

## **International Aid: The Fair Shares Factor**

### **1. The Recent Debate**

For several decades, philosophers have been discussing the moral implications of the following real life case:

*The Case of the Distant Needy:* Hundreds of millions of people in developing countries are living in extreme poverty. A variety of aid agencies do a variety of work aimed at improving the conditions of these people, and at preventing the recurrence of such conditions in the future. By giving money to such agencies, we can contribute to this work. Very few of us, however, give more than a negligible amount, at most, to such agencies.

How much, if anything, is a typical First Worlder (call her "Anna") morally obligated to give to such agencies? How much is she obligated to give, that is, given the reasonable assumption that most of her peers will continue failing to give significantly to such agencies? Some philosophers have argued for what I shall call:

*The Extreme Principle:* Anna is morally obligated to give nearly all of her money to such agencies.<sup>1</sup>

This is a strikingly counter-intuitive claim, and many objections have been made to it. One such objection is based on the idea that the Extreme Principle requires Anna to give more than her fair share of money to aid agencies. Those who make this objection accept that we First Worlders as a group are obligated to give much more than we presently do to such agencies. But doing so would impose costs on us, and, those who press this objection argue, those costs should be fairly divided amongst all those who are able to pay. Such a division would assign each of us our fair share of the total sum. It is likely to be highly controversial both how

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<sup>1</sup>See, for example, Peter Singer, "Famine, Affluence, and Morality," *Philosophy and Public Affairs* 1 (1972): 229-43; and Peter Unger, *Living High and Letting Die* (New York: Oxford University Press, 1996).

much that total sum should be, and how that sum should be divided between us. But it is clear that, on any reasonable account, the Extreme Principle requires Anna to give much more than her fair share of that sum. And this seems unfair. Why should *she* have to make such great sacrifices, when the need for those sacrifices results from the failure of *other* agents to do *their* fair share? Call this the “Fair Shares Objection” to the Extreme Principle.

Those who press this objection—the “Objectors”—often put it into the mouth of Anna herself. Dan Brock, for example, has Anna reason in this way:

“Why must I sacrifice nearly all of my own interests and projects to relieve this suffering when my being required to sacrifice this much is only the result of the indifference of nearly everyone else, and of their failure to help at all. [Sic.] This imposes an unfairly large sacrifice and burden on me. What morality requires is a fair distribution, to all those capable of sharing it, of the burden of helping those in need.”<sup>2</sup>

In Liam Murphy’s version, the main target is a consequentialist principle of beneficence, which Murphy calls the “optimizing principle of beneficence.”<sup>3</sup> He takes this to entail the Extreme Principle, and makes the objection in this way:

Consider the position of someone who tries to act in accordance with the optimizing principle of beneficence today. She will be aware that she will have to go on promoting well-being until her own level of well-being is very low indeed ... Moreover, she will know that one main *reason* that her compliance with the optimizing principle of beneficence will result in such great sacrifice is just this fact that she is one of the very few people complying. She knows that if everyone always acted according to the optimizing principle, much less would be required of her. In the face of this she may well ask: “Why should I have to do more just because others won’t do what they ought to do? Why should I have to take up the slack caused by their wrongdoing? Surely I should only have to do my own fair share?”<sup>4</sup>

As indicated by these quotations, the Objectors typically suggest an alternative answer to the question with which we started, an answer I shall call:

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<sup>2</sup>Dan Brock, “Defending Moral Options,” *Philosophy and Phenomenological Research* 51 (1991): 909-13, at p. 912 (quotation marks in original).

<sup>3</sup>This principle “requires each person to act such that she will produce as great an expected overall benefit, given what she has reason to believe, as she would acting in any other way available to her.” See Liam Murphy, *Moral Demands in Nonideal Theory* (New York: Oxford University Press, 2000), pp. 10-11.

<sup>4</sup>Murphy, *Moral Demands*, p. 76 (emphasis in original). Cf. Liam Murphy, “The Demands of Beneficence,” *Philosophy and Public Affairs* 22 (1993): 267-92, esp. pp. 277-78. See also Derek Parfit, *Reasons and Persons* (Oxford: Oxford University Press, 1984), p. 30; and L. Jonathan Cohen, “Who is Starving Whom?” *Theoria* 47 (1981): 65-81.

*The Fair Shares Principle:* Anna is only morally obligated to give her fair share of money to aid agencies.<sup>5</sup>

The Fair Shares Objection to the Extreme Principle has, I think, considerable intuitive force. It does seem grossly unfair to require Anna to make such great sacrifices, when the need for such sacrifices arises only because of the failure of most of her peers to give at all. But this objection has received relatively little attention. Most philosophers who discuss the Extreme Principle consider it deeply counter-intuitive, and look hard for objections to it. But few discuss the Fair Shares Objection at all. They apparently believe that, if a good objection to the Extreme Principle is to be found, it will have to be found elsewhere. And most of those who do discuss this objection dismiss it very quickly indeed—within the space of a paragraph at most. These philosophers—the “Counter-Objectors”—do so by invoking comparison cases in which it seems clear that the relevant notion of fair shares has no deontological significance at all, and then drawing the conclusion that the same applies in the Case of the Distant Needy. Here is a representative comparison case:

*The Case of the Drowning Children:* Clive and Jack are both taking a walk through the park. They see two children drowning, one on either side of the path. Saving each child would involve some relatively minor stress and mess. Clive jumps in and saves the child on his side. As he drags her out, he notices that Jack clearly has no intention of saving the other child.

What bearing is this case supposed to have on the Case of the Distant Needy? Let me give one or two examples of what those who invoke such cases say. (In each of the quotations below I take the liberty of adjusting the texts to make them conform to the Case of the Drowning Children.) James Rachels writes:

What if Clive saved one child and then watched the other die, announcing that he had done *his* duty and the one who died was Jack's responsibility? This shows the fallacy of supposing that one's duty is only to do one's fair share, where this is determined by what would be sufficient *if* everyone does likewise.<sup>6</sup>

Shelly Kagan puts it this way:

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<sup>5</sup>In Murphy's case, the claim is rather (roughly speaking) that each of us is obligated only to do our fair share of beneficence. But since Murphy considers the most urgent call on our beneficence today to be the distant needy, this claim is likely to yield something close to the Fair Shares Principle. See *Moral Demands*, esp. p. 120.

<sup>6</sup>James Rachels, “Killing and Starving to Death,” *Philosophy* 54 (1979): 159-71, at pp. 162-63 (emphasis in original).

No doubt under a fair distribution of the burdens, each would only have to save one child. But if Jack immorally refuses to do his fair share, then Clive must do more: he is required to save them both. So one's moral requirements are *not* limited to doing one's fair share.<sup>7</sup>

And Garrett Cullity writes:

If Jack walks off and leaves Clive to deal with both of them, then no doubt this is contemptible. However, this surely does not allow Clive to save the first child and abandon the second, in accordance with his share of the required help. The underlying point is simply that, when an accusation of immoral callousness is made against someone who won't avert threats to people's lives, protestations concerning one's share of the cost are irrelevant ... the corresponding claim concerning world poverty—that morality demands only doing one's share towards alleviating it, even when one knows that others are not doing theirs—is no more credible.<sup>8</sup>

These philosophers, then, take it as obvious that, given Jack's refusal to help, the following claim is true:

(1) Clive is morally obligated to save both children.

On the assumption that a fair division of the relevant child-saving duties would assign Jack and Clive one child each to save, then, Clive is obligated to do more than his fair share. That is, the following claim is false:

(2) Clive is only morally obligated to do his fair share of the relevant child-saving duties.

And they take the same moral to carry over to the Case of the Distant Needy. Just as considerations of fair shares have no deontological significance in the Case of the Drowning Children, so they have no deontological significance in the Case of the Distant Needy either. Call this the "Standard Counter-Objection" to the Fair Shares Objection to the Extreme Principle.

How have the Objectors responded to the Standard Counter-Objection? I know of only two who have done so. I briefly discuss their responses below. But I shall be very brief. The main point that I want to bring out is simply that those who make the Objectors are troubled by the Standard Counter-Objection, and are prepared either to bite the bullet in the relevant comparison cases, or to bring in some special machinery to avoid doing so. In the next section, I shall argue that there is no need to do so.<sup>9</sup>

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<sup>7</sup>Shelly Kagan, "Replies to My Critics," *Philosophy and Phenomenological Research* 51 (1991): 919-28, at pp. 924-25 (emphasis in original).

<sup>8</sup>Garrett Cullity, "The Life-Saving Analogy," in William Aiken and Hugh LaFollette (eds.), *World Hunger and Morality*, 2nd ed. (Prentice Hall, 1996), pp. 51-69, at p. 59.

<sup>9</sup>One may, of course, respond to the Standard Counter-Objection by arguing that the

L. Jonathan Cohen responds to the Case of the Drowning Children in the following way. He argues that principles requiring agents to do more than their fair share are to be rejected because, if they became widely accepted, they would encourage less conscientious people to neglect their obligations. For those less conscientious people would think: "Even if I don't do my fair share, someone else will take up the slack, and so my noncompliance won't make any difference." But such thoughts, Cohen argues, are likely to lead to a general decline in compliance, and so the long-term consequences of propounding such principles are likely to be negative. Clive's saving both children, however, is unlikely to have any serious effect of this kind, so maybe he should do so.<sup>10</sup>

Cohen's response has a number of controversial features. For one thing, there is the assumption that the validity of a moral principle depends on the effects that would follow from propounding it. And then there is the question whether the effects would be as Cohen claims. But perhaps the most troubling thing about Cohen's proposal is this. In seeking to support the claim that, at least in general or for the most part, agents are not required to do more than their fair share, no use is made of the intuitive rationale behind the Fair Shares Objection: that it is unfair to require them to do so. Instead, the argument is based on broadly consequentialist considerations concerning the effects of propounding various principles. But this is very odd. If there is anything in the Fair Shares Objection at all, surely it has *something* to do with fairness.

Liam Murphy has two different responses to the Case of the Drowning Children. In his earlier paper, Murphy suggests that being "directly confronted" with someone in need may create a special obligation to help her, and that special obligations are not subject to considerations of fair shares.<sup>11</sup> The first of these claims seems implausible, and in his later book, Murphy drops it. Instead he argues as follows. The "basic idea" of the principle he advocates is that "a person need never sacrifice so much that he would end up less well-off than he would be under full compliance [with the optimizing principle of beneficence] from now on, but

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claim that the distant needy make on Anna is, for some reason, less strong than the claim that the drowning children make on Clive, and that the analogy between the two cases breaks down because of this. Evidently, a full analysis of the Case of the Distant Needy would have to consider the various reasons why one might think this, but I do not have the space to do so here. (I do discuss such reasons, however, in *Should We Give to Aid Agencies?* (Edinburgh University Press, forthcoming).) So I will limit myself here to showing that there is a strong response to the Standard Counter-Objection even if it is true that the claim that the distant needy make on Anna is just as strong as the claim that the drowning children make on Clive.

<sup>10</sup>See Cohen, "Who is Starving Whom?" pp. 76-81.

<sup>11</sup>Murphy, "The Demands of Beneficence," p. 292.

within that constraint he must do as much good as possible.”<sup>12</sup> So, in order to find out how much one must sacrifice, one first works out how well off one would be if everyone were to start acting on the optimizing principle. In the real world, one doesn’t have to make sacrifices that would make one worse off than that.

Murphy applies this principle to the Case of the Drowning Children as follows. If Clive is currently better off than he would be under full compliance with the optimizing principle from now on, then he is required to save both children. If, however, he is not better off than he would be under full compliance, he is not required to do so. So in certain cases like that of the drowning children, at least, Clive is *not* obligated to save both children.<sup>13</sup> This is counter-intuitive, but Murphy argues that the “what a monster” reactions that we would have to Clive in such cases, if he failed to save the second child, reflect a negative assessment of his character, rather than the thought that what he did was wrong.<sup>14</sup>

This response is highly counter-intuitive. There are few fixed points in commonsense morality, but the claim that it is not wrong not to lift a finger to save the life of someone drowning in front of you is a pretty good candidate for being one of them. It may be that we would be willing to relinquish even this claim in certain very unusual contexts. But the mere fact that, by saving the second child, Clive would make himself worse off than he would be under full compliance with the optimizing principle of beneficence seems a pretty poor candidate for such a context.

In any case, I will not discuss Murphy’s proposal in more detail here. Instead, I shall argue that there is a way of interpreting the Fair Shares Objection to the Extreme Principle that vindicates the intuition that that objection is a strong one, but which doesn’t force one to bite the bullet in the Case of the Drowning Children. If this is right, then one can avoid the kind of deeply counter-intuitive claims about the Case of the Drowning Children that Murphy is prepared to embrace while still insisting that the Fair Shares Objection to the Extreme Principle is a strong one.

## 2. A Different Response to the Standard Counter-Objection

One striking difference between the Case of the Distant Needy and the Case of the Drowning Children is this. In the Case of the Drowning

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<sup>12</sup>Murphy, *Moral Demands*, p. 77. For a variety of reasons, it is hard to summarize concisely the precise position that Murphy takes in *Moral Demands*. I cite Murphy’s statement of the “basic idea” of his principle here, rather than that principle itself, because the canonical formulation of that principle is 177 words long (see *Moral Demands*, pp. 117-18).

<sup>13</sup>*Ibid.*, pp. 127 f.

<sup>14</sup>*Ibid.*, pp. 132-33.

Children, the additional cost to Clive of acting on (1) (the principle requiring him to save both children), as compared with the cost to him of acting on (2) (the principle only requiring him to do his fair share of the relevant child-saving tasks), is very low indeed. It is, at least in part, the fact that this additional cost is so low that makes it seem preposterous to deny that he is obligated to save both children. In the Case of the Distant Needy, by contrast, the additional cost to Anna of acting on the Extreme Principle, as compared with the cost to her of acting on the Fair Shares Principle, is very high indeed.

If this difference between the two cases affects the strength of the Fair Shares Objection to the relevant principles (the Extreme Principle and (1)), then this may give us grounds for giving different verdicts about the two cases. Does it do so? That depends on how we construe the Fair Shares Objection. On any account, the Fair Shares Objection is an objection to principles requiring agents to do more than their fair share of some task, when others default. Such principles require agents to pay additional costs—costs, that is, which are additional to the costs that acting on principles only requiring agents to do their fair share would impose. Let us call such additional costs “supra-fair costs,” to reflect the fact that they go beyond the costs that a fair division of the relevant tasks would impose. Now, on what I shall call the “Proportional Construal” of the Fair Shares Objection, the strength of that objection to principles requiring agents to do more than their fair share of some task is proportional to the size of the supra-fair cost that acting on such principles would impose. The greater the supra-fair cost is, the stronger the objection is. On what I shall call the “Non-Proportional Construal,” by contrast, the strength of the objection to principles requiring agents to do more than their fair share does not vary in this way. The objection is equally strong (or weak) whether the supra-fair cost of acting on the principle in question is great or small.<sup>15</sup>

On the Non-Proportional Construal, then, the difference between the Extreme Principle and (1) that I highlighted above—the fact that the supra-fair cost of acting on the Extreme Principle is great, while the supra-fair cost of acting on (1) is trivial—does not affect the strength of the Fair Shares Objection to the principles in question. And so one cannot appeal to this difference to give different verdicts about the two cases. But on the Proportional Construal, one can. One can argue as follows. The supra-fair cost to Clive of acting on (1) is very low, and so the Fair Shares Objection to (1) is very weak. Given that the Fair Shares Objection to (1) is very weak, it is easily overridden by the fact that a life is at

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<sup>15</sup>I am grateful to an anonymous reviewer at another journal for some useful suggestions concerning the terminology here.

stake. The supra-fair cost to Anna of acting on the Extreme Principle, by contrast, is very high, and so the Fair Shares Objection to the Extreme Principle is very strong. Given that the Fair Shares Objection to the Extreme Principle is so strong, it is at least not clear that it is overridden, even though in this case, too, lives are at stake.

This seems to me the best way for those who find the Fair Shares Objection to the Extreme Principle intuitively forceful to respond to the Standard Counter-Objection. It allows one to give the intuitively right answer in the comparison cases, without being forced to the conclusion that the Fair Shares Objection to the Extreme Principle is also overridden.<sup>16</sup> And it does not require importing any ad hoc considerations to justify giving different verdicts about the two cases. Rather, the factor that supports such different verdicts—the great difference in the supra-fair cost of acting on the principles in question—seems internally related to the objection in question. After all, what one is objecting to, when one objects to a principle that requires one to do more than one's fair share, is to paying more than one's fair share of the *costs* involved in realizing some collective task. It seems unfair that one should be called upon to pay that supra-fair cost, just because someone else is not willing to do her fair share. And if that is what one is objecting to, it seems natural to suppose that one's objection will be stronger, the greater that supra-fair cost is.

Of course, even if this response is available to those who press the Fair Shares Objection to the Extreme Principle, it does not follow that the Fair Shares Objection (as always from now on, unless otherwise specified, on the Proportional Construal of that objection) actually defeats that principle. It would take a lot more work—certainly more than there is room for in one short paper—to resolve that question one way or another. My main aims here are more limited. They are, first, to highlight the possibility and the plausibility of the Proportional Construal of the Fair Shares Objection; and second, to show that, on this construal, the Standard Counter-Objection to that objection to the Extreme Principle fails.

To realize even these relatively modest aims, however, I must respond to certain objections. The first of those objections concerns the

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<sup>16</sup>The possibility of such a response may not come to light if one takes it that the same general principle of beneficence covers both the Case of the Distant Needy and the Case of the Drowning Children, and one assumes that such a principle must say either that one never has to do more than one's fair share, or that considerations of fair shares are always quite irrelevant to what one should do. But why make this assumption? Why not have a flexible principle of beneficence according to which one sometimes has to do much more than one's fair share, one sometimes has to do a little more, and one sometimes only has to do one's fair share, depending on a variety of factors, including how much supra-fair cost one would incur in acting in one or another way?

Proportional Construal itself. One may be tempted to argue as follows: "It is one thing to object to the Extreme Principle on the basis of the high cost that Anna would pay in acting on it. It is another to object to the Extreme Principle on the basis of the fact that that principle requires Anna to do more than her fair share. The Proportional Construal of the Fair Shares Objection simply muddles up these two separate objections."

I suspect that many philosophers must have had some such thought. For much of what philosophers have said about the Fair Shares Objection only seems to make sense on the assumption that those philosophers had the Non-Proportional Construal of that objection in mind.<sup>17</sup> But this objection is confused. It is true that one might object to the Extreme Principle simply in virtue of the cost that Anna would pay in acting on it; that is, simply in virtue of the magnitude of the cost, regardless of whether or not that cost is more than her fair share. And it is also true that any such objection would be quite independent of the Fair Shares Objection. But that objection, on the Proportional Construal, differs from objections based just on the magnitude of the cost in two ways. First, it focuses not on the total cost to Anna of acting on the Extreme Principle, but rather on the supra-fair cost to her of doing so.<sup>18</sup> Second, and more importantly, the ground for the objection to the claim that Anna is obligated to pay this cost is different. The claim is that it is *unfair* to require Anna to pay such a great supra-fair cost, when the need to which she would be responding in doing so exists only because of the failure of her peers to do even their fair share.

The Fair Shares Objection, then, on the Proportional Construal, com-

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<sup>17</sup>Take, for example, the fact that all the Objectors have argued for the Fair Shares Principle. If one is discussing the Fair Shares Objection to the Extreme Principle, then the Fair Shares Principle is, of course, a natural starting point. But on the Proportional Construal, as I have shown, there need be no very strong objection to principles requiring agents to give more than their fair share of money to aid agencies, at least as long as the supra-fair cost is relatively low. One might, up to a certain point, say the same about the Case of the Distant Needy as one says about the Case of the Drowning Children: even if the cost is more than Anna's fair share, and even if that cost has a greater normative significance in virtue of that fact, still, she should pay it, given that lives are at stake. Consistent with this, one might also claim that the supra-fair cost of acting on the Extreme Principle is *so* high that Anna is not required to pay it. But none of the Objectors has so much as suggested the possibility of arguing in this kind of way.

<sup>18</sup>It is important to note, none the less, that almost all of the total cost to Anna of acting on the Extreme Principle is likely to be a supra-fair cost. This is because of how cheap it would appear to be, by First World standards, to eliminate extreme poverty. According to one United Nations Development Program Estimate, for example, the total figure needed to eliminate extreme poverty in developing countries is about 1% of global income (*Human Development Report 1997* (Oxford: Oxford University Press, 1997), p. 112; cited by Murphy in *Moral Demands*, p. 155, n. 7). It is unlikely that Anna's fair share of that sum would amount to more than 1% of her gross income—that is, to more than around \$400 U.S. a year, if she were an American on an average income.

bines, rather than muddles up, considerations of cost and considerations of fairness. The objection *is* to the supra-fair cost that acting on the Extreme Principle would impose on Anna, but the ground of that objection is that it is unfair to require her to do so. The claim is, in effect, that such supra-fair costs have a greater normative significance than they would otherwise have, in virtue of the fact that they are more than the agent's fair share.

Seen in this light, it appears to be the Non-Proportional Construal of the Fair Shares Objection, rather than the Proportional Construal, that is confused. On the Non-Proportional Construal, the strength of the objection does not vary according to the magnitude of the supra-fair cost that acting on the principles in question would exact. But this seems odd, for the reasons given above. Given that what one is objecting to is the supra-fair cost that acting on such principles would impose, it seems odd that the strength of one's objection should be quite unaffected by how great that cost is.

I conclude, then, that this first objection fails. Now let me turn to a second objection—an objection, this time, not to the Proportional Construal as such, but rather to my claim that it offers a strong response to the Standard Counter-Objection. That response is based on the claim that there is an important difference between the Extreme Principle and (1) (the claim that Clive is morally obligated to save both children). The supra-fair cost of acting on the former is great, while the supra-fair cost of acting on the latter is very small. One might, however, argue that this difference is nothing more than a reflection of the way in which the two cases to which these principles apply have been presented. One might claim, in particular, that the Case of the Distant Needy could be re-described as a succession of cases that are more closely analogous to the Case of the Drowning Children. And when that is done, one might continue, the alleged difference between the two cases on which my response to the Standard Counter-Objection is based would disappear.

How might such a redescription of the Case of the Distant Needy go? Well, first, one might make an assumption of the following kind: that for each extra \$100 (say) that Anna sent to an aid agency, an extra life would be saved, and that doing so would have no other significant consequences, apart from those for Anna herself. Call this the "Empirical Claim."<sup>19</sup> Then one might imagine that Anna has already given her fair share of money to aid agencies, and ask whether she is required to give a further \$100. Clearly, the supra-fair cost to her of doing so would be very

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<sup>19</sup>In real life, of course, there are a number of factors that call the Empirical Claim into question. Again, a full analysis of the Case of the Distant Needy would need to consider such factors carefully. Again, however, here I will limit myself to showing why the objection I am considering would fail even if the Empirical Claim were true.

small. Given this, the Fair Shares Objection to the claim that she is required to do so, as always on the Proportional Construal, would be very weak. Given that the objection would be very weak, and that there is a life at stake, of course the Fair Shares Objection to the claim that she is required to give the extra \$100 would be defeated.

But then, one might suggest, the same could be said for the next \$100 that Anna might give, and the next, and so on. In each case, the extra cost to her of giving the next \$100 would be relatively small—or at least it would be so until she had already given away most of her money. Up to that point, one might argue, the situation that would confront Anna each time she considered whether to give another \$100 would in fact be quite closely analogous to the situation that confronts Clive in the Case of the Drowning Children: just a little extra cost, and a life would be saved.

Does this objection undermine my response to the Standard Counter-Objection? It should be clear that it does not. The thought that it might do so is based on a kind of slippage between the notion of a supra-fair cost, on the one hand, and the notion of what I have just referred to as an “extra cost,” on the other—that is, the cost to Anna of saving each further life, given the Empirical Claim. Given that claim, the cost to Anna of each life-saving contribution might indeed be relatively small, at least until she had already given away most of her money. But my suggestion was not that the Fair Shares Objection, on the Proportional Construal, co-varies in strength with the extra cost, so understood, of each contribution. The suggestion was rather that it co-varies with the supra-fair cost of doing so. And the benchmark by which one measures the supra-fair cost is not the cost that the agent has already paid, but the cost that acting on a principle only requiring her to do her fair share would impose. With each further \$100, then, the supra-fair cost would rise. It would rise slowly, but it would rise all the same, and gradually become great.

It should thus be clear that the difference between the two principles on which I base my response to the Standard Counter-Objection remains, even if one makes the Empirical Claim and redescribes the Case of the Distant Needy in the kind of way suggested above. The supra-fair cost of acting on the Extreme Principle remains very high, while the supra-fair cost of acting on (1) (the principle requiring Clive to save both children) remains very low. Given the Proportional Construal of the Fair Shares Objection, then, that objection is strong against the Extreme Principle and weak against (1). And so one cannot go straight from the conclusion that the objection in question is defeated in the case of (1) to the conclusion that it is also defeated in the case of the Extreme Principle.

One may of course argue that, even though the supra-fair cost to Anna would mount up the more she gave, and even if this is a highly significant consideration, still, Anna is obligated to keep giving until she has

given away nearly all of her money. Given the Empirical Claim, after all, it will always be true that just \$100 more would save another life. And given this, there will always be a strong case for saying that Anna is obligated to keep giving more.

All of this is quite true. Given the Empirical Claim, the case for the Extreme Principle is indeed a strong one. And I've said before, I will not try here to resolve the substantive question of whether, all things considered, the Fair Shares Objection does in fact defeat the Extreme Principle. I will, however, make three comments. First, the same kind of problem will be faced by any view according to which considerations of the cost to the agent set some kind of non-strategic limit to obligations of beneficence.<sup>20</sup> Wherever one puts the limit, there will always be a strong case, given the Empirical Claim, for saying that the agent should do a little bit more. It is not, then, that the Fair Shares Objection to the Extreme Principle faces a problem that other such objections do not face.

Second, one can argue that the Fair Shares Objection is at least in a position to strengthen any independent objection to the Extreme Principle based on considerations of cost to the agent. For whatever one's independent grounds might be for objecting to the claim that Anna is obligated to pay such a high cost, one can then add that it is *also* the case that most of the cost would be a supra-fair cost, and that therefore considerations of fairness also count against requiring her to pay it.

And third, one can underline the point that the argumentative burden involved in vindicating the Fair Shares Objection to the Extreme Principle will at least be much less than that involved in defending the Fair Shares Principle. In reply to the claim that she is obligated, given the noncompliance of others, to do more than her fair share, Anna can only say, "But I have already done my fair share. It's unfair to require me to pay any costs involved in doing more, when the need for more arises only because of the failure of others to do their fair share." In reply to the claim that she is obligated to give more than, say, 50% of her income to aid agencies, Anna can say, "But I've already given *much* more than my fair share, and made some *major* sacrifices in doing so. It's *grossly* unfair to require me to make even greater sacrifices, when the need for more arises only because of the failure of others to do even their fair share."

Whether this response from Anna is strong enough to win the day is something that I will not discuss further here. As I have said, it would require further work to resolve this matter. But that it would require further work to do so is precisely my point. Once one has the Proportional

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<sup>20</sup>A "strategic" limit to obligations of beneficence, let us say, is one that is justified by the fact that observing that limit would, for some reason, lead agents to do even more good in the long run. A "non-strategic" limit, conversely, is one that is justified in some other way—for example, by considerations of fairness.

Construal of the Fair Shares Objection clearly in mind, one sees that one cannot dismiss that objection to the Extreme Principle quickly, by reference to the Case of the Drowning Children. That is, the Standard Counter-Objection fails.

### 3. Review

There are, broadly speaking, two positions in the literature on the Fair Shares Objection to the Extreme Principle. The Counter-Objectors believe that that objection can be dismissed quickly by invoking cases like that of the Drowning Children. The Objectors, on the other hand, seem to think that in order to sustain that objection, they must claim that agents are *never* required to do more than their fair share, even at the risk of having to bite the bullet in such comparison cases. Even though these positions could hardly contrast more starkly, both appear to be based on the same tacit assumption that the Non-Proportional Construal of the Fair Shares Objection is the appropriate, or only, construal. This assumption, as we have seen, is mistaken. There is also the Proportional Construal. And on that construal, the Case of the Drowning Children is a wholly inappropriate test case for the Fair Shares Objection to the Extreme Principle.

As I said in section 1, many different objections to the Extreme Principle have been put forward. Perhaps the most common objection focuses simply on the high cost that acting on the Extreme Principle would involve.<sup>21</sup> It is striking, however, that most of the philosophers who make this objection do not so much as mention the fact that the Extreme Principle requires Anna to give much more than her fair share of money to aid agencies. It is, of course, highly controversial how much moral agents are required to sacrifice for others, even leaving aside considerations of fair shares. But, as I suggested at the end of section 2, it seems plausible that any objection to the Extreme Principle based solely on the magnitude of the cost that acting on it would involve would be strengthened if one took account of the fact that most of the cost would be a supra-fair cost. The fact that most of those who object to the Extreme Principle on the basis of the high cost that acting on it would involve do not mention this factor is, I suspect, also due to the tacit assumption that, if considerations of fair shares have any role to play at all, that role must be limited to grounding an objection to the Extreme Principle that has nothing to do with the cost that acting on it would involve. They too, in

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<sup>21</sup>See, for example, Samuel Scheffler, *The Rejection of Consequentialism* (New York: Oxford University Press, 1982), and Thomas Nagel, *The View From Nowhere* (New York: Oxford University Press, 1986), chap. 10.

other words, seem to have tacitly assumed that the only legitimate construal of the Fair Shares Objection is the Non-Proportional Construal. So we have had a debate in which certain philosophers press what is in effect the Non-Proportional Construal of the Fair Shares Objection against the Extreme Principle, and other philosophers object to the Extreme Principle purely on the grounds of the high cost that acting on it would involve, but no one has clearly articulated what seems to me a stronger objection to that principle: the Proportional Construal of the Fair Shares Objection, which combines considerations of cost and considerations of fairness.

Does the Fair Shares Objection, on the Proportional Construal, actually defeat the Extreme Principle? As I have said, that is not a question that I can hope to settle here. In order to do so, it would be necessary to consider many further questions. Some of those questions concern the precise nature and strength of the considerations of fairness on which (on my reading) the objection draws. Others concern the relation between this objection and other objections, given that, as I briefly illustrated above, one may see the Fair Shares Objection as reinforcing independent grounds for suspecting that the cost of acting on the Extreme Principle is too high. Many of these questions have hardly been broached in the philosophical literature—in part, I suspect, precisely because of the presumption that cases like that of the Drowning Children show that the Fair Shares Objection can be quickly dismissed. If I have managed to unsettle that presumption, then that is progress enough for now.<sup>22</sup>

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