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What Properly Belongs to Me

Kant on Giving to Beggars

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Abstract

Kant has a number of harsh-sounding things to say about beggars and giving to beggars. He describes begging as "closely akin to robbery" (6:326), and says that it exhibits self-contempt. In this paper I argue that on a particular interpretation of his political philosophy his critique of giving to beggars can be seen as part of a concern with social justice, and that his analysis makes sense of some troubling aspects of the phenomenology of being confronted with beggars. On Kant's view, without absolute poverty relief, the poor persons' external freedom is subject to the arbitrary choices of those who have means. But the legitimacy of the state is based on ensuring that no one's basic freedom is subject to the arbitrary choices of another. This means that in a legitimate state public structures must ensure that there is unconditional poverty relief. Having your basic needs met through private charity wrongs you. Kant's analysis is that when you encounter someone in a public space who asks you for money to meet their basic survival needs, you are being asked to solve a public problem in a private interaction, and there is no rightful way for you to do this.

Keywords

beggars – Kant – social justice

This paper explores some ethical issues raised by the question of whether or not we should give to beggars, through looking at Immanuel Kant's criticisms

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of the phenomenon of begging, in the context of his political philosophy.[1] Kant has a number of harsh-sounding things to say about begging and about giving to beggars. He describes begging as "closely akin to robbery" (MM 6: 326),[2] and says that it exhibits self-contempt. In this paper I argue that his worries about begging can be seen as part of a concern with social justice, and that, seen in this way, the account makes sense of the troubling and complex phenomenology of confrontations with beggars. I argue that on Kant's analysis, the beggar's request requires you to solve a public problem through a private interaction, and there is no way of doing this. Further, the interaction implicates you in relations of servility and humiliation from which you do not escape by giving or by not giving. An interesting feature of this argument is that it shows that even within the context of an account of political philosophy which bases the justification of the state on the idea of freedom (as opposed to starting with, for example, equality or compassion as the fundamental values), and which prioritizes the establishment and defense of private property, the problem of beggars has wide-ranging implications for thinking about society's basic institutions.

When talking about beggars, my concern is specifically with people asking for money for food or other aspects of basic survival, through speaking, gestures, or holding a sign, and who present themselves as being in desperate need—as having no options. This is different from street traders, street performers,[3] and individuals asking for help in one-off situations. I am writing this

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on the role of non-conceptual content in Kant's epistemology, as well as articles on forgiveness and retributivism.

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1 I draw primarily on the interpretations of Kant's political philosophy in Ripstein (2009) and Varden (2008); I make use of, and do not defend, their interpretations.

2 Following standard practice, references in the text to the works of Immanuel Kant use the numbering from the Akademie edition, with the following abbreviations of titles: *Metaphysics of Morals*: MM; *Lectures on Ethics*: LE; *Moral Philosophy, Philosophy of Law, and Philosophy of Religion Nachlaß*: MLR.

3 There will be continuity between begging and some forms of busking, as well as delivering marginally useful, unasked for services, and there will of course be borderline cases. Performing marginally useful, unasked for services seems to be a way in which beggars present themselves as not being beggars: as attempting to work. When I first wanted to start working on this topic, I wrote to the Philosophy list-serve, Philos-L, asking whether anyone

in a developing country (South Africa) in which there is widespread, extreme poverty and very high unemployment; there are in fact many people who are in extreme need.[4] This is also a country in which one encounters beggars every day, on every street corner.

In general, when considering whether we ought to give in response to need (say in response to the aftermath of a hurricane, or to support a project at the local school), whether or not we think it is obligatory, it seems straightforwardly a good thing to do, and certainly permissible. But when it comes to giving to beggars, where most of us are most directly and personally confronted with need, many of us find it less clear, and people sometimes think that it is actually wrong. In her paper "Begging," Christine Sypnowich says:

> Being asked for money is unsettling. It brings forth clear evidence of inequality, of the lopsideness of advantage and luck. Yet we are unlikely to welcome the invitation to remedy inequality in these confrontations. When a beggar approaches us, the usual expectations of distance and respect among strangers are flouted. We are compelled to witness hardship and suffering and to become complicit in relations of servility and degradation. The experience can prompt pity, irritation, anguish and discomfort. We are uncertain where our moral duties lie.
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> SYPNOWICH 2006: 177–8

could recommend papers on beggars. There was surprisingly little, but what did emerge was that some of the people who wrote back were not happy with the use of the term 'beggars,' and in some writing on the subject people prefer to talk about 'street-level economic activity.' 'Street level economic activity' covers a range of different things: street traders, people performing minor unasked for services, street performers and buskers, and presumably also street-level crime: pickpocketing, handbag snatching, and mugging. My concern is specifically with people who present themselves as in need, and ask you for money or food to meet their basic survival needs. In my view, despite the existence of borderline cases there is a fundamental difference between, on the one hand, a person presenting themself as in need and asking for money and, on the other, a pavement trader selling fruit or craft products.

4 A contrast with people who present themselves as being in desperate need and as having no options is the kind of homeless monk who features in some versions of Buddhism: a person who owns nothing, and survives on donations. This seems to me to raise quite different issues to those raised by the people we encounter on street corners in Johannesburg. It seems clearer that the monk has chosen to survive in this way; it is arguable that there is a kind of spiritual service he is rendering (including, supposedly, enabling people to achieve merit by giving); and it is arguable that his living in this way can be seen as a kind of agreement with the society that supports him, in exchange for this service. For example, The New York Times online, September 30 2007, documents Buddhist Monks in Myanmar marching with their begging bowls upside down, thereby demonstrating that they refused alms from the

The complex and conflicting feelings Sypnowich notes here (pity, irritation, anguish, discomfort, and uncertainty) do not typically arise when we are thinking about whether or not to give to charities, disaster appeals, or collections for the local school. I argue that Kant's analysis gives us an explanation of why our duties seem unclear when we are confronted with beggars, and of the complexity of the discomfort we feel.

Before turning to Kant's analysis, I briefly mention some of what I take to be standard considerations for and against giving to beggars. An obvious reason for giving to beggars is provided by the sheer existence of severe need. Peter Singer (1972) famously appeals to the following thoughts in order to elicit our moral intuitions about giving in response to need: suppose you walk past a child drowning in a pond; if you can reach out and save the child, it is clear, as clear as anything is in morality, that you ought to do so. And if saving the child from drowning means ruining your new shoes, it is still indisputable that you ought to save the child, despite there being some cost to you. Further, reaching out and saving the child does not seem to be merely permissible, or even to be merely something it would be good to do; it seems to be *obligatory*—not saving the child would be severely reprehensible. And the obligation is not based on your having had anything to do with the child's being in need. It is simply the existence of the severe need, and your ability to meet it at low cost to yourself, that creates the obligation.[5] Beggars present themselves as being in severe need—as needing to be given something in order to feed themselves and survive. If this presentation is correct, it provides reason to give.

An equally obvious worry about giving to beggars is the lack of information we have in confrontations with beggars. We do not know whether the person asking is genuinely in need and genuinely has no other options. We may reasonably be concerned whether *ad hoc* individual giving targets need accurately

military rulers and their families, and, in effect, denying them spiritual merit. http://www.nytimes.com/2007/09/30/weekinreview/30mydans.html?_r=1

The way these monks live seems to me not a straightforward case of being beggars, and it is not the kind of case I am concerned with here.

5 Singer famously argues that we ought to give away a high proportion of our income to organizations that work with poverty relief. The debates surrounding Singer's work include the question of how much we ought to give, and related questions about whether giving rather than spending on luxuries might have detrimental effects on the economy and thereby on poor people. My concern is not with how much of your income you are obliged to give up to meet need, but with the question of whether you should give to beggars at all: whether you should give five Rand (half a dollar) to the people you encounter daily on street corners. Long before we get into issues of how much we are obliged to give and the point at which giving becomes too much to reasonably expect, there seem to be doubts about whether we should give to beggars.

and meets need efficiently. Giving to a beggar does not address any of the structural causes of poverty, does not create jobs, does not help the person stop being in poverty or stop being a beggar.[6] It is reasonable to think that the state should be in a better position to accurately target and efficiently meet need, and that giving to individuals who you happen to confront meets need in ways that are ineffective, inconsistent, arbitrary, and unreliable. Of course, the state might not be doing anything to meet this need and even if it is, so long as unmet severe need exists, this may provide reason to give. As Sypnowich argues, thinking that we need systemic change, and showing that redistribution should not be left solely to "the vicissitudes of private charity" does "not show that socialized redistribution can never be 'topped up' by private charity" (Sypnowich 2006: 181). Yet one could top up through donations to appropriate charities without giving to beggars. It may be that giving money to a serious organized charity would target need more accurately and relieve it more effectively.[7]

The problems of judgment and information involved in confrontations with beggars not only help to explain why our duties may seem unclear, but also explain some of what makes the encounter uncomfortable: when a beggar asks you for money you are called on to make an assessment of the plausibility and worthiness of the request of a stranger which you are not really in a position to make.[8] You are put in the uncomfortable position of potentially

6 It may be argued that it enables begging.

7 In response to this it can be argued that we exaggerate the impact of problems of information and the difficulty of the decision, since it is seldom the case that when we are considering giving five Rand to a beggar we are weighing up the best possible use that this five Rand could be put to in terms of meeting need—that we would otherwise give it to a well-organized charity. And as Jerry Cohen (2000) points out, we sometimes exaggerate the difficulty of *moral* decisions, as opposed to decisions about prudential value, by focusing on the difficulty of working out the absolutely morally best thing to do, something which usually doesn't bother us at all when making prudential decisions. If I am deciding which restaurant to eat at tonight, I don't feel the need to work out which combination of price, venue, and culinary experience will absolutely be the most pleasing one today (which will *maximize* prudential value); I am happy simply to have one which will be pleasing. Similarly, the fact that I am not meeting all the need, or the worst need, is not a reason not to give in response to need.

8 As Barbara Herman pointed out (in conversation) there is a further problem in the derisory amount that you are typically considering giving (and being asked for). If you come across a person who is bleeding to death, giving them a tissue, rather than calling an ambulance, would be callous. In encounters with beggars a person presents themselves as not being able to meet their basic survival needs; the response we typically consider is giving them a bit of loose change. It might be argued that this is a function of uncertainty—the fact that we doubt the beggar's representation of themselves—but this does not undermine the derisory

turning down a request that is direct, personal, and serious (a request to help someone with their very survival) but which you are not in a position to evaluate properly.[9] This goes some way to explaining the complex emotions Synowich picks out (pity, irritation, anguish, discomfort). Kant's analysis adds something different. His primary objection to begging is the idea that begging involves self-humiliation.[10] This, he thinks, would be an objection even if begging were reliable, effective, and efficient. He says:

> *By begging a man displays the highest degree of contempt for himself*, and so long as people still have some feeling, it tends also to be the last step that they take. It is a man's obligation to exert himself to the utmost to remain a free and independent being in relation to others, but as a beggar he depends upon the whims of others, and sacrifices his self-sufficiency
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> LE 27: 605, my emphasis.

> A poor man who begs is constantly *depreciating his personhood* and abasing himself; he makes his existence dependent on other people, and accustoms others, by the sight of him, to the means whereby we neglect our own worth. The state must therefore restrict open begging as much as possible
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> LE 27: 605, my emphasis.

> It is better to be conscientious in all our actions, and better still to help the needy by our conduct, and not merely by giving away the surplus. Alms-giving is a form of kindness associated with pride and costing no

nature of what we are considering giving in relation to the need the beggar presents themself as having.

9 The personal nature of the request seems to me to be morally relevant: a particular individual asks you for something they say they need to survive. The fact of a direct personal request is seldom (if ever) an overriding moral reason: you have some obligation to consider whether what is being asked for is morally permissible, and if it is, you are still, usually, entitled to weigh it up against other prudential and moral reasons you have. However, arguably, it is morally relevant and it does generate some reason to give: some reason to give to this individual is provided by the fact that he is the person you have encountered, and who has asked you for something he says he needs to survive. Suppose you see someone on the subway apparently struggling with heavy bags. It might be nice just to offer to help, but if the person actually *asks* you for help, that seems to me to be morally relevant; it adds additional moral grounds. Moving from specific examples to the level of theory, a request is a second personal address: it's an address to an agent, which calls for a response.

10 See also Sypnowich 2006:185; 187. Hershkoff and Cohen (1991) argue that begging can be a form of self-assertion in the face of the humility of poverty.

> trouble, and a beneficience calling for no reflection. *Men are demeaned by it*. It would be better to think out some other way of assisting such poverty, so that men are not brought so low as to accept alms
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> LE 27: 455, my emphasis.[11]

This is strong language. Contempt is an extremely high degree (perhaps the highest) of lack of self-respect.

Sypnowich also discusses an objection to begging based on the idea that it involves self-humiliation, noting that beggars frequently "make their supplications in a posture of self-degradation" (Sypnowich 2006: 185). One of the beggars at an intersection near where I live paints his face white and wears a clown hat, and sometimes begs on his knees. Another paints his face like a monkey, wears a monkey tail, and does a little monkey-dance for cars stopped at the intersection. I once saw an old woman in Budapest in mid-winter, on her knees, bent right forward with her forearms on the ground in the snow in front of her, head down and hands held up. These seem to me to be humiliating postures, and being related to someone who is placing themself in a humiliating position in relation to you is, it seems to me, part of what makes one want to hurry away from these encounters. Sypnowich argues that the self-humiliation involved in making requests in these ways counts against giving to beggars: "The fact that the practice of begging involves self-denigration thus emerges as a reason for refusing to accede to the beggar's requests" (Sypnowich 2006: 186).[12]

On Kant's analysis, humiliation is a central objection to begging, but his reasons for thinking there is humiliation are somewhat different: the humiliation is not just (or even primarily) a result of asking for money in degrading ways (dressing like a clown), but is a function of being in a position in which you have no option but to ask strangers to choose to help you meet your basic and essential needs[13] (there is nothing degrading about charity organizers asking for donations dressed as clowns). Explaining this requires seeing why, on

11 Although alms-giving need not involve beggars, this quotation seems to me to highlight the same concerns that Kant has with respect to begging: his concern with people who are in a condition of poverty that is so extreme that they cannot survive without charitable donations.

12 Putting this together with the problems of information and efficacy, she concludes that "the egalitarian pedestrian, happy to write a generous cheque for charity, is justified in wanting no part of the social interaction occasioned by beggars. Giving to beggars is a social blight: it involves complicity in a relationship of humiliation; it cannot accurately target need and is thus of doubtful efficacy" (Sypnowich 2006: 190).

13 Along similar lines, Margalit argues that poverty is itself a kind of humiliation; this provides reason to see begging as humiliating (see Margalit 1996).

his account, it is wrong for people to be in a position in which they are systematically dependent on discretionary giving to meet their basic and essential needs, and why these needs should be met through justice and not charity.

While, in Kant's view, moral philosophy is concerned with understanding what we ought to do,[14] legal and political philosophy is concerned with understanding what behavior we are entitled to enforce. (We are not entitled to enforce moral behavior, and doing so would be, anyway, impossible, since we cannot enforce people's having the right motives.) Kant starts with the assumption that everyone has a fundamental and innate right to freedom (MM 6: 237). This, in his view, is the only innate right; it is the basis of the justification for the creation of a state, and in fact it obliges us to create a state.[15] Kant thinks that this innate right cannot be realized, enabled, and defended without a state, and that this both obliges us to form a state and creates constraints on what the state must look like. The idea is that any legitimate restrictions on us must be compatible with each person's innate right to freedom, or, as Varden puts it, the state must ensure "that the total system of laws provides conditions under which any private person's freedom is subject to universal law and not to another private person's arbitrary choices" (Varden 2008). The kinds of institutions the state must create, and the kinds of restrictions it is entitled to place on us, are constrained by the idea of making it the case that no-one's capacity to make choices for themselves is systematically subject to the choices of another private individual. Of specific relevance to our question are three specific obligations Kant takes the state to have, following from this analysis: the protection of private property, a corresponding obligation to create unconditional relief for absolute poverty, and an obligation to create and defend public spaces.

The point can be seen particularly clearly with respect to public spaces. As Ripstein explains (2009 ch. 8), if all land were privately owned, any private person wanting to go from one place to another would be subject to the discretionary choices of landowners allowing this. Building and regulating public roads which link all privately owned pieces of land is required to enable us all to move around freely, without being systematically subject to the choices of others whether or not to allow us to do this. If there were no public roads, our capacity to cross space in the pursuit of our purposes would be systematically dependent on the private choices of landowners; in having public spaces, and public regulations governing them, we are all subject to universal law, and one

14 And, more specifically, with the conditions of the possibility of there being things we ought, morally to do.

15 Here I follow the interpretations of Ripstein (2009) and Varden (2008).

of the basic conditions of our free agency is enabled for all of us. The state therefore has an obligation to create and regulate public roads.

On Kant's view, a state must defend individuals' assurance of their property (since having means is required to exercise choices and is therefore necessary to enable each of our freedom). Further, a legitimate state is required for there to be rightful ownership of property. There is no conclusive ownership of property in a state of nature: you have control of what you can grab and what you can defend, which generates a presumptive right, but it does not follow that you have anything with respect to which the state is obliged to defend your ownership. Kant thinks that to have the full-fledged institution of property, it needs to be the case not just that you happen to be strong enough to defend the property under your control, but that the state has an obligation to defend your holdings: what property *is*, on this view, is something which you have a rightful entitlement to hold and with respect to which you have a legitimate expectation that your holding will be defended by the state; it is not simply something you have the strength to control.

Given Kant's account of the basic justification of the state, ownership of property (what the state is entitled and obliged to defend) can be rightful only if it is compatible with everyone's freedom—with everyone's being subject to universal law and not systematically subject to the arbitrary or discretionary choices of other individuals. Kant takes it to follow from this that the state is obliged to make available unconditional relief from absolute poverty.[16] Absolute poverty is inconsistent with the basic conditions of agency: having at least some basic means is necessary to survive, and to be able to make choices at all.[17] Making property rights enforceable limits the options of those in absolute poverty; it makes it the case that, where there are no jobs, they have no legal ways of meeting their needs. In a state of nature they could try to take what they need, but this is precisely what the state forbids, by

16 See Ripstein 2009: ch. 9.

17 There will be questions about what constitutes absolute poverty, and how much relief is required. My concern here is not with resolving these complications, but simply with the idea that exercising basic human agency requires means: one cannot have and pursue purposes without any means. While, on Kant's account, the state is obliged to give you only what you need to survive, and not more, arguably, he takes this minimal amount to be something to which you are entitled no matter what the cause of your needing it. See Varden (forthcoming, *Kantian Review*, 2014). On this reading of the argument, it implies that the state cannot rightfully force you to take an unattractive job by refusing to give you any means at all if you do not take it, but in a rationally designed system in which jobs pay more than the absolute minimum needed to survive, there will always be a rational incentive to take a job.

defending property holdings. This means that without absolute poverty relief, those who have absolutely no means and no legal way of getting means are dependent on the generosity (discretionary giving) of others. The state's entitlement to coerce us (including defending individuals' private property) is legitimate only if it is compatible with everyone's freedom: with everyone's being subject to universal law and not systematically subject to choices of other individuals. Thus, Kant thinks that the defense of private property without provision for absolute poverty relief is not compatible with everyone's freedom. It is not something that can be made consistent with law that issues from an omnilateral standpoint—law that expresses the will of all.[18] As Ripstein explains, for Kant, the problem of poverty is that "the poor are completely subject to the choices of those in more fortunate circumstances" (Ripstein 2009: 274). The poor person's purposiveness depends on the grace of others, like a slave or a serf, two of the most archetypally unfree conditions (Ripstein 2009: 281). It follows from this that in a legitimate state public structures must ensure that there is relief against absolute poverty; this is required for legitimate ownership of property. Creating property rights in a way which is compatible with everyone's freedom requires public provision against absolute poverty. As Ripstein says, "the only way that property rights can be made enforceable is if the system that makes them so contains a provision for protecting against private dependence" (Ripstein 2009: 228). The state must defend property rights (our agency requires that we have assurance of some things being reliably at our disposal), but defending property rights without relief for absolute poverty is inconsistent with the freedom of all. It forces some people (those who have no means) into a position where they cannot act on and realize their innate right to freedom; they can survive only through the discretionary choices of those who have means. Thus, a state in which there is no provision for giving basic means to people in absolute poverty is not compatible with everyone's freedom.

On this analysis, in a state in which some people cannot meet their basic needs without begging (and in which other people have more than they need) there is injustice. Kant says:

> Having the resources to practice such beneficence as depends on the goods of fortune is, for the most part, a result of certain human beings being favoured through the injustice of government, which introduces an

18 As Ripstein puts it "dependence of private charity is inconsistent with its benefactor and beneficiary sharing the united will that is required for them to live together in a rightful condition" (2009: 274).

> inequality of wealth that makes others need their beneficence. Under such circumstances, does a rich man's help to the needy, on which he so readily prides himself as something meritorious, really deserve to be called beneficence at all?
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> MM 6: 454.

It follows from Kant's analysis that whatever distribution is necessary for absolute poverty relief does not involve taking away from anyone property to which they have a right,[19] and people who are in abject poverty are missing something to which they have a basic right. Further, it is crucial that absolute poverty relief is provided by *public* means:

> For reasons of state the government is therefore authorised to constrain the wealthy to provide the means of sustenance to those who are unable to provide for even their most necessary natural needs. It will do this by way of coercion … by public taxation, not merely by *voluntary* contributions
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> MM 6: 326.

It matters that this provision is public, since this is what enables us to ensure that the person who has no means does not have the basic conditions of their agency subject to the discretionary giving of other individuals. The relief from absolute poverty that is provided by public means is not discretionary individual giving: it is what we all rationally will to have provided, as part of how we set up a state that is consistent with everyone's freedom.[20] It is the expression of an omnilateral will, and this is required for it to be compatible with everyone's freedom. As Ripstein explains,

19 As Ripstein puts it, the wealth of the wealthy "consists entirely in their entitlement to exclude others from their goods, which in turn is consistent with equal freedom only when consistent with the formal conditions of the general will" (Ripstein 2009: 283). Varden argues that it follows from this "that political freedom does not exist in societies in which some persons have no means and their access to means is limited to charity or other persons' private decisions to provide employment" (Varden 2008).

20 This can be compared to the point that only the state is authorized to punish wrongdoers. Punishing is not a matter of people getting the suffering they deserve, which they could, in principle, get from private responses, and the need for the state to punish is not simply a function of private responses being potentially disproportionate or out of control. Punishing is a matter of defending the public law; as such it is something only the state can do and something the state is obliged to do.

> The problem of private dependence on charity is institutional, because it is a consequence of the creation of enforceable property rights. So any solution to it must be institutional, in order to make enforceable rights consistent with all citizens sharing an omnilateral will
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> RIPSTEIN 2009: 282.

This explains Kant's view that when it comes to meeting basic needs, it does not matter just *that* they are met, but *how* they are met. He says:

> Many people take pleasure in doing good actions but consequently do not want to stand under obligations toward others. If one only comes to them submissively, they will do everything: they do not want to subject themselves to the rights of people, but to view them simply as objects of magnanimity. It is not all one under what title I get something. *What properly belongs to me must not be accorded to me merely as something I beg fo*r
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> MLR 19: 145, my emphasis.

If something is mine as a matter of entitlement, there is something wrong in my being given it by you as a gift. Consider a case in which, knowingly, you are living on stolen goods, and then give back to the destitute person from whom you have stolen a little bit of what you stole. You certainly should not congratulate yourself on your generosity, and you are not doing anything meritorious. You are simply inadequately undoing a small amount of a wrong you have done. Of course, a situation in which I give back to you some of what I have stolen from you is better than a situation in which I keep it all. But it is still a situation in which you have been wronged: your basic entitlement to what is rightfully yours has not been met, and, if I am presenting it as a gift, the way in which you are getting back some of what is yours misrepresents the relation between us. Kant thinks of getting basic needs met through charitable donation as a bit like this. Of course, it does not involve the giver having stolen anything, but it involves the recipient being given through a discretionary donation something to which they have a basic entitlement. This makes the recipient's freedom (their being able to realize the basic conditions of agency) dependent on the discretionary choices of particular others, which is not compatible with respecting their basic entitlement to freedom. Kant says:

> If we have taken something away from a person, and then do him a kindness when in need, that is not generosity, but a poor recompense for what has been taken from him
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> LE 27: 432.

> In accordance with [benevolence], people are merciful to others and show beneficence to them after they have earlier taken from them, even though they are conscious of no injustice to anyone. But one can participate in the general injustice, even if one does no one any injustice according to civil laws and institutions. Now if one shows beneficence to a wretch, then one has not given him anything gratuitously, but has given him only what one had earlier helped to take from him through the general injustice. For if no one took more of the goods of life than another, then there would be no rich and no poor. Accordingly, even acts of generosity are acts of duty and indebtedness, which arise from the rights of others
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> LE 27: 416.

On Kant's account, the problem with charitable giving as a way of meeting basic need is not just that it is unreliable, partial, and uneven. He thinks that even if charitable giving were a *reliable* way of meeting basic needs—if everyone regularly chose to give generously—the needs would be met in the wrong way. The person whose basic needs are met through someone else's giving is having their fundamental needs met as a result of a choice of another person. Being a subject of a state means having an entitlement to the defense of your basic freedoms, including absolute poverty relief. In the absence of this, the person in absolute poverty is forced into a situation in which their innate freedom is not respected. The only way in which they can meet their basic needs is by subjecting themselves to the discretionary choices of others. Since, on this account, being a free agent is a matter of not being subject in this way to the discretionary choices of others, this means that they are forced into a position in which the only way they can survive is by acting in a way that is not compatible with respecting their freedom. This is why it is demeaning.

It may be argued that the actions of the beggar cannot be humiliating or demeaning if they genuinely have no choice: if it is not their fault that they are in the position of dependence in which they find themselves. However, the fact that someone is not responsible for being in a situation in which they have no choice but to humiliate themself does not make the humiliation less. To think that people can be demeaned only by their own choices fails to account for part of what is wrong with forcing someone into this kind of position. Consider a rape victim who participates in acts she finds humiliating or degrading to save her life. The acts don't become less demeaning or humiliating by being a reasonable way of acting for her to save herself; one part of what is dreadful about the situation is precisely her being forced into a situation where she has no alternative but to act in ways that are humiliating. She is forced into a

position in which she participates in being the agent of her own humiliation. If I can save myself only by compromising my autonomy or doing things I find demeaning or humiliating, this does not thereby make it the case that I am not compromising my autonomy, humiliating or demeaning myself; forcing people into situations in which they have no option but to compromise their autonomy or self-respect wrongs them in more ways than simply the harm done.

In addition to the ways in which the beggar has been wronged, and the ways in which the beggar is humiliated, Kant thinks that the beggar wrongs you, by the way they intrude on you in a public space. Creating and protecting public spaces, such as public roads, is, in Kant's view, a central part of the way in which the state must enable everyone's freedom, and it is an important part of this that public spaces should not be wrongfully taken over by the private interests of individuals.[21] As Ripstein puts it, the beggar is using a public space as if it were their private space, a space in which they have a right to conduct their personal business (Ripstein 2009: 263). It is as if the beggar is interacting with you like a shopkeeper might, when you step into their shop.[22] Further, the beggar does not have a right against you, as a particular individual, that you meet their needs, or a right to your particular goods.

This is, morally speaking, an extremely complex situation. We have, in Kant's view, a general moral obligation to care about the needs of others (to make their needs one of our ends), and, if beggars are as they represent themselves as being, we are encountering someone whose needs are dire. But no particular person has a private right against any other particular person to meet their needs. And the beggar is wronging you by the way they encroach on you in a public space. But, if the beggar genuinely is in dire need, they have no option but to act as they do. And, the beggar has been wronged by a state which fails to provide for their needs, and has a legitimate claim to some material means.

21 Some business is conducted in public spaces, but this is usually controlled, regulated by license, and temporary (such as stalls at street festivals, or ice cream vans).

22 This is different from the way in which you might be intruded on by individuals in one-off emergencies, such as a car accident, in which someone might ask you to call an ambulance or the police (or an emergency in which a beggar was actually dying in front of you). The beggar is not asking you to help them involve the state in solving the problem rightfully, nor are they engaging you as a citizen who may have some duties of rescue or emergency aid; they are engaging you as a private person pursuing a private purpose. Relatedly, the beggar's asking for help is significantly different from someone's calling out for help while being mugged. In the latter case, the person is calling for help in enforcing their basic entitlements to protection; a comparative case would be the beggar asking you to help them occupy some government buildings to demand the introduction of basic poverty relief.

This claim cannot be rightly met by your giving. Despite this, the severity of the need still provides reason to give. And giving back a bit of what you don't have rightfully is surely better than keeping it all. The beggar is demeaning themselves by begging, but a person who is in the humiliating position of surviving by asking for money, and who asks for money in a way that is further demeaning, is not treated more respectfully by having their request refused.[23] This set of apparently conflicting claims might lend support to those who think that Kantian moral philosophy is not helpful in dealing with bad situations: that aiming to act on maxims which would work in a perfectly co-ordinated kingdom of ends does not tell you what maxims to act on in an imperfect world. However, I think Kant's analysis helps us make sense of the phenomenology of encounters with beggars—with why they can be so uncomfortable—and also gives us some insight into how we might think about what we are doing in these encounters. The argument given here suggests that extreme discomfort is an appropriate way to feel in these encounters: it involves accurately registering the nature of the situation.

A genuine beggar has been wronged by the state's defense of property and its property distribution:[24] they have been treated unjustly, and are lacking something to which they have a basic entitlement under justice. Although the beggar does not have a claim to any particular individual's goods, you may have more goods than you would be entitled to by a just distribution which avoids absolute poverty. The beggar is wronged by the injustice of avoidable[25] absolute poverty, from which, most likely, you wrongfully benefit. The encounter may make you feel uncomfortably aware of such injustice, and of your being a beneficiary of it.

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23 Considering a similar point, Jerry Cohen says: "Another rationale for not giving away what one has in excess of what equality would allow, a rationale that is popular with persons influenced by Marxism, is that such giving does not touch the *fundamental* injustice, which is the structured inequality of power between rich and poor. A rich person's charity does nothing to eliminate unequal power. It is but a particular use of the unequal income that reflects unequal power" (Cohen 2000:166). But as he points out, this can hardly be a reason not to give to someone in need: "it would be grotesque for him to say to those who lose from the unjust power division: 'I won't succour you, since what I deplore is, at root, not your poverty but the system that makes you poor'" (Cohen 2000:166).

24 Whether the distribution is just or not is not simply a matter of how it was initially carried out; the state's defense of property is compatible with the freedom of all (compatible with justice) only if there is an ongoing possibility of relief from absolute poverty.

25 The poverty is avoidable in the sense that other people have more than they need; the situation would be different in a state in which there simply is not enough for everyone to meet their basic needs.

However, although you have unjustly benefited from a distribution which has unjustly harmed the beggar, you are (probably) not responsible for this. Further, you cannot remedy the problem by giving, since your discretionary giving is not a way of their getting their basic entitlement under justice. And although you may have more than you would have under a just distribution, the beggar does not have a claim against your particular private property (as opposed to a claim for public provision of poverty relief). So while the awareness of the injustice (and of your being a beneficiary of it) may make you feel guilty, it may also at the same time make you feel (resentfully) that the guilt is unfair, since you didn't create the problem, you cannot remedy it in the encounter, and the beggar does not have a right that you as an individual solve his problems or a right to some portion of your goods, in particular.

In addition to the fact that the beggar does not have a claim against any other particular private individual that they, specifically, meet his needs, Kant thinks that the beggar wrongs you in making an illegitimate use of public space and intruding on you. You are being intruded on in a space in which you are entitled, in general, not to be intruded on; this is another possible source of resentment.

The beggar does not simply, like the victim of theft, lack something to which they are entitled; further, the beggar is forced into a position that is demeaning. They are in a position in which their only option for survival is inconsistent with respect for their freedom. On this analysis, when we are confronted with a beggar, we are implicated in relations of servility and humiliation from which we do not easily escape—whether or not we give. We participate in the demeaning relation of a person having their basic needs met through a discretionary choice. This is part of the emotional discomfort: it is distressing to relate to someone in a way which involves them humiliating themselves in relation to you.

Finally, we are, in a sense, helpless, since we cannot meet the beggar's claim under justice by a private act of giving: this involves trying to solve a public problem through a private interaction, and there is no way of doing this. We are related to each other wrongfully, and, in the encounter, there is nothing we can do about this. The analysis suggests that the feelings of guilt, discomfort, resentment, and helplessness may all be part of accurately registering the nature of the situation.

In addition to the explanation it gives of the complex phenomenology of encounters with beggars, the analysis may have some implications for how we act. Recognizing that what we are giving is, in one sense, something to which the other person in fact has a rights-based claim should affect what we think we are doing when we give, and even the way we give. Kant says "we shall

acknowledge that we are under obligation to help someone poor; but since the favour we do implies his well-being depends on our generosity, and this humbles him, it is our duty to behave as if our help is merely what is due to him or but a slight service of love, and to spare him humiliation and maintain his respect for himself" (MM 6: 448). We may act differently in giving, and we should think and feel differently in giving, when we recognize that we are in some sense returning property to which the person in absolute poverty has a claim under justice, and which we probably would not have under a fair distribution. We will also think differently about what response is appropriate from the recipient: if we are freely choosing to make someone a gift, gratitude is appropriate, but this is not the case if they are merely being given a small part of what is due to them under justice, so we may not be entitled to expect gratitude.

The analysis enables us to distinguish between different kinds of so-called charitable giving. At one extreme, we have the kind of optional charitable giving that is involved in, for example, making a donation to the opera house, the art gallery, or the local school. These seem to be clear cases of 'giving to a good cause,' where the giving is optional, reflects generosity, is something to which gratitude is an appropriate response, and is something to which none of these 'causes' have a claim against you. Another kind of giving is involved in responding to sudden disasters and emergencies. Not every case of people being in dire need of material assistance arises out of structural injustice which suggests that people's freedom has been compromised; this is not the case with natural disasters.[26] A clear case can be made for saying that we have an obligation to give in response to emergencies and disasters (the child in the pool), and this does not involve in any sense wronging the recipients. Kant himself distinguishes between assisting those in distress where the distress is a temporary condition, and giving alms which is a response to continuous need (EL 27: 706). The latter gives us a third kind of 'charity,' which the argument above has suggested should not straightforwardly be thought of as *giving*, since it involves people getting back a small amount of what they in fact have a right to.

On Kant's analysis, our daily confrontations with beggars confront us with structural injustice in which we are implicated. In this situation, there may be nothing you can do to relate to the beggar perfectly rightfully. A final implication of this analysis is that it suggests that, although you do not do wrong if you do the best act available to you, the extent to which you can live a completely morally good life is not independent of the conditions of the society you live

26 It is arguable that a legitimate state should have provision for responding to these, and that it is problematic if responses to emergencies depend on individual giving.

in. Living in an unjust state means you can find yourself in situations in which there is no morally unproblematic alternative. Part of the problem about giving to beggars is a problem of judgment: our ignorance of many of the relevant details of the lives of the people who are actually begging, as well as questions of efficacy and efficiency in targeting and meeting need. However, the problem is not just one of judgment and efficacy. If there are genuine beggars, then there is structural injustice of a sort which makes it impossible for you to relate rightfully to these individuals in individual encounters.

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