

What Do Liberal Democratic States Owe the Victims of Disasters? A Rawlsian Account

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ABSTRACT *Is there a principled way to understand what liberal democratic states owe, as a matter of justice, to the victims (survivors) of disasters? This article shows what is normatively special and distinctive about disasters and argues for the view that there are substantial duties of justice for liberal democratic states. The article rejects both a libertarian and a utilitarian approach to this question and, based on broadly Rawlsian principles, argues for a ‘political definition’ of disasters that is concerned with the restoration of citizens’ dignity and their capacities for effective citizenship.*

1. Introduction

The 1755 Lisbon earthquake marked philosophy’s first serious engagement with disasters but philosophers have paid less attention in more recent times.¹ However, this will have to change. Hugely expanding human populations make more people vulnerable to disasters, and this fact, along with diminishing vital resources, such as drinking water, and accelerating climate change, make it likely that we will live in an age of multiple and severe disasters.² If we set aside the theological and metaphysical issues that troubled Voltaire and Rousseau in the 18th century, there remain two important areas of possible philosophical concern with respect to disasters. First, one may be concerned with a slate of ethical questions about the moral responsibility of individuals to the victims of disasters. Second, one may be concerned with questions of political justice, asking what state institutions owe, as a matter of justice, to victims of disasters. In this article I address the second concern.

2. The Argument

I will argue for a ‘political’ definition of disasters. A new definition of disasters is needed because the existing philosophical literature concerned with disasters is deficient in several respects. In particular, both utilitarian and libertarian responses fail to capture the state’s obligations towards disaster victims. My political definition of disasters seeks to remedy this fault by relying on a broadly Rawlsian approach to the problem of disasters that emphasises the role of institutions. In brief, I will argue that a disaster occurs when the background institutions that support and maintain citizens’ capacities for moral and political agency are significantly compromised. When an event or process of this sort occurs, the state has an obligation to restore citizens’ capacities by rebuilding

the relevant institutions. I will end by addressing several objections and contrast the Rawlsian account of disasters with the more familiar libertarian and utilitarian alternatives.

3. Defining Disasters

There is a growing body of literature that attempts to define what a disaster is.³ Unfortunately, but perhaps predictably, there is little consensus on the question. One reason for this is that what a disaster is depends on who is asking for a definition. Practical definitions are required by bureaucracies to trigger the provision of aid and tend to be catch-all definitions that list the types of events that result in disasters. It is easy to pick holes in such definitions that largely rest on a notion of great harm suffered by victims. For example, the US Federal Emergency Management Agency (FEMA) offers the following definition of a disaster as part of its training materials:⁴

An occurrence of a natural catastrophe, technological accident, or human caused event that has resulted in severe property damage, deaths, and/or multiple injuries.

This and other similar definitions stress the loss of life, injury and damage to property that disasters occasion. There is also some attention to the breakdown of community life. However, none of these characteristics are particular to disasters and so it seems that *scale of harm* then becomes the criterion by which to define a disaster. Thus, a high degree of harm often (but not always) in a spatially confined place and in a brief period of time combine as rule of thumb for identifying a disastrous event. We might ask, how much harm is enough? Why does time seem important in some instances (an earthquake) and not in others (a long-term drought)? And why are we much more likely to call harm in a confined spatial area a disaster (a plane crash, for example) and not describe as a disaster considerably more harm that takes place in a larger area over a longer period of time (the number of annual car accidents, for example)?

More academic definitions of disasters are mostly constructed from a sociological perspective, emphasising the breakdown in society that is occasioned by a catastrophic event. Here there is less attention paid to the 'agent', or precipitating cause of the social breakdown, and more attention paid to the vulnerability of persons whose normal social protections have been destroyed, or to which they no longer have access. In other words, the catastrophic event leads to 'a failure of the social system to deliver reasonable conditions of life'.⁵ There are advantages to this approach in setting aside quibbles about, for example, whether military action is to count as a disaster (some would argue not because it is not a natural or environmental process), whether the onset of the event has to be 'sudden', as an earthquake is (but what then about droughts and global infections like HIV-AIDS?), and disagreements over whether death is a necessary condition for an event to be a disaster (for surely we can imagine society breaking down without anyone dying). On the other hand, the usefulness of sociological definitions rests on yet further definitions concerning what 'society' is, on a satisfactory account of when a society has broken down, and what counts as a set of 'reasonable conditions of life'. Furthermore, for our purposes, the sociological definition lacks a normative dimension and so does not address the issues of justice, morality, obligation and responsibility.

The doyen of disaster theorists, E.L. Quarantelli, has expressed doubt about the possibility of a universal definition of a disaster.⁶ However, the merit of the sociological tradition in attempting to define disasters is that it explicitly takes on a perspective and tackles the question from that point of view, namely, the point of view of the social. Adopting a similar approach, I want to offer, in a preliminary way, a definition of disasters from the point of view of the political.⁷ In this way, I can get at the obligations of the state with respect to disasters and in so doing illuminate the normative aspects of a political definition of disasters.⁸

The need for a new normative definition of disasters is most apparent when considering existing philosophical accounts, namely, libertarian and utilitarian approaches. The former offers a too narrow view of the state's obligations to the victims of disasters while that latter approach is too broad. I will contrast my Rawlsian-inspired definition with these alternatives in the section on objections, contrasts and clarifications later in the article.

4. A Political Definition of the Liberal Democratic State's Obligations to the Victims of Disasters

In offering a political definition of disasters, I propose to focus on the fact that disasters destroy or disable the institutions that establish, support, or are required for the exercise of two sorts of capacities: the capacity for moral agency and the capacity for effective citizenship.⁹ I am not suggesting that this is the sole 'correct' definition of the word 'disaster' and I am not suggesting that it replace the colloquial uses of the word. Thus, by employing this approach to the definition of disasters I do not claim that everything that is called a disaster colloquially will be a disaster on the definition I offer. I present a stipulative definition that I believe captures what is politically and morally important about disasters. If some events do not meet the criteria of the definition I offer below, then they are not disasters from the point of view of the political definition. My political definition of disasters is grounded in a liberal Rawlsian view of institutions and their role in society, as I will make clear below.

If we focus on institutions then we quickly see what makes a disaster different from a mere aggregate of individual harms as well as what makes a disaster normatively urgent for the liberal democratic state. It is the state that constitutes, maintains or supports these institutions. In turn, these institutions create the conditions and framework that support citizens' moral and citizenship capacities.

I take a person's capacity for moral agency to be a capacity to make autonomous choices concerning her conception of the good and her engagements with others in cooperative ventures (political, social, and economic). Moral agency requires autonomy in this sense and can be described as a person's *dignity*. Access to the essentials of human life including safe food, clean water, adequate shelter, security from predatory harm, the love and companionship of family, access to truthful information, and freedom from tyranny are some of the requirements of moral agency and thus ground human dignity. Access to these basic goods depends on the presence of 'background institutions' that provide a framework for ensuring these goods are available. How these institutions manifest will differ from society to society and community to community. For example, access to safe food may depend on an institution of private property rights that allow

individuals to farm their own land. Alternatively, in an urban area, access to safe food may depend on complex transportation networks. Security from predatory harm may require the presence of a police force (although it may not). Family and community life requires institutions that recognise and acknowledge the bonds of kinship and belonging. In whatever way these basic goods are defined and whatever the particular background institutions that supports them, they pick out a special class of goods that are essential for the dignity of persons. This is our most fundamental area of vulnerability, since without dignity we risk our humanity. Therefore, at the first level, disasters compromise the dignity of its victims; that is, it compromises their capacity for moral agency.¹⁰

At a second level, a disaster compromises a person's capacity for effective citizenship by destroying or disabling the institutions that ground and support these capacities. These are political, legal, and economic institutions that give citizens access to and effective influence over the structures of authority and power in their society. The exact nature of these institutions will depend on the political, legal, and economic character of particular societies. In liberal democratic societies such institutions ground the freedom and equality of citizens through a constitution supported by a fair legal system, a system of democratic government, and an economic system that distributes resources in a largely just fashion.

A disaster is thus defined here as an event that destroys or disables the institutions required for moral agency and effective citizenship. This is what makes a disaster a special event in a normative sense, what makes it more than an aggregate of individual harms, and also what gives it a particular normative urgency. Before moving on, I want to make a few observations concerning this definition. No one needs to be physically hurt or any property to be damaged for a disaster to occur, although nearly all disasters are violent events of some kind. And people can be hurt, in perhaps large numbers, and yet such an event not be classified as a disaster in the political sense. For example, an airplane crash is not, on this definition a disaster. Secondly, although most disasters are sudden events, they may be gradual and slow. The suddenness of an earthquake may result in a disaster, but equally the slow erosion of dignity and citizenship in a case like Zimbabwe is a disaster. A long-term severe drought may also be a disaster in a country that lacks adequate institutional resources. In some places in sub-Saharan Africa the HIV-AIDS epidemic is a disaster but is not a disaster in, say, Western Europe. Thus, the number of deaths, extent of injuries, and the time scale and spatial confines of the event are aspects of many disasters but are not defining features of disasters on my account.

The definition offered here invites the question concerning the relationship between moral and citizenship capacities. Some would argue that moral agency is dependent on effective citizenship since the latter protects and cements the capacities for moral agency. Others might argue that it is possible for moral agency to thrive in the absence of effective democratic citizenship. What I think is clear is that the capacity for moral agency is conceptually prior to citizenship, for without such capacities, effective citizenship would be impossible. This conceptual priority will be important to my claim later that liberal democratic states have a moral obligation to non-citizens who are victims of disasters.

The approach I have taken in distinguishing between moral capacities and institutionally grounded capacities of citizenship is in concert with the approaches taken by both John Rawls and Thomas Nagel to questions of justice, although neither directly addresses the normative definition of disasters. Their work provides a conceptual

framework that supports and gives some substance to the claims I am making. At a deeper level, I rely on a Kantian view of human capacities as is evident from my use of the notion of dignity to describe the idea of the basic moral worth of individuals and their capacity to act as moral agents.

Rawls has nothing particular to say concerning disasters as a normative problem for the question of justice. This is not surprising, given that the contractors in the original position assume that citizens are capable of being ‘fully cooperating members of society’ over a complete lifetime. The contingencies that befall particular societies are to be dealt with in the later legislative and judicial stages. Where Rawls does briefly consider a related issue is in his brief discussion of the provision of medical care in *Justice as Fairness*. Here Rawls asks what we are to say when citizens ‘fall temporarily — for a period of time — below the minimum essential capacities for being normal and fully cooperating members of society’ through ‘illness or accident’.¹¹ What matters in deciding what provision to make for medical care is not, strictly, the health of a citizen but rather her capacities for citizenship, that is, the ‘needs and requirements of citizens as free and equal’.¹² This approach to the question of medical care is in accord with Rawls’s general theory of how constitutional, legislative and judicial questions should be settled, which is to be guided by the two principles agreed to in the original position. Broadly speaking, these principles specify that citizens fall below the threshold of being ‘fully cooperating members of society’ when they face circumstances that negatively affect their capacities to exercise their political freedoms and rights, and when their access to resources is unfairly lowered so that they are incapable of pursuing their conception of the good. Accident and illness is therefore one such circumstance that may have the effect of diminishing a citizen’s capacities. Citizens who are physically handicapped or are unable to afford medicines, for example, might be diminished in their capacities for citizenship and this is what matters from the point of view of the liberal state, as Rawls understands it. The cause of this diminishment is illness and accident but the target of remedy is the capacities for citizenship and not, strictly, the citizen’s health. In other words, from the point of view of justice, restoring a citizen to the health baseline she enjoyed prior to her accident or illness is not a requirement and so a citizen can be worse off from a health point of view than before her illness but restored nonetheless to her capacities for citizenship. I have adopted this Rawlsian approach in defining what a disaster is and in articulating what justice requirements liberal democratic states have towards survivors of disasters.

A few remarks on this approach will help clarify things. First, we should be clear in locating the source of the injustice in disasters and its normative distinctiveness. As I have argued, merely being harmed is not itself an injustice unless that harm affects one’s dignity or citizenship capacities. If one’s dignity and one’s citizenship capacities have been compromised, then an injustice occurs *if* the appropriate institutions do not respond adequately to address the loss of these capacities. In the example of healthcare above, someone who lacks access to medical care suffers an injustice if her capacities are compromised *and* if the state, through its institutions, fails to respond appropriately. In a disaster therefore, first, harm is suffered in the form perhaps of injury and property loss. Second, as a consequence, a loss of dignity may have occurred as well as a loss of citizenship capacities. Third, the institutions that normally function to support these capacities are disabled by the disaster. Fourth, if the state fails to restore these institutions then the victims of the disaster suffer not only the harm that the disaster occasions,

but also suffer an injustice — the state has failed in its duties to support its citizens' moral and citizenship capacities. Only the Rawlsian approach is able to alert us to this extra normative dimension that a disaster occasions. The New Orleans Hurricane Katrina, for example, was a disaster on the political definition. The institutions that ought to protect and address citizens' dignity and effective citizenship were destroyed. To the extent that the American state failed to address this breakdown of institutions this constituted an injustice as far as the citizens of New Orleans were concerned.

Second, some further clarification will help in identifying the precise nature of an injustice on the Rawlsian account, more particularly what counts as an unjust situation. As I have argued, a citizen suffers an injustice when her capacities for effective citizenship and/or her dignity are compromised *and* the state institutions that ought to respond fail to do so. Contrary to the libertarian position that I will discuss later, no one needs to be responsible for the occurrence of the situation for it to be described as unjust. From the Rawlsian point of view, this has to be the case to account for a situation in which, for example, citizens acting sincerely and in good faith cooperate in an economic framework that leads unexpectedly to some citizens living in such poverty that they are no longer able to function as citizens. On Rawls's view, such a situation is unjust regardless of the good faith and sincerity of those who participated in the economic framework. A citizen can therefore be in an *unjust situation* because she has lost her citizenship capacities and/or dignity in a situation in which the appropriate institutions are intact but unresponsive *or* when those institutions are disabled by some event (which is a disaster on the political definition offered in this article). A disaster, therefore, is a particular kind of unjust situation, normatively distinct, and requiring a distinctive remedy.

Another way to reach the distinctive character of the Rawlsian approach to disasters is to frame the issue in terms of goods versus rights. A person is harmed in one way when her good is compromised, but she is harmed in another way when her ability to exercise her rights is compromised. A citizen may suffer diminishment to her good (her well-being) without suffering a loss of her ability to exercise her citizenship rights or her basic human rights. A citizen may suffer a loss of her rights-exercising ability because the institutions that should foster and protect them fail to do so. However, in a disaster, these institutions are destroyed and so her rights are compromised in a way that is normatively different. The remedy to the injustice of a disaster is to rebuild institutions and to attend to the dignity of citizens, thus restoring their moral and citizenship capacities, and thus their ability to exercise their rights. What makes the normative difference is the source of the harm suffered and the nature of the remedy.

Thirdly, the destruction of institutions indicates the importance of the connections between a citizen, institutions, and other citizens. A disaster threatens citizens with the loss of these bonds. What connects citizens to each other on Rawls's account is their affirmation of a set of political institutional values (freedom and equality) which allows them to form a 'social union of social unions'. A disaster destroys the institutional framework that binds citizens to each other. In other words, and not unsurprisingly, a disaster threatens not only the individual but also the community as such. While Rawls's own account of community is sparse and a lot more would need to be said, the central role of institutions in his theory allows us to understand how a disaster undermines a community and points yet again at the normative importance and distinctive nature of disasters as a category of political analysis.

Fourthly, it is natural to ask what happens if a disaster destroys the state *as a whole* so that it cannot respond and rebuild institutions required for dignity and citizenship? Strictly speaking, the absence of the state as a whole (not merely temporarily) means there is no unjust situation and all that is at stake is persons' dignity. Without the state there are no citizens and thus no rights of citizenship.

Finally, I want to briefly remark on the distinction between moral agency and effective citizenship. This distinction is mostly latent in Rawls (although, as we will see, more explicit in his *Law of Peoples*) but the distinction is sharply made by Nagel who distinguishes between 'humanitarian duties' and the 'duties of justice'. The former he says is the 'minimum humanitarian morality [that] governs our relations to all other persons' and targets the 'absolute needs' of individuals regardless of their place, if any, in an institutional framework.¹³ Duties of justice, on the other hand, arise from associational relations that come from living under shared institutions. I am going to trade on the distinction Nagel makes between the duties of justice the state has to its own citizens and humanitarian duties the state has to non-citizens in my later discussion. Here, I want to note that the liberal democratic state has a particular normative interest in disasters and this should be clear from the political definition of disasters offered earlier and from within the Rawlsian framework I have used to support that definition. Citizens are vulnerable both in their capacities for moral agency and in their capacities for effective citizenship and this is closely tied in liberal democratic states with how well background institutions operate to mitigate their vulnerability.

In summary and to reiterate: a political definition of a disaster states that an event or process is a disaster when the event or process destroys or disables the institutions required to maintain citizens' capacities for moral agency (their dignity) and their capacities for effective citizenship (their ability to effectively influence the structures of power and authority in their society).

The Political Definition in Practice

With this sketch of a definition in hand, we can now turn to the issue of what obligations of justice liberal states owe to their own citizens and to the citizens of other states (democratic and non-democratic) when they are victims of disasters. I will begin with the case of domestic disaster; that is, a disaster that takes place within the boundaries of a liberal democratic state. I will say something about the liberal democratic state's obligations to those beyond its borders later in the article. It should be clear that the loss people have suffered is the loss of their moral and citizenship capacities and that this loss is a result of the destruction of the institutions that ground and support these capacities. If the state owes anything at all by way of an obligation to the victims, it is to restore these capacities by rebuilding the lost and damaged institutions. Furthermore, in terms of normative urgency, people's dignity should be the first target of aid and then their capacities for effective citizenship — providing rescue, food and adequate shelter followed by rebuilding schools, establishing access to information, and so on. Does the liberal state have an *obligation of justice* to restore these institutions and thereby people's capacities? It seems to me that it does since the liberal state simply is a set of institutions that embodies the liberal principles of freedom and equality and which therefore requires that citizens have certain capacities. The institutions of the liberal state would be pointless if citizens lacked the capacities for moral choice and were unable to effectively

influence the structures of power and authority. If a disastrous event locally destroys these institutions, then the liberal state has a clear obligation that springs from its very function and self-understanding to remedy the plight of victims of disasters. For the Rawlsian, a misfortune that affects a citizen's capacities for moral agency and citizenship is thereby transformed into a matter of justice, even if no one is responsible for the misfortune. Rawlsian justice is thoroughly institutional, which means that institutions have the obligation to maintain political freedoms and fair resource allocation and to remedy situations in which citizens fall below the threshold of moral agency and effective citizenship (where this is possible). Thus, if a citizen has fallen below this threshold and a state institution has the capacity to remedy her situation but fails to do so, she has suffered an injustice even if no person or persons can be identified who can be said to be responsible for her situation.

There are some tricky issues here concerning responsibility including situations in which citizens are responsible for their own misfortune because they either sabotage their citizenship capacities or engage in risky choices that have the result that these capacities are pulled below the threshold of justice. It would be imprudent for the state not to require citizens to take precautions by making them join insurance schemes that protect against losses or for it to engage in public works that protect citizens against potential losses. Citizens should, of course, bear at least some of the cost of their own choices and the state has good moral reasons to motivate citizens to act prudently. However, even foolish people are still citizens with rights.

A consideration in favour of the definition of disasters I have offered is that it tells us what the state owes and the extent of its obligations. For example, not only should the state provide emergency housing, thereby securing the dignity of its citizens, but it also has an obligation to rebuild schools and thereby secure the effective citizenship capacities of survivors. While this might seem obvious (as it should), we should also notice what is not required of the state. The state has no obligation to restore citizens to their pre-disaster state of wellbeing and to restore personal property (unless some restoration is required to secure dignity and citizenship). Furthermore, while it is prudent and necessary to discover who, if anyone, has been negligent and thereby amplified the destructiveness of the disaster, the liberal state's obligations are not in any way tied to these determinations.

5. Objections, Contrasts, and Clarifications

Foreigners and Non-citizens

What does the liberal state owe victims of disasters beyond its borders? Here matters become difficult because the cosmopolitan liberal, like the utilitarian, will argue that borders are arbitrary from a moral point of view and so might claim that liberal states owe not only the restoration of victims' dignity but also that a disaster is an opportunity to advance the cause of global liberal citizenship. A liberalism that is tolerant of non-liberal forms of government (providing that they are 'decent', to use Rawls's unfortunate term) would argue differently, as I will do now.

I have argued that the capacities of moral agency are conceptually prior to the capacities of effective citizenship. The citizens of liberal states confront the state in the first instance as moral agents and only then as citizens. They are first persons with a claim

to basic human dignity, and only then political agents with claims to political, civil and economic rights. The liberal state is therefore normatively alert to the question of dignity and will take a special interest in maintaining the dignity of its own citizens. However, it is also true that with respect to dignity, non-citizens are no different from citizens — their dignity is vulnerable in precisely the same way. There is, therefore, a moral symmetry between the plight of citizens and non-citizens with regard to their dignity when they are victims of disasters. Here I am clearly trading on the kind of distinction that Nagel makes between humanitarian duties and duties of justice (where humanitarian duties roughly map onto requirements to protect persons' moral capacities and where duties of justice roughly map onto requirements to protect citizens' capacities for effective citizenship). I am also drawing the same sorts of conclusions that Nagel draws concerning the extent of the obligations of states and individuals. It is important here to recognize that the difference between humanitarian duties and duties of justice for Nagel is one of both scope and priority. Humanitarian duties cover everyone while duties of justice are restricted to members of a particular state, and the former has priority for Nagel. It is also important to see that both are concerns of justice in the broadest sense.¹⁴

If we now add to this the argument that states are almost always global institutions because they are in a position to either act or decline to act globally and affect the lives and prospects of non-citizens, it follows that liberal states are always in a moral relation to the victims of disasters. The only question is whether this moral relation is sufficient to trigger a response and I think the answer is now clear. Since the dignity of the survivors of disasters is compromised and there is no normative distinction between citizens and non-citizens with respect to their dignity, and liberal states are almost always in a position to help restore the limited institutional framework that supports persons' dignity, the obligation of liberal states follows straightforwardly. This is not an act of charity but a response to a legitimate claim that victims have against all others but in particular against those global institutions that can be most effective in restoring their dignity.

This approach to the question of the global obligations of liberal democratic states to the victims of disasters is supported by what Rawls has to say in the *Law of Peoples*.¹⁵ There, he requires that states commit to honouring basic human rights (life, conscience, personal property and natural justice) to be regarded as members of the Community of Nations, and he argues that liberal states have a duty of intervention to protect basic human rights. What he has in mind in the latter case are events like genocide, but it is clear that this principle applies just as well to disasters.

It should be obvious that liberal states do not have a duty to restore the institutions required for effective citizenship for non-liberal (decent and outlaw states) states since these states embody values liberal states regard as either mistaken or plainly immoral. However, it could be argued that liberal states have an obligation to help restore the institutions of citizenship for disaster victims of other liberal states and indeed this follows from what Rawls says about the duty of liberal states to help maintain and create (where requested) democratic institutions in other societies.¹⁶ Nonetheless, each liberal state has a special interest in the dignity and the citizenship capacities of its own citizens and so the extent of its help will always depend on its making good on its obligations of justice towards its own citizens. It should be noted though that restoring the dignity of victims of disasters is a relatively small, if not tiny, cost to almost all liberal states. So, although it is possible in principle for there to be a conflict for a liberal state between

attending to the dignity and effective citizenship of its own citizens and attending to the dignity of non-citizens, in practice this possibility is miniscule.

Libertarian Brute Luck

An obvious contrast to the Rawlsian account I have offered in this article is a libertarian view of the normative status of disasters. The libertarian rejects the premises of the argument I have offered. For the libertarian, the victims of natural disasters suffer a misfortune and there is nothing normatively special about the harm that a disaster causes unless someone is responsible for its occurrence. There is nothing anyone *ought* to do as a matter of justice for the victims. After all, if no one is responsible for the misfortune then no one can be made to supply the remedy. This does not mean to say that individuals should not respond to a calamity from a motive of charity but from the libertarian point of view, there is no question of justice at stake. Victims of disasters have no moral claim on the assistance of anyone if no one is responsible. Jan Narveson states the libertarian principle succinctly when discussing disasters:¹⁷

If some thing is held to be unjust, that should, on the usual use of that term, be because it was due to *someone's* injustice. But this is precisely what fails in cases of brute luck . . . One is responsible for correcting an injustice *if it has happened due to one's own actions*; but one cannot be held responsible for not correcting an injustice which consists in nothing more nor less than *not making the 'correction'* in question. For *when no one is at fault* for the situation, *there is nothing to correct.*

On this account, a disaster is a multiple of individual misfortunes, and since the misfortune of one is no injustice, no multiple of misfortunes will make a normative difference. The role of the libertarian state is to enforce the rectification of injustices and since no injustice needs to have occurred in a natural disaster, the state has no obligation to respond. It is often argued, correctly, that the victims of disasters are in fact often also the victims of coercion and fraud. Contractors who build inadequate buildings to withstand an earthquake, levies that are not maintained, government agencies that are incompetently run, and the corralling of the poor into areas vulnerable to disasters are all instances in which there is someone to blame for the sufferings of survivors. In these cases, since there is a morally blameworthy party, the libertarian argument will require the rectification of the injustice suffered. It is tempting to *always* seek out a perpetrator of injustice and so always have someone who is required, as a matter of justice, to correct the moral harm suffered and it is not a difficult task to find someone who should have acted differently and chosen differently. The role of the state here is to arbitrate between the victims and perpetrators and thereby seek justice for the victims.

There are a number of reasons I find this approach unsatisfying. First, there is no reason that anyone is in fact to blame for the harm suffered by victims of disasters. Insisting on finding someone to blame makes the claims of victims contingent and circumstantial and encourages the demeaning spectacle of people desperately seeking out someone blameworthy to justify their claim to human dignity and justice. If the victims of disaster have a normatively strong claim to dignity and effective citizenship, as I have argued, then this should not be a contingent but a necessary claim of some sort. Second, the libertarian approach severely restricts the scope of those who ought to respond to the moral claims of victims. Most often, the victims of disasters have an

urgent moral claim to the basic requirements of dignity that reaches much further than to a few perpetrators of coercion and fraud. This is not to say that such perpetrators are not guilty of an injustice but that the claims of their victims reach beyond these few.

Third, on the libertarian view, the victims of disasters whose misfortune is caused by the coercion and fraud of others should be restored to the level of wellbeing they enjoyed before the disaster (or restored to the level of wellbeing that they would have had if they had been struck by disaster but not been the victim of fraud). Given the scale of many disasters and the likely limited resources of the perpetrators of injustices, this is an improbable goal. Remember, the libertarian will argue that no one should be required to aid others whatever the circumstances of the victims unless they perpetrated an injustice that needs to be rectified. Therefore, the likely outcome is that even if, on the libertarian account, the survivors of a disaster do have a justice claim against others, it is most unlikely that these claims will be met. So a victim of a major disaster faces calamitous disjunction, *viz.* either the disaster is fully 'natural' and thus she has no claim on the aid of others (merely a victim's 'claim' to the pity and compassion of more fortunate others), or she does have a justice claim, but almost certainly those responsible have not the means to rectify her situation.

Lastly, since the libertarian state has no obligation to remedy the misfortunes suffered by its own citizens, it is obvious that it has no obligation to the citizens of other countries unless it was the perpetrator of coercion and fraud with respect to the disaster suffered abroad. Arguments suggesting coercion and fraud are often easy to make given the legacies of colonialism and present-day neo-colonialism. However, firstly, such arguments are always deeply contestable, and secondly, it is not easy to determine the extent of culpability even if the argument is successfully made, and finally, this approach again makes the urgent moral claims of survivors depend on some disputable and contingent set of facts.

The libertarian will likely respond to these criticisms by saying that individuals are free to help others from the motive of charity. It is not that libertarians don't care about the harms suffered by disaster victims, but that it is wrong to transform what should be an act of charity into a requirement of justice.¹⁸ However, for the reasons I have catalogued above, I think that people's moral and citizenship capacities are too important to be left to the happenstance of charity.

The Utilitarian Alternative

The publication of Peter Singer's article 'Famine, Affluence and Morality' in 1972 placed the victims of disasters at the centre of the moral debate between utilitarians and their opponents, and in many ways initiated the contemporary philosophical literature on global justice. The Rawlsian account of disasters I have set out provides an alternative. From a utilitarian perspective we can say that a disaster represents a massive, sudden decrease in utility suffered by its victims and Singer sharply and vividly makes the case that the suffering of others is a moral problem for the rest of us unless we are willing to make what Singer regards as morally arbitrary distinctions of nationality and citizenship. The moral claim that victims of disasters have is anchored in a general claim to have their wellbeing considered equally with the wellbeing of others. There are two important differences between the utilitarian approach and the libertarian approach. First, Singer regards it as wrong to 'discriminate against someone merely because he is far away from

us' and so our obligation to help is not bounded by national or community membership and, second, Singer denies that there is a distinction between a duty of justice and an act of charity.¹⁹ All obligations are duties. He says, to give aid to others in need,²⁰

. . . is not charitable, or generous. Nor is it an act that philosophers have called 'supererogatory' — an act it would be good to do, but not wrong not to do. On the contrary, we ought to give the money away, and it is wrong not to do so.

The disutility disaster victims suffer is therefore made part of the calculation of the general good and, as Singer has so often pointed out, at the cost of small sacrifices of utility by the fortunate, survivors' wellbeing can be enhanced greatly. For utilitarians, the fact of their suffering has moral standing quite independently of the blameworthiness or negligence of others and where in the world the disaster strikes. To suffer when such suffering can be remedied at a comparatively low cost to others is already a moral harm and the grounds for a remedy.

While the utilitarian approach has the virtue of making the moral claims of victims non-contingent and so, in my opinion, is a more plausible than the libertarian approach to addressing the question of justice as it pertains to disasters, it does suffer some serious philosophical difficulties. Firstly, like the libertarian, the utilitarian has no account of the special normative status of a disastrous event. The harms suffered are aggregated from individual harms and a disaster is thus merely a multiple of particular harms. A disaster is therefore nothing more than a lot of harm suffered in a spatially and temporally limited event. The utilitarian pays no special moral attention to a disastrous event but rather calculates in the harm suffered in the disaster with all other harms suffered. For example, should we be comparing the sum of harm suffered by the 30,000 or so people killed in road accidents in the US with the harm suffered by the victims of Hurricane Katrina? After all, any arbitrary collection of harmed people deserves moral attention from the utilitarian; the cause of their harm and its particular character are unimportant. Merely aggregating harms misses the point of describing an event as a disaster. The political definition I defend captures what is distinctive about disasters whereas the utilitarian is concerned only with the fact of harm suffered. Furthermore, my political definition specifies a remedy to the harms caused by a disaster (the restoration of institutions) that goes well beyond, and is more specific, than an abstract recalculation of how some version of the utilitarian good is to be redistributed.

Secondly, the utilitarian makes no distinction between citizens and non-citizens. In one sense this is an advantage since it grounds the moral claims of victims regardless of citizenship and this is something I have argued for. However, in another sense, it fails to capture the intuition that states do have special obligations to their own citizens. A state can have both special obligations to its own citizens and have obligations to non-citizens as well, and these need not be symmetrical, as I argued above. Utilitarians will claim that considerations of efficiency may require a state to first serve its own citizens and so it has an indirect duty to place the wellbeing of its citizens ahead of others. However, a moderately sized calamity abroad can outweigh a small disaster at home. There is no principled way to make the distinction between citizen and non-citizen for the utilitarian.

Thirdly, whereas for the libertarian obligations with regard to disasters are extremely limited, for the utilitarian these obligations are extensive, in fact potentially and implausibly onerous. Finally, the utilitarian is unable to make sharp, and in my view necessary, distinctions between what individuals owe as a matter of moral obligation and what

institutions owe as a matter of justice. Disasters are often on such a large scale and require such coordination of effort, machinery and technology that it seems that addressing the moral problem of disasters by discussing the sacrifice of minor luxuries by individuals is to look in the wrong place for a solution. Instead, as I have argued, we need to figure out what obligations state institutions have over and above the obligations of individual citizens.

Charity and Care

I want to end by addressing a general criticism of the approach taken in this article. The political definition of disasters I have defended can be accused of lacking the element of care for victims. It might be claimed that the appropriate target of concern should be the wellbeing of victims and not their moral and citizenship capacities. It might also be said that the harm victims have suffered to their wellbeing is relegated to, at best, a secondary importance on the account I have offered. In addressing this complaint I want to say something about charity and how charity and expressions of care can figure in a Rawlsian institutional account of disasters.

First, while state institutions can have obligations that arise from the normative principles under which they are organized, it is implausible to think that such institutions can care about the wellbeing of citizens. Since I have offered an account of the state's obligations, the question of care does not and cannot arise in any direct fashion.

Second, what one cares about and who one cares for is a function of individuals' particular moral doctrines. On the Rawlsian account, liberal states ought not to be in the business of carrying out the agenda of *particular* moral doctrines. It does, as I have said, have an interest in preserving and maintaining citizens' moral *capacities* but this is not the same as advocating or promoting any particular moral doctrine. However, the state is very efficient at solving large-scale coordination problems that disasters occasion and has the technical and material means to help. I would argue that the state could well go beyond its moral and justice duties, as outlined in this article, and aid citizens in their charitable efforts if this was the consequence of a political policy resulting from citizen deliberation and agreement. In other words, citizens, by agreement, could decide to ask the state to represent their moral beliefs in the form of charitable giving. There are therefore numerous ways citizens, as individuals, can express their care for victims and also ways in which they can lobby the state to be an instrument of that care. It is important, of course, to note the many difficulties lurking here concerning state neutrality and taxing people to realize moral aims they do not share. The state and its institutions can thus be an instrument of care, but it while it has obligations, these do not, and for obvious reasons cannot, include caring for the victims of disasters.

6. Conclusion

I have argued for a Rawlsian understanding of the normative distinctiveness of disasters by setting out what I have called a political definition of disasters. I have argued that the liberal democratic state has obligations of justice towards its citizens that include securing the dignity and the effectiveness of citizenship of the victims of disasters.²¹

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NOTES

- 1 Rousseau and Voltaire most famously disputed the philosophical significance of the 1775 Lisbon earthquake. See Voltaire, *The Portable Voltaire*, ed. B.R. Redman (New York: Viking Press, 1949), pp. 560–569. and J.J. Rousseau, *Correspondence Complète de Jean Jacques Rousseau*, ed. J.A. Leigh, vol. 4 (Geneva: Institut et Musée Voltaire, 1967), pp. 37–50. For one recent philosopher who has extensively engaged with the problem of disasters see N. Zack, *Ethics for Disaster* (New York: Rowman and Littlefield, 2009). Also see her discussion of Rousseau and Voltaire, as well as Farhang’s interesting comparison of the recent earthquake in Bam, Iran and the Lisbon disaster, M. Farhang, ‘Misfortune, injustice, or the will of God?: From Bam to Lisbon’, *Dissent March* (2004): 65–72.
- 2 The claim made here that disasters are likely to be more numerous is controversial in part because there is no settled definition of what a disaster is, as this article argues. Furthermore, we don’t have a good way of counting disasters or of measuring the harm they cause. Therefore, there may be more disastrous events that nonetheless cause proportionately less harm because states are now better at addressing the kinds of harms disasters cause. Alternatively, there may be more disastrous events that cause more harm but other factors such as population growth may mean that the likelihood for any individual of being caught up in a disaster is less than before. One way of measuring the frequency of disasters is to look at insurance industry statistics. For example, the Munich RE August 2011 half-year report contains statistics that suggest a strong upward trend in the number of disastrous events dating from the 1980s. However, I have no way of determining the accuracy of such claims.
- 3 Perry offers an excellent account of this debate, surveying the various approaches to answering the question of what a disaster is in R.W. Perry, ‘What is a disaster?’ in H. Rodriguez, E. Quarantelli and R. Dynes (eds) *The Handbook of Disaster Research* (Dordrecht: Springer, 2007). A more philosophical discussion of the question is contained in Zack op cit. See also E.L. Quarantelli, *What is a Disaster? Perspectives on a Question* (New York: Routledge, 1998).
- 4 See <http://www.training.fema.gov/EMIWeb/emischool/EL361Toolkit/glossary.htm> accessed 06/23/11
- 5 Perry op cit., p. 5.
- 6 Ibid., p. 2.
- 7 Zack explicitly takes up this point of view although she offers a very different argument than I do here. Roughly and briefly, she argues that states have an obligation to prevent a return to a state of nature which would be occasioned by a disaster. The source of their obligation is their fundamental duty to offer security to their citizens. As will be become evident in my discussion I disagree with this very limited Hobbsian view of the state’s duties to its citizens. See Zack op cit., pp. 69–87.
- 8 There are of course numerous political questions surrounding disasters that do not engage with the normative issues discussed in this article. Among many examples, see R.H. Platt, *Disasters and Democracy: The Politics of Extreme Natural Events* (Washington Island Press, 1999). Also see T. Steinberg, *Acts of God: The Unnatural History of Natural Disasters in America* (Oxford University Press, 2000).
- 9 ‘Citizenship’ here and throughout the article refers to those who are normally resident in and participate in the affairs of a political community, most often a nation state in our current world. This idea is not intended to distinguish between citizens and ‘illegal aliens’.
- 10 Rawls does not usually characterise these moral capacities using the term ‘dignity’ although he does when laying out the requirements of a sense of justice in ‘The sense of justice’ in S. Freeman, ed., *John Rawls: Collected Papers* (Cambridge, MA: Harvard University Press, 1999), p. 115. If the reader finds ‘dignity’ too loaded a term it can be replaced by Rawls’s notion of the two moral powers — the capacity for a sense of justice and the capacity to form, revise, and pursue a conception of the good.
- 11 J. Rawls, *Justice as Fairness: A Restatement*, ed. E. Kelly (Cambridge, MA: Harvard University Press, 2001), p. 171.
- 12 Ibid., p. 174.
- 13 T. Nagel, ‘The problem of global justice’, *Philosophy & Public Affairs* 33, 2 (2005): 113–147, at p. 131.
- 14 By ‘justice in the broadest sense’ I mean that the state’s duty to secure and restore the capacities of moral agency for citizens and non-citizens, and the duty to restore citizens’ capacity for effective citizenship are not optional obligations, as, for example, gifts of charity are.

- 15 J. Rawls, *The Law of Peoples* (Cambridge, MA: Harvard University Press, 1999), pp. 38–38.
- 16 For example, Rawls says that the duty of assistance ‘seeks to raise the world’s poor until they are either free and equal citizens of a reasonably liberal society or members of a decent hierarchical society’ (Ibid., p. 119).
- 17 J. Narveson, ‘Welfare and wealth, poverty and justice in today’s world’, *The Journal of Ethics* 8, 4 (2005): 305–348, at p. 326.
- 18 Narveson (Ibid., p. 343) makes this point.
- 19 P. Singer, ‘Famine, affluence, and morality’, *Philosophy and Public Affairs* 1, 3 (1972): 229–243, at p. 232.
- 20 Ibid., p. 235.
- 21 I am thankful for comments the paper received at several conferences and talks, as well the extensive comments of this journal’s referees.