the only motive available for parting the wealthy from their possessions seems to be generosity, if indeed that is available. Perhaps appeal can even be made to something stronger, a *duty* of charity, which comes into force when one can help others in serious distress without excessive cost to oneself. Certainly most people would acknowledge an obligation to throw a life preserver to a drowning man, even if they wouldn't risk their lives to save someone from a burning building. Where in between these extremes the duty of aid to others gives out is not clear. Peter Singer¹ has advocated rectification of inequality along these lines: Governments and individuals are sometimes motivated in varying degrees to engage in charitable aid, and such policies are worth encouraging.

Nevertheless I think it is important to reject charity as a satisfactory solution to the problem. It is important to reject it in this context, not only because of the limits on what it can achieve but because of what it presupposes. Until recently voluntary charity was the major instrument of redistribution *within* countries, and it still has its advocates. It is not threatening to those asked to give, for two reasons. First, it is left to them to determine when the sacrifice they are making for others has reached a point at which any further sacrifice would be supererogatory. Second, it does not question their basic entitlement to what they are asked to donate. The legitimacy of their ownership, and of the processes by which it came about, is not challenged. It is merely urged that, because of the severe need of others, those who are well off should voluntarily part with some of the wealth to which they are morally quite entitled. For

this reason people are especially happy to donate help to the victims of a flood, tornado, or earthquake, since the needs created by such natural disasters cannot possibly be taken to cast doubt on the legitimacy of possession of those who have not suffered a comparable calamity. The inequality in these cases, however radical, has not in any sense been produced by a set of social institutions, and a request for rectification by charity cannot therefore be construed as an implicit criticism of the legitimacy of existing wealth.

Radical economic inequalities, however, are not like the results of natural catastrophes. When they persist and tend to reproduce themselves over generations, then the system of political and economic institutions that provides a vehicle for their operation needs to be examined critically. An appeal to charity as a solution, with its implied refusal to challenge the legitimacy of the system of property under which the honors of charity hold title to their possessions, tends to obscure this need. That is why charity has been largely superseded in domestic political arrangements, at least for the most basic requirements of life, by various schemes of redistributive taxation, public benefits, and mandatory social insurance.

The central claim I want to make is that any system of property, national or international, is an institution with moral characteristics: claims of right or entitlement made under it, claims as to what is ours to use as we wish, carry only as much moral weight as the legitimacy of the institution will bear. An institution of property is defined by the mechanisms of acquisition, exchange, inheritance, taxation, and transfer that determine when someone has, loses, or acquires title to something. Moral criticism of these mechanisms may cast doubt on the moral importance of the fact that something belongs to someone under that institution of property—without challenging the claim that it does so belong.²

The possibility of such criticism is not limited to any particular point of view. A welfare state will be found illegitimate by a libertarian because it appropriates the well off in order to support those who have not earned or been given enough to live adequately. A *laissez-faire* system will be found illegitimate by someone of more egalitarian sympathies, because it permits prosperity to depend too much on the fortunes of birth, background, and talent. My own views are of this second kind. I believe that the provision by sovereign states of a social minimum for their citizens is justified by the fact that morally arbitrary factors can

exert so powerful a negative influence on people's lives in the absence of such a policy. For this reason a procedurally orderly system in which no one cheats, coerces, or steals from anyone else can still be morally objectionable because of radical inequalities that systematically arise under it, caused in part by morally arbitrary differences between people in natural endowments, family influence, or access to resources. A society that fails to combat these influences permits the existence of an illegitimate system of property, whose legal conditions of entitlement are morally questionable. The appropriate remedy is not an exhortation to charity, but a revision of the system of property rights to remove its objectionable features. There are more and less radical ways of accomplishing this, but some form of redistributive social welfare is generally accepted as a built-in feature of the operation of modern national economies. It then defines new conditions for legitimate ownership, acquisition, and exchange.

A redistributive tax may be regarded by some libertarians as a form of enforced charity. (Others would call it theft.) But from the point of view I am advocating it is an attempt to build into the conditions of exchange, accumulation, and possession certain safeguards that prevent them from being unjust. Within the United States, for example, a system that permitted one-fourth of the population to starve while the rest were well off would be regarded as unacceptable even if this result arose without coercion or theft, by nonfraudulent economic transactions. The possibility of such a result would generally be taken to undermine the legitimacy of the system, and therefore indirectly the legitimacy of possessions held under it. It wouldn't mean that they were not legal possessions, but only that they were not morally legitimate. Property, in other words, is not a value-free institution. Like political institutions (systems of voting, authority, representation), or judicial institutions, it can possess or lack legitimacy, depending on how it is organized. And the pure workings of market exchange, governed entirely by supply and demand, do not constitute a legitimate institution of property if they permit certain kinds of outcomes. (Just as a system of majority rule would be illegitimate, no matter how impartially applied, if it contained no safeguards against the persecution of unpopular minorities.)

Despite the vast differences in scale and in the political form of the problem, I think these considerations can be applied to the assessment of the international economic order as well. One question about the application of this view is what constitutes a single institution of

property in the relevant sense. Why are all the inhabitants of the US, for example, participants in one system that can therefore be criticized if it allows excessive inequalities? And what would it mean to call the world economy such a system? If the world contained countries that could not trade or interact with one another, inequalities between them could not be used to criticize the "world economic system." But when a set of institutions governs and authorizes the economic transactions of even a very large population, they become to that extent a community and the effects of the institutions require scrutiny. If the institutions are economic, they govern the lives and require the adherence of practically everyone in their geographical range, and if they play an essential part in creating great wealth in some areas but not in others, then they can be said to contribute to the production of radical inequality even if they do not produce the poverty that is its other aspect. If there are possible alternative arrangements that would reduce the inequality without drastically harming productivity, then such a system is illegitimate.

It seems fairly clear that there is a world economy and that it is illegitimate in this way. Internationally, it is essentially a market economy, with conspicuous deviation toward monopoly in some areas but no significant international taxation, certainly none designed to ensure distributive justice. That kind of thing goes on, to varying degrees, within the boundaries of states. But internationally there is no check to the development of astronomical differences in purchasing power, with disastrous results for the poor countries when the rich countries compete in the market for a limited world grain crop and drive prices out of reach of the poor. These inequalities are largely due to factors of development, resources, population, and history that are morally arbitrary as far as the people involved are concerned. To a limited extent the situation can be mitigated by charity in the form of foreign aid, but it is not an ideal solution. Some internal conditions on the international economy and international markets, to make the whole system of property more legitimate, would be far preferable.³

The problem, of course, is that no one is in a position to impose such conditions. It will not be done unless the wealthy countries decide that an improvement in the economic condition of the rest of the world is to their advantage, or at least that it will not cost them much. This is a risky proposition. While redistributive systems do not simply take away from the top what they give to the bottom—since the economy is not like a jar of already baked cookies—

effect on the position of the wealthy from any reform that raises the buying power of the poor. Where there are serious problems of scarcity in resources, these effects are likely to be adverse. Moreover, even if it were generally recognized that an international system of taxation would benefit everyone, it would still require forcible imposition because otherwise no nation could be confident that others would contribute if they did. This is the standard problem of coordination and sovereignty familiar since Hobbes analyzed it in the *Leviathan*.

But even though nothing of this kind is likely to occur without a strong international system, it provides a different view of the problem. One cannot take as beyond challenge the fact that each nation owns what it produces and what it can buy on the open market, and that therefore what we have is ours to decide what to do with. Legally this is true, and even if we are moved by the plight of the poor to transfer some of our wealth to them, it is entirely a matter of decision for us, about how to allocate our wealth. Until another system of property is developed, moreover, this will be the main method of combating radical inequality at the international level. But it is useful to keep the illegitimacy of the system in mind, if only for the force it adds to the charitable arguments for foreign aid.

One consequence of the view that radical inequality is an injustice arising from the economic system is that aid should be truly humanitarian. By this I mean that it should be directed at the impoverished purely in virtue of their humanity and not in virtue of their special relation to the donor. Everyone at the bottom deserves help. Perhaps some forms of aid are appropriately influenced by such factors. But aid that simply lifts people off the absolute bottom and helps them to a minimally adequate diet addresses a need so general and basic that it is an inappropriate vehicle for the expression of political preference. Therefore a feature of recent U.S. aid policy that has caused controversy seems clearly objectionable: the preference given to military allies in the allocation of direct aid under P.L. 480. Congress was understandably motivated to impose a requirement that at least 70 percent of food aid under Title I of P.L. 480 go to the most seriously affected countries, independently of their alliances with us. Actually, if the program were truly humanitarian, it would disregard politics entirely. This is not because the somewhat better-off countries that are our allies do not need food aid and cannot use it to serve basic human needs. It is just that the inhabitants of the most seriously affected countries need it more, and if a policy is to be purely

humanitarian it must be directed at people in virtue of their humanity alone, and not in virtue of their politics. A humanitarian food aid policy would therefore base allocation solely on nutritional needs.

The trouble is that no aid can be entirely nonpolitical in its effects. Aid of any kind permits the transfer of resources from that sector to another and is therefore equivalent to monetary aid. Food aid to either a friendly or an unfriendly nation permits it to spend more on arms than it could otherwise. There is no aid without some side effects of this sort. Nevertheless, the provision of certain basic human needs can be given priority over political and even strategic considerations, as it is in warfare. The laws of war⁴ prohibit attacks on medical personnel and hospitals, destruction of crops, and blockades aimed at starving out the enemy population. Such measures might be militarily useful, but they are prohibited as inhumane. I suggest that the reverse side of this coin is that positive aid, if it is to be fully humane, should not be influenced by political factors when it concerns basic and universal human needs—even when, as is almost inevitable, it has politically relevant effects.

A final point to consider is the one raised by Garrett Hardin in support of what he calls the "lifeboat ethic."⁵ He argues that food aid to the poorest countries will do harm rather than good, because by reducing the death rate without altering the birth rate it will result in larger populations and ensure a larger-scale collapse at a later date, when the world's productive capacities are exhausted. This means that the most beneficial policy toward the poor countries coincides remarkably with the interest of the rich—namely not to give any aid at all.

We should be suspicious of a result that coincides so perfectly with our economic self-interest. Certainly population control and internal agricultural development are the most important factors in improving the situation of the poorest countries over the long term. But the immediate problem still exists, and transfers are the only way of preventing starvation and malnutrition for millions of people over the next ten years. Those people have already been born, and a very powerful reason would be needed to deny them food resources that are definitely available. The reason offered by Hardin is not powerful enough, for it depends on a conjecture about what will happen in the future. We are therefore weighing the certainty of a present disaster against the possibility of a greater future disaster—a possibility to which no definite likelihood can be assigned. While the determination of which

not uniform, population growth often diminishes following a rise in the standard of living, for good reason. Since the catastrophic results predicted by Hardin are not inevitable, and can be combated directly, it would be wrong to refuse to avert certain disaster in the present on the assumption that this was the only way to prevent greater and equally certain disaster in the future. Sometimes a present sacrifice must be made to forestall even the uncertain prospect of a far greater evil in the future. But this is true only if the two evils are of different orders of magnitude. In the case at hand, the present sacrifice is too great to be subject to such calculations.

While foreign aid is not the best method of dealing with racial inequality—being comparable to private charity on the domestic scene—it is the only method now available. It does not require a strongly egalitarian moral position to feel that the U.S., with a gross national product of a trillion dollars and a defense budget which is 9 percent of that, should be spending more than its current two-fifths of 1 percent of GNP on nonmilitary foreign aid, given the world as it is. The worst-off countries are so poor and unable to compete in the world commodity market that without transfers millions of individuals in them will grow up malnourished, with short and wretched life spans. We can afford to give substantially more than we do without reducing ourselves to starvation.

Whether the rich should give more than is needed to combat racial inequality—whether they should take a more general equality as their goal—is a question I shall not address. It seems in any case that charity is a poor instrument for the achievement of substantial equality, and that alternative institutional arrangements would be required. It is moreover unrealistic to ask the well-off to make substantial sacrifices voluntarily in order to improve the standard of living of others who are merely much less well off, without being wretchedly poor. Redistribution of this kind requires a universal involuntary system that can be enforced, and that does not depend on the sum of individual decisions. Perhaps someday such a system will exist. But till then, there is much to be done to ameliorate the worst effects of those radical inequalities that are produced by the unimpeded operation of the international market economy.

NOTES

1. "Famine, Affluence, and Morality," *Philosophy and Public Affairs*, 1 (Spring, 1972), pp. 229–43 [reprinted in *Global Ethics: Seminal Essays*, 1–14]. Also see Peter Singer's "Reconsidering the Famine Relief Argument" in *Food Policy: The Responsibility of the United States in the Life and Death Choices*, ed. Peter G. Brown and Henry Shue (New York: The Free Press, 1977).
2. My remarks are influenced by Thomas M. Scanlon, "Liberty, Contract and Contribution," in *Markets and Morals*, ed. by G. Dworkin, G. Bernant, and P. Brown (Washington, DC: Hemisphere Press, 1977).
3. For a penetrating discussion of this topic, see Charles R. Beitz, "Justice and International Relations," *Philosophy and Public Affairs*, 4 (summer 1975), pp. 360–89, esp. pp. 381–82, [reprinted herein, pp. 21–48, esp. pp. 38–39], at which he discusses the conditions of social cooperation and institutional unification that makes requirements of distributive justice apply.
4. The Hague Convention on Land Warfare, of 1907, and the Geneva Convention on the Law of War, of 1949.
5. See "Living on a Lifeboat," *Bioethics* 24 (October 1974), pp. 561–68 [expanded from "Lifeboat Ethics: The Case against Helping the Poor," first published in *Psychology Today* 8: 4, (September 1974): 38–43, 123–126 and reprinted in *Global Ethics: Seminal Essays*, 15–27].