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The Motivation Question: Arguments from Justice and from Humanity

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Two dominant arguments within international political theory, arguments from humanity and arguments from justice, can be distinguished along the lines of the well-known distinction between omissions and actions, respectively. The discussion in this paper shows that people in general are psychologically biased towards thinking that omissions producing harm are less morally grave than actions producing equivalent harm. It also canvasses evidence suggesting that greater moral gravity correlates with heightened guilt, and that heightened guilt is more likely to lead to action that would alleviate it, i.e. remedial or compensatory action. For those reasons, it is suggested that we should expect arguments from justice, which track actions, to be a more feasible means to the desired outcome of (local commitment to) global justice than arguments from humanity, which track omissions.

It is commonly accepted that if we cause harm to another person, we must do something to redress that harm, and if we see a person who is suffering, it is important that we try to help them. But those commonplace moral beliefs seem to carry an implicit caveat: 'around here'. If people *around here* are suffering, we should help them; if we harm a person *around here*, we ought to redress that harm. Prominent cosmopolitan theorists have argued to detach that caveat and extend the scope of these commonplace moral beliefs so that they are global rather than local. Peter Singer and Tom Campbell, for example, argue that *anywhere* there is suffering we have a duty to provide aid (a duty of humanity), and Thomas Pogge argues, for example, that anywhere we are causally implicated in harm, we must provide redress (a duty of justice).[1]

Cosmopolitans deny that citizenship or national affiliations can negatively affect any individual's entitlement to equal respect and consideration.[2] Where others have drawn the boundaries of our sphere of moral concern geographically, or along cultural, racial, class, gender, status or family divides, cosmopolitans maintain that the sphere of moral concern is global. No individual falls outside of it, and no individual counts for less in virtue of her membership in some group or other. Cosmopolitan arguments have implications for a number of issues: the duties of richer countries to alleviate poverty in poorer countries; the duties of richer countries to accept higher numbers of immigrants from poorer countries, and in particular to accept more refugees from politically unstable countries; the duties of the industrialized nations of the world to mitigate the effects of, adapt to and

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[1] Peter Singer, 'Famine, Affluence and Morality', *Philosophy and Public Affairs*, 1 (1972), 229–43; Tom Campbell, 'Humanity before Justice', *British Journal of Political Science*, 4 (1974), 1–16; Thomas Pogge, *World Poverty and Human Rights* (Oxford: Blackwell, 2002).

[2] A good overview of the cosmopolitan positions can be found in Samuel Sheffler, 'Conceptions of Cosmopolitanism', *Utilitas*, 11 (1999), 255–76.

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potentially help others adapt to, the changes wrought by anthropogenic climate change; the duties of the more powerful nations of the world to change trade rules and regulations so that they do not unfairly disadvantage the world's poor; medical aid and military intervention; the list goes on.

There are many interesting questions to ask about cosmopolitan arguments. Is it true that the sphere of moral concern is global? Which sets of actions would realize the outcomes of global justice that cosmopolitans seek? Are those sets of actions feasible, and when we compare them against each other, which is the most feasible? The question I want to focus on in this article is a question of the latter kind, but I want to take a slightly unique approach to it. I shall ask which of the two dominant arguments for duties to alleviate global poverty, supposing their premises were generally accepted, would be more likely to produce the desired outcome. I take Pogge's argument for obligations grounded in principles of justice, a 'contribution' argument, and Campbell's argument for obligations grounded in principles of humanity, an 'assistance' argument, to be prototypical.[3] Were people to accept the premises of Campbell's argument, how likely would they be to support governmental reform in policies for international aid, or to make individual contributions to international aid organizations? And the same question, *mutatis mutandis*, for Pogge's argument.

This choice of question should not be taken to imply that it is not important which of the theories is true. Are our obligations to alleviate global poverty grounded in principles of justice, or principles of humanity? Probably some version of each argument is true, and obligations arising from each are complementary rather than mutually exclusive. But there

[3] Justice and humanity also play a major role in other discussions within international political theory. For example, they are significant in discussions about immigration and about climate change. Peter Singer's metaphor of the nuclear fallout shelter, which emphasizes the duties of assistance we have towards people who are suffering as a result of their citizenship in countries outside our own, while a focus on how countries accepting skilled immigrants as workers harm the workers' countries of origin emphasizes duties not to (contribute to) harm. Immigration as assistance can be seen as a matter of humanity; immigration as contribution to harm can be seen as a matter of justice. On the former, see e.g. Peter Singer, *Practical Ethics*, 2nd edn (Cambridge: Cambridge University Press, 1993), chap. 9; Andrew Schacknove, 'Who Is a Refugee?' *Ethics*, 95 (1985), 274–84; on the latter, see e.g. Gillian Brock, *Global Justice: A Cosmopolitan Account* (Oxford: Oxford University Press, 2009), chap. 8; Christian Barry and Gerhard Øverland, 'Why Remittances to Poor Countries Should Not Be Taxed', *Journal of International Law and Politics*, 42 (2010), 1181–207; Christian Barry, 'Immigration and Global Justice', *Global Justice: Theory Practice Rhetoric*, 4 (2011), 30–8; Lea Ypi, 'Justice in Migration: A Closed Borders Utopia?' *Journal of Political Philosophy*, 4 (2008), 391–418. Or, in the climate change discussion, some theorists allege that industrialized countries have contributed to the harms that both are and will be experienced and, therefore, owe reparation as a matter of justice (such as lowering their own greenhouse gas emissions drastically, or providing adaptive technologies, or offering immigration to those who will be adversely affected), while others think that talking in terms of justice is a non-starter because no country intended to cause global warming, or that we should simply see which countries are most able to help (because they are rich, or large, or high emitters of greenhouse gases), and say they have a humanitarian duty of assistance to try to alleviate the suffering of those who will be adversely affected. For justice-based ('polluter pays') arguments, see e.g. Steve Vanderheiden, *Atmospheric Justice* (Oxford: Oxford University Press, 2008); Eric Neumayer, 'In Defence of Historical Accountability for Greenhouse Gas Emissions', *Ecological Economics*, 33 (2000), 185–92; Henry Shue, 'Global Environment and International Inequality', *International Affairs*, 75 (1999), 531–45. For humanity-based ('ability to pay') arguments, see discussion in Shue, 'Global Enivronment'; Simon Caney, 'Climate Change and the Duties of the Advantaged', *Critical Review of International Social and Political Philosophy*, 13 (2010), 203–28, at p. 218; and Darrel Moellendorf, *Cosmopolitan Justice* (Boulder, Colo.: Westview, 2002). For a hybrid view, see Caney, 'Climate Change'.

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are other interesting questions to ask – about feasibility – that set questions about truth aside (or at the very least do not prioritize it). To frame the problem, let us suppose that a group of dedicated activists have the choice of using either Pogge's or Campbell's arguments in a campaign to convince and motivate citizens of the country they are in to support governmental reform with respect to international aid. What we want to know is which argument is more persuasive, which is more likely to inspire the kinds of actions that would contribute to producing the cosmopolitans' desired outcome.

I will argue that arguments from humanity and arguments from justice can be distinguished along the lines of the well-known distinction between omissions and actions, respectively. I will show that people in general are psychologically biased towards thinking that omissions producing harm are less morally grave than actions producing equivalent harm. And I will canvass evidence suggesting that greater moral gravity correlates with heightened guilt, and that heightened guilt is more likely to lead to action that would alleviate it, i.e. remedial or compensatory action. For those reasons, we should expect arguments from justice, which track *actions*, to be a more feasible means to the desired outcome of (local commitment to) global justice than arguments from humanity, which track *omissions*.

JUSTICE AND HUMANITY, ACTIONS AND OMISSIONS

Pogge argues that global poverty is an *injustice* perpetuated by the rich against the poor, while Campbell argues that global poverty is *inhumane*, in that the rich fail to alleviate suffering where it is both severe and salient.[4]

Campbell states that he takes justice, as the basis of cosmopolitan duties, to be a moral value roughly akin to fairness, desert and merit, and he takes humanity, as an alternative basis, to be a moral value roughly akin to benevolence, altruism and caring.[5] 'Humanity' as it appears here should not be confused with the more general justification

[4] See Thomas Pogge, 'Cosmopolitanism and Sovereignty', *Ethics,* 103 (1992), 48–75; Thomas Pogge, 'Cosmopolitanism', in Robert Goodin and Philip Pettit, eds, *A Companion to Contemporary Political Philosophy* (Oxford: Blackwell, 1993), pp. 312–31; Pogge, *World Poverty and Human Rights;* Thomas Pogge, 'World Poverty and Human Rights', *Ethics and International Affairs,* 19 (2005), 1–7; Campbell, 'Humanity before Justice'; Tom Campbell, *Rights: A Critical Introduction* (New York: Routledge, 2006); Tom Campbell, 'Poverty as a Violation of Human Rights: Inhumanity or Injustice?' in Thomas Pogge, ed., *Freedom from Poverty as a Human Right*. (Oxford: Oxford University Press/UNESCO, 2007), pp. 5–74; Tom Campbell, 'Questioning Cosmopolitan Justice', International Global Ethics Association keynote address (Melbourne, 2008). I take Pogge and Campbell to be representative of the broad justice and humanity positions respectively, but for alternative arguments from humanity, see also Singer, 'Famine, Affluence and Morality'; Brian Barry, 'Humanity and Justice in Global Perspective', in J. R. Pennock and J. W. Chapman, eds, *Nomos XXIV: Ethics, Economics and the Law* (New York: New York University Press, 1982), 219–52; and Peter Unger, *Living High and Letting Die: Our Illusion of Innocence* (Oxford: Oxford University Press, 1996); and for alternative arguments from humanity, see Christian Barry, 'Applying the Contribution Principle', *Metaphilosophy*, 36 (2005), 210–27; Christian Barry, 'Evaluating and Understanding the Contribution Principle', in Andreas Follesdall and Thomas Pogge, eds, *Real World Justice* (Dordrecht: Springer, 2005); Gerhard Øverland, 'Poverty and the Moral Significance of Contribution', *Journal of Moral Philosophy*, 2 (2005), 299–315; and Christian Barry and Gerhard Øverland, 'The Feasible Alternatives Thesis: Kicking Away the Livelihoods of the Global Poor', *Politics, Philosophy and Economics,* 11 (2012), 97–119. One can also include as a broadly justice-based argument (contribution through participation) Iris Marion Young, *Responsibility for Justice* (Oxford; Oxford University Press, 2011).

[5] Campbell, 'Poverty as a Violation of Human Rights', p. 11.

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for cosmopolitan theories, which is that we have obligations to one another in virtue of our shared humanity. On the one hand, the kind of humanity at stake in positions like Campbell's (or Singer's) is *humanitarian*, about obligations generated by the existence of suffering. Pogge, on the other hand, argues for global poverty relief by appealing to a conception of justice. His argument is two fold. First of all, he argues that almost everyone is culpable for the gross injustice of the current world order. The way that people act, and the way they benefit from unjust institutions, make them culpable. From this culpability, he argues, there derive duties of reparation or compensation.[6] In Pogge's view, global poverty is an injustice, caused and perpetuated by those better off. Those made worse off by their actions are entitled to remedy.

Campbell argued against Pogge that it is not those who are *culpable* who should be targeted as a means to ending global poverty.[7] It is, rather, those who have the means to solve the problem.[8] Pogge is lucky, because those who are culpable and those who can provide aid coincide, namely, the citizens in better-off countries. But that coincidence is contingent, rather than necessary. If those in poor countries were fully responsible for their own situation, then there would be no duty to end global poverty on the justice story.[9] Campbell argues that Pogge's theory fails to account for poverty as a result of natural disasters, or in fact any poverty that is not the result of the culpable conduct of others. A better ground, Campbell contends, is the moral principle of humanity, which holds that there is a straightforward correlation between the existence of suffering and our moral duty to end or minimize it.[10] Everywhere that there is suffering, such as that caused by the existence of poverty, there will be a duty to minimize it – and that is likely to cover more cases overall than appeal to justice and the culpable conduct of others can do.[11]

From the existence of suffering in the world, the principle of humanity derives a duty to provide aid. A failure to provide such aid in spite of suffering is, then, a failure of required action; we *omit* to do something that we have a duty to do – or we omitted in the past to do something that we ought to have done. Inversely, in Pogge's formulation the suffering caused by global poverty continues to exist because of our culpable conduct. We have a duty to *stop* doing whatever actions of ours are conceivably causing or contributing to the unjust world order that perpetuates such suffering. Failure to stop doing so is a failure of the duty to refrain from harming. We *act* in a way we ought not to. The basic claim I am making is that the injustice argued to be implicit in global poverty involves action, while

[6] Pogge, 'Cosmopolitanism and Sovereignty', p. 54.

[7] Campbell, 'Humanity before Justice'; Campbell, *Rights*, pp. 157–70.

[8] For a similar response, see Robert Goodin, *Protecting the Vulnerable* (Chicago: University of Chicago Press, 1985).

[9] This is one reason to think the accounts are actually complementary.

[10] Some have been dismissive of the humanity approach on the grounds that it cannot justify coercion. The idea is that responding to suffering is *charitable*, and that there is something importantly voluntary about charitable responses. Campbell simply denies this understanding, concluding in a keynote address that 'we must reject the view that humanity does not provide grounds for coercion' (Campbell, 'Questioning Cosmopolitan Justice'). Where there is suffering, there is a straightforward duty (in others) to aid. Nothing about that story says that the aid may not be enforced.

[11] Another way to frame this issue, rather than as a dichotomy between the backward-looking assigning of culpability and the forward-looking focus on capacities to aid, is in terms of perfect and imperfect duties. You might think that duties of justice perfect duties, e.g. to never cause harm, while duties of humanity are imperfect duties, e.g. to assist others *sometimes*. That way of framing the two might have interestingly different implications.

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the inhumanity argued to be implicit in global poverty involves omission.[12] The reason for making this claim is simply that many experiments have shown subjects to have a general bias towards omissions causing harms, which is to say, subjects usually judge actions that cause harms to be much worse, morally speaking, than omissions that cause equivalent harms. If this bias is robust, we can expect people to judge the harm claimed by cosmopolitan arguments from justice to be worse than the equivalent harm claimed by cosmopolitan arguments from humanity. And if, as I shall soon discuss, people are more motivated to compensate for morally worse harms, then we can expect arguments from justice to be more motivating overall, and thereby more feasible as a means for alleviating the effects of global poverty.

But first, what exactly is an omission? There are several available formulations.[13] Jari Talja gives the following definition:

An agent *S* omits to perform *a* iff

(i) it is not the case that *S* performs *a*,
(ii) *S* has the ability of performing *a*,
(iii) *S* has an opportunity to perform *a*,
(iv) *S* has a reason to perform *a*.[14]

Which is to say, when an agent has the ability to perform a particular action, the opportunity to perform it, a reason to perform it, and yet does not perform it, she has *omitted* to perform the particular action. This suffices to distinguish omissions from non-actions. The non-actions of an agent are potentially infinite; there are many, many things that I have no opportunity to do, no ability to do and no reason to do (and so of course, do not do). But non-actions are not our concern here.

Of course, there are difficult cases where it is hard to say whether something is an action or an omission (the standard case is killing versus letting die,[15] but there are many). Talja uses the example of the Queen's Guard, whose job is to remain perfectly still. Is 'remaining still' an action, or the omission of moving? If a guard moves, that is an action, but it involves an omission, omitting to stay still.[16] Despite the difficult cases, there are

[12] One of Pogge's formulations in particular makes this understanding more difficult. Pogge says that a global institutional scheme is unjust if it produces a pattern of human rights fulfilment that is worse than the pattern a feasible alternative scheme would produce (Pogge, 'Cosmopolitanism and Sovereignty', p. 54). This is more complicated because it is not clear whether we should think that the injustice involved in the continued support of a suboptimal institutional scheme should be considered an action (continuing to do what we ought not), or an omission (failing to change to a more just institutional scheme). Both seem plausible. Despite the difficulties of this well-known formulation, there are many other places in which Pogge talks about our continued contribution to an unjust world order, and those at least *are* consistent with the action interpretation.

[13] Georg Henrik von Wright, *Norm and Action* (London: Routledge & Kegan Paul, 1963), p. 45; M. Brand, 'The Language of Not Doing', *American Philosophical Quarterly,* 8 (1971), 45–53, at pp. 49, 52; R. Moore, 'Refraining', *Philosophical Studies*, 36 (1979), pp. 407–24, at p. 420 See also discussion in Jari Talja, 'On The Logic of Omissions', *Synthese*, 65 (1984), 235–48.

[14] Talja, 'On The Logic of Omissions', p. 237. Talja's definition draws on Georg Henrik von Wright, 'Freedom and Determination', *Acta Philosophica Fennica*, 31 (1980), 1–88, p. 1; Talja also cites the following paper without further details: S. Eldon, 'Omission' (1982).

[15] Jonathan Bennett, 'Killing and Letting Die', in Sterling McMurrin, ed., *The Tanner Lectures on Human Values, Volume II* (Cambridge: Cambridge University Press, 1981); Peter Unger, *Living High and Letting Die: Our Illusion of Innocence* (Oxford: Oxford University Press, 1996).

[16] Talja, 'On The Logic of Omissions', p. 237.

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many where it is quite clear what counts as an action and what counts as an omission. When I give a homeless person €10 I am acting, and when I choose not to contribute to his well-being in this way I am omitting to do something I could (easily) do. When I jump into the lake to save one of Singer's ubiquitous drowning babies I am acting, and when I decide to walk on by (perhaps I believe I have done my fair share of saving drowning babies this year) I am omitting to do something I could do. And so on.

I take duties of justice (to refrain from causing harm) and duties of humanity (to provide aid to those who are suffering) to be cases that are often clear in the same way. The injustice argued to be implicit in global poverty comes from people's harming others, or making them worse-off, in spite of negative duties to refrain from doing so. The inhumanity argued to be implicit in global poverty comes from people's failure to provide aid to others, or make them better-off, despite positive duties to do so. In the next section I want to turn to some empirical literature on the actions/omissions distinction, in order to determine whether there is a presumptive case in favour of either inhumanity or injustice as better motivators in a cosmopolitan argument. Which of actions and omissions are taken more seriously by the general population? A failure in which category, if internalized by agents as a genuine failure, would be more likely to motivate them to take the required kind of compensatory action, or support their governments in taking it?

I have already mentioned, in outlining the distinction between actions and omissions and mapping them to the justice and humanity positions, respectively, that people in general have an omission bias, in that they think omissions causing harms are less bad than actions causing equivalent harms.[17] And if it is true that people in general have a bias towards harm by omission, then it should be true that they will be easier to motivate (pending establishment of a link between guilt and remedy) if they can be brought to accept that they themselves, by acting, are harming the global poor, rather than merely omitting to help the poor when they could. I am asking about how individual citizens are likely to respond to alleged harms by action, in comparison to alleged harms by omission.

Jonathan Baron and Ilana Ritov show that subjects have a strong omission bias in the case of vaccinations.[18] They suggest that the preference for harm by omission over harm by action actually tracks the more fundamental distinction between indirect and direct action. They conjecture that 'avoid direct harm' is a kind of cognitive heuristic easily instilled in early human development.[19] The authors note that the omission bias is stronger and weaker

[17] I formulate the omissions bias in terms of actions causing harms *equivalent* to those of omissions being considered morally worse. Some in the 'contributions' tradition think that actions causing harm are substantially worse than the omissions alleged by those in the 'assistance' tradition. For example, in a situation where I can choose to either rescue a person I have caused to be in mortal danger, or rescue five persons in mortal danger to whom I am not causally related, it might be permissible for me to rescue the person I caused to be in danger. In that case it is not only equivalent harms that are at issue, as it would be if I had to choose between one person I caused to be in mortal danger and one person I am causally unrelated to. The scales must balance at some point, but the novel thought is that if our duties to remedy harms in which we are causally implicated are *much more stringent* than our duties to remedy harms we are not causally implicated in, there will be a genuine conflict with the standard consequentialist intuition that we should always save the greater number of lives. I am grateful to Gerhard Øverland for discussion on this point.

[18] Ilana Ritov and Jonathan Baron, 'Reluctance to Vaccinate: Omission Bias and Ambiguity', *Journal of Behavioral Decision Making*, 3 (1990), 263–77; Jonathan Baron and Ilana Ritov, 'Omission Bias, Individual Differences, and Normality', *Organizational Behaviour and Human Decision Processes*, 94 (2004), 74–85.

[19] Baron and Ritov, 'Omission Bias', pp. 76, 83; see also Jonathan Baron, 'Tradeoffs among Reasons for Action', *Journal for the Theory of Social Behaviour*, 16 (1986), 173–95.

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across different subjects, and that there is some evidence of its being counteracted by 'action bias', a newer cognitive heuristic that attempts to mitigate against 'doing nothing' (they give the example of the 1960s' slogan 'if you aren't part of the solution, you're part of the problem!)'[20] Evidence of a robust omission bias shows up in many other places.[21]

One of the moral psychology research laboratories in the United States has run a large-scale online study directed at testing the availability of three different principles to conscious moral reasoning.[22] The principle that actions causing harm are morally worse than omissions causing equivalent harm was one of the three principles tested. Scenarios directed at testing that principle were coupled together, the only thing that made the difference being whether the scenario featured harm as a result of an act, or an omission. For example, one set of scenarios was the classic trolley problem. In the first scenario of the pair, respondents were asked to consider a person's throwing a fat man onto some railway tracks in order to stop the death of three people; in the second scenario of the pair, respondents were asked to consider a person's failing to pull a lever that would stop a platform from opening up and dropping a fat man onto the tracks below, preventing the death of three people.[23] Notice that in these cases the harms are not overdetermined; the harm (the fat man's death) is counterfactually dependent on the person's action (throwing the fat man) or omission (failing to pull the lever).

The researchers found that 'across scenarios with different content, subjects judged action as worse than omission'. Subjects 'readily provided sufficient justifications for the action principle'.[24] This last point is significant. Another principle being tested by the research laboratory was the 'contact principle', the principle that harms involving direct contact between individuals are morally worse than harms not involving direct contact (think fistfight v. gunfight). Usually, once participants realized they were appealing to this principle, they noticed that it was fallacious and reconsidered their previous judgements. Not so with the 'action principle' – 95 per cent of all sufficient justifications cited the target principle, i.e. the principle that actions causing harm are morally worse than omissions with equivalent consequences.[25]

[20] Baron and Ritov, 'Omission Bias', p. 84.

[21] Jonathan Baron and Sarah Leshner, 'How Serious Are Expressions of Protected Values?' *Journal of Experimental Psychology*, 6 (2000), 183–94; B. Cohen and S. Pauker, 'How Do Physicians Weigh Iatrogenic Complications?' *Journal of General Internal Medicine*, 9 (1994), 20–3; Jonathan Haidt and Jonathan Baron, 'Social Roles and the Moral Judgement of Acts and Omissions', *European Journal of Social Psychology*, 26 (1996), 201–18; L. Petronovich and P. O'Neill, 'Influence of Wording and Framing Effects on Moral Intuitions', *Ethnology and Sociobiology*, 17 (1996), 145–71; Edward Royzman and Jonathan Baron, 'The Preference for Indirect Harm', *Social Justice Research*, 15 (2002), 165–84; M. Schweitzer, 'Disentangling Status Quo and Omission Effects: Experimental Evidence', *Organizational Behaviour and Human Decision Processes*, 58 (1994), 457–76; Mark Spranca, Elisa Minsk and Jonathan Baron, 'Omission and Commission in Judgement and Choice', *Journal of Experimental Social Psychology*, 27 (1991), 76–105; see also discussion in Baron and Ritov, 'Omission Bias', p. 74.

[22] This is interesting because many theorists assume that the principles underlying decision making are not available to introspection. Respondents were on average 37 years old, 58 per cent were male (a slight male bias), mostly from the United States, United Kingdom and Canada, and 25 per cent had some background in moral philosophy: 591 (minus 65, for control reasons) justifications were analysed by the research laboratory. Respondents were asked to rank scenarios from 'forbidden' through 'permissible' to 'obligatory', on a scale from 1 to 7 respectively.

[23] Fiery Cushman, Liane Young and Marc Hauser, 'The Role of Conscious Reasoning and Intuition in Moral Judgements: Testing Three Principles of Harm', *Psychological Science*, 17 (2006), 1082–9.

[24] Cushman, Young and Hauser, 'The Role of Conscious Reasoning', p. 1085.

[25] A justification is 'sufficient' when satisfactory reasons are provided for it.

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VINDICATING THE OMISSION BIAS?

We have just seen that subjects show an omission bias. That makes it at least a *prima facie* constraint upon what we can achieve in a society. But now we have to ask a further feasibility question. When we ask what the activists can achieve, we usually take the rest of society (whom they have to convince) as pretty much fixed. But should we simply take for granted that part of what characterizes citizens is a bias towards harms by omission? The alternative is to focus on what is *diachronically* feasible. We could try to change the omission bias, which might make the humanity argument a more feasible means later on. Perhaps we could try to convince people that the omission bias is an *irrational* bias to have. But is it?

Talja distinguishes omissions from refrainings. In his view, refrainings require a further condition, namely that they are *intended*. So all cases of intended omissions are refrainings, but there can be, he thinks, omissions that are not intended. Johanna Cordes-de Waal gives evidence to support the idea that the reason many subjects show an omission bias is that in many cases they perceive omissions as non-decisions.[26] This supports Talja's distinction between unintended omissions and intended omissions (refrainings).[27] One explanation of a failure to act in spite of an ability, an opportunity and a reason, is that the agent deliberates about whether to act right up until the time that she no longer has the opportunity. For example, a subject seeing a drowning child might think for so long about the benefits to the child of being rescued, versus the costs to herself of doing the rescuing, that she fails to decide whether to act or not, and the child drowns. It is widely believed that intended harms are worse than unintended harms, and that people are more responsible for the former than the latter. Most legal systems distinguish between the two, and treat intended harms more harshly, as evidenced by the distinction between murder and manslaughter. If *all* omissions were non-decisions, were unintended, that would seem to vindicate the omission bias.

Cordes-de Waal argues that the omission bias is underwritten by judgements of causality, with intending as an intermediary state. Where causation is not supported by intending – for example, when an agent causes an outcome accidentally or negligently – people do not show an omission bias, and neither when there is intending without causation, such as when an agent intends an outcome but for some reason fails to bring it about.[28] People in general seem to believe that if an agent wants a certain outcome to obtain, he can make it happen, i.e. that there is a reliable correlation between intending and causing. Of course, this is not true as a conceptual matter. We can accidentally bring about outcomes that we did not intend, so causality is not a foolproof indicator of intending. As mentioned above, people generally agree that if an act is not intended then a person should not be held responsible for it, *at least* not to the same degree as they should be for an act that *is* intended, and perhaps not at all. If it is true that the situation of the global poor is not intended in the humanity formulation, and yet intended in the justice formulation, then, given the omission bias, people should be thought less responsible (or not responsible at all) in the former and more responsible (or wholly responsible) in the latter.

[26] Johanna Cordes-de Waal, 'Intention and the Omission Bias: Omissions Perceived as Nondecisions', *Acta Psychologica*, 93 (1996), 161–72.

[27] I use 'intended' rather than 'intentional', following Talja's usage, but I do not mean to stake a claim in the more general debate about whether all intentional acts must also be intended. See e.g. Michael Bratman, 'Two faces of Intention', *Philosophical Review,* 93 (1984), 375–405.

[28] Cordes-de Waal, 'Intention and the Omission Bias'.

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If there is some irrationality involved in the omission bias, it might be that harms by omission are *not* generally unintended, compared to harms by action.[29] Carolina Sartorio argues, to vindicate the omission bias in at least a subset of cases, that when an outcome would have happened anyway (for example, in cases where there is a back-up actor in place ready to do what you might fail to do), omissions producing harm really are less morally bad than actions producing equivalent harm.[30] She gives the case of an assassin firing at a victim when there is a bulletproof screen in the way. A spectator has the option to remove the screen and thus make it the case that the assassin's bullet succeeds in hitting the victim. But if the spectator does not remove the screen, the assassin's assistant will remove the screen instead. Given that the removal of the screen is going to happen anyway, the question is whether failing to remove the screen is just as bad as removing the screen. In the former case the spectator stands by as the assassin's assistant removes the screen and the assassin shoots the victim; in the latter case the spectator removes the screen and aids the assassin in killing the victim.

Sartorio's argument is that harm by omission in this kind of case is importantly different from harm by action, because harm by omission does not create a new threat to the victim, or facilitate an old threat. When the spectator fails to remove the screen she is simply standing by as an old threat (of the assassin and his assistant) are realized, but when she removes the screen she creates a new threat (that the screen is removed by her. Imagine that the shot missed and then she closed the screen; it might be that the assistant removes it and the assassin tries again). This difference between creating a new threat to a victim or not is what underwrites the acceptable bias between actions and omissions, on Sartorio's account. It is a genuine causal asymmetry, which tracks through to a genuine moral asymmetry.[31] The problem with this account is that although it vindicates some cases of omission bias, it does not vindicate them all. Cases of harms caused by omission where the harm would have occurred anyway are rare, and only a small subset of those harms caused by omission in general. The omission bias persists in cases where the outcome occurs only as a result of a particular agent's omission, for example, where the outcome is counterfactually dependent on the agent.

I have surveyed several possible vindications of the omission bias. These include its being justified in cases where the harm in question does not create a new threat to the relevant agent(s), where the harms are not intended, where the harms result from a non-decision (although, of course, we should not accept all cases of non-decision as justifications of an omission bias, because for some non-decisions an agent might know full well that the time for a decision has passed, practically guaranteeing the harm). The question, then, is whether the omission involved in failing to assist the global poor is one that we would be justified in considering to be less morally bad, compared against the actions involved in continued contribution to the plight of those same poor. It is hard to see how it could be. Whether or not aid goes to the poor depends counterfactually on me;

[29] We might also want to make room for the idea that one outcome can be less intended than another, perhaps where the former is the foreseen side effect of a fully intended act. Then we might be able to argue that the harms involved in global poverty are less intended on the humanity view than on the justice view, and so persons are *less culpable* for their failures to provide aid.

[30] Carolina Sartorio, 'A New Asymmetry between Acts and Omissions', *Nous,* 39 (2005), 460–82.

[31] Some writers claim that omissions cannot be causes at all, e.g. Larry Alexander and Kimberly Kessler Ferzan, who say that 'omissions do not and cannot *cause* anything'. Larry Alexander and Kimberly Kessler Ferzan, *Crime and Culpability: A Theory of Criminal Law* (Cambridge: Cambridge University Press, 2009).

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I 'create a new threat' to the relevant agents by failing to provide aid when I could.[32] And there is enough public awareness about the situation of the world's poor that it would be hard to argue that a failure to do anything to address it is not intended.

It is plausible, however, to view the omissions involved in the humanity arguments as non-decisions, where the decision process begins but reaches no conclusion, so that the omissions are not strictly intended. Figuring out one's charitable duties is hugely cognitively demanding (what would they be if everybody did their share? What are they given that not everyone will do their share? What would be enough to make a difference? Should I give to mainstream charities, or smaller charities that seem to be struggling? And so on). Robert Goodin argues that because figuring out one's charitable duties is so cognitively demanding, and because the demandingness can create an impasse where people do nothing because they cannot come to a final decision, charitable donations of all stripes should be institutionalized as part of the general tax citizens pay.[33] (A further complication is a case in which omissions are caused by a genuine failure to even *consider* that one might have an obligation to act, so there is not only no decision but no decision *process*. Talja would categorize these as 'non-actions' rather than omissions, because they do not meet the necessary conditions of omissions,[34] which would put them outside the scope of this article). So, to the extent that the omissions involved in the humanity arguments are non-decisions, it is possible to argue that the omissions bias is justified. To the extent that they are not plausibly viewed as non-decisions, the omissions bias cannot be shown to be justified.

Where the bias is justified, it would be difficult to talk people out of it, and undesirable in any case (because intellectually dishonest). Where it is not justified, we *might* try to talk people out of it. But at this point a practical question arises: if what we care about is alleviating global poverty, why bother with a first step of changing people's minds about a bias they happen to have in some cases, and *then* using the humanity argument to convince them? Why not accept the bias and jump right in with immediately using the justice argument? It seems more practical to work *around* this psychological constraint, i.e. to accept that people in general demonstrate an omission bias, which may or may not be justified depending on the particular case, and to use the argument most likely to be efficacious in light of that constraint.

But is *that* not intellectually dishonest? We accept a bias that is in all likelihood irrational in some cases, and *capitalize* on it in order to convince people to do something we want them to do. In response, I think there is not enough morally at stake in the fact of people's having a sometimes-unjustified bias towards harms by omission for the interim step of dissolving that bias to be worth our effort. In pursuing the good, truth is a *pro tanto* constraint, but it can be trumped by practical considerations, as I think it is in this case. It just does not *matter much* if people think that harms by omission are worse

[32] It is a little difficult to treat this case as Sartorio does. One possibility is to diagnose the non-harm as something a third party would be ready to do in the event that I did not, which makes the cases parallel to the extent that the outcomes will be the same. Then we should say that if I fail to donate, some third party will step in and donate for me, and the question is just whether there is anything distinctively wrong about *my* failure to donate. It looks like there is, for exactly the causal reasons she gives. When I donate I am causally implicated in the aid (I 'create a new benefit' by providing aid; conversely I would 'create a new threat' by not donating).

[33] Robert Goodin, 'Demandingness as a Virtue', *Journal of Ethics*, 13 (2009), 1–13.

[34] It might be possible to argue that they *do* meet the necessary conditions for omissions. I assume that there is a tacit knowledge condition in Talja's (iv), '*S* has a reason to perform *a*', along the lines '*S* knows that she has a reason to perform *a*'. If there is no such knowledge condition, then *S* can have a reason she does not know she has, and omissions based on failures to consider an option will be possible.

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than equivalent harms by action in the subset of cases in which they really are not. So we should reject in this instance the opportunity to expand the set of feasible alternatives by engaging the first of a series of steps intended to change the background conditions with which we must contend. On balance, we can achieve more by accepting the omission bias and using the justice argument than we can by attempting to undermine the omissions bias (especially considering the fine distinctions involved in showing exactly where it is justified and where it is not) and using the humanity argument.

To wrap up this section, Campbell's argument to end global poverty claims that people are causing harm by omitting to fulfil their duties to alleviate suffering. Pogge's argument to end global poverty claims that people are causing harm by acting in ways that violate their duties to refrain from contributing to an unjust world order. Experiments have shown that people generally take actions causing harm to be morally worse than omissions causing equivalent harm. Therefore, if people accept the premises of both Pogge's and Campbell's arguments, they are likely to see Pogge's as implicating them in the more grievous transgression.[35]

The question of this article is to what extent it is feasible for a group of dedicated activists to use either the justice or the humanity arguments to gather support for policy reform related to the global poverty problem. We have seen that if they were to use the humanity argument, people would probably be less responsive, because of their bias towards harms by omission as being less morally egregious. This gives us a *prima facie* reason to go with the alternative, Pogge's justice argument. The question that remains to be answered is whether people who take themselves to be implicated in a more grievous transgression are more likely to be motivated to provide remedial or compensatory action, and to stop in whatever actions they are currently doing that add to the alleged harm. In the next section, I shall explore the connection between guilt and shame, and remedial action. (There is in fact a further connection, that between accepting that one has transgressed and *feeling* guilt and shame, but I will assume that in normal people evolved pro-social emotions take care of that step in a more or less automated way).

MORAL GUILT AND ITS ALLEVIATION THROUGH ACTION

Much research has shown that guilt, under the right conditions, is conducive to remedial action. Franklin Boster and his students, for example, created an experiment in which subjects, instructed to complete a questionnaire, were left in a room with a student about to sit an examination. After instructing both the subject and the student of their respective tasks, the experimenter leaves the room, commenting to the student that she supposes she can trust him given that there is another person in the room (the subject). In one condition the student cheats, and is caught by the experimenter, who reprimands the subject for not having come to tell her. Later, the subject is offered the chance to participate in a further experiment, and told explicitly that there would not be extra course-credit, but that it would be a chance to feel good about helping the experimenters. The authors found that subjects made to feel guilty about their complicity in the student's cheating were much more likely to comply with the request to participate in the further experiment, when it was made explicit

[35] One way to block this conclusion is to deny the causal efficacy of Pogge's argument. If people do not *believe* themselves to be culpable in the way he says they are, then they are unlikely to feel the guilt or shame that might motivate them to take remedial action (on which more in the next section). I shall return to this worry.

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that they would feel good about themselves by doing so. Their idea was that people are motivated to expel or lessen feelings of guilt, and they seize the opportunity to do so when it is presented.[36] Many studies show that the more guilty a person feels the more likely compliance is,[37] and that people experiencing guilt usually desire to make reparations, and to avoid future actions that might induce further feelings of guilt.[38] But does guilt *always* lead to increased compliance or reparation? If not, what can go wrong?

R. S Lazarus argues that guilt conduces to remedial action only when people believe that they have control over the given situation, and believe that there is an action available to them that will make their feelings of guilt lessen or disappear.[39] Imagine that a male student has stolen a valuable book from the office of one of his university professors. If he believes he has control over the outcome (it is not the case that he has already been caught and is awaiting the disciplinary committee), and that there is at least one action he could undertake to alleviate his guilt (buy the professor a new book, return the book in secret, simply apologize and explain what motivated the theft in the hope that the professor will understand), then he is likely to engage in one of the actions likely to reduce his feelings of guilt. Under the right conditions, guilty-feeling people are likely to engage in guilt-reducing behaviours.

But things can go wrong such that one or more of these conditions is not met. For instance, it might be that a situation is out of the guilty person's control. If the student awaits the disciplinary committee, then his control over the situation is lost. Likewise, it might be that there are no available remedial actions, or at least none that would suffice to alleviate his feelings of guilt. It might be that there is simply nothing relevant he could do. Imagine the professor has noticed the stolen book and no longer leaves students alone in his office, even though he has no idea which of his students is the culprit. Or it might be that there is something he could do, e.g. persuade the professor's secretary to smuggle the book back into the office, but it would not make him feel any less guilty for having stolen the book in the first place.

Furthermore, things can go wrong even when these conditions are met. Lisa Lindsey argues that both actual guilt and merely anticipated guilt trigger the intention to remedy, which in turn triggers remedial action, but *only* when the guilt comes from a source perceived

[36] Franklin Boster, Monique Mitchell, Maria Lapinski, Heather Cooper, Victoria Orrego and Ronald Reinke, 'The Impact of Guilt and Type of Compliance-Gaining Message on Compliance', *Communication Monographs*, 66 (1999), 168–77.

[37] J. Carlsmith and A. Gross, 'Some Effects of Guilt on Compliance', *Journal of Personality and Social Psychology*, 3 (1969), 232–9; M. Cunningham, J. Steinberg and R. Grev, 'Wanting to Have and Having to Help: Motivations for Positive Mood and Guilt-induced Helping', *Journal of Personality and Social Psychology*, 38 (1980), 181–92; J. Freedman, S. Wallington and E. Bless, 'Compliance without Pressure: The Effect of Guilt', *Journal of Personality and Social Psychology*, 7 (1967), 117–25; V. Konecni, 'Some Effects of Guilt on Compliance: A Field Replication', *Journal of Personality and Social Psychology*, 23 (1972), 30–2.

[38] R. Baumeister, A. Stillwell and T. Heatherton, 'Guilt: An Interpersonal Approach', *Psychological Bulletin*, 115 (1994), 243–67; Richard Lazarus, *Emotion and Adaptation* (New York: Oxford University Press, 1991); R. Nabi, 'A Cognitive–Functional Model for the Effects of Discrete Negative Emotions on Information Processing, Attitude Change, and Recall', *Communication Theory*, 9 (1999), 292–320; R. Nabi, 'Discrete Emotions and Persuasion', in J. P. Dillard and M. Pfau, eds, *The Persuasion Handbook: Developments in Theory and Practice* (Thousand Oaks, Calif.: Sage, 2002), pp. 289–308; D. O'Keefe, 'Guilt and Social Influence', in M. E. Roloff, ed., *Communication Yearbook 23* (Thousand Oaks, Calif.: Sage, 2000), pp. 67–101; D. J. O'Keefe, 'Guilt as a Mechanism of Persuasion', Dillard and Pfau, eds, *The Persuasion Handbook*, pp 329–44.

[39] Richard Lazarus, *Emotion and Adaptation* (New York: Oxford University Press, 1991); discussed in Lisa Lindsey, 'Anticipated Guilt as Behavioural Motivation: An Examination of Appeals to Help Unknown Others through Bone-Marrow Donation', *Human Communication Research*, 31 (2005), 453–81.

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as honest. Her experiments take bone-marrow donations as their subject matter. She found that subjects in general perceived the information they were given about blood-borne cancers and the bone-marrow treatments that could cure them as honest, in which case the triggers from guilt or anticipated guilt to intention and from intention to action (registering to be a donor, or seeking more information about it) worked as predicted. But she warns caution, saying that if a guilt-producing message is perceived to be manipulative or dishonest, it can create what psychologists call 'reactive attitudes', in which case subjects are likely to act *counter* to the recommendations of the message.[40] One interesting feature of Lindsey's experiments is that she uses a 'naturalistic' condition, in which subjects are given the straight facts about the number of people dying from diseases curable with bone-marrow transplants, and a high anticipated guilt condition, in which subjects are given the same facts as in the naturalistic condition with the addition of several stories about diseased individuals who either died, failing to secure the necessary transplant, or lived, having secured the necessary transplant. Although Lindsey's intention was to compare 'normal' guilt-inducing information with information explicitly designed to produce more guilt (and, therefore, hopefully more action), what she actually does is remind us of the fact that people respond better to human stories than they do to abstract statistics.[41]

Gian Vittoria Caprara and his colleagues posit a model in which negative affect, including feelings of guilt, produce the desire for reparation only in some people. In others, it produces instead a fear of punishment. The authors argue that if a subject focuses on fear of punishment he can be more prone to anger and anxiety, and ultimately aggression, while if a subject focuses on need for reparation he is more prone to pro-social behaviour. Their idea is that different people are disposed to respond to negative affect in different ways. The authors ran a cross-cultural experiment on pre-adolescents from Italy, Hungary and the Czech Republic, and found, among other things, that female subjects were more likely to be pushed by negative affect into a need for reparation, while male subjects were more likely to be pushed by negative affect towards a fear of punishment and subsequent aggression. The authors' main aim is to stress that while much recent literature has concentrated on the positive effects of guilt in leading to remedial action, there is a darker side. They remind us that guilt plays a large role in a variety of psychological disorders, especially in depression, and that without an effective means to offset-guilt persons will probably not try to offset it at all.[42]

[40] Lindsey, 'Anticipated Guilt as Behavioural Motivation', p. 473; see also on negative reactions to perceived manipulations in general, J. W. Brehm, *A Theory of Psychological Reactance* (New York: Academic Press, 1966).

[41] For anecdotal evidence on this point, see Malcolm Gladwell's popular book, *Blink* (Boston, Mass.: Little, Brown, 2005), which draws on Gerd Gigerenzer, *Gut Feelings: The Intelligence of the Unconscious* (USA: Viking Penguin, 2007).

[42] Gian Vittorio Caprara, Claudio Barbaranelli, Concetta Pastorelli, Ivo Cermak and Sandor Rosza, 'Facing Guilt: Role of Negative Affectivity, Need for Reparation, and Fear of Punishment in Leading to Prosocial Behaviour and Aggression', *European Journal of Personality,* 15 (2001), 219–37, p. 233. Both of the experiments discussed in this section rely on self-reports, in one case by pre-adolescents, in the other case by university students. Unfortunately, the bone-marrow experiments by Lindsey were unable to corroborate the self-reports about action due to funding issues. We know from action theory that actions are produced necessarily by intentions, but the question here runs in the other direction, namely the extent to which intentions produce the actions that are their subject matter. It seems clear that we can have an intention that we fail to realize. Lindsey acknowledges that guilt should be exploited into action (e.g. by those who desire the action) while it is still fresh, suggesting that she agrees that the causal connection is not a reliable one. More remains to be said on this point.

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This last point is very important for the global poverty discussion. It is all very well to say that a view like Campbell's, combined with the omissions bias, alleges less harm and therefore stands to create less guilt than a view like Pogge's, which combined with the omissions bias alleges greater harm and, therefore, stands to create more guilt. What the empirical data discussed above show is that if the humanity argument gave a simple means of making reparation for the alleged harms, while the justice argument gave only very difficult means of reparation, we might *do better overall* to use the humanity argument. Greater guilt might mean greater remedial action under the right conditions, but part of creating the right conditions is enabling people to act in ways that will offset their guilt. So a crucial condition of an argument wanting to impact on global poverty is to *give people a way to alleviate their guilt*, such as by recommending remedial duties that agents will see as within their capacity to fulfil. Fortunately, both Campbell and Pogge make recommendations about remedial duties, mostly centring around donations to some variety of a global relief fund.[43] The lesson to take from the literature on guilt and motivation, then, is that when it comes to *marketing* the arguments alleging guilt in global poverty, more guilt is better, but we must be careful to give people ways to alleviate the guilt. We must be sensitive to the fact that making people feel guilty might result in fear and aggression as much as in reparation, depending on the disposition of the subject in question. We must also be careful that we have the right set of arguments – that they will produce *guilt* and not some other emotion. Guilt inspires remedial action, even if the path from the one to the other can be disrupted under certain conditions.[44]

What I have tried to establish is that were a group of activists to begin trying to gather the support necessary to institutional political reform (let us say that the final objective is to have enough support such that a certain non-trivial percentage of the country's gross domestic product would go to foreign aid specifically for poverty relief), they would do better by engaging the justice argument rather than the humanity argument. This is because, I have argued, the justice argument alleges a harm by action, which people have been demonstrated to find more morally egregious than the alternative argument's allegation of a harm by omission, and because people's accepting implication in a more morally serious harm is likely to inspire the motivation to remedy or compensate that harm, so long as such a remedial action is available.[45] Using the justice argument makes global poverty relief *more feasible* than using the humanity argument would; in a pairwise comparative feasibility assessment, the justice argument comes out on top. In the next section I will consider a few objections to this argument.

OBJECTIONS

One objection to the argument presented above is that dealing with the debate over justice and humanity by means of the distinction between actions and omissions is too indirect.

[43] Although neither of their suggested funds are currently functional, which suggests that an individual convinced by the arguments will be left with either a mere conditional commitment (''I'll support the creation of the fund when someone in parliament actually puts it forward as policy''), or the discretion to choose an alternative (''in the meantime, I'll donate some ad hoc proportion of my salary to this international charity''), neither of which fully satisfies the requirement for an accessible means to alleviate the alleged guilt.

[44] In any case, remedial action is more likely in the presence of guilt than in its absence.

[45] In so far as it involves simply supporting a proposal for policy reform, that is not to ask anything particularly demanding of them.

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Why bother with actions and omissions? Why not just find out what people think about the moral gravity of injustice as compared with the moral gravity of inhumanity? If people think injustice is morally worse than inhumanity, then the same conclusions follow, but we get to them directly. The response is that it is probably only moral philosophers who have clear ideas about the distinction between injustice and inhumanity, and maybe not even them. And moral philosophers are only a small proportion of the relevant population – the big question is what is likely to motivate *everyone*, or at least a majority, into the kind of support for global poverty relief necessary to mobilize governments. Furthermore, even if people did have clear ideas about injustice compared with inhumanity, there might be scope worries. Even if they think injustice is worse, they might not think that justice extends beyond geographical borders (for example, they cannot be responsible for injustices in other countries). Then intuitions would become blurred. These problems are avoided by approaching the issue via actions and omissions. People's intuitions about harms caused by actions and omissions respectively are fairly robust, and caused harms do not face the same scope worries.

Another objection might be that there is little point in discussing which of the arguments for global poverty relief to prefer if we do not care about which is true. If we are only instrumentalists about the arguments, then we might as well just use both. Under certain conditions it will be true that we should use both. It might turn out that the omission bias is not robust across cultures, so that in some places the humanity argument actually carries more sway. The investigation here has simply been to see which of the two arguments is more likely to succeed in bringing about the desired outcome, especially in developed, democratic countries (because that is where most of the empirical experimentation has been done). I have argued that people have a bias towards harms by omission, in which case, given that more guilt usually equals more compliance or reparation, we should allege harms by action for maximum effect. If there is a society likely to respond to a two-pronged attack (it's unjust *and* it is anti-humanitarian) then we should allege harms by action *and* by omission. The point was to take the academic debate between justice and humanity as bases of the duty to relieve global poverty, and weigh in on it from a different angle, by asking which is likely to be seen as a more serious harm by people in general and, therefore, which is likely to be more efficacious in inspiring remedial action.[46]

In any case, it is not irrelevant which of the arguments is true. One way to think about this issue is in terms of comparing the *epistemic* weight of the arguments with their *rhetorical* weight.[47] These come apart, so we can ask about each. Notice that Pogge's argument is much more controversial than Campell's argument, or in fact any of the humanitarian positions. That there are assistance-based reasons to provide aid seems undeniable (although we can argue about their strength, and about the appropriate level of demandingness, and about an individual's fair share in a context where others are defecting). But Pogge's arguments have been attacked from multiple angles, such as being insufficiently empirically informed;[48] as claiming a strong conclusion from weak premises

[46] One worry about alleging both arguments, though, is that people might become suspicious that they are being manipulated – reasoning that surely *both* cannot be true – which may trigger the reactive attitudes mentioned in the previous section.

[47] I am grateful to an anonymous reviewer for this suggestion. See discussion in Derek Parfit, *Reasons and Persons* (Oxford: Oxford University Press, 1984), esp. §17.

[48] Joshua Cohen, 'Philosophy, Social Science, Global Poverty', in Alison Jaggar, ed., *Thomas Pogge and His Critics* (Cambridge: Polity, 2010), pp. 18–45.

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when in fact getting only weak from weak or strong from strong;[49] as mis labelling duties of assistance as duties of contribution;[50] as mistakenly extending a claim about *our* duties to our own victims as compared with innocent bystanders, to a claim about our duties to *our own* victims compared with other victims in urgent circumstances.[51] More generally we can ask about whether the kind of contribution Pogge alleges is really sufficient to a justice-based argument – there is no straightforward causal connection, but rather something much less tangible, such as failing to protest (or engage in other symbolic acts) against a government, which in its turn upholds certain international rules and institutions that themselves harm the poor. The argument faces a problem of indirectness (I cause harm via my role in a democracy, in that I have some power to influence the actions of my government) and of dilution (I am just one among many millions of other citizens to whose preferences the government is accountable). This difference in controversiality might lead us to judge that Campbell's argument is epistemically more weighty (which is to say, more likely true) but rhetorically less weighty (because people are more motivated to remedy contribution-based harms), while Pogge's argument is epistemically less weighty (less likely to be true, because faced with more problems of a seemingly serious nature) but rhetorically more weighty (because people take contribution-based harms more seriously). If epistemic and rhetorical considerations have equal worth, then it is just a matter of looking at which is more weighty overall – maybe they are equal and then we can just choose between them arbitrarily.[52] Notice, however, that Pogge is being discussed here as a *representative* of the justice-based position; even if the challenges to his own position are too great, there are numerous other justice-based cosmopolitan positions that are not plagued by the same difficulties.[53]

A further objection is that the correlation I try to establish here between more guilt and more compensation is sensitive to a threshold worry. The fact that harms by action are seen as morally worse than harms by omission, and therefore poverty-as-injustice is seen as more morally grave than poverty-as-inhumanity, does not entail that the guilt involved in harm by omission is not *sufficient* to discharge the duties necessary to impact upon global poverty. If there is some threshold that justice-guilt reaches that humanity-guilt does not, then we are justified in preferring justice-guilt. But if both reach the required threshold, then there is no reason to prefer one over the other. One reply to this objection is to point out that people are generally aware of suffering in developing nations, and they generally fail to do anything about it.[54] So we might hope that justice-guilt stands a better chance of getting through to. But that is contingent, as mentioned already, on people accepting the premises of Pogge's argument.

That last point is the essence of the final objection, and it is related to the worry about epistemic v. rhetorical weight. We want to know about what is feasible with respect to motivating ordinary people. So we should not be asking which of the justice and humanity

[49] Alan Patten, 'Should We Stop Thinking about Poverty in Terms of Helping the Poor?' *Ethics and International Affairs*, 19 (2005), 19–27.

[50] Patten, 'Should We Stop Thinking about Poverty'.

[51] Gerhard Øverland, 'Poverty and the Moral Significance of Contribution', *Journal of Moral Philosophy*, 2 (2005), 299–315; see also the papers collected in Jaggar, ed., *Thomas Pogge and His Critics*.

[52] The relative weight of epistemic v. rhetorical strengths needs further investigation; this article has been a contribution to thinking more about the latter.

[53] See fn. 3; and also Simon Caney, 'International Distributive Justice', *Political Studies*, 49 (2010), 974–97.

[54] Although this *might* mean a failure in humanity-guilt, it also might mean a failure in people's actually *believing* in the principle that where there is suffering there is a moral duty to relieve it.

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arguments stands a better chance of inspiring action, *assuming that people accept the premises of them both*. Rather we should be asking which of those arguments stands the best chance of *having its premises accepted*. If the arguments are good, we might think, they will motivate on their own (at least an anti-Humean, or a judgement internalist about moral motivation, will think so).[55] The big question is not which of Campbell's or Pogge's arguments would be more successful in practice, but how *resistant* to the alleged harms people will be in either case. The fact that Pogge's argument implicates people in a harm that is morally more serious from their own perspective might be a reason to think people will not accept its premises and, therefore, not be forced to any action that might be recommended by the conclusion. If people are not aware of the argument, or will resist it quite strongly, then the practical considerations change. For example, the activists might be faced with a choice between spending scarce resources on an effort to *get people to accept the premises of contribution-type arguments*, or spending them getting people to donate towards humanitarian projects. It may be that people would give more, and be more motivated, *if* they accepted contribution-based arguments, but that on balance, we could do more for the alleviation of global poverty by proceeding on humanitarian grounds (this is just to suggest that when we subtract the cost of making the antecedent of that conditional true from the amount raised once it is true, we would have less than if we merely raised funds as things stand, using humanity-based arguments). Similarly, in the unlikely event that people's acting on justice-based considerations would actually do negligible good compared to their acting on humanity-based considerations[56], we might consider sticking with the latter. In that sense it might turn out that the humanity argument is a more feasible means of realizing the desired cosmopolitan outcome, because it will be much harder for

[55] See discussion in Connie Rosati, 'Moral Motivation', *Stanford Encyclopedia of Philosophy* (October 2006), §3.1–3.2 online at http://plato.stanford.edu/entries/moral-motivation/#HumVAntHum, accessed 07/09/11.

[56] One way of thinking about this is in terms of justice requiring an individual to *stop* doing the harm they are doing. If claims of justice primarily require this kind of stopping, while claims of humanity primarily require a kind of doing or giving, then it is plausible that using a justice-based argument could be less efficacious if the overall aim is to alleviate global poverty. Imagine, for example, that we stop doing harm by disabling the International Borrowing Privilege and the International Resource Privilege. It might nonetheless take *years* for the effects of the rule-change to start impacting on poverty, whereas in comparison we might be able to make greater progress using humanity-based arguments. In that case, the justice-based argument, although stronger and more motivating, would do negligible good compared to the weaker and less motivating humanity-based argument. Is that a reason to go with the latter? The real question is the extent to which the issue of compensation can be decoupled from the issue of harm. The justice and humanity arguments allege different kinds of harms, but they might both entail compensatory obligations. This is controversial; many think that positive duties are not enforceable and that failure does not entail that anything is owed. But it is plausible to think that my failing to assist you at very little cost to myself implicates me morally in a way that means I then owe you something. For an interesting discussion of failures to assist compounding compensatory duties, see Christian Barry, 'On Failing in One's Duties To Assist' (unpublished paper). I find it implausible that the 'stopping' of harm can be decoupled from the issue of compensation or reparation. Violating your right to be free from physical harm by harming you gives me a duty of justice to stop, but in virtue of the fact that I *did* harm you, I owe you something. For example, Caney thinks something is owed to all those individuals who will suffer the negative effects of climate change because the actions that have caused climate change are a violation of people's human rights not to suffer those effects (Simon Caney, 'Cosmopolitan Justice, Responsibility, and Global Climate Change', *Leiden Journal of International Law*, 18 (2005), 747–75, p. 135). The situation in which justice-based arguments will do negligible good compared with humanity-based arguments is conceivable, but unlikely. Normally a violation of justice and the owing of compensation go hand in hand.

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people to resist the idea that when someone is suffering and they have the capacity to help, they should, at least in some situations, do so.

In response, we have some reason to be optimistic about people accepting their role in contributing to global harms. For example, the fair trade, eggs from free-range hens, free-range meat and anti-sweatshop movements are all gaining in momentum. People accept that their consumer decisions can implicate them in harms in their own, and other, countries. Thus, it is not unreasonable to think that a similar conclusion might be reached about their implication in international trade arrangements. The latter case is more complicated, because the alternatives are more ephemeral. When fair trade coffee is sold next to non-fair trade coffee, or non-sweatshop clothes are sold in a store next to sweatshop clothes, it is easy enough for informed persons to make a choice to avoid causing (and endorsing) harm. But there are no alternative international trade arrangements set up and waiting for endorsement from people and, even if there were, they are not something that one person alone could choose. Nonetheless, the long-term idea is the same; when enough people insist on fair trade, companies will be driven to provide fair trade, and when enough people insist on their governments implementing fair international trade arrangements, governments will be forced to implement those arrangements.[57] The fact that people are not resistant to allegations of causal implication in harms in general shows that we have no reason to *expect* resistance to Pogge's arguments (or other justice-based arguments). What remains to be seen is whether, given exposure to the premises of his argument, they will accept the particular claim that they are causally involved in *their government's* relation *with other governments*, and what they owe, in particular, as a result. If all we ask of them is to support greater international aid packages in the short term and reform of international trade arrangements in the long term, there is no reason to expect resistance on a level that would make accepting the conclusion of injustice arguments unlikely.

Note, however, that the costs of persuasion are not fully explained by the omission bias. People will sometimes not accept the conclusions of arguments for ideological reasons. We do not normally expect economic libertarians to be sensistive to arguments for the substantial redistribution of wealth based on welfare considerations (even though we might hope for it). The omission bias is just one part of the story about what motivates ordinary people.

CONCLUSION

I have been concerned with the distinction made in cosmopolitan circles between injustice and inhumanity as the ground of our obligations to the world's poor. I have asked the practical question of how we should present those obligations to the general population if we want the best chances of motivating them to act. Experimental evidence suggests that people make a robust distinction between acts and omissions, which I have argued tracks the harms implicit in the injustice and inhumanity arguments respectively. Because people take harm caused by action to be morally more serious than harm caused by omission, and because accepting that one has done harm creates guilt which can be mobilized into remedial action, I suggested that it is better to ground cosmopolitan proposals publicly in justice arguments. Global poverty relief is more feasible using the justice argument than it is using the humanity argument.

[57] But note the concerns about fair trade for those in the world's poorest countries in Paul Collier, *The Bottom Billion* (Oxford: Oxford University Press, 2007); see also discussion relating the book to Pogge's proposal in Paul Segal, 'Review of Paul Collier's *The Bottom Billion*', *Renewal*, 16 (2008).

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