

PETER SINGER

Under Fire

The Dangerous Ethicist
Faces His Critics

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The Ethics of Assistance: What's the Good of It?

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What Is to Be Done?

In a stark and powerful observation about the ethical implications of the choices we make, Peter Singer observed in 1971 that Great Britain, that year, valued the opportunity to shave two hours off a flight from London to New York thirty times more than the lives of nine million starving Bengalis. Australians, on the other hand, preferred to build a new opera house twelve times more than saving those same nine million lives.¹ Before feeling too smug, we should recall that these were two of the more generous nations per capita. Singer's varied and wide ranging inquiries into the rights of animals, the disabled, the poverty stricken, and indeed, even the member of common room, have a constant theme running through them: what do we owe each other? Looking through the body of his work, one can see a carefully constructed fabric detailing the ethical relationship of each of us, and by us he means all sentient beings, to each other.

Singer's answer is clear, and deceptively simple, do whatever produces the most good and the least harm. In its strong version, this requires us to give to others until we reach the point of marginal utility, or the point at which doing so would sacrifice something of equal moral significance. This answer only seems simple, because unlike many util-

¹ Peter Singer, "Famine Affluence And Morality," *Philosophy And Public Affairs* 1:3 (Spring 1972), p 230.

itarians, Singer gets down to the dirty work of defining who counts in this ethical aggregation of pain and happiness. The devil is always in the details and Singer never shies away from wrestling with them. Unfortunately, clarifying the reach of this ethical theory has only served to highlight some of its weaknesses.

In this essay I want to re-examine Singer's argument for aiding the poor. I refer here to the issue of famine, affluence and our obligations to the poverty stricken people of what we might call the burdened states of the world. I use the term burdened states advisedly because I am not referring to Rawls's sense of our obligations in a reasonable utopia. Rather, I mean to focus on the obligations we have here and now in the imperfect sovereignty-laden world we now inhabit. In his recent book, *One World*,² Singer makes a compelling case against the partiality of our obligations. The idea that we only owe obligations to our countrymen is at root no more acceptable than the idea that we would only owe obligations to our race, our co-religionists or, indeed, members of our political party. This case is somewhat muddled by the arguments in favor of partiality to kin and community he makes elsewhere.³ Singer doesn't rest on these issues long enough to reconcile the different positions they represent but one gets the impression that he is advocating someone with a liberal identity who identified his or her good as more tightly bound up in the community. Yet even if we stipulate that this obligation exists, it still remains to discover who owes what to whom. Singer points to a personal obligation from each of us, to everyone in need. That our governments may prefer to build monuments to themselves instead of caring for the needy, or indeed, even if our governments give, albeit insufficiently, we are still personally obligated to help to the extent that we can do so without causing more harm than the relief we produce. But this does not dictate the terms of our help. If we could help others better through our governments than individually, our efforts and money would be better spent in that endeavor.

My essay will focus on two issues. The first, rather narrow and concrete, is what actually works and whether Singer's practical proposals for an ethical life actually make the world better off in the way that he (and I) would hope to see it. In particular, I speak of his proposals for

² New Haven: Yale University Press, 2002.

³ *How Are We to Live?* (Amherst: Prometheus, 1995). In Chapter 6, for example, he gives a positive description of Japanese society and its people's deep identification with the community. He compares this identification favorably as against the self-interested behavior of Americans.

helping others outside one's own country, whether it be feeding the hungry in Somalia or reducing greenhouse gases. That is to say, would it actually maximize the good consequences that could be achieved without any extra effort expended or harm caused? I argue that it would not. Does this matter? If we help are we acting more ethically by helping more efficiently?

Answering this question leads to the second issue which concerns the meaning and substance of ethics that Singer uses to justify this obligation in the first place. This will be more tricky to evaluate than usual because although much of Singer's work places him squarely within the utilitarian ethic, he often espouses ideas from other conceptions of justice that are incompatible with utilitarianism. So for example, when considering the destruction of the rainforests and other natural resources, he asks why we haven't reconsidered our commitment to Smith's idea of human nature and adopted Rousseau's (*How Are We to Live?*, p. 38). This is a perfectly good question which we perhaps ought to reconsider. But if we do, we will have to give up much if not all of the rest of Singer's position. The different ideas of the good in Rousseau and Smith go down to the very idea of human identity and what sort of animals we are. The conflicts they represent go deeper than any idea of justice. They are rooted in different epistemological questions of what is really out there in the world. While Singer's eclectic invocation of different positions is always interesting, he never explains how they would all fit together in one coherent idea of the good apart from an ultimate reliance on the distinctive universal capacity of humans to reason.

My conclusions are that his policy proposals do not produce the best outcomes and that part of the reason for this can be found in the idea of ethics he relies on. In an essay of this size it is impossible to cover these questions comprehensively. I hope here to raise questions about certain of his conclusions which, taken together, could support a call for more rather than less self interest and partiality so long as that partiality is based on liberal tolerance and an equal concern and respect for the agency of each person. You might call it the partiality of universal respect for individual agency, although I propose this ethic because I think it is right even if it produces less good consequences than another theory of ethics would achieve. I cannot defend this position based on the idea that it will produce the greatest good, because my preference is itself based on the belief that the greatest good consists in carrying out these ethical principles.

I will begin with this argument by asking what we can do in practice to fulfill Singer's mandate to do that which produces the best conse-

quences. Singer suggests giving to some worthy international charity such as Oxfam or getting governments to commit more money to relieve poverty. But I would argue here that this does not fulfill the obligation that Singer himself has so convincingly detailed. For if we are obligated to help the poor, then as he himself points out, we are clearly obligated to help them in the most effective way that we know how to do, subject to causing the least possible pain. The problem is that in fulfilling this obligation, we may be obligated to intervene in their societies in ways we once thought intolerable, and which the recipients of our aid, or their governments, almost certainly still do. Singer addressed this question in the postscript to "Famine, Affluence, and Morality," when he raised the problem of population control.⁴ Accepting a causal link between population growth and famine, Singer argued that no policy to alleviate world hunger could succeed without also addressing overpopulation. Rejecting the charge of coercion or illegitimate derogation of national sovereignty, Singer noted, quite rightly, that any obligation to help relieve famine, can only be an obligation to do what one knows to the best of one's knowledge will be effective. Since no nation is forced to accept our aid, conditioning such assistance upon the agreement of recipient countries to impose population reform entails no coercion.⁵

The issue, however, is more complicated because the sort of intervention I speak of is highly partial to a given sort of cultural, historical, political and economic practices. While there may be no intrinsic moral or epistemological foundation to consider our political and legal institutions superior, if it produces the most good then there is compelling ethical reasons for partiality. Indeed, if it would produce this greatest good, there is a compelling reason to get the governments of these impoverished states to adopt our partial view of what is good, and to build institutions to achieve those ends. An additional twist to this problem arises if the most effective way to produce the most good is for individuals to be more rather than less self-interested and perhaps more partial to one's cultural political and legal practices. Of course, our calculation of the greatest good will hinge on our partial ideas of what is good and this might bias our sense of how well we are achieving the best consequences. For a liberal, the best consequence might be one in which everyone's ability to pursue his or her own conception of the good is maximized, while for Jerry Falwell, the best consequences would be

⁴ *Philosophy and Public Affairs* 1:3 (1972), p. 229.

⁵ <http://www.utilitarian.net/singer/by/1972——.htm>

those in which all of us recognize Jesus Christ as our savior. Is the truly best set of consequences that which constitutes the greatest aggregate set of preferences or is there some truly best set of consequences that is independent of what the most people want?

This is a terribly difficult issue made all the more complicated by the fact that Singer never really defines a general theory of the greatest good so that we could specify those consequences that lead to it. Each policy aims at a specific moral end but we do not know whether that end is itself the best consequence or whether that end is only instrumentally valuable because it leads to some more abstract set of consequences that are the goal of those ends. We know that we should treat animals with respect, refrain from despoiling the planet or extracting excessive resources and direct our resources where they are most needed. Yet many ethical frameworks from libertarianism to social democracy to a Christian theocracy could conceivably adopt these goals. So we must know what the comprehensive good is that requires us to manifest ethical concern in his way. Without it each task of helping the poor, preserving the environment or clothing the naked is something that has to be defended *ad hoc*. Singer cannot simply say that helping the poor is its own best consequence because then we are saying that there is something inherently, not consequentially important about helping them.

I suspect that if we compared notes, Singer and I would agree on those things he identifies as part of the greatest good. But I cannot see why they are good in any universal ethical sense that goes beyond my own partial ideas of justice and value. Moreover, the sophisticated argument for the unity of self-interest and ethical behavior that Singer makes in *How Are We to Live?* seems to contradict his plea for less selfishness. Most Americans appear to pursue their self-interest quite enthusiastically and America as a nation appears similarly motivated. This doesn't appear, however, to result in the sort of international cooperation that would address the pressing issues of our time.

Why has our pursuit of the greatest good resulted in such bad results? Are we misaggregating the actual beliefs of what people believe is their greatest good or does this good exist apart from what the aggregate believes it to be? Most modern theories of utilitarianism, including Singer's, reject the hedonistic premise that the good consists in this simple aggregation.⁶ As we shall see, this is problematic because it simply

⁶ *How Are We to Live? Ethics in an Age of Self-Interest* (New York: Oxford University Press, 1997), p. 231.

makes the idea of what is really good not a consequence of people's preferences but rather the preferences we want people to have in order to pursue the correct policies. This conflict, inherent in utilitarianism could be avoided by viewing the failure of people to act ethically for the greater good as a collective action problem. If people had more information, they would rationally cooperate in the sort of Tit for Tat (*How Are We to Live?*, pp. 132–142), which while not ideal, at least produces cooperation and concern for others. But this result would be achieved purely out of hedonistic self-interest, and not some idea of aiming at the greatest good for all.

How could we achieve Singer's ends? Fashions change and for now at least, development theorists and practitioners believe that the nature of a country's political and legal institutions affect development more significantly than resources or population growth. This view, however, puts even more pressure on the benefactor to intervene in the internal mechanisms of state power and community identity. Deciding whether or not to have an independent judiciary or democratic legislature goes right to the heart of state sovereignty and more importantly from Singer's point of view, it affects the core ethical ideas that either do or do not justify the force of the state. So demanding reform of these policies and institutions as a condition of assistance must be recognized as partiality by overriding the community's values and sense of what makes life important. Singer's position on this sort of partiality is a little ambiguous. On the one hand, in evaluating George Bush's Millennium Challenge Account Singer appears to accept the idea of aid conditioned on political reform, if not Bush's ultimate implementation of this concept.⁷ In Chapter 4 of *One World*, Singer confronts the question directly and puts Westphalian Sovereignty in its rightful, subordinate role. What benefit is there in respecting the "right" of a sovereign to cleanse, "re-educate" or otherwise persecute its own people? Because we think very little, we have breached the barrier of sovereignty in Kosovo and in East Timor, and wish we had done so in Rwanda. So the question is not whether intervention in state sovereignty can be justified, but when and under what circumstances. Here, Singer becomes more circumspect. In a short section on cultural imperialism, he warns that the link between democracy and legitimate sovereignty is not proven because the only arguments we could give in favor of it are necessarily culturally partial

⁷ Peter Singer, *The President of Good and Evil: The Ethics of George W. Bush* (New York: Dutton, 2004), p. 126.

ones that in the end, would be no different than asserting that our religion was the one true avenue to eternal salvation (pp. 142–44).

This cannot be true unless one believes that Aung San Suu Kyi's belief in the connection of democracy and legitimacy can only be the product of partial "Western" values rather than some indigenous Burmese belief. That view would be its own sort of cultural partiality. The problem in arguing for the universal connection of democracy and legitimacy, however, is not one of cultural partiality but ethical partiality. Yet one could say the same thing about his, or indeed, any theory of ethics that claims universal application. The truth of utilitarianism as an ethical theory stands on no firmer or weaker ground, than the truth of democracy as a precondition of legitimate political authority. As Bernard Williams put it, the first question for philosophy, is not whether one agrees with utilitarianism's answers but rather, does one accept it is even asking the right questions?⁸ Any theory of ethics must start with the view that it is asking the right questions and in that sense no ethical theory can be neutral about itself.

Singer is a strong advocate for democratic sovereignty but not because of its intrinsic qualities. Rather, he supports it, and interventions to promote it, when the consequences of doing so would be better than not intervening to support it. Nobody could dispute that standard but the rub is in defining what the best consequences would consist in. While Singer may reasonably take into account issues like the viciousness of a non-democratic government and the effect of an intervention to promote democracy, others else might just as reasonably ignore his set of consequences if they feel them subordinate to their own idea of the good.

Moreover, it would seem that democracy is a necessary tool to put the ethical theory of utilitarianism into political practice. Since Singer is not willing to excuse lapses in utilitarian obligations across borders to stop genocide, or to void the duty to help the poor, why should obligations to implement the political institutions of utilitarian principles be optional or conditional in some way on other benefits or costs? We need not resolve that question here because it is part of my argument that Singer's own criterion that such action do more good than harm would, by its own lights, require us to intervene in burdened non democratic states to help ensure the political and legal rights of people to pursue their own happiness. But this intervention is entirely partial and risks

⁸ J.J.C. Smart and Bernard Williams, *Utilitarianism: For and Against* (Cambridge: Cambridge University Press, 1973), p. 78.

being correct only for partial reasons. If determining the greatest good depends upon each person's expression of that good, then it is actually an ethical requirement of Singer's utilitarianism that we be partial and self interested.

I began this paper with the assumption that wealthier states have an obligation to assist poorer states.⁹ The obligation to help poorer states derives from a requirement to help people whether or not they live within a well-ordered society. It cannot be correct that those who have the misfortune of being born in an impoverished hierarchical society have less call on our assistance than someone born in a completely dysfunctional society at the same level of impoverishment. For this obligation to exist, it must be possible to accomplish. As Isaiah Berlin pointed out, we cannot be unfree to do something we are not able to do in the first place. Similarly, we cannot be morally obliged to accomplish the impossible. Foreign assistance, when sincerely given, is premised upon the notion that it is possible to help impoverished societies improve their lot in life. In order to understand the contours of our obligation to assist we must understand practically how to accomplish it. Surely, our obligation to assist must be an obligation to assist in the best way we understand this assistance to work. Gestures might make us feel good, but there is no moral obligation to provide them. The relief of suffering might be the most we can accomplish, but if real development is possible, then anything less would be inconsistent with our obligation.

Pace Singer, I do not believe that the ethical obligation of the donor requires each of us to keep giving until the benefit we derive from the resource is no greater than the benefit derived by the beneficiary. One problem with this obligation is that few people, including most utilitarians, appear willing to act ethically in the way he says is required. That's serious, because by Singer's own lights, it strips his proposals of their ethical foundation. Any system of ethics, in his view, must be suited to the "rough and tumble of everyday life . . . ethics is practical or it is not really ethics" (*How Are We to Live?*, p. 179). The overwhelming numbers of wealthy people who have failed to share their ample wealth to help the poor stands as a testament to the failure of Singer's ethics to pass his own test. This might be because people are selfish or that our self-interest does not in fact jibe with the greatest good. Or it might just be that as, Singer notes about Kant's duty-based idea of ethics, people

⁹ I use the term states rather than well-ordered and burdened peoples to emphasize that this obligation exists now, prior to the realization of any realistic utopia.

don't think the results of sharing would be particularly good (*How Are We to Live?*, pp. 182–87). They might be correct because the donations to charitable organizations he suggests, to the extent they would be effective at all, would be primarily palliative with regard to the overall problem of global poverty.

While providing medical care to the impoverished is critically important, unless a society is able to get to the point that it can provide this care on its own, we are not producing the greatest good that we could accomplish with the least harm and effort. This is true whether one thinks the corresponding rights claim derives from each individual or his or her society. Indeed, two of the most prolific fundraisers for development assistance, the record producer Bob Geldorf and the U2 rock singer Bono, have accepted that they are obligated to help the poor as Singer suggests. Yet they have turned away from expending their efforts on individual fundraising for food deliveries or medical care in favor of lobbying government officials to implement policy reforms both in the donor and beneficiary countries.

The sort of obligation that I am referring to in this paper entails helping a society get to the stage where it can provide, on its own, the basic necessities of life to its entire people. This improvement is commonly referred to as sustainable development. We must define explicitly what these necessities are because that will define what sort of improvement we are obligated to help others achieve. In truth, however, naming these necessities is part of what theories of justice do, so there cannot be any universal obligation without a universal belief about what people absolutely need. Hence, we must decide whether we are obligated to give what a society believes most necessary to its own survival or what we believe is most necessary for it to receive. This will necessarily be a partial decision that cannot be divorced from partial ideas of what the greatest good consists in. Should we choose ours or the beneficiaries?

We can imagine donors as missionaries converting unwilling peoples on the belief that their salvation is the most necessary feature of life itself. Indeed, for them it was more important than a native people's "transient" temporal needs for food and other comforts. Conversely, we can imagine a beneficiary that is a fundamentalist theocracy. This group believes the aid it most needs is to shore up its religious foundations by preventing women from leaving the home to get an education or health care. If these two sorts of views matched, I suppose donors and beneficiaries might work out a way to achieve the best of all possible consequences. More likely their dealings would be tense and unconstructive. Even if they worked out a *modus vivendi*, we should note that the best

of all possible consequences they will achieve eschews basic human needs for survival as their primary concern. Most of us find this odious yet at some level we admire those who can *freely* merge their interest and indeed their identity with the community and aim for some transcendent purpose. Indeed, this is what Singer urges us to do (*How Are We to Live?*, pp. 206–218). The problem is that in many cases we are skeptical about the freedom of their commitment to the group, particularly when some members are in clearly subordinate and undesirable positions. Authoritarian hierarchical communities appear to bother Singer less if, in his view, it is producing better consequences according to the idea of self-interest the community fosters (*How Are We to Live?*, p. 108). Singer is no relativist, but his adoption of Rousseau's and in some respects Japan's communitarianism leads one to wonder how we will find some universal definition of good that we could use to measure ethical behavior across all the different communities of our one world. Any liberal committed to autonomy would argue that no outcome is good that rests on the subordination of others. That answer, like any, will represent ethical if not cultural partiality. Yet is there any other way? If so, Singer has not explained it as much as one would hope. The only objective way to measure the best consequences of any given act or rule entails aggregating the self-interest of each person. Singer, correctly in my view, rejects this but we still need some abstract principle that bridges this gap if we will be able to act ethically.

What Has Been Done

In order to support my claim about the efficacy and ethics of development assistance, it is necessary to discuss some of the history and policies of the post-Bretton Woods development efforts. Most of my comments are based on the actions of The World Bank and the United States Agency for International Development (USAID). Although most bi-lateral aid programs give much more per capita than the United States, America nonetheless plays a central role, along with the World Bank, in defining the goals and practice of development assistance.

When looking back at the modern era of aid, it is necessary to distinguish between the pre- and post-Communist donor practice and purpose. If one looks solely at the mis-steps of the World Bank and USAID during the Cold War, one might infer that development was never the goal of the development process. That inference would be correct because for most of its modern life, foreign aid was simply an extension of larger foreign policy goals. Realists like Morgenthau or Kennan hardly

felt any moral obligation to help poorer states and for many policy makers, foreign aid was simply another weapon in the Western Cold War arsenal.¹⁰ Indeed, even now, policy makers at the heart of the foreign aid process regard foreign aid as a subset of geo-strategic policy rather than an end in itself.¹¹ This motive might explain the spectacular failure of donor initiatives during that period. Otherwise, why would the World Bank permit perhaps as much as one third of its loans to be siphoned off by corrupt borrowers (government officials)?¹² Many donors felt this was merely part of price of gaining allies. If so, it was also part of the price for the recipient nations since they would be paying off the World Bank debt long after the money had been siphoned into private bank accounts. Whether this was misfeasance or malfeasance, it permitted self interested people to get rich at the expense of the poor.¹³

The international financial donor agencies are somewhat schizophrenic about their identities.¹⁴ Sometimes they are a bank and other times, a development institution. While the stated purpose is “sustainable development,” promotions, pay raises, and program evaluations are centered, as with any bank, on how much lending is going on. But the idea of being developed is rather amorphous and does not seem susceptible to either absolute or objective meanings. If we define development in terms of GDP, for example, the United States would come towards the top of the list. Yet if we measured social equality, leisure time, infant mortality, or even literacy, it moves down the list. The idea of development has gone through fashion cycles and, until fairly recently, it was understood almost strictly in terms of wealth creation. Yet it has proven

¹⁰ GAO Report, *World Bank: US Interests Supported but Oversight Needed to Ensure Improved Performance*, Report No. GAO/NSIAD-96-212 (Washington, DC: General Accounting Office, 1996), Chapter 2.

¹¹ For a particularly frank account of this reasoning by a former Deputy Administrator of AID, see Carol Lancaster, *Transforming Foreign Aid* (Washington, DC: Institute for International Economics, 2000), Chapter 2. This view leads her to recommend that efforts at development be reduced in favor of efforts to protect the United States against the “externalities” of pollution, disease, and political volatility (pp. 72–76).

¹² Jeffrey Winters, “Criminal Debt,” in J. Pincus and J. Winters, eds., *Reinventing the World Bank*, (Ithaca: Cornell University Press, 2002), p. 101.

¹³ For a particularly skeptical account of the World Bank’s function and purpose see, S. George and F. Sabelli, *Faith and Credit: The World Bank’s Secular Empire* (Boulder: Westview, 1994).

¹⁴ Article 1§(i) of the World Bank’s Articles of Agreement, states that its purpose is, “[t]o assist in the reconstruction and development of territories of members by facilitating the investment of capital for productive purposes, and the encouragement of the development of productive facilities and resources in less developed countries.”

remarkably difficult to figure out how to become wealthy. During the early years of the World Bank's existence, economists viewed access to resources as the main criteria for growth. The solution to this problem appeared to be in developing infrastructure. No country could grow without good transportation links and sources of energy production. During this phase, much effort was devoted towards the construction of roads and hydroelectric dams. When this failed to produce significant results, the focus shifted to macro-economic policy as an obstacle to growth. Much effort was expended to change taxing and spending patterns in recipient nations but again there was little impact on growth. Then the emphasis shifted towards micro-economic policies such as the privatization of industry and soon after that directed its focus on the development of sound financial and management techniques.

The problem with these approaches is that they assumed institutional foundations that were absent. The theory of the firm suggests that rational actors freely trading for their own benefit can create efficiencies that ultimately benefit everyone. But these trades require the protection of contract rights to guarantee the integrity of the trade and property rights to guarantee the resources that are traded. The actual enforcement of these rights requires a legal structure that goes to the heart of a state's constitutional organization and a community's identity. One cannot assume that property rights exist simply because they are recognized at law or because state owned property has been privatized.

Property rights require judicial independence which in turn, requires an executive willing to clip his own wings and forgo his ability to expropriate resources. Few leaders since Cincinnatus and Washington have voluntarily given up power and the poor nations were no exception. The privatization boom that was the hallmark of development assistance in the 1980s and early 1990s served primarily to enrich the government officials who could afford to buy them. It had little effect on the productivity of those resources that were denationalized.

So while the idea of free-market capitalism *à la* Smith might be true, none of the legal infrastructure existed to support it. No rational actor would invest in these companies because there was no way to ensure that the stock one purchased bore any relationship to its assets or current revenue. Few domestic let alone foreign creditors of these newly privatized entities would lend capital unless they could be sure that the collateral the debtor pledged for the loan actually belonged to the debtor and hadn't already been pledged to five other creditors for ten times its actual value. That requires a registry system which most dictators usually destroy in order to ensure that no one shows up to assert a claim over land he has

expropriated. The lack of these legal rights made it irrational for people to do the sort of trading which the development agencies thought would unleash the efficiencies of the marketplace.

While this has led to a focus on legal reform assistance over the past decade, very few countries have developed rule-governed institutions as a result of these efforts. The problem is partly due to the way donor institutions approach the legal reform process and partly due to deep ambivalence, if not hostility, among recipient governments to creating the sort of legal institutions that would enforce the rights necessary for growth.

Until fairly recently, the World Bank charter prohibition against political activities was read very strictly by its general counsel to preclude any utterance that might affect the political or legal structure of any of its member states. This didn't concern most Bank economists because in their view, the type of government or its legal system had little impact on growth. Their only concern with the state was that it be as inactive as possible. As they later learned, the government activity that impeded growth was related to its accountability and willingness to enforce the law even against itself.

While admitting the checkered past of development efforts, Singer bases his call for increased aid funding partly on the increased capacity of development institutions to actually deliver on their *aims* (*One World*, p. 109). The World Bank's claim of new-found abilities is dubious because often its measure are based on the claims used to justify the projects rather than the actual results of those projects. Even when they are based on the latter it is very difficult to show the causal link between an aid project and development. Oftentimes an improvement in aid "efficiency" is due to the Bank's unwillingness to lose a customer even after that country has long since graduated to the point of sustainable rapid economic growth. Lending a little money to a country with a strongly growing economy will show wonderful results on paper although the improvement may not be causally related to the aid given.

The shortcomings of the Bank's evaluation of its abilities and accomplishments can be seen most clearly in the area of its new found expertise: law reform. It is difficult to know how to create the rule of law in another country and perhaps even more difficult to measure the impact of such assistance. But it is easy to see that the programs and measures of Bank legal reforms accomplishments do not measure anything pertinent to the rule of law. While these programs have been rebottled with contemporary jargon, most of the post cold war legal reform projects of the past decade are similar to the one's pursued by USAID in Latin America during the 1960s. These programs focus primarily on

infrastructure and management because that is what the aid agencies know how to do. An independent judiciary is ostensibly achieved by building shiny new courthouses and outfitting them with new phones and computers. Another measure of an independent judiciary used by many World Bank projects includes the ability of the courts to clear their dockets efficiently. While justice delayed might be justice denied, a quick decision from one of Papa Doc's courts is perhaps worse than a slow one.

Could the Bank really nurture independent judiciaries if it rose above its *deus ex machina* approach? It is difficult to know given that the only successful transfers of judicial systems come from military conquest as with the Roman Empire and the occupation of Japan and Germany after World War II. This is unlikely to be an attractive model for these institutions let alone for Singer. Yet greater strides could be made if the World Bank stopped treating legal reform as an ethically neutral piece of technical assistance. The lack of an independent judiciary in most of these countries has less to do with technical ignorance than the unwillingness of local powers to subordinate themselves to the law. Perhaps no country was more devoid of legal capacity than Cambodia in the 1990s. Almost every single judge and lawyer had either fled or been liquidated by the Khmer Rouge. Yet after the UN arrived in the early 1990s, it took only six months to train a cadre of judges competent in local law. The inability of these judges to adjudicate independently did not stem from their technical ignorance but rather from the unwillingness of Hun Sen or the army to submit to the law.

None of this means that the legal reform is unimportant to development or that international institutions like the World Bank cannot play a role in bringing about that end. But in order to do so, it must first abandon its mantle of impartial technical advisor. There are many ways to deal with conflict and social cooperation. Using law to achieve these goals implies decidedly partial attitudes about the correct way that people ought to govern themselves. Democratic accountability, while no magic bullet, also provides a check on power that is necessary to limit the sort of rent seeking that contributes to the impoverishment of many borrowing nations.

If the Bank really has the new-found abilities that Singer contends, and which that institution believes rests in the area of legal and political reform, then there is very little need for new money. These legal reform projects are not capital intensive and the labor is relatively cheap compared to the major construction projects it used to carry out. Indeed, while it may be true that Singer's one-percent solution would dwarf the

money now allocated towards the millennium development goals, it is also true that the amount of capital that could be secured with the implementation of real measures to protect property and contract rights would raise still more. At a conference on secured transactions in Moscow in the early 1990s, the senior vice president of Citicorp joked that the most impressive sight he saw on his approach to the city was not the Kremlin or Cathedral Square but rather all the unsecured capital the city represented. If Russians had been able to mortgage their land a decade ago, it would have provided much more capital for investment and employment and more tax revenues for social services than their one-percent share of Singer's global donation proposal. The same would be true for poorer countries when one took account of the multiplier effects of employment and tax revenues resulting from capital investment rather than simple food or medicine transfers. This is true even if we assume that the aid stuffs are not corruptly diverted to private entities who sell this aid in the marketplace.

The second greatest factor inhibiting the growth and well being of people in the poorest countries relates to the social, educational, and legal opportunities of women. Several Bank sponsored and independent studies have shown that one of the biggest returns for development expenditures would derive from extending equal property and contract rights to woman and opening up equal opportunities to get an education, start business and work outside the home.¹⁵ None of these policies are especially expensive but achieving them will entail concerted action because these women are not illiterate or subordinate through some benign oversight. The state of affairs that put women in this situation is very much part of the culture of many of these beneficiary countries who regard women as subordinate to men. This is a cultural issue that goes back several millennia and there is no way around the fact that Western attitudes about sexual equality are a product of a radically different cultural perspective. What are we ethically required to do in the circumstance when a beneficiary nation pleads, accurately, that their cultural practices are central to their communal identities and that they do not wish to abandon them? What will produce the greatest good in this situation? Are we obligated to leave the country alone—as they request but cut off aid, continue aid but abandon efforts to enforce women's equality—or are we to use all the economic and other non-military tools we have to push for sexual equality while continuing aid?

¹⁵ Amartya K. Sen, *Development As Freedom* (New York: Knopf, 1999), pp 189–204.

Democracy, another cultural artifact of western partiality, appears also to contribute directly to human well being. Amartya Sen has studied the relationship between democracy and famine and the results appear to suggest that accountable government is more closely correlated with the ability of a state to avoid famine than it is with aid or natural resources (pp. 146–160).

So Singer's call for more money is misplaced because it will not take more money to bring about the sort of institutional reform that is required. Indeed, bringing about the greatest good to those in most need might require the transfer of resources in the opposite direction. In order to see why, one needs to consider the role of agricultural trade barriers and farm subsidies in the impoverishment of developing countries. But for these policies, many farmers could sell their products to American consumers. The benefits to these poor farmers cannot be overstated and are generally agreed to be far in excess of even the most generous aid program. The odd thing about this policy proposal is why it hasn't already happened given that it would be in the overwhelming interest of most Americans to eliminate agricultural trade barriers and farm support. After all, only two percent of the US population lives on the farm while one hundred percent of us are consumers of food. It is not only Egyptian cotton farmers or Vietnamese rice farmers who suffer when the Army Corps of Engineers redirects major rivers hundreds of miles away to permit California farmers to grow rice on arid land. American consumers could probably get more value for their tax dollars by buying the California rice farmers an annuity, forgoing the diversion of major waterways and purchasing rice from countries that can produce it far more cheaply and more benignly.

Why do so many Americans act contrary to their own interests and the interests of those in the global community? Part of the answer lies in the logic of collective action. The money milk producers get from price supports is vitally important to them while the cost to the remaining ninety eight percent of Americans is minor when compared to the costs of organizing a remedy. So the milk producers lobby hard while most of us don't even realize what is going on. What would it take for Americans to realize how distorted and harmful their trade and farm policies were? For a start it would take education and more prosaic propaganda to explain the situation sufficiently so that each individual understood where his or her true interests lay. Americans are unlikely to appropriate money to educate themselves about a problem they aren't aware exists. So this means that others who do understand must spend their money to educate Americans about what is truly in their self-interest. The same

general rule holds true for the excessive use of fossil fuels. In many cases the full cost of production is not borne by the producers but rather is subsidized by taxpayers. This distorts the market and encourages increased consumption to points that are harmful to the Earth and ourselves. Most Americans are oblivious to the subsidies they pay and even if they learned of them, the logic of collective action would obviate a very strong response. The war in Iraq may serve to focus attention on this matter with regard to energy policy and to show that the costs are indeed, quite high.

Given the logic of collective action, it seems that the problem of American overconsumption and protectionism derives not from selfishness but ignorance where Americans' self-interest really lies. If they understood the destructive impact of farm supports to themselves, as well as to African farmers, they would see the benefit of organizing to change the policy. If the costs and benefits of farm supports and trade protectionism really do dwarf the benefits of aid programs, then it seems that the only ethical course would be to transfer money from other countries to engage in a massive education and propaganda campaign to educate Americans (and the Japanese and Europeans) about their policies. From the standpoint of increasing the general welfare, this money would be better spent than if it had been sent to developing countries.

Defining the Greatest Good

Singer is nothing if not practical and would not cling dogmatically to ineffective policies. So presumably he would support my approach if I could prove that it would produce a better outcome. But this presumes that the greatest good consists in economic growth and the attendant social benefits of food, housing, education, and medical care that accrue from it. These are certainly good things but they are not the only good consequences one could aim at. If we insist on these material necessities we risk falling into the same trap as the economist Robert Barro, who believes growth to be the greatest good even if a people want something else, like democratic accountability or equality.¹⁶ Some communities pull back when faced with the option of changing basic cultural practices that go to the heart of their identity. Evidently, their idea of the greater good exceeds their fear of famine or premature death. This is a reasonable position from a communitarian perspective of justice but it's

¹⁶ Robert Barro, *Getting It Right: Markets and Choices in a Free Society* (Cambridge: MIT Press, 1996).

not clear whether it is better, on the whole to preserve these central aspects of identity or to increase life expectancy and literacy rates.

How then could we tell what the best outcome overall would be? This is important because without this basic information, we could not know the consequences we need to pursue in order to act ethically. One of the original virtues of utilitarianism was its ability to provide an objective, empirically verifiable answer to the question of what justice consists in. That is because the only preference one needed to account for were one's own purely egoistic ideas of the best consequences. So the best outcome could be calculated simply by aggregating all the individual conceptions of what would produce the greatest pleasure. This approach is problematic because it ends up declaring all sorts of horrifically evil acts as morally correct. After all, the aggregation of these preferences in the Third Reich or the antebellum American South would have yielded sizeable majorities in favor of slavery and the liquidation of the Jews.

While most utilitarians, including Singer, reject this hedonistic conception of determining the best consequences, doing so abandons the virtue of objective ethical certainty. Once we switch from merely reporting what each person believes is best to determining what turns out really to be best we open up the possibility of error. People can be mistaken about which act or rule will actually produce the best consequence. Yet then, what is really the best consequence in the ethical sense? If there is some objective measure then why bother asking people in the first place? Wouldn't we get better consequences by having experts decide these matters? Another cause for uncertainty about ethics in non self interested utilitarianism derives from what each person must now consider. Rather than assessing just one's own preferences, which one knows better than anyone, each person is required to have an idea of the best consequences that includes what other people, also taking everyone's idea of the good life into account, would also think is the best consequence. But this doesn't fit the way we employ ethics. When I vote against free trade, and lose, I don't then recognize free trade as the correct policy or the best consequence. Rather I become determined to convince others back over to my position because I still believe my policies will produce the best consequences for everyone overall. Indeed, there is some question whether or not one is actually acting morally, if all one is doing is attempting to channel everyone else's idea of the best consequences. To act morally implies the use of reason and judgment to decide what to do. That one would cede this decision to an aggregation of what people think others would think is the best result is to cede judgment about the central question about the morality of any given action.

Singer argues that trying to aim for what is best for the group turns out to produce the best consequences for people individually within the group. But this goal is too abstract to be useful as a guide to practical action because what anyone believes is best for the group will depend on things that are prior to what the actual consequences are of any given choice. The Klansman who fights miscegenation of the races believes that he is taking everyone's idea of what is best for them into account because prior to any consequences; he believes that the value of preventing inter breeding is what all reasonable people would pursue. If they wouldn't pursue it, then in the Klansman's view, it is only because they are misinformed about what is good for them, and they would prefer his view if they knew better.

This is more than simple bias. There is an epistemological barrier to determining the best consequences not merely for oneself but for everyone overall. It is impossible both from the perspective of Adam Smith, who, being a liberal, believed that each person was sovereign over his or her own idea of the good life. So no one else could begin to determine this for anyone else, even if well intentioned. It is also impossible from Rousseau's perspective which Singer apparently endorses (*How Are We to Live?*, p. 41). For Rousseau, personal identity was itself the product of inter-subjective meanings and constitutive understanding about many important social phenomena. Anyone outside of these hermeneutic circles of shared meaning could not comprehend let alone agree or disagree about the content of ethical behavior.

Unlike the Adam Smith route that Singer laments, Communitarians thought there were actual moral truths about the way people ought to live that were encompassed in the General Will. These ethical precepts were as true as any social phenomena could be because they were incorporated into our language and hence our idea of reality itself. Yet notwithstanding his admiration for Rousseau he inexplicably goes on to embrace the logical positivist rejection of theology and absolute truth in ethics (*How Are We to Live?*, p. 188). But Ayer wasn't just rejecting the notion of any absolute truth in ethics. He was arguing that the very idea of ethics and truth in the same sentence was meaningless. For Ayer, ethics were not absolutely or even relatively untrue. They were irrational emotional expressions that could no more be associated with truth than the idea of a best-flavored ice cream. To Ayer, ethics were purely an expression of taste. One cannot get much more subjective than taste and yet Singer urges us to reject the egoistic subjective idea of ethics. Indeed, for him, the moral of the epic, *Gilgamesh*, King of Uruk, is that we ought not to pursue "hedonistic" pleasures like being with our children

or wife (or husband), but rather find the meaning of life through helping others (*How Are We to Live?*, p. 189). Yet if what produces the best consequences is ultimately an aggregate of our personal preferences for a particular state of affairs, then this is necessarily an egoistic-based morality.

Singer tries to steer a middle path between some idea of ethics as empirically true and the logical positivist view of morality as nonsense. But ultimately, his notion of the ethically correct consequence, that of relieving the suffering of others, depends not only on our ability to identify with the suffering of others, but deciding that for whatever reason, it is in our self-interest to help them. This is a notoriously weak foundation for ethics. While many majorities might take that path, it would have to follow, according to this view that if most people decided it was not in their interest to relieve the suffering of others, than it is evidently not ethically necessary to do so. Singer may reject that characterization of his theory, but when you get down to the last turtle all the good consequences are good, only if we decide that it is in our subjective self interest that they happen.

This cannot be where Singer leaves us given that his whole professional corpus has promoted the incorporation of ethical thinking into our lives. Yet to embrace the positivist view of ethics as expressions of taste leaves no basis to make judgments about the correct way to live one's life. After having endorsed an epistemological view that puts ethics outside the world of reason, Singer concludes that the only way we will be able to reach those best consequences that are ethically correct will be by using our distinctively human capacity to reason out our place in the world and understand the benefits that concern for others and cooperation will bring (*How Are We to Live?*, pp. 225–235).

The turn to reason, while sensible, seems oddly out of place in Singer's ethics. In addition to the epistemological issues, it seems to contradict other aspects of his work. Indeed, in the same book where he embraces reason as a basis of ethics, he attacks Kant's ethical framework for its reliance on duty rather than consequences. Yet the essential feature of Kant's ethics is our capacity to reason ourselves to the ethically correct outcome. Reason is at the root of our ability to act ethically in Kant's world, and indeed, Singer partially rehabilitates Kant for this reason. But if reason won't work to create duties, why should it work to make better consequences? Singer disposes of Kant, by noting that Adolf Eichmann justified his war crimes on the basis of his supposedly Kantian derived duties. The idea that Eichmann's actions would have passed Kant's universality requirement is laughable. But if Singer really

thinks Kant is sunk on this basis then his ethical notion of reason is just as vulnerable. One could just as easily imagine Eichmann testifying that he was morally bound to carry out the Final Solution because it would produce the *best consequences*. While I think this idea is mistaken, there is nothing inherent in Singer's utilitarian ethics that precludes this conclusion. Reason after all, just enables us to identify with another's suffering and perhaps conclude that it is in our self-interest to help. But ultimately it is self-interest that moves things along and our reasoned self interest might lead us to believe that we ought not to care about the suffering of others.

Singer's turn to reason is even more out of place when we consider the corpus of his work related to animal rights. Notwithstanding his rejection of subjective self-interest as a basis for the good consequences that produce ethical obligations, his defense of animal rights depends just on that notion. In his defense of animals he rejects reason as an ethically pertinent characteristic to distinguish humans from other animals. In his landmark essay, "All Animals Are Equal," Singer argues that the ability to suffer, not reason, is the cornerstone of an animal's ethical standing to be counted as one and no more than one, equally with all other creatures, human and otherwise.¹⁷ Quite apart from the merits of this argument, it is important to note that this is precisely the sort of hedonistic self-interested foundation that Singer rejects in his idea of how we ought to live (*How Are We to Live?*, pp. 142–45).

Suffering, after all, is the ultimate subjective experience that no one else can appreciate exactly as we do. Indeed, we experience suffering in the same way we experience taste, through our senses. Like taste, people are the experts in what causes them the most pain or pleasure. That is why Bentham thought that our interests in pursuing happiness and avoiding pain are non-comparable. While we might identify with another being's pain or suffering, as with matters of taste, only that animal can experience the actual suffering and decide just how bad it is. The pleasure I get from eating a ripe avocado or mango, on this view, cannot be compared with the happiness you get from feeding a starving family or the joy they feel in alleviating their hunger pain. Moreover, these tastes are by definition, irrational. There is no reason one could give to explain his preference for mangos over oranges because it would simply boil down to 'This is what I like'. Were we to rank all these different pains

¹⁷ Tom Regan and Peter Singer, *Animal Rights and Human Obligations*, second edition (Englewood Cliffs: Prentice Hall, 1989), pp. 149–152.

and pleasures for people, we would be overriding their taste. Apart from being paternalistic, this would not treat each living thing as one and no more than one. So if Singer is going to protect animals on the basis of their hedonistic interest in not suffering, than he cannot disclaim this as the foundation of his ethical theory. While aggregating the self-interest of rational maximizers might end up protecting animals, it would not provide a very firm ground for many of the other consequences that Singer wanted to pursue. More importantly, it subordinates reason in favor of our sense of pain and pleasure.

I believe that the ethical goals that Singer outlines are both inspiring and correct. Yet I come to this view based on a liberal outlook that focuses not on the consequences of actions but the autonomy of each person. I think this autonomy comes from the same unique reasoning capacity that Singer tries to draw on as his basis for ethical behavior. But I believe this means that we must protect that autonomy even if doing so does not on the whole produce the best consequences. In the end, while I embrace the substantive positions and attitudes Singer proposes for living an ethical life, I do not see how his theory of justice or human nature leads him to those beliefs—other than that, like me, he thinks they are inherently, not consequentially, the right thing to do.