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Kantian Ethics and Global Justice

In this paper, I shall examine whether Kant's moral philosophy is robust enough to ground a comprehensive theory of global justice. By a comprehensive theory of global justice, I mean one that is able to take into account not just negative duties (for example, those of noninterference, nonaggression, and noncoercion) but also positive duties (to provide relief, to provide development aid, to redistribute resources and wealth, and so forth) between different communities and countries of the world. For instance, Kai Nielsen argues: "To overcome the great disparities between North and South . . . there would have to be significant and varied redistribution from North to South."¹ Likewise, another advocate for global justice, Henry Shue, has persuasively argued that respect for basic rights entails the recognition that these rights generate corresponding duties to avoid interfering, to protect from deprivation, and to aid the deprived, and these clearly are duties that demand both negative and positive actions.²

Also, and very importantly, a comprehensive theory of global justice has to recognize that claimants have a *justified demand* that these duties be performed. From the moral point of view, when we say that a demand is justified, we accord it considerable significance. We say that certain agents can be (in the normative sense) externally coerced into complying with this demand. This of course does not mean that such coercions need not observe certain constraints. But it does mean that compliance with such a demand can be externally enforced by certain legal or social sanctions.³ Examples of specific global policies I have in mind that can be legally or socially enforced would include mandatory contribution to humanitarian relief, mandatory development assistance contribution, a global taxation plan, debt reduction and the like.⁴ In short, a comprehensive theory of global justice (1) calls for certain positive duties, and (2) recognizes that claimants

have a justified and hence an enforceable (within limits) demand that these duties be performed.

But is Kant's moral philosophy sufficiently robust to ground such a theory of justice? Kant places more emphasis on negative duties of forbearance than on positive duties of beneficence. Positive duties for Kant fall mainly under *duties of virtue*, and these are duties that are generally *imperfect*. While *duties of justice* are *perfect duties*, they seem to entail only negative duties. On first glance then, it seems that Kant's moral philosophy cannot support the demands of global justice. On one hand, duties of virtue, because they are imperfect, cannot be externally demanded of an agent. On the other, it appears that duties of justice, although perfect and hence externally demandable, entail only negative duties. I shall argue, however, that while Kant's doctrine of virtue is too weak to support the demands of global justice, his doctrine of justice when applied to the realities of the global situation can indeed generate positive duties to protect, promote, and provide for the well-being of others.

Virtue and Justice

To begin with, I consider Kant's moral philosophy. Kant distinguishes *duties of virtue* (ethics) from *duties of justice* (right), of which only the latter can be rightly demanded of the agent and be enforceable. As he notes: "What essentially distinguishes a duty of virtue from a duty of right is that external constraint to the latter kind of duty is *morally possible*, whereas the former is based *only* on free self-constraint."⁵ Duties of virtue, which for Kant include furthering "one's own perfection" and "the happiness of others," unlike duties of justice, are not demandable and hence cannot be externally enforced. Also, as Kant points out, a duty of virtue "is only a *wide* one; the duty has in it a latitude for doing more or less, and no specific limits can be assigned to what should be done."⁶

Duties of virtue are thus what Kant refers to as *imperfect duties*. Now what Kant means exactly by imperfect duty is not without dispute, but generally it is agreed he means at least this much: Imperfect duties are (disjunctively):

- 1) duties that do not specify what actions ought to be done;
- 2) duties that cannot be enforced externally, for example, by legal or social sanctions; and
- 3) duties that are not directed at any specific claimant.⁷

Thus, the duty of benevolence—for instance, to promote the well-being of others—is considered an imperfect duty because there is no specific act that an agent is required to do in order to achieve this end. The agent has the final decision on how or to what extent she wants to bring this about. Also, one can choose whose well-being to promote. Surely one cannot reasonably be obligated to promote the well-being of every single person. Thus the choice as to whose ends to promote and how to promote them is left ultimately to the agent. Imperfect duties, though duties, are self-legislating duties and hence cannot be externally demanded of an agent and enforced by means of social or legal coercion.

The initial appeal of Kant's doctrine of virtue is clear. On one hand, Kant does not deny that promoting the well-being of others is a duty. But, on the other hand, by proclaiming it an imperfect duty, a duty left ultimately to the discretion of the agent, Kant avoids the "overload of obligation" problem. Imperfect duties are duties the virtuous would carry out. Yet how one chooses to be virtuous or the degree to which one wants to be virtuous is left to agent discretion. All Kant expects is that one be virtuous at least sometimes in her moral life. As he tells us, "failure to fulfill them [that is, imperfect duties] is not itself *culpability* . . . unless the subject should make it his principle not to comply with such duties."⁸

But by the same token, the imperfect nature of a positive duty of beneficence seriously undermines the moral force of Kant's virtue. As I mentioned, global justice calls for positive duties by some *vis-à-vis* others and that these are justified demands that can rightly be externally enforced. The force behind declaring an act a demandable moral duty lies precisely in the fact that claimants can insist that this act be performed (by duty-bearers), and they have justified grounds for complaints if their claims are ignored. But if positive duties to provide relief and assistance are imperfect and left only to the discretion of agents, then there can be no

justified demands that these duties be performed, nor can the performance of them be externally enforced. Neither are there moral grounds for complaints should these duties not be carried out. What can be demanded at most, on Kant's view, is that agents fulfill these imperfect duties of beneficence *sometimes*, that is, that they do not make it a principle (by adopting a maxim, for example) of not caring for the well-being of others.

Let me briefly examine why Kant holds that duties of virtue cannot be demanded by claimants. Now Kant notes that it is morally permissible and even necessary to demand and even enforce duties of justice, because such coercions are required to ensure that justice prevails:

[I]f a certain use of freedom is itself a hindrance to freedom in accordance with universal laws (ie. wrong), coercion that is opposed to this (as a *hindering of a hindrance to freedom*) is consistent with freedom in accordance with universal laws, that is, right. Hence there is connected with Right by the principle of contradiction an authorization to coerce someone who infringes upon it.⁹

Thus for Kant some external coercion is necessary given that we are not just noumenal but also finite phenomenal beings, given to contingent and worldly ends, to ensure justice. It is therefore morally permissible, and even obligatory, to apply external sanctions to ensure a harmony of freedoms. This is precisely why Kant insists that a social contract to enter into Statehood is itself a moral duty.¹⁰ As Howard Williams puts it, "the use of force contradicts the autonomy of the individual. But to make it possible for the individual to live in freedom there must be the coercive apparatus of the State."¹¹

But virtue, on the other hand, is a different matter. Kant very explicitly argues that compliance with duties of virtue cannot be demanded, let alone be enforced, externally:

Now I can indeed be constrained by others to perform *actions* that are directed as means to an end, but I can never be constrained by others *to have an end*; only I myself can *make* something my end . . . *coercion* to ends (to have them) is self-contradictory.¹²

There are two senses in which matters of virtue cannot be externally prescribed. The first is empirical: because duties of

virtue correspond to having these duties as ends, one cannot conceivably be externally constrained to be virtuous simply because one cannot be constrained from without to adopt an end. Duties of virtue are necessarily, as a matter of fact, internally prescribable only.

But the other sense, and a very important one, in which virtue is not externally demandable is a normative one. Virtue cannot, morally, be externally demanded (and enforced) because doing so is tantamount to a violation of justice itself. Demanding or enforcing matters of virtue of an agent, imposing an end on her, violates her moral autonomy. Enforcing justice is "morally possible," that is, morally justified, because enforcing justice is a precondition for individual freedom. Enforcement of justice is required for justice itself to prevail. But failures in the matters of virtue are not offenses against justice, and therefore there is no moral necessity for them to be externally prescribed. Enforcing virtue is not necessary for a state of freedom, but would be an unjustified violation of individual autonomy.

Indeed, Kant argues that one can coherently conceive of a world in which duties of virtue are not performed. Recall that in illustrating the first formula of the Categorical Imperative, "Act only on that maxim through which you can at the same time will that it should become a universal law," Kant stresses the different status of duties of justice and virtue in terms of "impossible to conceive" and "impossible to will." He notes that while it is impossible to conceive of a world wherein maxims of unjust actions are universal laws, "it is possible that a universal law of nature could subsist in harmony with this maxim [of not promoting the well-being of another]";¹³ it is just that it is impossible for rational agents to will such a world. Duties of virtue then, unlike duties of justice, are duties that pass the first universalization test—not universalizing the maxims of these duties is not a contradiction. They fail only the second universalization test—not universalizing them is impossible to will.

Justice is therefore prior to virtue in Kant's philosophy; doing right takes precedence over doing good, and so enforcing duties of beneficence violates the more fundamental requirements of justice. Claimants have no justified demand for beneficence, and

any policy that externally coerces individuals to assist others on grounds of beneficence is an unjust one. So, if helping the needy of the world is a matter of virtue, then duty-bearers themselves get to decide whether or not they wish to act in any particular instance, and how and to what extent they wish to act, and global assistance becomes more a matter of charity than of moral obligation. Kant's doctrine of virtue, therefore, cannot meet the demands of contemporary global justice.

Humanity as an End-In-Itself

Before I present my thesis, I shall digress briefly to point out a possible objection to my analysis of Kant's moral philosophy. Some commentators have argued that the *humanity as end-in-itself* formula of the Categorical Imperative—"Act in such a way that you always treat humanity, whether in your own person or in the person of any other, never simply as a means, but always at the same time as an end"—can provide a foundation for global justice. Robert N. Van Wyk says that "it can be argued that it is impermissible not to relieve others in distress and provide them with the basic necessities of life, for this is to fail to treat them as having any value as ends in themselves."¹⁴ The end-in-itself formula is interpreted here as commanding not just a perfect duty *not* to treat others as having no value in themselves, but also a perfect duty *to assist* them when they are in distress. The point of this argument is that not coming to the aid of another is *morally equivalent* to treating her as an object without any value as end-in-itself. In other words, if we are concerned with not treating anyone as a mere means but as an autonomous moral agent, we also have the duty to see to it that her agency is protected. To fulfill our perfect duties of *not* treating one as a mere means necessarily entails that we also take *positive* steps to help her acquire the basic necessities of life.

But as empowering a reading as this is of Kant's positive duty of beneficence, it is nonetheless a mistaken reading of Kant, since it overlooks the distinction between duties of justice and duties of virtue. To take "not treating one merely as a means" as necessarily including "protecting one's agency" is to collapse this distinction

that is fundamental to Kant's moral philosophy. To be faithful to Kant, one ought to read "not treating others as mere means" as a perfect duty, and "protecting the agency of others" as an imperfect duty. The end-in-itself formula, rather than commanding a perfect duty, in fact commands (1) a perfect duty not to treat others as mere means *and* (2) an imperfect duty to treat them as ends. As H.J. Paton notes, "We transgress *perfect duties* by treating any person merely as a means. We transgress *imperfect duties* by failing to treat a person as an end."¹⁵ This is made very clear, it seems to me, in Kant's illustration of the formula, although he here notes the distinction more explicitly in terms of *necessary* or *strict duty* and *meritorious duty*.¹⁶ He writes that violating another's right amounts to treating her as a mere means and as such it is required as a strict duty that we not do so. On the other hand, protecting one's agency or furthering one's end is a meritorious duty and as such is not a duty that can be externally demanded.¹⁷ So, to preserve Kant's doctrine of virtue and imperfect duty, we should not interpret the end-in-itself formula as commanding a perfect duty to protect the agency of others.

In fact this is how we should read the end-in-itself formula if this formulation of the Categorical Imperative is to be kept consistent with the first (that is, the Formula of Universal Law). Recall that in illustrating this formula, Kant argues that duties not to harm oneself and duties not to harm others are perfect duties. On the other hand, with regard to the duties to develop oneself and the duties to protect and promote the well-being of another, Kant holds these to be imperfect duties.

Kantian Justice Applied

We have seen that Kantian duties of virtue, because they entail only imperfect duties, are not vigorous enough to ground any comprehensive theory of global justice, and I have also briefly pointed out why the humanity principle cannot be interpreted as commanding perfect duties to promote, protect, and provide for the ends and well-being of others. If Kantian moral philosophy is to provide a foundation for global justice, this support must come

from the realm of justice. In other words, Kantians have to show that our positive duties of assisting the needy of the world is an issue of justice rather than of virtue. But the immediate problem here, as noted in the opening, is that while Kantian justice demands perfect duties, it seems, on first glance, to command only negative duties (that of nonviolation, noninterference, noncoercion, and so on). I shall, however, show why Kant's account of justice, when put into practice, can in fact command positive duties to provide for, promote, and protect the well-being of others.

As I mentioned earlier, Kant regards justice as prior to virtue. Duties of justice are the prerequisites for a world in which the similar freedom of everyone is in harmony and compatible: they set the level below which we ought not descend. It is mainly due to violations of justice that there is even a need for duties of virtue in the first place. In the *Lectures On Ethics*, arguably one of the few places where he applies his moral theory against the constraints of the real world, Kant was noted as saying:

If all of us behaved in this way, if none of us ever did any act of love and charity, but only kept inviolate the rights of every man, there would be no misery in the world except sickness and misfortune and other such sufferings as do not spring from the violation of rights. The most frequent and fertile source of human misery is not misfortune, but the injustice of man. . .¹⁸

and,

if men were scrupulously just there would be no poor to whom we could give alms and think that we had realised the merit of benevolence.¹⁹

Thus, for example, person Y has a duty of virtue towards person X only because (barring natural causes) person Z has transgressed his duty of justice *vis-à-vis* X. If X's right had not been violated in the first place by Z, there would have been no need for Y to be virtuous.²⁰ Notice that Kant is not saying that there would be no misery in the world today if it were not for violations of justice, but only that the majority of these miseries are the results of our failing to live up to our duties of justice.²¹ And this is not an unreasonable claim to make. Many of the underprivileged and deprived of the world today are so because of past or prevailing violations of justice on the part of others. Even apparently natural

disasters like famine or drought are often exacerbated or even instigated by domestic or international politics, warfare, ill-planned policies, lack of proper relief assistance, or unjust economic conditions, just to mention a few possible man-made causes.

However, Kant's claim that the calls for duties of virtue arise mainly because of prevailing or past violations of perfect duties of justice does not in itself provide any compulsion why a third party has the perfect duty to assist another. Referring to the above example, Y's duty to X is still an imperfect duty; and barring prior institutional arrangements, Y does not even have the perfect duty to compel Z to act righteously or justly. Y's duty towards X is still a duty of virtue and hence imperfect. The only agent with a perfect duty is the violator Z; that is, Z has a perfect duty to cease violating his duty of justice *vis-à-vis* X, or if damage is already done, she has the perfect duty to compensate X.

Thus we can only say that Y has a perfect duty, a duty of justice, to help X, only if it is Y's *own* previous or present violation of her duty of justice *vis-à-vis* X that has resulted in X needing assistance. That is, if your dire situation is a result of my failing to observe my duty of justice towards you, only then do I have a perfect duty to assist you. This is a perfect duty because this duty is properly speaking my *belated* duty of justice. It is hence a duty you can rightly demand of me, and, as with matters of justice, you can externally coerce me to fulfill it by means of social or legal sanctions.

Conferring perfect duties to assist only on those who have neglected (or are neglecting) their duties of justice previously (or presently) may seem to limit significantly the number of people on whom the demand to act can actually be made. Or, looking at it conversely, if we have perfect positive duties only to those for whose plight we are causally responsible, we can imagine these cases to be rather few. But perhaps not. Our contribution to the misery of others need not be on the personal level nor immediate, Kant argues, before we are said to be causally responsible. He, rather progressively I think, notes:

And as our social system is so arranged that we take part in the universal and open give and take of business with peculiar profit to ourselves, our acts of charity to others should not be regarded as acts of generosity, but as small efforts towards restoring the balance that the general social system has disturbed . . .²²

and therefore:

Charity to *one's fellow* should be commended rather as a debt of *honour* than as an exhibition of kindness and generosity. In fact it is a debt, and all our kindness are only trifles in repayment of our indebtedness.²³

In other words, with regard to our "fellows" (that is, fellow participants in a socioeconomic arrangement), our positive duties of assisting them are only superficially duties of virtue or benevolence. Given the socioeconomic interdependencies between us and others, the fact that some are in need of positive assistance is often the result of injustices done unto them, injustices that we have a part in perpetrating or perpetuating given the prevailing "social system." Assisting the less well-off participants in our socioeconomic arrangement is in fact a duty of justice, a "debt of honor," and not merely an act of benevolence or charity; it is a matter of justice rather than of virtue. It is therefore a duty that is perfect, and as such demandable and enforceable.

One's "fellows" in today's world are not restricted to members of one's family, members of one's tribe, members of one's ethnic group, or even one's fellow citizens. In the contemporary international world, the term "one's fellows" extends to virtually all members of humanity. The intricate economic, social, and political interdependencies of the global community draw virtually everyone, some more deeply than others, into a social arrangement with each other. As Shue notes,

Perhaps the nearest thing to an accurate representation of the circumstances [i.e., the degree and nature of global interdependency] now is one of those irregular spider webs . . . such that if something touches one strand it may send a shock to the furthest side of the web . . .²⁴

Thomas Pogge similarly writes of the injustices of world that

[w]e are causally involved in that we are significant actors in a world of tight global interdependence, in which our conduct decisions . . . reverberate throughout the world.²⁵

The current international order, political and economical, is far from just. Nielsen argues:

If we start with an idea of moral reciprocity in which all human beings are treated as equals, we cannot accept the relations that stand between the North and South as something that has even the simulacrum of justice.²⁶

On the contrary, the existing world order is one that systematically violates duties of justice. As Onora O'Neill tells us:

The present international economic order is patently an institutional structure whose normal operation does not eliminate coercion or deception, but often institutionalizes them.²⁷

Given the tight interdependencies of the global economic and political community, coercion and deception are perpetrated by institutions in which we are all, some more directly than others, participants. It is these tight interdependencies that tie us to foreigners. We are not related to the deprived as, for example, North American and Bangladeshi, but rather as fellow members of a global socioeconomic community.

It may be argued that many global violations of justice are carried out explicitly by institutions like state governments, multinational corporations (MNCs), monetary organizations, international bodies, and so on, rather than by ordinary individuals. Hence it may be unfair to hold the latter morally culpable for the injustices of these collectives. If anyone is to be held culpable, it would be certain influential individual actors and policy-makers. But the point here is that justice should not be concerned only with the specific actions of certain individuals but also with the social setting that encourages and permits such actions. As Pogge accurately points out,

[While issues of justice] make demands on both institutions and on the conduct of actors (citizens, officials, associations, and governments), the latter is in turn very largely determined, at least probabilistically, by the institutional scheme of penalties and incentives (the "pay-off matrix") which those actors confront.²⁸

It is probably correct to suggest that powerful decision-makers are more responsible than ordinary citizens for institutional injustices. But the latter share certain responsibilities also. Ordinary citizens may have little control over the specific daily policies of their governments or MNCs, but they are responsible, by their votes (especially in democracies) or consumption patterns, for establishing and engendering these institutional schemes. They participate in and, in the more affluent parts of the world, are beneficiaries of such arrangements. As Kant points out, by participating in an unjust social system, we are necessarily responsible as a matter of justice for the ill-effects of the system even though it may not be our specific actions that caused them. So long as these institutions are engendered by our participation (which is one necessary way an institution is kept alive), we share some responsibility. To reiterate, Kant would hold ordinary citizens causally responsible for injustices not because of their specific actions or actions at the personal level, but because of their membership and participation in unjust social arrangements.

So, given that we participate in a global arrangement that is perversely unjust, positive duties that arise as a result of these institutional injustices are actually duties of justice, or debts of honor, rather than duties of virtue. The need (and thus the duty) to provide for, protect, and promote the well-being of others would not have arisen were our economic and political relationships with the less fortunate historically and presently just. The postwar International Food Order, the world economic order, unequal terms of trade, the legacies of colonialism are just some examples of institutional arrangements that permit and even conduce coercion and deception.²⁹ As participants in these institutional arrangements that have failed to live up to the demands of justice, we have the perfect duty to take the relevant positive actions to confront and mitigate the results and consequences of this failure. That is, those whom these arrangements have wronged have a justified demand that fellow participants rectify these wrongs as a matter of justice.

As accomplices to injustices, we have a responsibility to people affected by these injustices. That we choose to consume certain products may well cause and perpetuate the exploitation of others

elsewhere.³⁰ In such cases, it could be said that our role as consumers in the economic network is the main instigation for these exploitations. If it were not for our functions as privileged consumers, the majority of the world's economic exploitations would not be taking place. In this regard, the Categorical Imperative would clearly demand that we cease instigating these injustices. And insofar as we are or have, we have perfect duties, at the very least, to ameliorate the effects of these injustices.

We are accomplices to injustices in a less direct way too. We could simply be benefitting from a distant exploitation in which our role is not causal. The exploitations are taking place regardless of our involvement: we simply stand to gain.³¹ In this case, if we indeed know that we are benefitting from an injustice, the burden, it seems to me, is on us to alleviate the situation. We are in fact taking that which does not rightly belong to us if we benefit from injustices. Thus, as knowing but unintentional or unintended beneficiaries of global injustices, we have a perfect duty to return that which is gained by us because of the injustices done to its rightful owners. Consider this example: Imagine that I happened by a bank hold-up and one of the robbers on her way out handed a wad of \$100 bills to me. Now, although I am by no means a perpetrator of this robbery nor its intended beneficiary, I nonetheless benefit from it even if by sheer chance. However, because I know that I have gained from an injustice, Kant would argue that I have a perfect duty to return my "gains" to the rightful owner. Were I to keep the stolen money, the maxim underlying this action is one that cannot be universalized.

It may be argued that if one is indeed ignorant of one's causal function or of one's unintended benefits from violations of justice, one ought to be let off the hook. But this is not so obvious. A Kantian ought not, and indeed cannot, conceive of such an arrangement wherein ignorance prevails, and perpetrates and perpetuates violations of justice as a universal standard. The maxims behind such policies cannot be coherently universalized. A world in which injustices are perpetrated on grounds of ignorance would simply fail the first universalizability test. The onus therefore is on the Kantian to be aware of the moral implications of her actions and her role in the global or any

socioeconomic arrangement. This, given the current standard of global communications and the increasing smallness of our "global village," is not an unreasonable demand to make. In *What is Enlightenment?*, Kant writes, "Laziness and cowardice are the reasons why so great a proportion of men . . . nonetheless gladly remain in lifelong immaturity . . ." ³² As free rational agents, we can (and should) deliver ourselves from the state of "immaturity" or ignorance and understand the nature of our social and political arrangements and our roles in them. Likewise in the *Groundwork*, Kant tells us that the good will is realized not "as a mere wish but as the straining of every means so far as they are in our control." That is, to manifest a true good will requires that we endeavor as far as possible, strain every means possible, to inform ourselves about issues that are morally relevant. ³³

There is another reason that Kantian justice in practice calls for positive duty. Unlike the previous argument, this one does not deal with remedying violations of justice, but with preventing pending violations of justice. Onora O'Neill notes that those whose material needs are barely met are vulnerable to coercion and deception in a bargaining game. ³⁴ The global economic institution indeed draws all communities and individuals into a global bargaining scheme. Because everyone is inadvertently a participant in an economic bargaining scheme and some of these participants are particularly vulnerable to coercion and deception, there is a duty of justice on the part of other participants to render them less vulnerable to coercion and deception. As Robert Goodin tells us, "the principle of protecting the vulnerable amounts to an injunction to *prevent* harm from befalling people." ³⁵ This may seem to bring in the "problem of overload," for we as embodied beings are all potentially vulnerable to both coercion and deception, and thus such a duty may be limitless. But the point here is not that we have a perfect duty to render everyone invulnerable to coercion and deception *per se*, but to ensure that those who are to be drawn into a bargaining scheme with us or who are already in a bargaining scheme with us are not vulnerable to coercion or deception *vis-à-vis* this scheme. ³⁶ That is, we have the duty to ensure that no one is coerced or deceived by virtue of a scheme that we are all engaged in.

All communities and states in today's world are clearly, out of necessity rather than by choice, participants in a global institutional framework. All of these participants are of course vulnerable in a sense, but some members of this scheme are clearly more vulnerable than others (*vis-à-vis* this scheme) given the grand disparity in power, wealth, and control over the earth's resources. To be participants in a scheme where some stand to be coerced and deceived is to be potential participants in injustice, and thus the onus is on the privileged bargainers to prevent this from occurring. That some stand to be coerced may not itself be a Kantian injustice, but it becomes one should they be actually coerced. And in a bargaining arrangement, given the nature of bargaining, it is inevitable that those who stand to be coerced would indeed be coerced, particularly if the institutional patterns make such coercions conducive and profitable. One could simply be made offers and given terms one could not refuse by virtue of the unfavorable circumstances one finds oneself in.³⁷

Therefore, there is the perfect duty not to engage in an unfair bargaining situation. The option for the privileged bargainer here is either one of these perfect duties:

- 1) not to participate in this scheme, thereby absolving one of one's complicity in the violation of another's right; or
- 2) remain as a participant but correct the bargaining situation so as to make it less prone to coercion and deception.

Given the deep interdependencies of the global economic order, it is not at all clear if (1) is an option. We cannot willingly resign from the global community, and it may be detrimental to our own interest to do so. Likewise, neither can we exclude some from our scheme. We may exclude them from a cooperative venture (like trade blocs, and so on), but in a global bargaining scheme, practically all human communities are inevitably part of an overall global economic structure. Thus, the only real option is (2), that we have the duty to correct the bargaining situation. Now this may be in terms of reforming the way we do business, and/or assisting the lesser endowed participants of this scheme by bringing them up to a level that will minimize as far as possible the likelihood of

coercion or deception via this scheme, or both. In any case, some positive duty is in order.

The Specificity of a Debt of Honor

Thus Kantian justice is not, in its application to the complexities of the real world, restricted to negative duties of noninterference or nonviolation, but does in fact generate certain positive duties, and as I pointed out, Kant himself is well aware of this. Given the range of our failures in justice, our belated duties of justice to protect, promote, and provide for the well-being of others may include any of the following perfect duties:

- a) the duty to mitigate a situation that has resulted from one's violation of duties of justice;
- b) the duty to establish (just) institutions if creating these institutions is necessary to mitigate or ameliorate the effects of one's violations of justice; and
- c) the duty to abolish or at least reform unjust institutions insofar as violations of justice are institutionalized.

Or if one is concerned with preventing potential violations, that is, with preventing harm from befalling the vulnerable, the same possible courses of action hold.

It may be suggested that the above list shows that these duties are unspecified and hence do not qualify as duties of justice. Recall that for Kant duties of justice are perfect duties. When we say that a debtor has the perfect duty to repay her debt, we know who is to repay whom, and how much (for example, the amount owed plus the agreed upon interest rate and other service charges). Or when we say that one ought not lie, we know exactly what is it that one ought not do (even if this is simply a negative action), and precisely to whom one ought not do this (namely, anyone). But in the case of a "debt of honor," such specificities are more elusive. Can we still properly call a "debt of honor" a perfect duty if it remains rather unspecified? Is there still then a justified and enforceable demand that these belated duties of justice be carried out?

But this objection rests on a misunderstanding of what "unspecificity" entails. Although it may be difficult to determine in practice what a "debt of honor" amounts to, the crucial point is that we can know this *in principle*. In the case of a true imperfect obligation, however, it is not even conceptually possible to determine agency and claimant, and to delimit and determine the extent of duty. One can choose to promote the happiness of anyone, even someone who is suddenly brought into being, and one can go on promoting a person's end indefinitely. But in the case of "debt of honor," we at least know in principle what is required. Those who have violated their duties of justice owe those whose rights are violated, and the amount owed is the amount those violated lost as a result of this violation. In other words, what is owed is broadly speaking, the "exploited surplus," and the exploiters owe the exploited. Historically and economically, what this amount is may be impossible to ascertain with accuracy, but in principle we can know what these limits are. An omniscient being or accountant with a God's-eye view of the world, for instance, could tell us the specificity of our "debt of honor." The same cannot be said with regard to our imperfect duties; they are unspecifiable in principle.

Likewise, with how invulnerable to render one's fellow bargainers, we know in principle what the extent of this duty is. Ideally everyone should be placed on the same starting point (as in a Rawlsian original position, for example). Thus in implementing such a policy, what should be striven for is as fair as possible a bargaining situation (politically, economically, historically), with the ideal one being a scheme in which all are negotiating on equal footing.

So while in practice there are different ways of fulfilling our belated duties of justice or duties of preventing potential injustices, the crucial point here is that these duties remain perfect duties and can be justly demanded and enforced. Claimants need not be able to demand a specific act in order for their claims to carry moral weight. They can still demand that acts of a certain class, or various combinations of acts of this class, be performed. In the end, which is the best course (for example, to restructure or to mitigate) is a question of strategy and efficiency. Indeed, although Kant does

not say this explicitly, insofar as injustices are institutionalized, it seems clear that perfect duty would demand that the institutions that conduce these injustices be dismantled or reformed. So the specificity of duty is not in question here. But while this is the long-term objective, short-term remedies of mitigation, like wealth transfer, development assistance, and so on, are also in order.

Conclusion

I have argued that Kantian justice when applied to the historical and economical realities of our world does generate perfect duties to promote, protect, and provide for the well-being of others. Kant's justice in practice is more demanding than it seems when viewed in the abstract, and as the *Lectures on Ethics* tells us, Kant is acutely aware of institutional injustices and the extent of our moral duties to mitigate these injustices.

One can easily imagine cases, however, in which the need to assist others results not from injustices (institutional or otherwise), but simply from natural misfortunes. A Kantian would be unable to call such assistance perfect duties; that is, such duties are duties of virtue and are not demandable and enforceable. But surely most of us would insist that a duty to, say, save a starving child, even if the cause of her starvation is not the result of injustices (just suppose we can imagine this being the case), is a duty that is both demandable and enforceable, and that failure to act is culpability. As such, Kant's morality is still short on this crucial aspect.

This is indeed a real worry for Kantians, and I do not think much can be said in Kant's defense here. I only suggest, following O'Neill, that acknowledging certain duties to be imperfect is not offensive if we are aware that imperfect duties are not all the duties that matter in Kant's morality. As she rightly stresses, "imperfect obligations supplement and do not substitute for justice."³⁸ Indeed, if Kant is correct in that the majority of human misery is the result of failures in justice and so instances of assisting others on grounds of virtue alone are infrequent, then there is the possibility and hope that even the imperfect nature of duties of

virtue can cover these few instances. It is not implausible that the virtuous amongst us can aptly take care of natural human miseries provided the rest of us do not fail to heed the demands of justice.³⁹

Notes

1. Kai Nielsen, "Global Justice, Capitalism, and the Third World," in John Arthur and William H. Shaw (eds.), *Justice and Economic Distribution* (Englewood Cliffs: Prentice Hall, 1991), p. 238.
2. Henry Shue, *Basic Rights* (Princeton: Princeton Univ. Press, 1980), p. 52.
3. For example, see Shue, pp. 13-18.
4. I distinguish social from legal sanctions not to introduce a new category of moral duty but simply to allow for the possibility that certain behavior may be expected not by regulations of law but by social customs, and enforced by, e.g., the pressures of public opinion, taboo practices, economic threats or incentives, etc. Social sanctions have a significant role in exacting compliance with norms and acceptable behavior in many (especially more traditional) societies. And in the international realm, even the law itself and legally binding resolutions are enforced by social rather than legal means, given that there is no real enforcement body in international law.
5. Immanuel Kant, *The Metaphysics of Morals*, trans. Mary Gregor (Cambridge: Cambridge University Press, 1991), p. 188 (383) (emphasis added). Numbers in parentheses here and throughout refer to the pagination in the Prussian Academy edition of Kant's works.
6. *Ibid.*, p. 197 (393).
7. Onora O'Neill, *Constructions of Reason: Exploration of Kant's practical Philosophy* (Cambridge: Cambridge University Press, 1989), pp. 224-25.
8. Kant, *op. cit.*, p. 194 (390).
9. *Ibid.*, p. 57 (231).
10. *Ibid.*, p. 122 (307-8). As Kant here argues, "[Men] do wrong in the highest degree by wanting to be and to remain in a condition that is not rightful [i.e., in the state of nature], that is, in which no one is assured of what is his against violence."
11. Howard Williams, *Kant's Political Philosophy* (New York: St. Martin's Press, 1983), p. 71.
12. Kant, *op. cit.*, pp. 186-87 (381).
13. Immanuel Kant, *Groundwork of the Metaphysics of Morals*, trans. H.J. Paton (New York: Harper & Row, 1964), p. 91 (423).
14. Robert N. Van Wyk, "Perspectives on World Hunger and the Extent of Our Positive Duties," in *Public Affairs Quarterly* 2 (1988): 75-90, p. 80.
15. H.J. Paton, *The Categorical Imperative* (New York: Harper Torchbooks, 1963), p. 172 (emphasis added).

16. Kant, *Groundwork*, pp. 96-97 (429-30).
17. *Ibid.*, pp. 97-98 (429-30).
18. Kant, *Lectures on Ethics*, trans. Louis Infield (London: Methuen, 1930), p. 194.
19. *Ibid.*, p. 236.
20. This point suggests that an ideally just world is one with little room for Mother Teresas. What is preferable is, I think, quite indisputable. Most of us would prefer a world where there are no injustices and no virtuous persons to a world that is pervasively unjust yet inhabited by many virtuous people. Virtuousness, for Kant, treats only the symptoms of injustices, the root cause being that of violations of justice which should be the main focus of moral concern. Whether Kant is right that it is mostly injustices that give rise to the need for virtue I shall leave aside here.
21. Failing to fulfill a duty of justice would generally mean *not* refraining from an unjust action—duties of justice are generally the negative duties of not deceiving, not coercing, etc. One who deceives or coerces has failed to live up to her duties of justice.
22. Kant, *Lectures on Ethics*, p. 211.
23. *Ibid.*, p. 236 (emphasis added).
24. Henry Shue, "Mediating Duties," *Ethics* 98 (1988): 687-704, p. 693.
25. Thomas Pogge, "An Institutional Approach To Humanitarian Intervention," *Public Affairs Quarterly* 6 (1992): 89-103, p. 100.
26. Nielsen, p. 236.
27. Onora O'Neill, *Faces of Hunger: An Essay on Poverty, Development and Justice* (London: Allen and Unwin, 1986), p. 145.
28. Pogge, "Liberalism and Global Justice: Hoffmann and Nardin on Morality in International Affairs," *Philosophy and Public Affairs* 15 (1986): 67-81, p. 68.
29. For instance, Noam Chomsky reports "that the gap between the rich and poor nations doubled from 1960 through 1989. These results are attributable in large part to the dual policies pursued by the rich rulers: 'free market' principles are imposed on the poor via structural adjustment programs dictated by the IMF and World Bank." See his *World Orders Old and New* (New York: Columbia University Press, 1994), p. 129. For the origin of the debt crisis, see Paul Vally, *Bad Samaritans: First World Ethics and Third World Debt* (London: Hodder and Stoughton, 1990), esp. chaps. 4 and 5. For the cause of world hunger, see Nielsen, pp. 232-34, and Harriet Friedmann, "The Political Economy of Food," in *Marxist Inquiries: Studies of Labor, Class and States* (Chicago: University of Chicago Press, 1982), pp. 248-87.
30. For example, the well-documented exploits of the United Fruit Company and other large coffee producing corporations in Central America are largely to satisfy the demands of privileged consumers in the "North."

31. The policies of the Post-War International Food Order are an example of unjust policies not directly shaped by our consumption pattern or votes, but are policies that have economically benefitted us enormously.
32. Kant, *Perpetual Peace and Other Essays*, trans. Ted Humphrey (Indiana: Hackett Publishing Co., 1983), p. 41 (35).
33. Kant, *Groundwork*, p. 62 (394). I thank the anonymous reviewer for drawing this reference and point to my attention.
34. O'Neill (1986), pp. 140-41.
35. Robert Goodin, *Protecting the Vulnerable: A Reanalysis of Our Social Responsibilities* (Chicago: University of Chicago Press, 1985), p. 110 (emphasis added). See particularly chaps. 5 and 6.
36. As Goodin notes, "protecting the vulnerable . . . must be primarily a matter of protecting those people whose vital interests are particularly vulnerable to our actions and choices" (*ibid.*, p. 111).
37. For instance, poor countries are often forced to open their markets in order to receive desperately needed development aid or loans. See Arthur Simon, *Bread for the World* (New York: Paulist Press, 1975), pp. 99 ff.
38. O'Neill, *Faces of Hunger*, p. 161.
39. I am most grateful to Jay Drydyk for his detailed and insightful comments on an earlier version of this paper. My gratitude goes also to the editors and reviewers of *Social Theory and Practice* for their very helpful criticisms and suggestions. Of course remaining errors are solely my own.

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