Susan P. Murphy

Responsibility in an Interconnected World

International Assistance, Duty, and Action

Springer

Studies in Global Justice

Volume 13

Aims and Scope

In today's world, national borders seem irrelevant when it comes to international crime and terrorism. Likewise, human rights, poverty, inequality, democracy, development, trade, bioethics, hunger, war and peace are all issues of global rather than national justice. The fact that mass demonstrations are organized whenever the world's governments and politicians gather to discuss such major international issues is testimony to a widespread appeal for justice around the world.

Discussions of global justice are not limited to the fields of political philosophy and political theory. In fact, research concerning global justice quite often requires an interdisciplinary approach. It involves aspects of ethics, law, human rights, international relations, sociology, economics, public health, and ecology. Springer's new series Studies in Global Justice up that interdisciplinary perspective. The series brings together outstanding monographs and anthologies that deal with both basic normative theorizing and its institutional applications. The volumes in the series discuss such aspects of global justice as the scope of social justice, the moral significance of borders, global inequality and poverty, the justification and content of human rights, the aims and methods of development, global environmental justice, global bioethics, the global institutional order and the justice of intervention and war.

Volumes in this series will prove of great relevance to researchers, educators and students, as well as politicians, policy-makers and government officials.

More information about this series at http://www.springer.com/series/6958

Susan P. Murphy

Responsibility in an Interconnected World

International Assistance, Duty, and Action

Susan P. Murphy
School of Natural Sciences
Trinity College Dublin
Dublin 2, Ireland

For Shane, Eva, Tara and Conn

Preface

Giving assistance is a widespread practice that has grown into a virtual industry. Intended to facilitate and mediate between those in desperate need and those with a capacity to assist, it operates at a global level, delivering assistance wherever and whenever the need is most pressing. The practice of assistance can aim at the most fundamental end of saving lives through the provision of food, shelter and protection, water and sanitation and medical support in times of urgent need. It can also include longer term ends including poverty reduction, improvements in health and education, the delivery of public services and protection of public goods, and generally a wide array of strategies intended to improve the lives and livelihoods of the poorest members of the global community.

However, the practice is experiencing problems. Firstly, there is a growing body of evidence that points to problems in the practical application of aid. It seems that its instruments and activities can fail to achieve the goal of helping others and, in some cases, have been found to contribute to harm. Secondly, this has led some to suggest that the aid industry is in turmoil, marked by an absence of clear moral guidelines. Why one acts to give assistance to another directly informs how one acts. It can guide and inform which actions are permissible and, of equal significance, which actions are not permissible. It establishes the breadth and reach, the extent and limits, of the courses of action one can undertake. However, it seems that many within this practice are now reflecting both on their actions and their reasons for acting, and asking if these are fit for purpose in the complex contemporary circumstances of assistance. Finally, if harm does arise in the practice of aid, the question of who ought to do what for whom to address and remediate such harm is unclear. These problems point to important moral questions requiring a strong philosophical response.

In response to this uncertainty and unease, this book takes on the thorny task of examining which ethical framework provides the most appropriate guide to action for agents within the contemporary context. Of course much turns on how one defines the term appropriate. I argue that the most appropriate framework from a donor's perspective is one that supports an agent to act in order to help another, while considering the moral problem of harmful outcomes – how to avoid these,

how to provide redress if this is required and how to determine what responsibilities flow from aid action. From the perspective of the aid recipient, this book argues that the most appropriate framework is one in which aid that is required is delivered to those most in need and that is sensitive to the social and cultural context in which it is placed. Thus, the account of aid that is developed through these pages is one that seeks to balance the agency of both the one in need (the recipient) as well as those giving assistance (the donor). It seeks to move the debate beyond the question of 'how much is enough'. Although this question is important and highly relevant in a world marked by deep inequality and interconnection, debates on this topic typically do not extend to consideration of the practice that follows, and questions related to what is most appropriate, who decides, how can the essential agency of the recipient be respected through this practice and how this practice generates new relationships and special ties between those across spatial and temporal distances and diverse populations.

Beginning with an outline of the practical problems and context in which contemporary aid is practiced, the following chapters examine the philosophical dimensions of the problem and the claim that there is a tension between the two dominant ethical approaches underlying this practice – principle-based deontology and outcome-based consequentialism. To unpack this claim, it critically analyses contemporary accounts of the philosophical basis of assistance as deontological and consequentialist respectively, against foundational accounts of the moral duty to assist in these two philosophical perspectives, highlighting both their points of connection and conflict.

It then turns to an examination of leading accounts of the duty to aid that cut across the philosophical traditions. These include narrow, instructive accounts that seek to secure this moral duty through a precise specification of the act-types and actions required; and broad, disruptive accounts that seek to provide space for more creative and innovative expressions of this duty both within and beyond the constraints of the contemporary aid industry. It examines instructive practical applications of this duty in the work of Rawls and Singer, and argues that these accounts fail to resolve the underlying issues and do not address the practical problems faced by this industry. The alternative approaches of O'Neill and Sen are found to avoid these problems in giving accounts of agency and practical reason that this duty requires for its expression. Thus, both deontological and consequentialist approaches can provide a basis for the practice of aid in the contemporary context, but in different ways and for different reasons. Further analysis finds that only an elaboration of a broad consequentialist approach, elaborating on a Senian framework, can provide a secure, practical and appropriate basis for moral action that can minimise harmful outcomes and provide a moral basis for further action based upon the interconnections and connections generated through the act of giving.

What is termed the interconnected ethical account of the nature and scope of the duty to assist is then developed and defended. Through an elaboration of the elements of unavoidable interconnection, responsible action, inclusive engagement and accumulative duties and responsibilities, this approach has the potential to overcome the problems identified in other accounts and provides guidance to aid

practitioners, donors and recipients in the complex contemporary circumstances of assistance. Further, this approach sheds light on the network of moral obligations, rights and responsibilities that can arise through the act of assisting another and highlights the links between acting upon a duty to assist, responsibilities for these actions and how such actions link with incremental moral duties that can amass as a consequence of such actions.

Dublin 2, Ireland   Susan P. Murphy

Acknowledgements

Contents

Introduction

The Idea and Promise of Assistance

Every moment of every day someone somewhere needs the help of another just to survive. As finite, vulnerable beings, there is a time in every human being's life when their continued existence depends on the actions of another. Sometimes it can depend on another simply seeing one as a human being with essential needs. When a child cries for food, comfort or warmth, this cry is a simple statement that they are a human being in the world and need another to help them to meet some requirement. When an adult calls on another for help they themselves know what they need, but they are unable, for any variety of reasons, to provide this for themselves and so call upon another to help them to meet this need.

Assistance, both giving and receiving, is part of the material and social fabric of all finite lives. Assistance here means, quite simply, acknowledging another's status as a human being and acting for their benefit or in their interest at some point in their life.

Life is precarious and uncertain. Accidents happen and natural events occur. These are matters of sheer brute luck to which every human being, as a finite, vulnerable, ecologically embedded and interconnected entity is exposed. However, for many, the probability of harm and the risk of exposure to suffering are greatly increased by the fact that they were born into one state rather than another, or one community rather than another, or indeed one sex rather than another.

In our world, life expectancy, infant mortality rates, access to adequate health care, access to education, death from preventable disease, risk of exposure to disaster and so on are all linked with what is sometimes referred to as 'the accident of birth' – where one happens to be born, the capacities one happens to be born with (or without), the parents one happens to have and the social and political culture that one is born into.

Focusing on luck might easily overlook important underlying dimensions of the real world and the complex and multi-faceted reasons where some need more assistance than others to meet their essential needs. In many cases, it is not luck that

explains why some need assistance during the course of their lives. To borrow a distinction employed by Jean Jacques Rousseau, there are cases where assistance is required due to natural facts and events; however, other cases are due to artificial or social events.[1] All populations are exposed to non-predictable external shocks, including economic and environmental events, and risks such as ill-health, that can lead to loss of livelihood and a descent into economic poverty for various durations of time.[2] In spite of this, the majority of the global population continue to experience weak and incomplete government provided social protection systems and are, therefore, at risk of a descent into poverty of various durations at any time.[3]

In 2011, 75 % of the global population lived without social security and social protection supports. In less developed countries and regions, in the absence of such supports, individuals and households must develop coping strategies at a micro level to deal with both natural and social contingencies. Thus, exposure to shocks, even minor shocks such as an ill-health or a temporary loss of employment, leave the majority of the global population in a state of material insecurity and vulnerability and, to varying degrees, at risk of descent into poverty. When examining norms and practices of international assistance analogies to cases of single individuals in urgent need, such as a drowning child in need of rescue, do not easily or obviously correspond to the systematic harm and systemic risks faced by hundreds of millions of individuals on a daily basis.

Scenes of complete devastation and unimaginable levels of suffering are ubiquitous enduring features of the human condition as finite vulnerable beings, ecologically and socially embedded in complex mutable systems. However, the contemporary context is markedly different from that of previous generations in at least two fundamental ways. Firstly, the human population has never been larger with the highest growth rates in the lowest income least developed locations. Those most exposed to random social, economic and ecological changes and shocks tend to have the least resistance with low social protection systems and thus are more likely to require higher levels of international aid into the future. Secondly, the technology revolution ensures that when any person, anywhere in the world, experiences harm and suffering, for the first time in the history of humanity, anyone with access to a computer, phone or any form of modern media can know this, witness this directly and indeed act to assist that one in need.

To ease some of this suffering and address some of the most basic requirements, practices of assistance have evolved and expanded over recent centuries. The sight of thousands of human beings standing in line to receive food provided by others or risk death from starvation is not unusual or extraordinary in the twenty-first century. Nor is the sight of hundreds of thousands of human beings living together in tents

---

[1] See J. J. Rousseau *A Discourse on the Origin of Inequality* (1973: 49) for use of this distinction in his analysis of inequality.

[2] Word Bank Development Report (2014) documents the extent that global populations are vulnerable to such risks.

[3] ILO (2014) report that only 27 % of the global population have access to comprehensive social security systems; See Murphy and Walsh (2014) on poverty flows.

and camps because something has happened to drive them from their homes. Some event, or complex blend of interacting factors, has occurred that has interrupted their regular patterns of daily living. These camps are intended to provide immediate help or relief for those who need this. However, it is not unusual for such camps to become homes for extended periods of time as groups are often unable to return to their homes and ancestral lands for any number of reasons. In 2014, UNHCR and the Norwegian Council for Refugees estimate that in excess of 50 million human beings were displaced from their homes and in need to urgent assistance.[4] This trend has continued to increase with over 60 million human beings displaced at the end of 2015[5] and is likely to continue for a variety of reasons including conflict over ever decreasing natural resources and changing climates.

In practice, governments and citizens in all states accept that they ought to help others (governments, states, citizens and people) in dire need and life-threatening situations. We see this acceptance in the foreign aid programmes of national governments which see disbursements of financial and technical assistance to dozens of low and middle income countries each year.[6] States also collaborate to respond to humanitarian crises beyond their borders caused by natural events and socio-political human-made events wherever these occur. Examples of large-scale international responses to natural events include the earthquakes in China (2009), Haiti (2010) and Japan (2011); and socio-political human-made events in diverse geographies including Yemen, Syria, South Sudan, The Central African Republic (CAR) and the Democratic Republic of Congo to name but a few. They also cooperate in the development and maintenance of a shared international policy framework coordinated through the United Nations and overseen by various international intergovernmental organisations and policy bodies.

In response to known suffering and harm, billions of dollars are pledged[7] from those with the capacity to assist to those in desperate need in the form of what is known as humanitarian and development assistance. As the needs of so many are so great in our world, this assistance is mediated through an international institutional framework consisting of a wide range of actors from state-based organisation to non-governmental organisations.

The practice of assistance, and the international institutional framework and policy architecture, is divided into two core domains. Humanitarian assistance is assistance that provides urgent relief to those at risk of death. It typically aims at saving lives through the provision of basic necessities including water and sanitation,

---

[4] http://www.unhcr.org/pages/49c3646c11.html,   http://www.internal-displacement.org/assets/library/Media/201505-Global-Overview-2015/20150506-global-overview-2015-en.pdf   accessed 10 May 2015.

[5] http://www.unhcr.org/558193896.html Accessed 22 December 2015.

[6] See OECD DAC statistics site for information – http://www.compareyourcountry.org/aid-statistics?cr=302&cr1=oecd&lg=en&page=1

[7] Although billions of dollars are pledged by donor countries, it is not unusual for a long delay in the actual transfer of funds to occur. For example, in the case of Haiti, 1 year after the event the international community had managed to transfer only half of pledges for 2010 according to a report from UN Office of the Special Envoy for Haiti in June 2011.

shelter and protection, medical care, food and so on. The second domain is the wider and more ambitious domain of development assistance. This form of assistance is much more far reaching in its objectives.[8] Development aid is typically provided over longer periods of time to assist states, people and populations to develop sustainable living conditions.

The year 2015 witnessed the introduction of a new aid architecture and policy framework in both domains. Within the humanitarian space, the Sendai Framework for Disaster Risk Reduction (March 2015) was agreed among international intergovernmental actors to success the Hyogo Framework. Within the development space, the Sustainable Development Goals Framework (September 2015) was agreed to follow from the Millennium Development Goals and Millennium Declaration. In parallel with these developments, changes were also agreed to the global climate governance regime with agreement on the framework of an international response to tackle anthropogenic climate change through the Paris Agreement (December 2015).

The organised practice of humanitarian assistance began as a response to the horrors of war and the harm and suffering of civilian populations. The origins of this practice are often traced to the work of Florence Nightingale during the Crimean War (1863) and the establishment of the International Red Cross and Red Crescent movement by Henry Dunant (1863).

However, humanitarian assistance is not restricted to the domain of war. It is also provided to groups who have experienced natural shocks and are exposed to physical, biological and technological hazards where large numbers of human beings are temporarily displaced and their very survival is threatened. Humanitarian assistance, as described by Jennifer Rubenstein, 'involves the provision of goods and services such as food, water, sanitation, medical care, shelter, and (sometimes) protection, during and soon after natural and man-made disasters' (Rubenstein 2007: 292). The core stated objective of this assistance is to save lives and to restore an affected group to their pre-emergency state.

Development assistance, on the other hand, is concerned with supporting states, people and populations in the development of sustainable living standards and conditions. Again, as Rubenstein outlines, development assistance aims at supporting the provision of longer-term social services and infrastructure, including 'the funding of education, health and population programs and so on' (Rubenstein 2007:293). Development assistance has traditionally entailed transfers of aid from richer states (traditionally referred to as 'developed states') to poorer states (referred to as 'developing states'/'low income locations'). Practices of development assistance have changed over time. Initially targeted towards economic growth in the 1950s, development assistance shifted and broadened its objectives to include improved human outcomes within a human development approach emerging in the 1990s. This approach entails activities targeting improved health and education outcomes for the poorest populations in the world, in addition to economic growth. From 2015,

---

[8] See the Sustainable Development Goals agenda that will guide the international development arena from 2015 to 2030 – https://sustainabledevelopment.un.org/topics/sustainabledevelopmentgoals

the target of development assistance will shift again towards 'sustainable development'. According to Sachs (2015: xiii), sustainable development can be understood as an analytical concept entailing consideration of a wide range of intersecting factors including social, economic, and environmental and governance dimensions. Sustainable development is concerned with meeting the needs of present generations without jeopardizing the ability of futures generations to meet their own needs.[9]

Since the second half of the twentieth century, there has been significant growth in the number of organisations and institutions engaging in the practice of assistance (Barnett 2011; Riddell 2007). These include intergovernmental and international organisations (IGOs and IOs), national and international non-governmental organisations (NGOs and INGOs) and civil society organisations (CSOs). This growth has coincided with increases in funding from public sources (in the form of donations from states through the public tax purse) and private sources (in the form of donations from individuals and private institutions and corporations). The first decade of the twenty-first century saw a steady expansion of Official Development Assistance (ODA) with the total amount of aid provided by OECD countries exceeding $100 billion USD for the first time ever in 2005. This represented a doubling of ODA from 2001 figures and has continued this upward trajectory in spite of the global financial crisis in 2007/2008. The year 2015 witnessed a continued increase with ODA now exceeding $135 billion USD. However, in spite of this increase, unacceptably high levels of extreme poverty and deprivation persist, and the numbers of those in need of urgent humanitarian assistance continues to rise.

According to World Bank development reports and the Millennium Development Goals (MDG) reports, the first goal to halve the proportion of people living in poverty by 2015, where poverty is measured as the proportion of the population living below $1.25 purchasing power parity (PPP) per day, has been achieved. However, a further billion people remained below the poverty line at the end of this period (2015). While poverty rates are declining the concept of the bottom billion survives. At the beginning of the MDG project, the bottom billion entailed one in six people globally. By the end of the period, the bottom billion represented approximately one in seven people living in extreme poverty and thus remains a pressing problem and focus of concern for the foreseeable future.

According to the 2013 report from the UN High Level Panel of Eminent Persons developed to inform the post-MDG/2015 discussions, *A New Global Partnership*:

> *The next development agenda must ensure that in the future neither income nor gender, nor ethnicity, nor disability, nor geography, will determine whether people live or die, whether a mother can give birth safely, or whether her child has a fair chance in life. (2013, p. 7).*

Thus, the need for aid and assistance is high, but the commitment of the international community seems strong. According to the UN High Level Panel of Eminent Persons report (UN HLP 2013), the post-2015 development agenda requires five

---

[9] Definition given in the Brundtland Report 'Our common future' of the World Commission on Environment and Development (WCED), adopted in the Framework of the United Nations.

transformative shifts: (i) leave no one behind; (ii) put sustainable development at the core; (iii) transform economies for jobs and inclusive growth; (iv) build peaceful and effective, open and accountable institutions for all; (v) forge a new global partnership on the basis of solidarity, cooperation and mutual accountability – 'a new partnership should be based on a common understanding of our shared humanity, underpinning mutual respect and mutual benefit in a shrinking world' (UN HLP 2013: 3–4).

To many, it might seem as though practices of international assistance represent a zenith in the history of humanity whereby groups of human beings can give and receive assistance to one another across great distances and national boundaries. Further, the international rhetoric regarding global responsibilities and solidarity has perhaps never been louder. However, a closer examination of this area would suggest that all may not be quite as rosy as it seems, or indeed, as many would hope.

Events and trends which began to emerge over the closing decade of the twentieth century have cast a shadow over some of these practices. The complexity of event types and the recurrence of the need for assistance in certain locations and among certain populations have been taken by some to indicate that all is not well with contemporary practices of assistance. It seems that, in many cases, the practice of assistance is struggling to achieve the ends at which it is aimed. The resurgence of famine in the Horn of Africa in 2011, a region that has been a beneficiary of multiple assistance efforts over the preceding decades, is an indication that all is not well. Further, escalating conflict across a range of diverse regions and geographies from Somalia to Yemen and Burundi represents a major reversal of development achievements. Indeed, these events point to an obvious question – what is going wrong with the practice of assistance?

Parallel to the growth in the practice of assistance, a burgeoning body of empirical research and literature has emerged which examines these practices. This research is concerned with practical challenges faced by donors, beneficiaries and the mediating organisations that connect these groups. Uncertainty and unease that all may not be well with this practice has fed into debates within this literature also. There are two elements to these debates, practical and moral. Firstly, there is a quandary concerning which instruments of assistance actually work, and more problematically, what happens when instruments do not work. Secondly, and related to this, there are concerns relating to apparent tensions between the dominant ethical approaches underlying this practice, and what appears to some to be the absence of clear moral guidelines.

On the first point, there is a multiplicity of instruments of assistance. However, there is much disagreement concerning which ones actually work and achieve the ends at which they aim. Underlying this debate is a growing unease that some instruments may not only be failing to achieve their intended goals, but may actually be contributing to harm.[10] This unease has been compounded by a number of high profile cases taken to the courts by 'aid recipients' seeking legal remedy for

---

[10] See for example, Riddell (2007), Ramalingam (2013), Easterly (2008) and Moyo (2009) for analysis and explanations concerning aid and its contribution to harm and suffering.

harms they experienced during the assistance process – these include the Haitian Cholera Case[11] where members of the Haitian community took a case against the UN following an outbreak of cholera in the region that was linked to sanitation practices of UN soldiers following the 2010 earthquake, and a case taken by Ethiopian farmers against the villagisation projects funded by the World Bank and the UK Development agency (DFID).[12]

However, there are also underlying moral and philosophical problems evident within the empirical literature. In many cases it seems that practitioners are experiencing, at a very basic level, severe difficulty in determining what is the *right* action to take that can provide essential assistance and at the same time avoid contributing to further harm. According to a wide number of analysts, there are two main ethical approaches employed by those engaged in the practice of assistance to support them in determining what the right action to take would be in particular contexts. These are 'principle/duty-based' or deontological approaches whereby practitioners act in accordance with a set of defined principles or duties, and 'outcome-based' or consequentialist approaches whereby practitioners act to achieve certain outcomes and promote certain values.[13]

It seems that the actions of those who are guided by a specific set of principles (duty-based action) can, and often do, result in unintended harms. Quite who ought to do what for whom when harm arises is unclear. Examples include experiences of ongoing violence and suffering within humanitarian camps in the Democratic Republic of Congo and Sudan, and instances where food aid can result in interference in local modes of food production leading to increased food insecurity (Ramalingam 2013). However, it also seems that those acting to achieve particular outcomes or ends (outcome-based action) are finding that those outcomes are more difficult to achieve then they had assumed and again may result in more harm than good. Examples include instances where aid distribution systems can only be sustained through direct pay-offs to warring parties, thus potentially and inadvertently contributing to a pro-longing of conflict; where urgently required food and medical supplies are usurped and used as currency to gain power and control; or where vulnerable members of a community are intentionally exploited to gain international attention and thus, international humanitarian aid.[14] There are also many examples of slowly occurring problems such as aid dependency where ongoing aid transfers for the provision of public goods and services can lead to increased dependency amongst recipient populations and their governments (Easterly 2008; Riddell 2007). So it seems that neither duty-based reasoning (deontological) nor outcome-based

---

[11] http://www.theguardian.com/world/2014/mar/11/haiti-cholera-un-deaths-lawsuit

[12] http://www.theguardian.com/global-development/2014/jul/15/ethiopian-farmer-uk-court-resettlement-policy-villagisation

[13] This observation is made by analysts such as Michael Barnett (2008, 2011), Thomas Weiss (1999), Richard Shapcott (2010), Ben Ramalingam (2013) and Roger Riddell (2007).

[14] See for example Ricardo Pollack's (2012) Documentary 'The Trouble with Aid' accessible at http://www.bbc.co.uk/programmes/b01p8tkm

reasoning (consequentialist) can confidently guide actions when the need for assistance arises, at least as they are currently practiced.

This raises important moral questions. Why one acts to give assistance to another directly informs how one acts. It can guide and inform which actions are permissible and, of equal significance, which actions are not permissible. It establishes the breadth and reach, the extent and limits, of the courses of action one can undertake. However, it seems that many within this practice are now reflecting both on their actions, and their reasons for acting, and asking if these are fit for purpose. The circumstances are complex and the outcomes of assistance can be uncertain.[15] Indications of concern among policy makers surrounding contemporary practices can be found in the ongoing discussion fora on Aid Effectiveness in the realm of development assistance (Paris 2005; Busan 2011),[16] and the emergence of new bodies focusing on accountability and transparency within the humanitarian sphere, such as the Humanitarian Accountability Partnership (HAP).[17] What seems to be emerging from these policy debates is that although international aid flows are capital flows and as such, directly influence the life of a recipient and their surrounding communities, there are concerns surrounding accountability and responsibility for outcomes, and answerability for harms or wrong-doing arising from these financial flows. Further, this flow is not widely subjected to moral evaluation, critical scrutiny, or formal regulation and systematic evaluation. Thus, these issues raise important moral questions requiring a strong philosophical response.

Moral philosophy has also seen an eruption of debate and interest concerning the matter of assistance paralleling the growth in the practice of assistance. In response to the preventable suffering and harm experienced by millions of human beings in East Bengal (1971), Peter Singer published a seminal article that sparked an avalanche of debate in moral philosophy. Singer's message is clear, concise, intuitive and simple. He wrote, 'as I write this, in November 1971, people are dying in East Bengal from lack of food, shelter, and medical care. The suffering and death that are occurring there now are not inevitable, not unavoidable in any fatalistic sense of the term. Constant poverty, a cyclone, and a civil war have turned at least nine million people into destitute refugees; nevertheless, it is not beyond the capacity of the richer nations to give enough assistance to reduce any further suffering to very small proportions' (Singer 1972: 229). Many people, as they watch contemporary tragedies unfold on their television screens, share similar thoughts.

There is widespread agreement in this philosophical debate with the general normative claim that one should act to alleviate the suffering of another if one has the capacity to do so. This is referred to as a moral duty to assist that is incumbent on all human beings in their capacity as agents simply qua moral agents.[18] However, there is strong disagreement on why one ought to do this and what this would entail.

---

[15] See for example William Easterly (2014, 2008), Moyo (2010) and Barnett and Weiss (2008).

[16] http://www.oecd.org/dac/effectiveness/fourthhighlevelforumonaideffectiveness.htm

[17] http://www.hapinternational.org/

[18] This broadly implies that a human being has the capacity for thought, choice, deliberation and action.

Thomas Nagel, for example, claims that 'some form of humane assistance from the well-off to those in extremis is clearly called for quite apart from any demand of justice, if we are not simply ethical egoists' (Nagel 2005: 114). However, what this would entail more precisely is not at all clear.

Within the field of international political theory, a rich body of research has explored a wide number of normative questions. Perhaps the most widely researched ethical problem within this literature concerns how to balance or reconcile special duties to those with whom an agent shares a special relationship and those outside the bounds of such relationships.[19] As Andrew Linklater explains, 'globalization has made affluent societies more aware of distant suffering than ever before but how this affects the relationship between obligations to fellow citizens and duties to the rest of humankind is unclear' (Linklater 2007: 24).

What is immediately clear from this body of literature is, firstly, that philosophers from the main philosophical traditions of deontology and consequentialism agree that there is a moral duty to assist that is binding on all human beings. However, secondly, there is a little agreement on the content of this duty. Thirdly, there is considerable disagreement on the moral basis of this duty. Quite simply, there is considerable debate and disagreement concerning the nature of assistance in general, the philosophical grounds and justifications of this, and the limits and extent of this at both an individual and collective level. The implications of which side one takes in these debates are substantial.

Although there has been considerable discussion and analysis of the duty of assistance within the literature on international ethics and global justice, a little consideration has been given, thus far, to the specific problem of who ought to do what for whom when things go wrong, or unintended harms arise. This is not surprising. Although the idea of the moral duty of assistance is not new to moral philosophy, the particular problems faced by contemporary theorists are different from those of their predecessors. The concern and unease regarding modern practices of assistance are relatively new to the contemporary context and raise further moral questions that theory thus far has often failed to answer. As such, it would be unfair to suggest that this has been overlooked by moral philosophers. Rather, I suggest that has yet to receive sufficient attention. Thus, this text examines the gap between theory and practice, and further moral questions to which contemporary practices give rise.

The Problem

This book examines the ethical implications of contemporary humanitarian and development practice. It asks which ethical approach, deontological or consequentialist is the most appropriate guide to the practice of assistance within the

---

[19]For example, Kok-Chor Tan 2004, 2005; Peter Singer 1972, 2004, 2009; David Miller 1995, 2007; Onora O'Neill 1996, 2000, 2004.

contemporary context. The most appropriate framework from a donor's perspective is one that supports an agent to act in order to help another, while considering the moral problem of harmful outcomes – how to avoid these, how to provide redress if this is required and how to determine what responsibilities flow from aid action. From the perspective of the aid recipient, the most appropriate framework is one in which the aid that is required is delivered to those most in need and that this is sensitive to the social and cultural context in which it is placed. Further, it examines the question of who ought to do what for whom when harm arises. Thus, it examines the intersection between the practice of aid and duties of justice arising out of action and interventions. It argues that the most appropriate approach to the practice of assistance would be one that supports agents in acting to assist another whilst either avoiding harm as much as possible (for deontologists) or determining which harms would be permissible in the pursuit of specific outcomes (for consequentialists) within the contemporary non-ideal context.

However, it should be noted at the outset, although this book critically examines practices of assistance, it is motivated by a desire to clarify the reach of moral requirements and responsibilities to those in need. Such clarification is essential if practices are to be effective in alleviating suffering and reducing harm, and helping agents (both individual and collective) to understand the ethical implications and reach of their actions. As such, the intention of this book is aligned to that outlined by Ben Ramalingam when he states 'foreign aid is at something of a crossroads. There are those who seek to protect and increase it, there are those who seek to attack and reduce it, and there are those who seek to re-think and improve it….my feet are firmly planted in this third camp' (2013: xvii). One critical aim of this contribution is to shed some light both on the complexity of the challenges facing practitioners and also on the possibility offered by reflecting on the duty to aid and the reach of actions that might follow. In a world where donors expect to see results in short-term funding cycles, arguments presented in the following suggest that the action of aiding may represent the beginning of a relationship rather that the complete fulfilment of a moral requirement, and as such, funding to aid organisations should be sufficiently flexible to accommodate this fresh understanding.

Methodology

The central question of this book is addressed within a methodological framework of practical philosophy (or practical ethics). It employs core analytical philosophical tools and methods, engaging with three separate bodies of literature to unpack the problem and develop prescriptions. These include empirical literature on the subject of humanitarian and development assistance; foundational accounts of moral duty within the moral theoretical frameworks of deontology and consequentialism; and contemporary applied philosophical accounts from both of these traditions.

Firstly, it engages with the empirical literature on humanitarian and development assistance to define the boundaries and scope of the practical problem under consideration. Following Christine Korsgaard's advice concerning the best rules of philosophical methodology, 'that a clear statement of the problem is also a statement of the solution' (1996: 49), I begin with an analysis of the problem. It draws upon empirical academic research, outlining the core debates on this subject. It also examines contributions and materials from policy and practice.

Secondly, I examine foundational accounts of moral duty within deontological and consequentialist theoretical frameworks. These accounts are used to clarify the core conceptualisations of duty of assistance and the constitutive elements of this moral requirement across dominant philosophical traditions. It focuses upon the work of Immanuel Kant as perhaps the most influential moral philosopher in the area of deontological ethics and Henry Sidgwick as a leading moral philosopher in the area of consequentialism (utilitarianism in particular) whose accounts of moral duty continues to influence contemporary consequentialism.

This body of literature performs two separate, yet essential functions within the argument. Firstly, these foundational accounts are used to comparatively analyse and to test the core claims, assumptions and characterisations of the dominant ethical frameworks employed within the empirical literature. Secondly, as contemporary applied philosophical accounts of the moral duty to assist are built upon these foundations, these accounts are helpful in explicating and clarifying the core concepts in their abstract state before examining applications of these to the modern context.

Thirdly, contemporary debates within global justice and international ethics literature concerning the moral duty to assist are examined. Moral philosophers within this literature take the task of contemporary philosophy to be one of practical or applied ethics. Therefore, I examine applications of these approaches to the particular problems entailed in the practice of assistance.

However, a note of caution is required at this point. There are a number of underlying differences not only between deontological and consequentialist approaches but within these two traditions. An examination of the literature does not easily yield either a single contemporary deontological position or a single contemporary consequentialist account. Rather there are numerous variations, all entailing different prescriptions for action. Therefore, it is necessary to examine alternative conceptions within both traditions and their application to the particular case under consideration. With this in mind, I examine leading approaches to assess which ethical approach is the most appropriate guide to agents when acting to assist another within the contemporary context. The most appropriate approach must be one that considers both donors and recipients, and that enables action whilst avoiding harm as much as possible, one that can determine what levels of harm would be permissible in a particular context, and indeed one that can guide in addressing the matter of harm and incremental moral duties that may arise in the practice of assistance.

Throughout each chapter various methods and techniques are employed to test the consistency and cogency of the positions under consideration. Firstly, methods

of internal critique are engaged whereby the prescriptions offered by each philosophical account are tested against the assumptions, premises and justification of the wider moral theoretical framework. Secondly, the method of comparative critique is invoked to rigorously test the analytical clarity, strengths and weaknesses of each position against alternative positions.

The final section employs a number of empirical cases. However, this work seeks to follow the advice of Onora O'Neill on the study and methods of practical ethics. According to O'Neill, 'a focus on *types* of case seems both acceptable and unavoidable because the aim, after all, is not to take over the activities of practitioners in one or another domain of life by dealing with actual cases, but to suggest how certain sorts of activities might generally be well undertaken. So writing in applied ethics has to abstract from the details of actual cases, in favour of discussing schematically presented *types* of situation or case' (O'Neill 2009: 224). No attempt is made in this work to test empirical evidence or employ the core methods of the empirical research.

Scope

This books is concerned with the nature, limits and extent of the duty of assistance within deontological and consequentialist moral theoretical frameworks and applications of this to the contemporary context. It does not, however, address all of the debates within the literature on global justice. This terrain is vast and complex with many researchers examining different facets and dimensions of this field. In what follows, I restrict my analysis to those contributions that are directly relevant to the problem under examination. Thus, for example, I will not examine questions of global egalitarianism, issues of distributive justice or discussions within the luck egalitarian literature. These are sophisticated and elaborate debates. However, many of these fall beyond the scope of the argument pursued here as they do not include consideration of the particular problems entailed in the practice of assistance and the connection between aiding another and further accumulative duties that may arise.

Nor will I engage in debates with the International Relations realist tradition, virtue ethicists or any claims stating that there is no moral *duty* to assist in a global context. Within these bodies of literature, there is a plethora of positions on the question of whether assistance is a matter of duty or a matter of kindness, goodness or supererogation. These are interesting and important debates. However, the particular problem addressed here and the deontological and consequentialist theoretical frameworks that practitioners draw upon to guide their action take assistance to be a matter of moral duty. Therefore, I accept this as a basic assumption and conduct my analysis from this point. The aim is then to explore the reach of practices undertaken in the expression of this duty, actions and how such actions ground further moral requirements.

Argument

Addressing the moral questions arising from contemporary practices of assistance requires considerable unpacking of arguments, and clarification of basic assumptions and classifications across the bodies of literature engaged in this analysis. Perhaps the greatest practical problem with assistance is that everyone seems to agree that one ought to do something to help another in desperate need, however quite what this should entail is unclear and contested. The idea of assistance is vague and ambiguous. There are no obvious limits to the act-types that can be required to assist another, and yet it is difficult to specify precise act-types outside the situated context of a particular case of need. Thus, the first step in the argument is to unpack the characterisations of both the problems and the representations of deontological and consequentialist ethical approaches evident within contemporary practices of assistance.

Leading approaches from deontological and consequentialist perspectives are then examined to assess which provides the most appropriate guide to agents (both individual and collective) in the practice of assistance within the contemporary context. Two steps are employed to test and apply alternative theoretical approaches. Firstly, it is necessary to examine the background assumptions of each approach against the background circumstances entailed in the case of assistance within the contemporary context. If theories are to be practical, then they must give sufficient consideration to the background circumstances within which they are intended to be applied. The second step tests the theories against criteria that they take to be relevant to determine which approach is the most appropriate and suitable guide to the practice of assistance in the contemporary context.

Through a process of testing and analysis, a fresh account of the nature and scope of the duty to aid that can overcome the difficulties identified in other accounts emerges. This account can provide guidance and clarity on the moral requirements of aid in the contemporary context. It clarifies why agents ought to act to assist others, who ought to act, what such action ought to entail and what constraints ought to guide in the selection of courses of action and act-types to avoid causing harm, or minimise the likelihood of harmful outcomes, to those an agent is required to help. This account explores the connections and interplay between different types of duties rather than dividing duties into binary opposites. It examines how the moral duty to aid is connected with other duties of justice such as the duty not to harm. Finally, it explains how actions undertaken in the course of the performance of this duty can represent the beginning of a relationship, rather than the complete fulfilment of a moral duty. As an act of intervention or interference, if harm arises, the actor is duty bound, as a matter of justice to remediate harms caused. Thus, tracing the interconnectedness of duties through action and the possibility of incremental duties and responsibilities are explored in the text.

Addressing the concerns of the aid industry is a critical and pressing issue. For many at present it is simply not clear why those with a capacity to assist would maintain practices that appear to be failing to achieve their intended ends. However,

in a world marked by unprecedented levels of inequality, where approximately one in seven live below the international poverty line, where access to water, sanitation and energy is considered a luxury available only to the richest, where access to basic education and healthcare are simply not available to families and communities due to their socio-economic status and/or geographic locations and where food insecurity is the norm rather than the exception to the rule for many; the actions of aid agencies are vital both in raising awareness of these conditions and also in helping to implement solutions. However, addressing the concerns of practitioners and indeed transforming how donors, both individuals and collectives, think about aid and our relationship to others is critical if we are to achieve the intended end of helping others. This is a morally urgent matter as assistance is essential to the survival and well-being of so many unique, inimitable, irreplaceable human beings.

Chapter Structure

In Chap. 1, I begin by examining the contemporary empirical literature to outline the problems with contemporary practices. In the first section, I outline the context to this argument – the assistance industry and the two core elements of humanitarian and development assistance. Secondly, I examine some of the events identified as contributing to the collapse in confidence and the current level of uncertainty that informs much of the literature on humanitarian and development assistance. Thirdly, I examine what I call the contemporary circumstances of assistance. These refer to the philosophical dimensions that underlie the contemporary context of need and assistance that inform actors in their deliberations and selection of courses of action when the need for assistance arises. Finally, philosophical problems are identified and distinguished from the practical problems.

Several analysts contributing to the empirical literature have commented on what they take to be the core philosophical problem to which the current practical problems point. Michael Barnett and Jack Snyder (2008), for example, have claimed that duty-based approaches, and a particular characterisation of these, represent part of the problem. They argue that deontological or duty-based approaches are an insufficient guide for the practice of assistance as such approaches set unnecessary and unhelpful constraints on action. Such ethical approaches, they argue, do not give sufficient consideration to the outcomes and effects of actions, which can and often do result in harms. According to this argument, these approaches also constrain actors from addressing the causes of need.

Consequentialist ethics, so this argument goes, determines right action based on the outcomes achieved, and this approach would relieve the practical problems and moral tensions caused by duty-based approaches.

On the other hand, Riddell has argued that consequentialist approaches are particularly problematic because of what he takes to be the insecure moral basis of the obligation to aid (2007: 131). Thus, he provides an instrumental defence of a broad deontological position on the grounds that 'if the anticipated results from which the

assumed moral duty to act do not occur as intended, then the moral obligations of the duty-bearer remain as strong as ever they were, challenging them to work harder to achieve those results through the same means of by different means' (Riddell 2007: 131).

Due to the strength of these claims and the implications of the different interpretations of consequentialism and deontology for practices of assistance, I examine the basic assumptions and characterisations of both ethical approaches in Chap. 2. I explicate and evaluate characterisations of duty-based and outcome-based ethics against two foundational accounts of moral duty within these two traditions – Kant for a deontological perspective, and Sidgwick for a utilitarian consequentialist point of view.

This assessment abstracts from the particular pressures and problems of the assistance industry. It examines ideal-type accounts presented by Barnett and Synder against philosophical tests of analytical clarity and conceptual consistency. The accounts offered are found to misconstrue the moral requirements of assistance within these theoretical frameworks. I argue that these moral theories offer a more complex account than such analysts suggest.

However, the conclusion of this assessment does not provide an answer to the specific moral problems experienced by those within the assistance industry. It also does not indicate which ethical approach is the most appropriate to guide agents in the circumstances of assistance. Neither Kant nor Sidgwick provides practical applications of their approaches to the contemporary context of assistance and the moral problems causing concern within this industry. This requires an examination of contemporary practical applications of the moral duty to assist.

A review of this literature points to two approaches that cut across these traditions in contemporary practical ethics. One approach seeks to secure the foundations of the institutions of this industry through a more precise specification of the moral requirements of assistance, in particular, for affluent citizens in affluent states. The other approach begins with an explication and closer examination of the moral duty to assist itself, and the moral requirements this entails. From this basis, it is then possible to apply these explications to the particular problem under review and indeed the practice of assistance more broadly.

Beginning with the first approach, in Chap. 3 I examine two leading practical applications of this moral duty against the background of the contemporary circumstances of assistance – John Rawls's contractualist deontological account and Peter Singer's utilitarian consequentialist account. These approaches seek to address the question of what the duty of assistance entails, and more specifically, what the content of this obligation for affluent citizens is towards those distant strangers who experience enormous levels of harm and suffering.

Both accounts, in different ways, are found to over-specify and under-estimate the requirements of the duty of assistance. By prescribing specific act-types, they curtail the capacity of the agent to examine sensitively each situated context, balance this duty against other duties that also hold in any context and evaluate the harms to which certain courses of action may contribute. Neither account provides a framework for agents to determine which would be the right actions to achieve

certain specifiable ends. Neither account can be applied satisfactorily to the particular problem under examination or resolves the underlying moral problems that exist within current practices and institutions.

This prompts consideration of alternative approaches that provide an opportunity to examine this problem from another perspective. In Chap. 4, O'Neill's deontological approach and Sen's consequentialist approach are evaluated and tested against these background circumstances. Rather than seeking to reinforce the institutional framework through the precise specification of the courses of action agents ought to undertake, both these approaches begin with an analysis of the moral requirements of assistance at a more foundational level. They begin with an examination of the constitutive elements of this duty and, in particular, the nature of this duty and the ethical requirements this entails. Both approaches provide rich accounts of situated agents acting within a wider landscape of ethical requirements and commitments. Both accounts develop a rich tapestry of the reach of action and ethical reasoning. It is through agents and the practice of agency that reasons and courses of action are evaluated, judged and appraised, and it is through actively engaging in the task of practical reasoning that agents can navigate a course through the contemporary circumstances of assistance.

In this chapter both accounts are found to provide practical ethical approaches to the practice of assistance. Both accounts are potentially disruptive in that they prompt questioning, critical reflection and enable dynamic approaches to aid that stretch considerably beyond simple and determinate prescriptive actions. They clarify the basis of the duty of assistance as an imperfect duty that is wide in reach, and is open and unspecified in its requirements. Both approaches construct robust accounts of active situated agents engaging in a process of practical reasoning that supports agents to figure out how to specify the requirements of this duty in particular, concrete circumstances. Both accounts also point to additional considerations for those supporting such practices, and in particular, how agents might navigate issues related to harm and the matter of responsibility for the outcomes of action. However, there are important differences between these accounts. Firstly, the moral basis and grounds of the moral duty to assist are different for each. Secondly, different grounds and moral bases result in different accounts of the content of this duty and the actions that can be justified within this. Thirdly, these points of difference indicate a distinction in how each account acknowledges the status of the agent, as both a duty-bearer and a rights-holder. Thus, it is necessary to arbitrate between these accounts to determine which ethical approach provides the more practical basis for action that can guide agents through the moral problems entailed in contemporary practices of assistance.

In Chap. 5, these two promising practical accounts are evaluated and examined to determine which approach is the more suitable within the contemporary context. I select relevant criteria to evaluate both approaches to determine which account is more appropriate within the contemporary context. There are a number of areas of overlap between these approaches as both seek to retain the imperfect nature of this duty, and also to place this duty into a wider moral landscape in which situated non-idealised agents are based. Using the idea of 'practical' to develop appropriate

criteria for evaluation, it finds that an application and extension of a broad non-monistic consequentialist approach provides a more practical framework to guide the actions of agents in the contemporary context.

Three reasons are offered in defence of this claim. Firstly, I argue that a non-monistic pluralist theoretical framework provides a more inclusive moral basis to guide agents in the performance of this duty. Secondly, I argue a dualistic method of justification that blends both weighing of outcomes and testing of actions may remove and reduce conflict and manage uncertainty in a way that duty-based approaches cannot. In providing agents with a clear but open framework for practical reasoning and evaluation, this procedural framework can avoid the risk of inaction and reduce confusion and uncertainty where possible, accepting that this may not always be possible. Thirdly, I argue that a pluralistic, non-idealised outcome-focused approach provides a stronger foundation for action, while seeking to minimise harms and unintended outcomes, and maximise responsibility for the outcomes of action. Through action, connection and interconnection, this approach explains how incremental moral duties can arise in the performance of assistance that can mark the beginning of special relationships rather than the complete fulfilment of a moral duty.

This approach is found to place interconnection, critical reflection, situated and inclusive engagement, and responsibility for the outcomes of action as central to the practice of assistance. Rather than specifying a complete and definitive list of act-types, this approach supports agents in engaging with those in need of assistance to determine what the best course of action is in a particular situated context. Rather than prescribing abstract a priori rules, this approach both enables agents to act from their morally secure basis, supporting agents in evaluating and weighing between particular courses of action. When agents engage in the practice of assistance, such practices are embedded within a network of moral requirements, including the requirement to avoid harm as much as possible and to take responsibility for the outcomes of one's actions, whatever these may be.

Chapter 6 provides an explication of the approach that has emerged as the most appropriate ethical framework to guide the action of agents in the performance of this duty, within the contemporary context. In this chapter, the particular conceptualisation of the duty of assistance as an interconnecting ethical duty is outlined. It then examines the theoretical implications of this approach. An elaboration of this approach points to the moral significance of agency and responsibility in considerations on who ought to do what when the need for assistance arises. Rather that examining aid as separate and distinct duty that has a clear cut-off point, this approach points to a moral pathway where responsible action entails inclusive engagement and may lead to further accumulative moral requirements. This normative argument carries a range of implications for how acts of assistance should be practiced. It also raises a number of potential objections, including the charges that this account mis-conceptualizes and over-burdens the concept of the duty to aid; that it could dis-incentivize aid-giving; and finally that the agential latitude entailed in the approach is problematic given the power asymmetries of the contexts of need.

Chapter 7 examines the practical implications of the approach that has emerged and the implications for the policy and practice of assistance. Beginning with two real-world cases, this chapter seeks to explain how current practices can and do result in unintended outcomes, how such outcomes can remain hidden from moral scrutiny and what measures would be required from a policy and practice perspective to ensure that outcomes can be examined, recipient populations can be protected and unintended harms can be remediated. It examines the implications for the various sets of actors engaged in the practice of assistance introduced in Chap. 1, clarifying the connection between the duty to aid and other duties to which this may give rise in the practice of assistance. As such, it seeks to establish the ethical reference points that can guide industry actors in their activities and provides a more informed basis for ethical practices of assistance.

The central question examined in this book, that is, which ethical approach, deontological or consequentialist, provides the most appropriate ethical guide to agents within the contemporary context of assistance – is an urgent and pressing question. Experiences in the practice of assistance have caused great unease and concern, leading some to claim that the absence of clear moral guidelines is contributing to a sense of crisis. However, it is more urgent and more pressing for the recipients of assistance and those on the receiving end of practices that may be contributing to their suffering. This is a complex question requiring an examination of a multiplicity of categories and assumptions across a number of different literatures. In this book, I demonstrate how it is possible to connect across these domains through the methods of practical ethics and the application of theories to concrete circumstances.

References

Barnett, M. 2011. *Empire of humanity*. Ithaca/London: Cornell University Press.

Barnett, M., and J. Snyder. 2008. The grand strategies of humanitarianism. In *Humanitarianism in question*, 143–171. Ithaca/London: Cornell University Press.

Barnett, M., and T. Weiss. 2008a. *Humanitarianism in question*. Ithaca/London: Cornell University Press.

Barnett, M., and T. Weiss. 2008b. Humanitarianism: A brief history of the present. In *Humanitarianism in question*, 1–48. Ithaca/London: Cornell University Press.

Brundtland Report. 1987. *Our common future* of the World Commission on Environment and Development. Available at http://www.un-documents.net/our-common-future.pdf.

Easterly, W. (ed.). 2008. *Reinventing foreign aid*. Cambridge, MA: MIT Press.

Easterly, W. 2014. *The tyranny of experts*. New York: Basic Books.

International Labour Office. 2009. *Social security policy briefings: Social security for all; Investing in social justice and economic development*; ILO Geneva. Available at http://www.socialprotectionfloor-gateway.org/files/Social_security_for_all.pdf.

International Labour Office. 2011. *Social protection floor for a fair and inclusive globalisation.* See http://www.ilo.org/global/publications/books/WCMS_165750/lang—en/index.htm. Accessed 27 Aug 2013.

International Labour Office. 2014. *World social protection report*, "Building Economic Recovery, Inclusive Development and Social Justice", Geneva.

Kant, I. 1964. (Gregor, M. Gregor translation and introduction), *The metaphysics of morals: The doctrine of virtue*. New York: Harper & Row.

Kant, I. 1996. *The metaphysics of morals*. New York: Cambridge University Press.

Kant, I. 2002. *Groundwork for the metaphysics of morals*. New York: Oxford University Press.

Kant, I. 2008. Perpetual peace. In *The global justice reader*, 316–318. Cambridge, MA: Blackwell Publishing.

Korsgaard, C. 1986. The right to lie: Kant on dealing with evil. *Philosophy and Public Affairs* 15(4): 325–349.

Korsgaard, C. 1996. *The sources of normativity*. Cambridge, MA: Cambridge University Press.

Korsgaard, C. 2003. Realism and constructivism in twentieth century moral philosophy (Harvard University) *Philosophy Documentation Center:* 99–122.

Korsgaard, C. 2008. *The constitution of agency*. Oxford: Oxford University Press.

Linklater, A. 1990. The problem of community in international relations. *Alternatives* 15: 135–153.

Linklater, A. 1999. The evolving spheres of international justice. *International Affairs* 75(3): 473–482.

Linklater, A. 2007. *Critical theory and world politics*. London: Routledge.

Miller, D. 2007. *National responsibility and global justice*. Oxford: Oxford University Press.

Moyo, D. 2009. *Dead aid: Why aid is not working and how there is another way for Africa*. London: Penguin Books.

Murphy, S., and P.P. Walsh. 2014. Social protection beyond the bottom billion, *The Economic and Social Review* 45(2): 261–284. & Murphy, S., and P.P. Walsh. 2014. Social protection beyond the bottom billion. *IZA Institute for the Discussion of Labour Discussion Paper No. 8376.*

Nagel, T. 2005. The problem of global justice. *Philosophy and Public Affairs* 33(2): 113–147.

O'Neill, O. 1996. *Towards justice and virtue*. Cambridge: Cambridge University Press.

O'Neill, O. 2000. *Bounds of justice*. Cambridge: Cambridge University Press.

O'Neill, O. 2001. Practical principles and practical judgement. *The Hastings Centre Report* 31(4): 15–23.

O'Neill, O. 2004a. The dark side of human rights. *International Affairs* 81(2): 427–439.

O'Neill, O. 2004b. Global justice: Whose obligations? In *The ethics of assistance: Morality and the distant needy*. Cambridge: Cambridge University Press.

O'Neill, O. 2009. Applied ethics: Naturalism, normativity, and public policy. *Journal of Applied Philosophy* 26(3): 219–230.

OECD Aid Statistics. Available aid http://www.oecd.org/dac/stats/.

Pollack, R. 2012. The trouble with aid. Accessible at http://www.bbc.co.uk/programmes/b01p8tkm.

Ramalingam, B. 2013. *Aid on the edge of chaos*. Oxford: Oxford University Press.

Rawls, J. 1971. *A theory of justice*. New York: Oxford University Press.

Rawls, J. 1980. Kantian constructivism in moral theory. *The Journal of Philosophy* 77(9): 515–572.

Rawls, J. 1988. The priority of right and ideas of the good. *Philosophy and Public Affairs* 17(4): 251–276.

Rawls, J. 1993. *Political liberalism*. New York: Colombia University Press.

Rawls, J. 1999. *Law of peoples*. Cambridge, MA: Harvard University Press.

Rawls, J. 2000. *Lectures on the history of moral philosophy,* ed. Barbara Herman. Cambridge, MA/London: Harvard University Press.

Riddell, R. 2007. *Does foreign aid really work?* Oxford: Oxford University Press.

Rousseau, J.J. 1973. *The social contract and the discourses*. London: J. M. Dent & Sons Ltd. Guernsey Press C. Ltd.

Rubenstein, J. 2007. Distribution and emergency. *The Journal of Political Philosophy* 15(3): 296–320.

Rubenstein, J. 2008. The distributive commitments of international NGOs. In *Humanitarianism in question*, 215–234. Ithaca/London: Cornell University Press.

Sachs, J. 2015. *The age of sustainable development*. New York: Columbia University Press.

Sen, A. 2000a. Consequential evaluation and practical reason. *The Journal of Philosophy* 97(9): 477–502.

Sen, A. 2000b. *Development as freedom*. New York: Anchor Books.

Sen, A. 2002. Justice across borders. In *Global justice and transnational politics*, 37–53. Cambridge, MA/London: MIT Press.

Sen, A. 2004. Elements of a theory of human rights. *Philosophy and Public Affairs* 32(4): 315–356.

Sen, A. 2009. *The idea of justice*. London: Allen Lane published by the Penguin Group.

Shapcott, R. 2010. *International ethics*. Cambridge/Malden: Polity Press.

Sidgwick, H. 1901. *The method of ethics*, 3rd ed. London: Macmillan.

Singer, P. 1972. Famine, affluence, and morality. *Philosophy and Public Affairs* 1(1): 229–243.

Singer, P. 2004. Outsiders: Our obligations to those beyond our borders. In *The ethics of assistance: Morality and the distant needy*, 11–32. New York: Cambridge University Press.

Singer, P. 2009. *The life you can save*, 1st ed. London: Picador.

Singer, P. 2011. *Practical ethics*, 3rd ed. Melbourne/Cambridge/New York: Cambridge University Press.

Tan, K.C. 2004. *Justice without borders*. Cambridge: Cambridge University Press.

Tan, K.C. 2005. Cosmopolitan impartiality and patriotic partiality. In *Global justice, global institutions*, Canada: Canadian Journal of Philosophy, University of Calgary Press, 165–192.

UNHCR & Norwegian Council for Refugees. 2015. Available at http://www.unhcr.org/pages/49c3646c11.html, http://www.internal-displacement.org/assets/library/Media/201505-Global-Overview-2015/20150506-global-overview-2015-en.pdf Accessed 10 May 2015.

United Nations High Level Panel of Eminent Persons. 2013. A new global partnership: Eradicate poverty and transform economies through sustainable development, (New York, 2013), 33 (hereafter cited as UN HLP, New global partnership), http://www.un.org/sg/management/pdf/HLP_P2015_Report.pdf.

United Nations Office of the Special Envoy for Haiti. 2011. *Has aid changed.* Available at http://reliefweb.int/sites/reliefweb.int/files/resources/has_aid:changed_en.pdf

Weiss, T. 1999. Principles, politics, and humanitarian action. *Ethics and International Affairs* 13(1): 1–22.

Wenar, L. 2003. What we owe to distant others. *Politics Philosophy and Economics* 2(3): 283–304.

Wenar, L. 2007. Responsibility and severe poverty. In *Freedom from poverty as a human right: Who owes what to the very poor?* Oxford: Oxford University Press.

Wenar, L. 2008. Property rights and the resource curse. *Philosophy and Public Affairs* 36(1): 2–32.

World Development Indicators and World Bank data set URL – Available at http://data.worldbank.org/data-catalog/world-development-indicators.

World Development Report. 2014. *Risk and opportunity: Managing risk for development.* Available at http://siteresources.worldbank.org/EXTNWDR2013/Resources/8258024-1352909193861/8936935-1356011448215/8986901-1380046989056/WDR-2014_Complete_Report.pdf.

Chapter 1
The Assistance Industry – Crisis and Change

Abstract This chapter examines the aid industry in its contemporary form and the basis of the claim that this industry is in crisis. Beginning with an examination of the structure, form, and objectives of this industry, it then moves on to assess the claims that the practices performed are experiencing problems. It examines the nature of these problems – both practical and philosophical. There is a surprising amount of consistency across the empirical literature on key periods and types of events that explain the current sense of crisis. These are examined and used to inform what are termed here as the 'contemporary circumstances of assistance'. These are the philosophical dimensions which require consideration in ethical deliberations concerning what ought to be done in response to situations of extreme need and suffering. Finally, an outline is provided of the philosophical problems underlying the practical problems that require further attention in later chapters.

1.1 Introduction

Many analysts and observers note that the aid industry has experienced significant change and expansion, in particular since the end of the Cold War era. They have noted that the industry is faces deep challenges (Barnett and Weiss 2008b: 3). Some have gone further to suggest that the practice of assistance is 'on the edge of chaos' (Ramalingam 2013). This includes both humanitarian assistance, that is the provision of urgent and basic relief such as food, shelter, clean water, and basic necessities for victims of disasters, conflicts, and a wide range of emergencies; and development assistance, that is the medium and longer term support provided to the poorest regions and the most vulnerable populations to establish sustainable living conditions and to promote respect for basic human rights.

There is growing recognition that practice of assistance is not easy or straight forward (Ramalingam 2013; Sachs 2015). The circumstances are complex and the outcomes of assistance can be uncertain.[1] Concerns are not only evident within the academic literature, but also within the policy sphere. Indications of unease among policy makers surrounding contemporary practices can be found in the ongoing discussion fora on Aid Effectiveness in the realm of development assistance (Paris

---

[1] See for example William Easterly, (2008, 2014); Moyo, 2009; Weiss 1999

2005; Busan 2011),[2] and the emergence of new bodies focusing on accountability within the humanitarian sphere, such as the Humanitarian Accountability Partnership (HAP).[3] What seems to be emerging from these policy debates is that although international aid flows include capital flows and as such, directly influence the life of a recipient and their surrounding communities, at times they seem to be failing to meet the ends at which they aim, including saving lives, reducing poverty, and improving the basic living conditions of the poorest and most vulnerable populations. Further, there is evidence of growing concerns surrounding accountability and responsibility for outcomes, and answerability for harms or wrong-doing arising in the practice of assistance.

A number of events in recent decades have cast doubt on the aspirations of the assistance industry, causing many within this industry to reflect both on their actions and their reasons for acting, and to ask if these are still fit for purpose in a rapidly changing world. It seems to many as though a crisis of confidence has erupted, with both humanitarians and development workers experiencing a difficult time in determining what is the right thing to do to help those in need of assistance.

On the one hand, if they act according to principles (in particular, the operating principles of humanity, impartiality, neutrality, and voluntariness, first introduced as the code of conduct for the International Committee of the Red Cross and Red Crescent (ICRC) in the 1960s)[4] it seems that these actions can, and often do, result in unintended harms. For example, the camps established by international humanitarian assistance actors in Rwanda to support internally displaced persons and refugees after the conflict in 1994, are regularly cited as an example where assistance efforts seemed to facilitate further harms and were unable to protect civilian populations. According to many analysts, within these camps genocide, suffering, and conflict continued in a different guise. It is argued that the operating principles of neutrality and impartiality in particular contributed to the facilitation of these harms.

On the other hand, when aid efforts aim to achieve particular outcomes, it seems those outcomes are more difficult to secure then many actors had assumed, and again actions may result in more harm than good.[5] Recurring emergencies, increasing numbers of crises, and a quantifiable failure to translate development efforts into sustainable and inclusive economic growth has undermined the confidence of many engaged in development activities. It is simply not clear that these activities, as they are currently practiced, can achieve the desired outcomes.[6]

These experiences have prompted some to question the two approaches underlying current practices of assistance, one being primarily principle-based, and the other primarily outcome-based. It is not clear that either approach, as they are

---

[2] http://www.oecd.org/dac/effectiveness/fourthhighlevelforumonaideffectiveness.htm. Paris Declaration 2005 - https://www.oecd.org/dac/effectiveness/45827300.pdf

[3] http://www.hapinternational.org/

[4] These norms were enshrined in the UN General Assembly Resolution 46/182 1.4: 1991

[5] Kimberly Maynard for example, suggests that some development efforts may have unintentionally contributed to the increase in humanitarian emergencies in recent years as the increased dependency of recipients may have reduced their capacity for action (Maynard 1999: 199).

[6] Such arguments are explored by Leif Wenar (2003), and Paul Collier (2007).

currently practiced, provides a confident guide to action when the need for assistance arises, both in the provision of assistance and in addressing the underlying causes of need. Furthermore, some have suggested that these problems also point to a more fundamental tension between deontological and consequentialist ethical approaches (for example, Shapcott 2010). Before addressing the philosophical questions that this suggests, it is first necessary to ask what has happened to spark this sense of unease and insecurity. Although it is widely accepted that the practice of giving assistance is based on a very simple, fundamental, and intuitive normative assumption that one *ought to* help another in need if one has a capacity to do so, this is linked to one further, practical assumption – that the help provided does indeed assist the one in need. Whereas, this second, practical assumption is most vigorously debated in the empirical literature on aid, it is the first assumption which is most rigorously examined within the philosophical domain. This chapter will examine the links and connections between these debates.

The following examines the claim that the assistance industry is in crisis. In the first section, I outline the context of this argument – the assistance industry, and the two core elements of humanitarian and development assistance. In the second section, I examine some of the events identified as contributing to the collapse in confidence and current level of uncertainty that informs much of the contemporary literature on humanitarian and development assistance. There is a surprising amount of consistency across the literature on key periods and types of events that explain the current sense of crisis. In the third section, I examine what I call the contemporary circumstances of assistance. These are the philosophical dimensions which require consideration in ethical deliberations concerning what ought to be done in response to situations of extreme need and suffering. In the final section, I outline the philosophical problems underlying the practical problems that require further attention.

1.2   The 'Assistance Industry'

The contemporary practice of assistance is carried out on such a scale, involving such large numbers of actors, institutions, and instruments, that it can be accurately described as an industry. This industry, in its two areas – humanitarian assistance and development assistance – has an annual turnover in excess of $100 billion USD. This figure varies on an annual basis. It has increased significantly in the first decade of the twentieth century.

Some may argue that it is misleading to describe these practices as an 'industry', offering at least three reasons against such a categorisation. Firstly, referring to this as an industry might suggest some kind of common purpose or objective, a mission statement, or shared ambition. It could be argued that this is simply not the case. Secondly, this headline figure of $100+ billion USD may be a little misleading. The exact amount is difficult to determine. The full amount of aid received through philanthropic foundations and individual donor contributions is difficult to establish due

to multiple reporting mechanisms and diverse sets of national regulations concerning actors and agencies in the not-for-profit sector. Thirdly, the number of people and agencies involved in practices related to the industry is very difficult to quantify.

On the first point, the evidence suggests that the objectives of private donors and private organisations are completely disparate – they range from those interested in small scale single issues, such as those who wish to sponsor a particular child or community, to more ambitious far reaching objectives such as state capacity building, the promotion and protection of human rights, or the provision of public services and systems where these are lacking. Non-governmental organisations (NGOs) focus on a wide range of factors, including single issues such as communicable disease prevention and treatment (for example, programmes aimed at cholera, malaria or HIV/AIDs), and non-communicable health issues such as child nutrition, maternal healthcare, or food security; and broader programmes that seek to provide conditions for the development of sustainable livelihoods which entails building human capital through improved educational opportunities, social protection and insurance capabilities, and physical infrastructure to provide access to clean water, sanitation, and energy . There are several thousand organisations operating across a number of sectors and industries, including health, education, agriculture, ICT, focusing on a wide range issues in low income developing regions.

The objectives of public funds channelled through Official Development Assistance (ODA), a key source of aid funding raised through tax revenues and used to support publically owned organisations including the United Nations and its many agencies; and national government aid agencies, are also multiple and varied. Bi-lateral aid from one state to another can be aimed at any variety of ends, such as helping a neighbour through a difficult patch, to securing access to much needed finite natural resources or access to new and emerging markets. Multilateral grant agencies and development banks (the World Bank and International Monetary Fund) again share a mix of motives and missions, offering a variety of reasons for action. Riddell identifies at least eight sets of motivations for giving: (i) to provide for basic needs; (ii) to support development objectives of economic growth and poverty reduction; (iii) to demonstrate solidarity to specified populations, in particular, where there are shared historical links; (iv) to further a state's national political and strategic interests; (v) to promote trade and commercial links; (vi) historical ties of colonialism; (vii) in pursuit of shared interests concerning global public goods; (viii) to incentivise domestic governments to respect, protect, and fulfil basic human rights (Riddell 2007: 89).

In spite of the difficulty of clearly defining the objectives of this industry, and where the boundaries of this industry lie, the broad label of 'industry' is fitting to the particular practice of assistance between distant strangers that has evolved over the last two centuries. Although the assistance industry is not a coherent whole, and is perhaps better thought of as a fluid and changing social practice, the institutions and infrastructure that have evolved in recent decades to support its activities demonstrate many of the trappings and traits of a coordinated approach, operating under a shared governance model, supported by a shared institutional framework, and

operating to achieve a broad set of common goals. There is a substantial network of international non-governmental and governmental institutions governing these practices, supported by a burgeoning bureaucracy.[7] The two core elements of this industry are humanitarian assistance and development assistance. An examination of these elements addresses the second and third points introduced above through an examination of the sources of funding and the type of actors involved in activities related to assistance.

1.2.1   Humanitarian Assistance

Humanitarian assistance represents the smaller element of the assistance industry, accounting for approximately 10 % of the total aid budget on an annual basis, although the amount varies substantially depending on the events that occur. Since the early 1990s there has been a considerable increase in funding and support for 'humanitarian' relief efforts out of the 'Official Development Assistance'[8] pot, rising from 3 % in the 1980s to an average of 9 % in 2008 (GHA Annual report 2007/2008: 5). The Bosnian crisis in 1991 marked the beginning of this increase in attention and funding towards humanitarian efforts. Since this time, the amount of aid from OECD DAC donors has continued to increase in real terms from under $2 billion USD in 1990 to $9 billion USD in 2007. In this year, it is estimated that a total of $14.2 billion USD was made available for humanitarian activities from public and private sources (GHA Annual report 2007/2008: 2). This figure includes contributions from non-DAC donor states and private donations to Non-Governmental Organisations (NGOs) and International Non-Governmental Organisations (INGOs).

According to an estimate cited by Michael Barnett, there are approximately 210,000 individual aid workers involved in the delivery of humanitarian assistance alone (2011: 3).[9] These are distributed across a wide range of institutions undertaking a variety of roles. Smillie and Minear (2004) identify five sets of actors involved in the practice of assistance: United Nations institutions (UN OCHA, UNICEF, UNHCR, WFP, UNDP); government aid agencies responsible for co-ordinating the distribution of public funds to multilateral and bi-lateral programmes (for example, USAID, DFID, Irish Aid and so on); international nongovernmental organisations (INGOs); the Red Cross and Red Crescent movements (the ICRC); and local NGOs and civil society organisations (2004: 11).

---

[7] According to Barnett, 'humanitarianism has become a full-blown area of global governance, meaning that it has become increasingly public, hierarchical, and institutionalised' (2011: 8).

[8] Official development assistance (ODA) refers to funds that are raised through domestic taxation measures in OECD states and contributed to a fund for overseas assistance.

[9] This estimate excludes volunteers; these are people who give time to an organisation without direct financial reward.

There are two interesting omissions from this list, but ones, I suggest, it would be a mistake not to take into consideration. These are firstly, states as beneficiaries; and secondly, the individuals and communities that are the recipients of assistance. In contemporary international relations, the state is the primary actor charged with the duty to protect its citizens and manage the transition to a state of normality following an emergency. The state has the principal role in the initiation, organisation, and coordination of humanitarian assistance within its territory (UN General Assembly Resolution 46/182 1.4: 1991.). We saw this in practice during the earthquake and tsunami in Japan (March 2011) whereby the Japanese government actively selected assistance from certain sources to fill gaps in their own capacities.

However, where a state lacks the response capacity necessary, the UN Office for the Coordination of Humanitarian Affairs (UN OCHA) can assist a state by assessing the scale of damage and appealing for humanitarian assistance to the UN membership body on their behalf. The state, with assistance from this body, is then responsible for coordinating the relief effort through a multiplicity of actors – governmental and non-governmental, domestic and global.

However, when states are weak, it can be difficult for an external body to manage the coordination process. In the case of the Haitian disaster (January 2010), for example, where the state lacked the necessary coordinating capacities, there was a deluge of actors from the international assistance industry, many of whom seemed to be in competition with one another for funds and access on the ground.[10] In the years following the disaster, a substantial body of empirical research has emerged pointing to the weakness in delivering humanitarian aid in this context. By 2015, five years after the event, a large proportion of the population remain in temporary accommodation, and many continue to experience lack of access to basic facilities and services such as water, healthcare, and basic physical infrastructure.

Depending upon the specific circumstances of those in need, the form of assistance that states can seek can include soft forms of support such as financial aid, technical support, and administrative assistance, and hard forms requiring coercive mechanisms such as military assistance to support the delivery of aid and the efforts of assistance actors,[11] as well as longer term peacekeeping, state-building, and stabilisation efforts.

Secondly, it is important to include in this list of actors those individuals and collectivities who, for one reason or another, require direct interference from others outside their circle of special relationships. It is deeply implausible that these individuals and groups cease to be actors in their own lives when the need for assistance arises. Their capacities to provide for their basic needs may be impaired, but their ability to reason and make informed decisions is not necessarily suspended. They

---

[10] See for example media coverage such as http://www.wsj.com/articles/raymond-joseph-five-years-later-where-did-all-the-haiti-aid-go-1420847196 and documentaries such as Raoul Peck's *Fatal Assistance*

[11] Trends through the early decades of the twenty-first century suggest that the militarisation of humanitarian space is becoming the norm rather than the exception. See for example Donini et al. 2004

may be in a temporary or more permanent state of need, but they retain the capacity to make some choices, even if these are dramatically limited. It is also implausible to suggest that they do not, in some way, contribute to the practice of assistance, by acting in the interests of, or by providing direct help to one another, or to those with special and additional needs. For many experienced practitioners, their involvement in decision-making and planning is now widely viewed as a critical success factor for assistance interventions – thus the large body of literature concerning "participatory" methods and practices.[12]

Taken together then, this industry includes at least seven sets of actors, engaging many hundreds of thousands of actors working directly in the provision of assistance, to help many millions in need of this assistance. Perhaps the least controversial point that can be made about the size of the assistance industry is that it is substantial and global in reach, involving a diverse range of actors and activities.

1.2.1.1   Objectives and Operating Norms of Humanitarian Assistance

As mentioned above, the practice of assistance is a fluid and somewhat capricious social practice that has changed over time, and indeed changes over places, spaces, and populations. Different sets of actors and agents have claimed allegiance to different sets of humanitarian principles over the decades. For example, Jean Pictet (1979) of the International Committee of the Red Cross (ICRC) identified seven principles including humanity, impartiality, neutrality, independence, voluntariness, unity, and universality (cited in Barnett and Weiss 2008b: 3). However, over time these were condensed to four main operating principles. According to the UN General Assembly Resolution 46.182:1.2 (1991) the practice of humanitarian assistance is governed by the international operating norms of humanity, impartiality, neutrality, and voluntariness. These operating norms are shared across all state-based actors within this industry. They have been endorsed directly by states through the UN General Assembly and also by a large number of non-governmental organisations. They are intended to guide the action and behaviour of donors and beneficiaries in the event of a humanitarian emergency.

However, arguably, the four core principles that govern the non-state based humanitarian community in practice are the principles of humanity, impartiality, neutrality, and *independence*.[13] The norm of independence (that is, that aid agencies should operate at a distance from states and state interests, rather they act in the interests of the populations in need) has become increasing important in recent years that have witnessed a surge in the militarisation of the humanitarian space. It is also critical to humanitarian action in areas where states seek to curtail or control the actions of non-state actors – examples include post-genocide Rwanda, Sudan, and South Sudan, However, this principle is not enshrined in international UN norms and agreements.

---

[12] See for example the ALNAP handbook for practitioners - http://www.alnap.org/resource/8531

[13] For discussion and analysis see Barnett and Weiss 2008a

The Red Cross norms were first established as codes of conduct by the ICRC in the 1960s (Barnett 2011: 5). In the 1990s these were encapsulated into what is now widely known as the 'Red Cross Code' (International Federation of the Red Cross and Red Cresent Societies and the ICRC 1994). According to this code, the principle of humanity confirms the reach of this practice. It is universal, extending to all human beings qua their status as human beings (this is a central cosmopolitan principle that claims universal reach and scope). The principle of impartiality, principle two of the Red Cross Code, is taken to mean that *need* is the primary principle determining the distribution of assistance. This means that all people, regardless of who they are, or which side of the conflict they fall, should be given assistance. The principle of neutrality is taken to imply that humanitarian organisations must not take sides in a conflict. This principle governs the relationship of the humanitarian organisation with the host state. It demands that the humanitarian organisation remain apolitical and non-partisan. Finally the principle of voluntariness (sometimes referred to as 'consent'), states that humanitarian organisations must secure the consent of all parties before entering a location to provide assistance. These operating principles represent the code of conduct that has been endorsed and adopted by over four hundred domestic and international NGOs (Rubenstein 2008: 216). They also form the basis of the UN General Assembly Declaration on the duty of humanitarian assistance (1991). These norms give full recognition to the role and authority of the state as the primary institution with responsibility for the provision of safety, security, and distribution of resources within its territory. As such, these principles will provide the basis for analysis in the following sections and chapters. However, as noted above, the principle of *independence* is particularly important for non-state based actors and has been the subject of much attention in recent years.[14]

According to most observers and commentators, humanitarian assistance is characterised by a duty based, or deontological, ethical approach. The needs and suffering of some are taken to generate an obligation on others to respond. This is widely referred to as a *moral* duty or obligation. Such action is then bound by the operating principles (or norms) shared across the industry.

All analysts agree that, as there is not enough funding and support to meet all needs as they arise, actors within the assistance industry must and do engage in further practical reasoning, using a multiplicity of values and reasons to determine how to distribute scarce resources. According to Jennifer Rubenstein, although need is the primary ground of this duty, a variety of distribution principles are employed by agencies within the assistance industry including desert, 'do no harm', maximising overall benefit, and so on (Rubenstein 2007, 2008: 220). However, to date there has been very limited research, moral evaluation or normative scrutiny of these reasons and values.

Within this framework, the current practice of humanitarian assistance is limited to the immediate response to an emergency situation. The core objective, according to the UN Declaration, is to provide immediate relief and restore a group to their pre-emergency state, in accordance with the operating principles of humanity, impartiality, neutrality, and voluntariness. The term 'humanitarian emergency'

---

[14] For discussion, see for example Hikaru Yamashita 2014

refers to any suddenly occurring condition of danger requiring an immediate response to the needs of large numbers of people for basic survival necessities – access to safe water and sanitation facilities, shelter, basic medical support, food and so on (UN General Assembly Resolution 46/182: 1991). Such situations may arise as a result of natural hazards such as floods, earthquakes, cyclones; direct human actions such as intentional mass displacement of people, acts of genocide, and internal conflicts; and indirect human action, such as anthropogenically forced climate change; shifting consumer preferences, economic shocks, and various forms of interaction in the global economic markets; and state-based responses to the rise of what is termed 'international terrorism', aimed at protecting one state, but with consequences for populations outside of this state.

Traditionally, the practice of humanitarian assistance did not extend to longer term considerations of preventing or reducing the risk of exposure to future harm or the remedial analysis of the reasons why the harm occurred in the first instance. That was the focus of development assistance.

1.2.2   Development Assistance

Development assistance controls the lion's share of the assistance industry budget, with its activities typically accounting for over 90 % of the total overseas development assistance (ODA) spend. The amount of funding provided by states through ODA has increased substantially in absolute terms over the first two decades of this century. Participating members of the OECD states (thirty four in total, although an additional six states cooperate with and contribute to this institutional framework) agreed in 1970 to contribute 0.7 % of gross national income (GNI) to overseas development aid by 2015 to be used in projects to assist developing countries.[15] According to the OECD, development assistance reached over $100 billion (USD) in 2010 from over forty states, although the majority of member states are still some distance from the target of 0.7 % GNI. In 2014, the net figures had increased again to $135.4 Billion USD. However, this only represents an average 0.29 % GNI contribution from OECD DAC donor states.[16]

The numbers involved in the coordination and delivery of development assistance are difficult to quantify, and cross an enormous range of sectors and industries. They include everything from government employees with responsibility for their states' foreign aid programme, through to not-for-profit private organisations, for-profit organisations contracted in for their specific skill-sets, to international organisations such as the various UN agencies, development banks, and so on.

Smillie and Minear (2004) identify four categories of actors within this practice - United Nations Agencies (this would include for UNDP, UNHCR, UNICEF, FAO,

---

[15] Sadly, in spite of the numerous declarations and rhetoric, many states have failed to achieve this target. In the 2015 *Financing for Development* conference hosted in Addis Ababa, Ethiopia, NGOs and CSOs continued to call on states to deliver on this commitment.

[16] For more information and access to full data set see http://www.oecd.org/dac/stats/development-aid-stable-in-2014-but-flows-to-poorest-countries-still-falling.htm

WHO and so on); international governmental agencies; INGOs and local NGOs; and civil society organisations. Again, the state is an interesting omission from this list. Yet, states play a significant role in the management of capital distribution and redistribution within their territory.

A division of labour is also evident between these categories of actors, as official assistance is often given directly to low income government ministries and agencies, whereas NGO aid is more often to be channelled directly to the poorest of the poor. However, this distinction is operational rather than categorical, as there is much evidence of NGOs engaging in the direct provision of services that would typically rest with governments, such as healthcare and education; water and sanitation.

In more affluent states, matters related to public goods, social services and support infrastructure at the domestic level are coordinated through numerous domestic instruments and institutions. In less affluent states, the majority of the people have weak and incomplete government provided social protection systems (Murphy and Walsh 2014). Thus, populations are at risk of a descent into emergency status of various durations at any time for many different reasons (International Labour Organisation 2011).[17] Non-state and non-governmental actors have stepped into this void in a number of the lowest income locations. However, services and protections remain weak and inconsistent for the vast majority of the global population.[18]

Aid agencies perform multiple roles from designing and implementing one-off development projects, to running public services such as schools or hospitals in some locations. They also act essentially as mediating institution between donors (those directly funding assistance efforts) and recipients. Their role can include not only facilitation but often direct delivery of goods and services, and direct engagement (sometimes referred to as 'technical assistance') in the design, build, and implementation of domestic institutions in recipient states. As mediating institutions, they are then accountable to the direct recipient, the recipient state and also the donor for their actions. The recipient state plays an important role in facilitating and enabling, or conversely, in constraining and restricting the assistance efforts of such actors.

It should be noted in the case of development assistance also, states can be both donors and recipients. The cases of Ireland, Greece, and Portugal for example, demonstrate how this is possible. In 2011 all of these states were contributors to the OECD ODA fund and, at the same time, recipients of international assistance from the IMF, European Central Bank, and European Commission.[19] A number of low and middle income states, including India, China, and Brazil, have also moved into the role of donors and act as source of assistance to other low income locations in

---

[17] ILO (2014) report that only 27 % of the global population have access to comprehensive social security systems.

[18] For an analysis of social protection mechanisms see Murphy and Walsh (2014), "Social Protection Beyond the Bottom Billion" http://ftp.iza.org/dp8376.pdf & http://www.esr.ie/article/view/140

[19] It should be noted that there is disagreement as to whether the term 'assistance' is appropriate in the case of Ireland, Greece, and Portugal as the interest rate charged on loans to these countries was non-concessional.

what has become known as 'South-South Cooperation'.[20] In light of the multifaceted role that states play, it is clear that they represent an important set of actors in the domain of development assistance.

1.2.2.1   Objectives and Operating Norms of Development Assistance

The overarching objective of development assistance is to support the implementation of sustainable living standards and conditions in low-income less developed states. The main operating principles and norms governing the practice of development assistance are outlined in the UN Millennium Declaration (2000). This declaration identifies human dignity, equality, and equity, as the core operating principles. It identifies a list of values which all actors ought to endorse in their practices. These include freedom, equality, solidarity, tolerance, respect for nature, and shared responsibility. However, there are strong debates concerning the conceptualisation and operationalisation of each of these values, and which core principles ought to carry priority in the event of conflict or tension between values and goals.

The Millennium Declaration was given expression through a set of specific goals – the Millennium Development Goals (MDGs) – which framed the international aid policy agenda from 2000 to 2015. Eight goals were identified that included specific targets to half the number of people living in extreme poverty; targets to increase school attendance; decrease preventable morality from disease and natural activities; increase gender equality and women's empowerment and so on. From 2015 the Sustainable Development Goals (SDGs) will frame the international aid policy agenda. The number of goals has increased to 17th, with 169 targets. This expansion is an indication of the acceptance of the complexity of development practice. The MDGs were governed by what might be termed a 'maximisation' principle, and sought to achieve improvements in living standards and opportunities for the largest number of people. However, this consequetialist approach has shifted in the post-2015 SDG international aid architecture and policy framework away from a principle of maximisation towards a principle to "leave no one behind". This is a bold and ambitious requirement. It sets a strong ethical requirement to reject principles that seek to maximise the interests of the greatest number of people, instead setting the requirement that all should benefit from future development interventions, and no one should be left behind.

Although progress was achieved against each of these goals through the MDG period (2000–2015), the persistence of high levels of extreme poverty remains a practical and political problem at the end of 2015. There are clear and measurable improvements in health care, increases in life-expectancy, improved maternal health, and lower infant mortality rates all pointing to improved human development outcomes globally. However, while poverty rates are declining the concept of the bottom billion persists. At the beginning of the MDG project, the bottom billion

---

[20] See further information on the formalisation of this framework at the UN Office for South-South Cooperation - http://ssc.undp.org/content/ssc.html

entailed one in six people globally. In 2015, the bottom billion represented one in every seven people living in extreme poverty.

At least three relevant factors can be observed. Firstly, high birth rates in low-income countries have contributed to rapid global population growth in the poorest locations. The global population has increased at an unprecedented rate in recent decades, raising from 2.5 billion in 1950, to 7 billion by 2015, and projected to peak at 9 billion in 2050.

Secondly, interrelated global events, including the global economic shock, beginning in 2008, combined with increasing food prices, changing climates and weather patterns, rising social and political unrest and violence, have all contributed to high levels of human insecurity. Although those born in low income countries in 2015 have a better chance of survival, the global population as a whole face higher levels of insecurity.

Thirdly, evidence emerging from this period indicates that the practice of development assistance does not always achieve its intended outcomes. Previously assumed to be a linear process of change and improvement, it is now widely accepted that development is a complex and messy process entailing a rich blend intersecting factors that produce both intended and unintended outcomes. Development assistance requires cooperation between a range of areas – social, economic, political, and environmental- to achieve its outcomes. However, such an integrated approach did not happen. According to the UN High Level Report on the post 2015 agenda, practitioners and policy makers have been operating in isolated, separated silos, often working on the same issues, but failing to recognise the inter-linkages across the domains.[21] Each of these dimensions has a bearing on one another, and on international development practice, in both developed and developing countries. Thus, it has been claimed that new ways of thinking about development are required to mitigate future disasters and assist communities to adapt to new environmental and ecological conditions.

In response to the growing body of evidence that aid and assistance were failing to achieve their targeted outcomes, the Paris Declaration on Aid Effectiveness was adopted by OECD-DAC donors in 2005, focusing on five core operating norms to manage the delivery and distribution of assistance. This group of actors identified ownership, harmonisation, alignment, results, and mutual accountability, as the guiding principles required to secure more effective distribution of development aid. These principles are intended to guide the behaviour of actors engaged in the development process. They are intended to support the Millennium Declaration goals and values. This was followed by four high-level forum meetings on aid effectiveness, culminating in the *Busan Partnership for Effective Development Cooperation* in 2011 which listed five operating principles in the new guiding

---

[21] UN High Level Panel of Eminent Persons Report (2013), 3: *A new global partnership: Eradicate poverty and transform economies through sustainable development* available at http://www.un.org/sg/management/pdf/HLP_P2015_Report.pdf

framework – ownership, focus on results, partnerships, transparency and shared responsibility.[22]

Development assistance, in contrast to the principle-based approach of humanitarian assistance, has traditionally been characterised by an 'outcome' or 'value based' ethical approach. Development efforts aim at achieving certain outcomes or consequences, such as increases in GDP and economic activity, increased life expectancy, increased years in education, decrease in the number of preventable deaths. Development assistance places itself firmly in the public domain, demanding changes to the basic structure and institutions at the domestic level, if this is what is required to secure these outcomes.

The activities that take place under this broad framework cover a vast range of areas. The 2010 World Development report examines over nine hundred separate indicators covering an enormous range of activities in areas such as forestry, farming, education, infrastructure, energy and mining, health, science and technology, urban development, rural development and so on. The World Bank data set monitors progress across almost all aspects of social activity and cooperation in developing regions. On the last count (2015), the WDIs contained in excess of 1300 time series indicators on 214 economies across 30 country-groupings with data indicators dating back 50 years in some cases.[23]

Overall, it is fair to state that there is a myriad of values, ends and objectives which a variety of actors and institutions seek to promote through development efforts. Such a vast range of objectives can and will result in competing claims from competing perspectives. Practitioners are deeply aware of the difficulties entailed in defining, achieving or measuring success within this complex process.

Unfortunately, it is less difficult to spot the failures. The 2011 declaration by the UN that Somalia had experienced another humanitarian emergency where famine risked the lives of over three-million human beings (as well as unknown numbers of their livestock, their livelihood), is an example of an industry that seems unable to achieve its objectives. Somalia has been a recipient of humanitarian and development assistance and attention over several decades. Yet, vast swathes of the population remain in permanent conditions of food and human insecurity. Theirs is not the plight of a population seeking sustainable living standards. Theirs is a daily existential fight for survival. In this case, it seems that even the apparently simple task of getting basic relief to those most at risk was anything but simple, as the territory remained in a state of civil war. The issue of basic food security and spill-over of regional conflicts remain a key concern for the development sector.

---

[22] See http://www.oecd.org/dac/effectiveness/Busan%20partnership.pdf for more details

[23] See http://data.worldbank.org/products/wdi for more information

1.3   Is the Assistance Industry in Crisis?

Humanitarianism, according to David Reiff (2002), is in a state of crisis. According to Michael Ignatieff (2004) we are entering the age of 'new' humanitarianism, or, as Thomas Weiss (1999) describes this, 'political' humanitarianism. What, you may wonder, was wrong with the old one? In fact, Michael Barnett and Jack Synder (2008) claim it is possible to identify several different approaches to the practice of humanitarian assistance that each represent a shift away from the traditional principle-based approach towards consequentialist frameworks. Thus, it seems as if humanitarianism is suffering something of an identity crisis.

A similar sense of impending change is evident in the practice of development. We are witnessing the end of development as we knew it, according to many empirical researchers in the social sciences. Antonio Donini, for example, claimed that 'the paradigm of 'development' has passed and a new one has yet to emerge' (Donini 2002: 259). This perspective is echoed by Paul Collier in his analysis of *The Bottom Billion* (2007), where he claims that 'the golden age of development' has passed (Collier 2007: 4). Development assistance, according to Collier, does not necessarily transform into economic growth, and thus needs to be radically overhauled. As we noted above, the content of the development agenda has certainly changed with a massive expansion of goals to guide the activities of the sector up to 2030. Also, there is evidence that development agenda is shifting away from its traditional consequentialist framework towards a more deontological approach as the drive to 'leave no-one behind' seems to demand a significant shift from evaluating good practices as those which maximise outcomes for the greatest number, to those which reach the furthest behind.

Much recent literature on this topic claims that the beginning of the sense of crisis and need for change can be traced to the beginning of the post-cold-war period.[24] At least three different trends can be found in the literature to indicate why this is happening. Firstly, the practice of aiding or assisting another, both in a humanitarian and development context, is much more complex than previously assumed. Secondly, in recent decades, the number of those in need of assistance, both development and humanitarian, has increased. The number of cases described as humanitarian emergencies has increased significantly with a number of areas experiencing recurring emergencies. Certain locations have experienced a multiplicity of overlapping events and recurring emergencies. Further, with current population growth trends, where the highest growth rates are in the least developed low income locations, the trend is set to continue with increasing numbers requiring support.

Thirdly and directly related to this, there are growing concerns regarding the effect that acts of assistance have on recipient populations. It is simply not clear that the methods and instruments of assistance are fit for purpose. Not only do they appear deficient in achieving specific quantifiable targets and small improvements,

---

[24] Support for this observation can be found in the work of Weiss (1999, 2011), Barnett (2011), Maynard (1999), Vayrynen (2002), Nafziger and Juha (2003), and Nafziger and Raimo (2002).

but evidence suggests that they may be causing harms that, on balance, outweigh the benefits of such actions. Thus, uncertainty regarding the probable outcomes of acts of assistance has emerged as a practical problem of considerable concern.

1.3.1 Complexity

The distinction between events that require humanitarian assistance and those that require development assistance is becoming increasingly tenuous. Rather, it is arguable that this distinction is practical, based on the structure of the existing international institutional and state-based world order, rather than moral, that is, deriving from different sets of normative principles or ends.

   At least four reasons can be offered in defence of an approach that examines both humanitarian and development practices together, as different dimensions of the same sector. Firstly, both sectors share the same underlying fundamental moral principle – that if one can, one ought to act to help another. Secondly, funding for both sectors is drawn from a shared pool and distributed to organisations (IOs, INGOs, NGOs, and CSOs) engaged in both forms of action. Thirdly, from a practical perspective, there is much overlap between humanitarian and development practices, with many regions and populations experiencing both forms of intervention and many organisations blending both humanitarian and development approaches. According to Roger Riddell (2007) "there is no hard and fast division between humanitarian aid that is life-saving and development aid that is life-saving [such as food subsidies and shelter]. Rather there is a continuum from more immediate and direct to less immediate and more indirect ways of saving lives by reducing human suffering and addressing the different factors which contribute to poverty, vulnerability and premature death" (2007: 123). Fourthly, both sectors engage in positive actions and interventions to assist specified populations. Such actions can and do result in both intended and unintended outcomes, and thus questions concerning the limits and extent of the duty of assistance, and responsibility for actions undertaken in the practice of assistance are relevant to both sectors.

   Riddell's analysis of aid also points to an operational rather than categorical distinction. "Humanitarian aid can and does save lives both in the immediate aftermath of an event and in the medium term...... Similarly, some aid classified as development as opposed to emergency and humanitarian aid is used directly in saving lives as it is used to address more immediate needs. E.g. development food aid, the provision of bed-nets and medicines, and aid used to improve the quality of water and sanitation" (Riddell 2007: 122).

   However, approaches in the two types of practice are different, with institutional structures and governance models acting in separate independent silos. As they find themselves squeezed together, working with the same populations, these tensions move from the abstract realm of moral debate to the situated practice of assistance.

   The following sections briefly examine event types categorised as humanitarian emergencies and explains why these are not easily distinguished from events

requiring development assistance. This goes some way, I suggest, to helping us understand why the tensions between these two types of practice have come to the fore in recent times. There is little or no evidence to suggest these tensions are new, rather, they have become magnified by recent trends in the overall practice of assistance. The change that has brought these questions to the fore is, I would suggest, better understood as an epistemic rather than a practical or moral shift. The line dividing event types that typically involve humanitarian assistance and those requiring development assistance has become blurred as multiple types of events require input from both elements of the assistance industry.

There are at least three different types of events that are categorised under the term 'humanitarian emergency'. These are natural shocks, disasters, and complex humanitarian emergencies. All areas on the planet can experience natural shocks – geological, hydrometerological or biological. Some areas have greater exposure, such as those located along geological fault lines, areas exposed to seasonal storms and extremes in meteorological conditions. Natural shocks can be defined as sudden, unexpected, indiscriminate, exogenous events. They can result in a state of emergency for an effected region (Albala-Bertrand 2000). The duration of this may vary. Natural shocks are unpredictable and unavoidable, unprovoked, the result of chance, and sheer brute luck.[25]

However, there is strong evidence to suggest that the level of damage (in terms of loss of life, damage to property, reduced access to basic survival facilities) caused by a natural shock is determined not only by the scale of the shock but by the background conditions within which a shock occurs. Thus, there is a distinction between a simple natural shock and a disaster. One is a matter of brute bad luck; the other is a consequence of brute bad planning and unsustainable development.[26] This distinction is developed in various contributions by Amartya Sen in his examination of the causes of famine (2000). Further evidence is available in the UNISDR 2009 *Global risk assessment report on disaster risk and reduction* which finds that although all countries are exposed to natural shocks, less developed countries or indeed less developed regions within countries are more likely to experience disaster. A defining feature of disasters, in the work of Sen and supported by a volume of empirical evidence, is that it is an event where large numbers *of the most vulnerable members of a region* either lose their lives or are left in urgent need of assistance for the most basic survival facilities and necessities. Natural shocks can affect anyone; disasters tend to effect the poorest disproportionately.[27]

---

[25] Of course as the impact of anthropogenic climate change is manifesting in a range of increased events with higher intensity, there is also strong evidence to suggest that brute luck is no longer an appropriate prism with which to consider and evaluate these shocks.

[26] Brute bad planning here refers to the UNISDR's underlying risk drivers that, they argue, contribute to increased risk of exposure to disaster. These are poor urban planning and governance; vulnerable rural live hoods, and declining ecosystems (UNISDR 2009: 13–15).

[27] This claim forms an essential foundation for the climate justice debates. See for example Henry Shue's *Climate Justice* 2014

This claim is derived from a number of evidence-based reasons. According to this report, 'low income countries represent 13 % of the exposure but no less than 81 % of the mortality risk' (UNISDR 2009: 7). For example, although Japan has 1.4 times as many people exposed to tropical cyclones than the Philippines, if hit by a cyclone of equal magnitude, a person in the Philippines would be 17 times more likely to die than a person in Japan (UNISDR 2009: 8). This report finds factors such as increasing urbanization, poor urban governance, vulnerable rural livelihoods, and the decline of eco systems, as contributing factors to the escalation in the scale of damage caused by a natural shock. This is reinforced in reports from the Intergovernmental Panel on Climate Change (IPCC) who point to a clear link between development practice and disaster risk management. They claim, "high exposure and vulnerability are generally the outcome of skewed development processes such as those associated with environmental degradation, rapid and unplanned urbanization in hazardous areas, failures of governance, and the scarcity of livelihood options for the poor" (IPCC 2012: 10). In short, bad planning, and thus human agency, is a defining feature of disasters.

The third type of event categorised under the current conceptualisation of humanitarian emergency is widely referred to as a 'complex humanitarian emergency'. The term 'complex humanitarian emergency' emerged in the 1990s to categorise the changing nature of some types of humanitarian emergencies that are distinctive by the breadth of factors involved. According to Vayrynen, 'a complex humanitarian emergency is a manmade crisis whereby large numbers of people die or suffer from war, physical violence (often by the state), or displacement' (2002: 1). According to Albala-Bertrand, 'in complex humanitarian emergencies, most aspects of the impact and effects have institutional aims and overtones, i.e. the violent conflict is being staged precisely to interfere with and modify societal institutions. In these circumstances, the response to this type of calamity also causes some significant societal interference, which is mostly deliberate, intense and long-term' (Albala-Bertrand 2000: 226). The causes are a blend of political, social, and economic factors. Thus, the defining feature of complex humanitarian emergencies is the role of human agency. Such events include actions that are intended to disrupt the normal functioning of basic social institutions. These events include the intentional instigation of a social, political, or economic shock that can generate conditions of a state of emergency, with the objective of changing the underlying social, political, and / or economic institutions of a state. Such events have enormous effects on development efforts. Paul Collier uses an analogy of a train rolling backwards to describe the effect of such events (Collier 2007: 9).

Thus, the current conceptualisation of humanitarian emergencies incorporates a very broad range of events and event types. There is considerable overlap between humanitarian and development efforts. According to some researchers, this has resulted in actors who were traditionally limited to humanitarian activities now undertaking development activities and vice versa. However, the institutional structure of the assistance industry is ill-equipped for this shift. As Antonio Donini highlights 'traditionally, the UN regimes for peacekeeping, human rights, humanitarian and development activities had been kept in watertight compartments and the UNSC

dealt only with security and never humanitarian issues. Issues suddenly refused to remain in neat compartments. The new wave of emergencies became "complex" mixing the political, the military, and the humanitarian' (Donini 2002: 254).

Further, the links between security, stability, and development progress have moved sharply into focus as conflict continues to occur in locations that are the focus of significant development effort. The overlap between humanitarian and development efforts has forced greater cooperation at field level, far in advance of the supporting policy positions and institutional frameworks.[28] The spill over of security concerns to developed states, with a number of high profile attacks on countries across the developed world, combined with the increased incidence of attacks on humanitarian and development workers in developing country locations, has brought matters of development, stability, and security into sharp focus. All of this indicates that the main actors in the fields of development and humanitarian practice have had to establish operational processes to coordinate their efforts to respond to these complex events.

There are a number of strong reasons for questioning the validity of the claim that complex humanitarian emergencies are new events. There is nothing new in the history of humanity of groups fighting one another to secure access to power and resources. There is nothing new in groups creating circumstances of emergency and using shocks as an opportunity to introduce change.[29] There is nothing new in the use of mass rape and violence towards civilian populations as instruments of control or as a reaping of the rewards or spoils of war.[30] The difference, I suggest, lies elsewhere. Firstly, modern communications and technology mean that it is now possible to witness these events first hand. No longer hidden behind jurisdictional boundaries, rather it is now the case that if and when states engage in harmful actions against their own citizens, or indeed if different groups of agents within states engage in harmful actions against one another, this is now transmitted around the global practically in real time.

Secondly, the efforts of the assistance industry to meet suffering as it occurs, and improve living standards more generally, are perhaps also unprecedented in the history of humanity. Never before has it been possible for so many agents to engage directly in assisting others. At the same time, the potential to harm those others by failing to appreciate their interests or the circumstances within which they act is also unprecedented and incorporates many risks.

Finally, the expectations of citizens in affluent states have shifted. As they are asked to release public funds and provide additional private donations, they expect to see the problem solved. For example, many readers may remember the huge efforts to gather money and direct attention to famine and food security crises in

---

[28] See for example, M. Duffield, 2012, 1994 and M. Barnett 2011

[29] See, for example, Thomas Weiss's discussion of barbarism and his suggestion that it has never disappeared, it has simply kept pace with modern technology (1999: 6)

[30] See for example *A Woman in Berlin: Eight Weeks in a Conquered City* (2005), a recent translation of a diary of an anonymous woman chronicling her experiences in the eight weeks after the fall of Berlin to the Red Army at the end of the second world war.

Ethiopia and Somalia in the late 1980s and early 1990s. Following the declaration of an emergency situation in 2011 in the Horn of Africa, it is fair and reasonable for the general public to ask why this is happening again and whether their taxes are being put to the most appropriate use.

To take food security as one example in the humanitarian context, although measured as the number of number of human beings either dying or at risk of dying from starvation, famine is not caused simply by a lack or absence of food. Rather there are a range of economic, social, political, *and* environmental factors that typically combine to place identifiable populations at risk (O'Grada 2009; Devereux 2009; Maxwell and Fitzpatrick 2012). Thus, addressing the problem of meeting the human need for food entails addressing the causes of the hunger in the first instance, rather than simply providing temporary allocations of food. This requires examination of wider structural dimensions.

In the development context it is now widely acknowledged that the development process itself is complex, non-linear, and dynamic. Stern et al. (2005) argued that development is a dynamic and complex process, entailing many different elements, marked by continuous change, and thus continuous learning and closer cooperation must be at the heart of the story.[31] Ramalingam (2013) and Riddell (2007) also provide strong evidence to support this claim. An awareness of the need for change and learning within the aid and development process is also evident in the policy arena (World Bank World Development Report 2015). According to Sachs, sustainable development must now be concerned with the variable, non-linear 'interactions of three complex systems: the world economy, the global society, and the earth's physical environment' (2015: 3). Thus, to return to the example of food security, addressing the problem of under-supply and availability and oversupply and excess requires an examination of global food production and consumption patterns; agricultural practices and land management and tenure process; as well as environmental factors concerned with climate and eco-systems.[32]

Complex humanitarian emergencies, disasters, and emergencies that arise as a result of anthropogenic interference in the environment require human action to address and prevent or minimise harm. They are linked to development activities that also entail human action. These points could inform how human beings, as agents, think about these events, the context of needs, and reasons about what ought to be done to address them.

In the humanitarian space, increasing risk of disruption through both slow on-set events and sudden events generated by changing climates have challenged this distinction with multiple agencies now focusing efforts on disaster risk reduction and resilience building efforts in order to save lives in the immediate context of need, but also prevent future loss of life where possible.[33]

---

[31] Stern et al. 2005: 86

[32] For a very interesting examination of global food production and consumption patterns see Raj Patel's *Stuffed and Starved* 2007.

[33] See, for example, UN Hyogo Framework for Action 2005–2015, the 'Build Back Better' approach outlined in the Sendai Framework for Disaster Risk Reduction 2015–2030 available at http://www.preventionweb.net/files/43291_sendaiframeworkfordrren.pdf

In parallel, within the development space, consideration has moved beyond economic and human development models to sustainable development models indicating a clear recognition of the complexity of the development process and the need to ensure that development activities do not contribute to disasters or accentuate natural hazards.

During the MDG period, the number of events and crisis requiring a humanitarian response increased and the number of people in need of emergency relief also increased. Evidence from the MDG period (2000–2015) finds that in spite of some successes, the gains vary greatly across regions with the least change for women and vulnerable populations in the lowest income and least developed locations. At the end of this period it is now recognised by leading global policy makers that past development practices have contributed to conditions whereby disaster is more likely for many highly vulnerable communities. According to the UNDP's Helen Clarke, in 2015 "the world is coming up against the limits of pursuing short-term gains while ignoring long-term consequences. The defining challenge of our era is to shift to new models of development" (UNDP 2015: 1). Thus, new ways of thinking about development are required to mitigate future disasters and assist communities to adapt to new environmental and ecological conditions.

In 2014, almost 78 million people worldwide were in need of emergency, short term relief due to a range of factors – environmental, social, economic, and political (UN OCHA 2015: 5). In 2010, climate change related events cost in excess of $200 Billion (USD). Such an estimate relates only to economic costs and asset loss. It makes no attempt to quantify the cost to life, cultural heritage, and ecosystems (IPCC 2012: 9). These findings point to an increasing trend in the number and reach of natural and human made disasters. As geologists in the Natural Sciences have argued, there seems to be growing acceptance in the policy and practice areas that we are entering into a new epoch – the Anthropocene – in which humans have become a force of geological magnitude on planet earth. Future years are projected to see an increase in climate-related events. When mixed with scarce and reducing resources, the possibility of conflict continues to increase, as do the needs of populations caught up in these events.[34]

1.3.2 Multiplicity

Since the end of the Cold War, there has been a significant increase in the number of what has become known as complex humanitarian emergencies. Again, this is an evidence based claim. In the 43 years between 1945 and 1988 the UN was engaged in 13 peacekeeping operations. In the 7 year period from 1989 to 1995 the UN authorized peacekeeping operations in another 26 countries (Smillie and Minear

---

[34] See Intergovernmental Panel on Climate Change (IPCC) Fifth assessment reports 2013–2014 available at http://www.ipcc.ch/report/ar5/

2004: 10). By 2008 this has increased, according to the UNDP (United Nations Development Programme 2008) demonstrating upward trend, with the first 8 years of the new millennium witnessing 40 complex humanitarian emergencies in less developed countries.

Perhaps the more disturbing trend is that these types of emergency disproportionately occur in locations that have been a central focus for development practice and investment over the preceding fifty years. For example, between 1962 and 1988 Ethiopia, Kenya, Liberia, Somalia, and Sudan received significant investment (financial and technical) from US Aid. Chad, Djibouti, the Democratic Republic of Congo, and the Central African Republic received significant bilateral aid from France (R. Abrahamsen 2000: 28). Yet all of these countries have experienced intermittent complex humanitarian emergencies and disasters over the following three decades. In 2014, these locations remain amongst the highest recipients of ODA.

According to the UNHCR,[35] the number of refugees and internally displaced persons and others directly affected by complex humanitarian emergencies exceeded 50 million in 2014.[36] Such population movement has significant economic, social, and political effects on home countries, neighbouring countries, and host countries. This problem is quintessentially intra-national with international consequences. For example, the Dadaab refugee camps in Kenya houses 380,000 human beings. In 2010, it received 5,000 new refugees every month from Somalia. With famine conditions spreading throughout Southern Somalia this camp opened its doors to over 30,000 additional refugees in June 2011 alone. Such refugee centres have become permanent homes for many hundreds of thousands of human beings. This particular centre opened its doors in the early 1990s to deal with the influx of Somali refugees fleeing the civil war, and has remained in operation since then. Rather than a temporary, short term, solution to provide urgent and basic humanitarian assistance to disaster survivors, centres such as this have become permanent homes where human beings live out the course of their lives.

The ubiquitous threat of new refugees is particularly problematical for development efforts that seek to strengthen the economic, social and political conditions within individual states. Gains achieved during development programmes can be negatively affected by a sudden influx of refugees. Paul Collier describes this as the problem of 'bad neighbours' which, he argues can have a significant influence on the capacities of low income states to achieve economic growth. It can also spill over to matters of security and political stability, with incidents in Kenya involving attacks on Universities and civilian targets in 2015 being a case in point.[37]

---

[35] See http://www.unhcr.org/53a155bc6.html for more details

[36] James Fearon provides some interesting quantitative research suggesting that the number of refugees actually fell during this period and as no statistics were available for IDPs it cannot be stated with any level of certainty that this number increased or decreased. According to Fearon, what has changed is the perception of some donors, practitioners, and researchers (Fearon 2008: 49–72, in Barnett and Weiss (Eds) *Humanitarianism in question*).

[37] See for example reports that those responsible for the attacks at Garissa University were based in Dadaab Camp – Kenya's deputy president William Ruto requested that UNHCR close the

Again, this evidence points to the connection rather than disjunction between humanitarian and development action, pointing to the need for a consistent and coherent framework within which agents can think and reason about such events, and what can and ought to be done to address these.

1.3.3 Uncertainty of Outcomes of Assistance

Evidence from empirical literature on the topic of assistance identifies a significant problem of uncertainty regarding the probable outcomes of acts of assistance. Drawing on the definition developed by Sven Ove Hansson, the condition of uncertainty exists when the probability of outcome is either partially or fully unknown (Hansson 1999: 539). The literature is deeply divided on the question of which assistance instruments are effective, and what effects the practice of assistance has on recipient populations.

On one side a number of researchers argue that assistance in any form is a type of interference, and as such, has the potential to contribute to harm and suffering as well as to relieve this. For example, the provision of humanitarian assistance to meet the basic needs of populations in situations of internal conflict can generate longer term harms, as the conflict can be prolonged and further harms can be inflicted. These findings are evident from research conducted by Easterly (2008), Barnett and Snyder (2008), Anderson (1999), and Weiss (1999). Others have found evidence to suggest that assistance can lead to dependency through the interruption of local modes of production (Ramalingam 2013; Riddell 2007; Moyo 2009)). Yet others have claimed that humanitarian assistance in particular, which targets immediate relief from life-threatening harms without consideration of the background conditions that lead to such threats, results at best in the temporary postponement of death.[38] As Leif Wenar highlights, there is 'overall uncertainty in the empirical literature about what aid really works' (Wenar 2003: 406), that is, which instruments of assistance are effective. Some methods and practices may themselves contribute to harm and the need for further assistance.

On the other side, there is a large body of literature highlighting the positive outcomes of assistance and the need for assistance in the absence of any other mechanism to address the root causes of harm and suffering experienced by so many (Sachs 2015; Riddell 2007). The vast majority of researchers and practitioners in the assistance industry do not advocate a reduction in the amount of assistance. This assistance, they argue, is necessary to the survival of many. Again, taking the case of famine in Somalia (2011), it is unthinkable that the assistance industry would not

---

facility – report available in the Guardian - http://www.theguardian.com/world/2015/apr/14/kenya-garissa-dadaab-scapegoat-al-shabaab

[38] The rather unsavoury and distasteful phrase 'the well fed dead' was coined by the *New York Times*, 1992, in reference to assistance efforts in Bosnia during the conflict that followed the break-up of the former state of Yugoslavia.

act to provide immediate relief through the provision of food and shelter. However, how this might best be practiced was heavily disputed. For example, during this crisis some aid agencies called for military intervention in Somalia.[39] Such a call seemed to ignore previous efforts in the early 1990s that failed abysmally and were followed by a complete collapse of state institutions and infrastructure in this country. There are no simple solutions. Inaction does not seem to be an appropriate option when faced with such enormous levels of need and distress. Yet, the precise act-types that can be undertaken that will both assist those in need and acknowledge the duty to do no harm are difficult to determine. Doubts about the effectiveness of assistance and the potential to cause unintended harm give rise to real-life moral quandaries.[40]

Accepting uncertainty regarding the probable outcomes of acts of assistance as an element of the practice of assistance seems to be unavoidable in this context. Recognition that harm can occur in the practice of helping others goes some way to explaining the crisis in confidence of many directly engaged in the provision of assistance. However, the options seem to be to figure out how to avoid harm as much as possible, and ensure responsibility for addressing this is appropriately allocated, rather than to avoid the practice of helping and assisting others.

1.3.4   Implications of Complexity, Multiplicity, and Uncertainty

The sense of crisis that began to emerge in the early 1990s has been replaced by a growing realisation over the following decades that these trends and events are not atypical. They represent the circumstances within which practices of assistance and deliberations regarding what to do to assist those in need of help take place.

The need for assistance is likely to increase in the coming years due to a number of factors, some known, and some unknown. These include climatic changes, political shifts (for example the 2011 Spring Uprisings in North African states), economic (fluctuating food and commodity prices and preferences) and social changes including population increases. Thus, there is a pressing requirement to clarify the implications of these events for the practice of assistance and the fulfilment of the moral duty to assist.

The trends of complexity, multiplicity, and uncertainty raise significant practical problems relating to the practice of assistance and the act-types and actions that can to be undertaken when acting to help another. They also point, however, to a number

---

[39] See, for example, CEO of Goal, John O'Shea's letter to the *Irish Times* (20 July 2011). O'Shea states: 'Not for the first time, I find myself reflecting on how often world leaders use the delivery of freedom, human rights and the opportunity for powerless populations to lead a decent life as a pretext for some form of military assault on another country. Yet they seem to avoid studiously addressing the most obvious places where intervention on behalf of the people is needed'.

[40] Weiss (1999) argues that these are not dilemmas, as dilemma suggests a choice between two forms of action that will result in unintended and unavoidable harm with equally bad outcomes whereas 'quandary' entails difficult choices with 'better or worse possible outcome' (1999: 7–8).

of philosophical dimensions that require further clarification and examination. These can be grouped into three categories - moral, epistemic, and practical - each with a bearing on normative questions relating to what ought to be done in the realm of assistance. In the following section, these are described as the 'contemporary circumstances of assistance'. These refer to the philosophical dimensions that emerge from an analysis of these practical problems.

1.4 Contemporary Circumstances of Assistance

1.4.1 Moral Dimensions: Bounded Affiliations and the Reach of Morality

The practice of assistance between strangers, mediated through a complex institutional framework entails engaging with what Barbara Herman has described as 'the moral problem of social pluralism' (2008).

Most human beings are members of a wide range of bounded affiliations - families, communities, workplaces, churches, nations, states, and so on. We live in a world of separate sovereign states where almost all habitable spaces on the face of the planet are divided up into separate legal jurisdictions, with different traditions, histories, languages, cultures, and values. As Barbara Herman explains: 'the fact [is] that much of human social life is organized in normatively structured groups—a church, an ethnicity, a people—on the basis of which members (and groups) claim entitlement to live in normatively distinct ways' (Herman 2008: 328).

These social circumstances give rise to at least three distinct considerations. Firstly, that assistance from outside the circle of a special structured group entails interfering with this group and its structures in some way. The implications of this are unknown outside the particular context, placing a burden on agents wishing to assist to assess their actions and the ends at which they aim within this context. Secondly, although the boundaries between groups are often arbitrary, contingent, and subject to change and reconstitution, it is broadly accepted that membership of such groups is a source of special rights and duties that are exclusive to the members of this group. Thirdly, it is within these groupings that human beings, as both potential agents giving assistance and subjects receiving assistance, are situated.

As Herman explains, 'it is a group's claim of standing as a source of authority to regulate the lives of its members (whatever the source of its authority) that challenges morality's ambition to be universal and unbounded. We can call this the moral problem of social pluralism' (Herman 2008: 327). This raises a number of questions that human beings (and groups) as agents and subjects of assistance must consider in the practice of assistance. Thus, engagement with this group would seem it be an essential element of assistance.

There are radically different perspectives on the moral significance of these boundaries (Scheffler 2002). There is disagreement on many levels including

perhaps the most basic question – is the duty of assistance owed to all human beings equally, or do we owe some human beings (those inside the group) more than others (those outside the group) (Miller 2007)? Are we duty-bound always to meet the needs of those with whom we share some form of special connection or affiliation, or are we duty bound to consider the absolute needs of all others and required to assist those with the greatest needs (Singer 2009)?

Special relationships, ties, and connections reflect the richness, diversity, and plurality of individual agent's lives (Herman 2008). Whether these boundaries set moral constraints on the types and forms of assistance that can hold between strangers is greatly contested. However, it is widely accepted that most agents are situated within complex networks of affiliations, and engage in reasoning and deliberation from within this situated context.[41]

1.4.2 Epistemic Dimensions: Need, Complexity, Connections

A second dimension concerns epistemic matters related to growing knowledge and awareness of the complex needs of others and the multifaceted web of connections that are shared across bounded affiliations. Three shifts are evident over recent decades. Firstly, knowledge of the circumstances of the needs of others beyond borders has deepened dramatically through improvements in communications, modern technologies, and increased travel. Secondly, understanding of the complex nature of the practice of assistance has also deepened considerably. Many situations of humanitarian emergency cannot be easily categorised as cases of brute bad luck; or cases where there is one obvious aggressor and one obvious victim[42]; or indeed cases where it is clear precisely what assistance is required and what would be sufficient to return the state of affairs to an acceptable level.

Thirdly, there is now a deeper understanding of both our connections to others through dramatically wider economic interactions, and also of *unavoidable interconnection*. By unavoidable interconnection I mean a growing awareness of the non-voluntary interdependencies between groups where decisions and actions in one part of the planet directly impact the well-being and viability of other parts of the planet.[43] The reach of actions is now better understood. Actions entail certain

---

[41] See the World Bank's *World Development report* 2015 on the different dimensions of human decision-making.

[42] For example, the conflict experienced in the former Yugoslavia in the early 1990s and the conflict in Syria commencing in 2012.

[43] Consider the example of the Rainforests in South America. Brazil, as an independent bounded state made a decision to clear the forests for agricultural purposes in the 1970s and 1980s. This decision was driven by a desire to maximise the potentials within the territorial boundaries of this state. It aimed at increasing standards of living, increasing employment and increasing prosperity of the population. However, it soon became obvious to scientists and ecologists that this action threatened the sustainability of the entire planet. As the 'lungs of earth', pressure came on Brazil to stop deforestation and protect the Rainforests.

intentional ends, audiences, and are based on particular sets of reasons. However, actions can and often do also have an effect on unintended audiences and may contribute to unintentional harms. Further, human beings, as ecologically embedded species, are unavoidably interconnected with and dependent upon the natural environment and functioning ecosystems. These shifts in understanding carry moral implications for all agents. As Habermas argued, 'in everyday life we must assume that our knowledge in actu – the know-how by which we are guided in the course of our performance – does not conflict with anything we know about the world. This 'must' expresses a conceptual link: we cannot suppress at will what we have "learned" or what we think we "know". We don't have a "scissors in the mind" that can trim away dissonance at will, in an effort to isolate our knowledge in actu from uncomfortable aspects of our knowledge of the world' (2007: 23). Although the state-based system of international relations and institutions do not yet sufficiently reflect this reality, populations and communities do understand these connections. Further, this shift in understanding of connection and unavoidable interconnection is evident in the non-binding goals and targets of the SDGs and in have influenced the achievement of the Paris Climate Agreement which represents the first international agreement in over twenty years, whereby states have agreed to act together to tackle rising greenhouse gas emissions and the impacts of climate change.

1.4.3   Practical Dimensions: Uncertainty of Outcomes and Unintended Harms

The third dimension of the contemporary circumstances of assistance refers to uncertainty regarding the outcomes of acts of assistance. This dimension was examined above as a practical matter and the source of considerable debate for those acting within the assistance industry. However, the implications of this practical matter require philosophical clarification and investigation. There are at least three reasons for this that will become evident in later chapters. Firstly, if outcomes cannot be achieved with any level of certainty, then can outcomes be used to guide the selection of act-types and courses of action in the practice of assistance? Secondly, uncertainty on the probable outcomes of action gives rise to a particular problem relating to the issue of harm. How do agents determine which courses of action to undertake when helping another without causing harm, albeit unintended? Thirdly, who is responsible for such harms when they do arise? This question lies at the heart of the limits and extent of the duty to aid, and how this connects with other duties that agents (individual and collective) might hold, in particular, duties of justice to remediate and compensate for harm when this arises.

1.4.4   Review

There seems to be little doubt that this industry has experienced its own shock and, as a consequence, is in a state of flux. It has been overwhelmed by the scale and complexity of events, and the ubiquitous need for assistance in so many different locations and for so many different reasons. However, it is not clear that this crisis can be addressed through improved methods of coordination and logistics alone. As the ICRC's Cornelio Sommaruga points out, 'for a number of years now – and this is sure to be the case for some time to come – we have been living in a state of uncertainty, with a dearth of political and ethical references at various levels, both national and international' (Sommaruga 1999: 28).

Others have argued that the Sustainable Development Goal structure is suffering from a similar challenge. According to the International Social Science Council and the International Council for Science's (2015) *Review of the targets for the SDGs – the science perspective*[44] it seems that firstly, the new aid policy architecture fails to identify the range of groups and agencies, outside of governments, required to mobilise action to achieve the goals. As such, the basic question of who ought to do what for whom is not addressed. Secondly, they claim that the new structure lacks a clear framework that will facilitate the resolution of conflicts and tensions when these arise. Thus, it lacks a clear normative framework that could be used to weigh or test goals to determine which should carry priority, and which actions would be the most appropriate. All of this points to an underlying philosophical problem that requires analysis from a philosophical perspective.

However, if this analysis is to be relevant to those directly engaged in the practice of assistance, then it must be informed by the practical problems of this industry. The contemporary circumstances of assistance represent the philosophical dimensions that emerge from an analysis of these practical problems. Each dimension has a bearing on normative questions relating to what ought to be done in response to situations of extreme need and suffering.

We have seen that even practitioners in the area, as in the case of Sommaruga, recognise that part of the problem is the lack of clear points of ethical reference at various levels. This book seeks to establish some of these reference points. It examines the philosophical dimensions of the problem of assistance with the aim of providing a more informed basis for ethical approaches to the practice of assistance.

---

[44] See ICSU, ISSC (2015): Review of the Sustainable Development Goals:
   The Science Perspective. Paris: International Council for Science (ICSU). http://www.icsu.org/publications/reports-and-reviews/review-of-targets-for-the-sustainable-development-goals-the-science-perspective-2015/SDG-Report.pdf for the full report

1.5   Underlying Philosophical Problems

It seems that the crisis within this industry points to a problem that cannot be resolved through improvements in coordination and logistics, or indeed increases in funding. A sense of confusion and ethical uncertainty is evident throughout the empirical literature. For example, the ICRC's Jean Pictet's explanation of humanitarianism in the modern context appeals to both principles and outcomes when he claims: '[Humanitarianism] is not only directed to fighting against suffering of a given moment and of helping particular individuals, for it also has more positive aims, designed to attain the greatest possible measure of happiness for the greatest number of people' (Pictet 1979: Online, cited in Shapcott 2010: 137). This description appears to indicate a conflation of two distinct approaches – deontology and consequentialism.

Others suggest that these two positions are at odds, and that we need to choose which ethical approach, deontological or consequentialist, is the most appropriate to guide assistance to others within contemporary circumstances. Richard Shapcott (2010), for example, in his review of international ethics, argues that contemporary practices of assistance, particularly in the domain for humanitarian action, 'bring the tension between deontological and consequentialist criteria to the foreground' (Shapcott 2010: 123).

Michael Barnett and Jack Snyder (2008) claim that humanitarianism has been traditionally driven by duty based approaches, and that these are particularly problematical and unsuitable within the contemporary contexts of complexity and uncertainty. It is important to note that Barnett and Snyder's analysis examines the shift away from traditional apolitical operating principles (in particular, those outlined in the red cross code) towards increasingly political and politicised ethical approaches to address the causes of the needs for assistance. In what follows I do not address all aspects of their analysis. However, their claim regarding duty-based ethical approaches is strong and carries significance beyond the boundaries of their particular analysis. Also, it presents a helpful opportunity to connect the philosophical elements of this debate with the empirical literature.

In the context of this wider analysis they identify variations of ethical approaches operating within the contemporary assistance industry that, they claim, represent a shift away from deontological ethics towards consequentialist ethics. These are the 'classical' or the 'bed for the night' approach of immediate aid exemplified in the work of David Reiff (2002) and the practices of the International Committee of the Red Cross and Red Crescent organisation (ICRC); the 'do no harm' approach developed by Mary Anderson (1999) as an extension of the Hippocratic oath to the humanitarian assistance industry, whereby practitioners engaged in humanitarian assistance are restricted or constrained by a principle of 'do not harm'. This approach is also used to measure and examine the effect of assistance in conflict situations in particular (Anderson 2004: 1); the 'comprehensive peace-building' approach whereby practitioners engage with the political system to address the underlying causes of need. Such an approach is evident within the UN Peacebuilding

Commission (first introduced in 2006); and the 'back a decent winner' approach developed by Barnett and Snyder as a pragmatic, politically informed response to the unfavourable background circumstances of assistance. In their defence of this approach, Barnett and Snyder examine cases where assistance is provided to non-ideal parties (such as non-democratic or non-liberal leaders) in conflicts as these parties provided the greatest potential for stability in a particular context of need.

Barnett and Snyder argue that the latter three represent a 'consequentialist turn' within the industry as these attribute considerably more weight to outcomes and consequences. They claim these demonstrate a move towards politically active, strategic, and open approaches to thinking about how best to address the needs of others and the underlying causes of these needs.

The implications of Barnett and Snyder's claims are far-reaching. Although their representations of deontology and consequentialism are constructed to examine a specific question related to the connection between politics, the causes of need, and the level of interference that is permissible for those acting to assist others, their claims and the characterisations of deontology and consequentialism, carry broader significance for an industry that is seeking theoretical clarity and a secure ethical basis for its actions. Thus, a closer analysis of these claims and characterisations is required.

Firstly, they claim that deontological ethical approaches offer an insufficient framework and guide to the practice of assistance in the contemporary context. There are three main reasons they offer in defence of this claim. Firstly, that deontological ethics fails to give adequate consideration to the outcomes of action. Secondly, and following on from this first premise, that it cannot support agents in their performance of this duty either without unintentionally (although avoidably) harming those they wish to assist, or harming unintended others. Thirdly, their argument suggests that deontological ethics is essentially rigid and conservative. They argue that 'international organisations and aid agencies… have demonstrated little inclination toward strategic analysis, perhaps because they are instinctively attracted to an ethic of duty and allergic to an ethic of consequentialism' (Barnett and Snyder 2008: 145).

As a consequence of the failure they identify in deontological ethics, they introduce a second claim. They argue that more sophisticated ethical approaches are evolving within the humanitarian arena in particular that attribute greater weight to the outcomes of acts of assistance and that this is evidence of a 'consequentialist turn' within this industry.

Barnett and Snyder argue that consequentialist approaches provide a more suitable theoretical framework for guiding the actions of agents in the contemporary circumstances of assistance. They offer two main reasons to defend this claim. Firstly, as consequentialist ethics is focused on outcomes (or ends), it can dissolve the moral tension between assistance and avoiding harm. Secondly, that their preferred approach is 'strategic' and more supportive of action and activism than deontological ethical approaches.

These are two very strong claims. They suggest that recent events in the practice of assistance have finally resolved the ancient war between the great traditions of

consequentialism and deontology, at least in the case of assistance and the moral
duty to assist. Some may suggest that this line of reasoning is alarmist. However,
Barnett and Snyder are not alone in suggesting that the traditional conceptualisation
of humanitarianism as a form of deontological ethical action and what assistance
across borders and between strangers would entail is changing. Thomas Weiss
(1999) identified a similar shift ten years earlier. Given the strength of these claims
and the significance of these to the practice of ethics I suggest it is necessary to
examine these more closely. It is to this question that I will turn in the following
chapter.

1.6 Conclusion

In this chapter I have examined claims that the assistance industry is in crisis. I
began by outlining the context of this debate and the core elements of this industry.
I then examined the events that are taken to have culminated in a sense of crisis.
From this assessment it is evident that the industry has experienced a shock. It is
also clear that these types of events do not represent a temporary deviation from
'normal' emergencies (if such an oxymoron can be fittingly employed in examining
events that are by definition, not normal).

   A number of philosophical dimensions emerge from an analysis of these practi-
cal problems that have a bearing on normative questions relating to what ought to be
done in the realm of assistance. I refer to these dimensions as the contemporary
circumstances of assistance. These are moral dimensions related to bounded affilia-
tions and reach of morality; epistemic dimensions related to deepening awareness
of the needs of others, greater understanding of the complexity of assistance, and
the multifaceted web of connections that are shared across bounded affiliations; and
thirdly, practical dimensions related to the uncertainty of probable outcomes of acts
of assistance within this context.

   I then outlined the philosophical problem that underlies these practical issues.
The crisis in confidence is indicative of a more fundamental moral problem. Leading
practitioners such as Cornelio Sommaruga have pointed to the need for clarification
of ethical reference points and a more informed basis for ethical approaches to the
practice of assistance. There is a critical question to be addressed concerning which
ethical approach is the most appropriate guide to action in the contemporary context
that can support agents to provide help without causing harm, or indeed, determin-
ing the level of harm that would be permissible in the practice of assistance. This
points to normative questions concerning not only how to assist and what actions
can be undertaken, but also why an agent ought to assist and what actions ought to
be undertaken. Addressing this question requires an analysis of the ethical
approaches employed within this industry.

   Several strong claims have been made suggesting that deontological ethical
frameworks are particularly problematical as they are insufficiently sensitive both to
the context of need and the outcomes of acts of assistance. Barnett and Snyder

([2008](#)) have claimed that those engaged in the industry recognise this, and have taken a 'consequentialist turn' in practice in their approach to assistance. These are strong claims with significant implications. It is to these claims that I will now turn.

References

Abrahamsen, R. 2000. *Disciplining democracy: Development discourse and good governance in Africa*. London: Zed Books.

Albala-Bertrand, J.M. 2000. Responses to complex humanitarian emergencies and natural disasters: An analytical comparison. *Third World Quarterly* 21(2): 215–227.

Anderson, M. 1999. *Do No Harm: How aid can support peace or war*. Boulder: Lynne.

Anderson, M. 2004. *"Do No Harm": Reflections on the impacts of international assistance provided to the occupied Palestinian territories. Report*. Cambridge, MA: Collaborative Learning Projects.

Anonymous. 2005. *A woman in Berlin: Eight weeks in the Conquered City*. New York: Metropolitan Books.

Barnett, M. 2011. *Empire of humanity*. Ithaca/London: Cornell University Press.

Barnett, M. 2013. Humanitarian governance. *Annual Review of Political Science* 16: 379–398.

Barnett, M., and J. Snyder. 2008. The grand strategies of humanitarianism. In *Humanitarianism in question*, 143–171. Ithaca/London: Cornell University Press.

Barnett, M., and T. Weiss. 2008a. *Humanitarianism in question*. Ithaca/London: Cornell University Press.

Barnett, M., and T. Weiss. 2008b. Humanitarianism: A brief history of the present. In *Humanitarianism in question*, 1–48. Ithaca/London: Cornell University Press.

Busan Declaration on Aid Effectiveness. 2011. Available at http://www.oecd.org/development/effectiveness/49650173.pdf

Collier, P. 2007. *The bottom billion*. New York: Oxford University Press.

Devereux, S. 2009. Why does famine persist in Africa. *Food Security* 1: 25–35.

Donini, A. 2002. The geopolitics of mercy: Humanitarianism in an age of globalisation. In *The prevention of humanitarian emergencies*, ed. R. Vayrynan. New York: Palgrave.

Donini, A., L. Minear, and P. Walker. 2004. The future of humanitarian action. *Disasters* 28(2): 190–204.

Duffield, M. 1994. Complex emergencies and the crises of developmentalism. *IDS Bulletin* 25(4): 1–15.

Duffield, M. 2012. The liberal way of development and the development—Security impasse: Exploring the global life-chance divide. *Security Dialogues* 41(1): 53–76.

Easterly, W. (ed.). 2008. *Reinventing foreign aid*. Cambridge: MIT Press.

Easterly, W. 2014. *The tyranny of experts*. New York: Basic Books.

Fearon, J. 2008. The rise of emergency relief aid. In *Humanitarianism in question*, 49–72. Ithaca/London: Cornell University Press.

Global Humanitarian Assistance. *Annual Report 2007/8*. URL, www.globalhumanitarianassistance.org

Habermas, J. 2007. The language game of responsible agency and the problem of free will. *Philosophical Explorations* 10(1): 13–50.

Hansson, S.O. 1999. A philosophical perspective on risk. *Ambio* 28(6): 539–542.

Herman, B. 2008. Morality unbounded. *Philosophy and Public Affairs* 36(4): 323–58.

ICSU, ISSC. 2015. *Review of the sustainable development goals: The science perspective*. Paris: International Council for Science (ICSU). Available at http://www.icsu.org/publications/reports-and-reviews/review-of-targets-for-the-sustainable-development-goals-the-science-perspective-2015/SDG-Report.pdf

Ignatieff, M. 2004. *The lesser evil: Political ethics in an age of terror*. Princeton: Princeton University Press.

Intergovernmental Panel on Climate Change, IPCC. 2012. *Managing the risks of extreme events and disasters to advance climate change adaptation*. New York: Cambridge University Press.

International federation of Red Cross and Red Crescent societies and the ICRC. 1994. *The code of conduct for the International Red Cross and Red Crescent Movement and Non- Governmental Organisations (NGOs) in disaster relief*. URL, http://www.icrc.org/eng/resources/documents/misc/code-of-conduct-290296.htm

International Labour Office. 2014. World social protection report. In *Building Economic Recovery, Inclusive Development and Social Justice*. Geneva: International Labour Office.

International Labour Organisation. 2011. *Social Protection Floor for a fair and inclusive globalisation* (2011). Accessed 27 Aug 2013. See http://www.ilo.org/global/publications/books/WCMS_165750/lang—en/index.htm

Maxwell, D., and M. Fitzpatrick. 2012. The 2011 Somalia famine: Context, causes, and complications. *Global Food Security* 1: 5–12.

Maynard, K.A. 1999. *Healing communities in conflict: International assistance in complex emergencies*. New York: Columbia University Press.

Miller, D. 2007. *National responsibility and global justice*. Oxford: Oxford University.

Moyo, D. 2009. *Dead aid: Why aid is not working and how there is another way for Africa London*. London: Penguin.

Murphy, S., and P.P. Walsh. 2014a. *Social protection beyond the bottom billion*. IZA Institute for the Discussion of Labour Discussion Paper No. 8376

Murphy, S., and P.P. Walsh. 2014b. Social protection beyond the bottom billion. *The Economic and Social Review* 45(2): 261–284.

Nafziger, E. Wayne, and Juha Auvinen. 2003. *Economic development, inequality, and war: Humanitarian emergencies in developing countries*. New York: Palgrave.

Nafziger, W., and V. Raimo. 2002. *The prevention of humanitarian emergencies*. New York: Palgrave in association with the United Nations University/World Institute for Development Economics Research.

O'Grada, C. 2009. *Famine*. Princeton: Princeton University Press.

Paris Declaration. 2005. Available at https://www.oecd.org/dac/effectiveness/45827300.pdf

Patel, R. 2007. *Stuffed and starved*. London: Portobello Books.

Ramalingam, B. 2013. *Aid on the edge of chaos*. Oxford: Oxford University Press.

Reiff, D. 2002. *A bed for the night: Humanitarianism in crisis*. New York: Simon and Schuster.

Riddell, R. 2007. *Does foreign aid really work?* Oxford: Oxford University Press.

Rubenstein, J. 2007. Distribution and emergency. *The Journal of Political Philosophy* 15(3): 296–320.

Rubenstein, J. 2008. The distributive commitments of international NGOs. In *Humanitarianism in question*, 215–234. Ithaca/London: Cornell University Press.

Sachs, J. 2015. *The age of sustainable development*. New York: Columbia University Press.

Scheffler, S. 2002. *Boundaries and allegiances*. Oxford: Oxford University Press.

Sen, A. 2000. *Development as freedom*. New York: Anchor Books.

Shapcott, R. 2010. *International ethics*. Cambridge: Polity Press.

Shue, Henry. 2014. *Climate justice*. Oxford: Oxford University Press.

Singer, P. 2009. *The life you can save*, 1st ed. London: Picador.

Smillie, I., and L. Minear. 2004. *The charity of nations*. Bloomfield: Kumarian Press Inc.

Sommaruga, C. 1999. Humanity: Our priority now and always: A response to 'Principles, Politics, and Humanitarian Action'. *Ethics and International Affairs* 13(1): 23–28.

Stern, N., J.-J. Dethier, and F.H. Rogers. 2005. *Growth and empowerment*. Harvard: MIT Press.

UN General Assembly Resolution 46/182: 1991. URL, http://www.un.org/documents/ga/res/46/a46r182.htm

UN General Assembly Resolution 55/2: 2000 (Millennium Declaration). URL, http://www.un.org/millennium/declaration/ares552e.htm

UN Hyogo Framework for Action 2005–2015: Building resilience of nations and communities to disasters. URL, www.unisdr.org/wcdr.

UN Office for the Coordination of Humanitarian Affairs (UN OCHA). 2015. *Global humanitarian overview*. Geneva: UN OCHA.

UNDP *Annual Report 2008*. URL, http://www.undp.org/publications/annualreport2008/pdf/IAR2008_ENG_low.pdf

UNDP Annual Report. 2015. *Time for global action*. Available at http://www.undp.org/content/undp/en/home/librarypage/corporate/annual-report-2014-2015.html

UNISDR. *2009 Global risk assessment report on disaster risk reduction*. http://www.unisdr.org/

United Nations High Level Panel Of Eminent Persons. 2013. A new global partnership: Eradicate poverty and transform economies through sustainable development, New York, 33 (hereafter cited as UN HLP, New global partnership). http://www.un.org/sg/management/pdf/HLP_P2015_Report.pdf

Vayrynen, R. 2002. Preventing humanitarian emergencies: Human security and strategic action. In *The prevention of humanitarian emergencies*. New York: Palgrave in association with the United Nations University/World Institute for Development Economics Research.

Weiss, T. 1999. Principles, politics, and humanitarian action. *Ethics and International Affairs* 13(1): 1–22.

Wenar, L. 2003. What we owe to distant others. *Politics, Philosophy and Economics* 2(3): 283–304.

World Bank World Development Report. 2015. *Mind, society and behaviour*. Washington, DC: World Bank.

Yamashita, H. 2014. New humanitarianism and changing logics of the political in international relations. *Millennium: Journal of International Studies* 1–18.

Chapter 2
Contemporary Ethical Approaches to the Practice of Assistance and Foundational Accounts of Moral Duty

Abstract This chapter examines debates among researchers and practitioners concerning the ethical basis of the practice of assistance. There are two dominant approaches evident in the literature– deontological, or duty-based approaches, and consequentialist, or out-come based approaches. The former are more dominant in the humanitarian space, with the latter traditionally evident in the development space. In this chapter, an examination of debates concerning the tensions between these approaches is examined, with a particular focus on the humanitarian domain. Here it has been argued that traditional duty-based approaches are particularly problematical and not fit for purpose in the complex moral circumstances of contemporary assistance. Three reasons are offered in defence of this claim: (i) they cannot give sufficient consideration to the outcomes of action; (ii) they are essentially rigid and conservative; and (iii) they can result in harmful outcomes. Further, it has been argued that a shift towards approaches that lend greater weight to outcomes is required. This chapter examines this proposition. It examines both duty-based and outcome-based approaches and finds much greater common ground between these ethical frameworks and their conceptualisation of assistance than is widely assumed in the characterisations that have informed some of these debates. Through a comparative analysis of contemporary characterisations and foundational moral accounts, this analysis clarifies the points of conflict and distinction between these moral approaches that yield different substantive accounts of what a moral duty to assist would entail within each framework.

2.1 Introduction

The previous chapter pointed to the changes and challenges evident across the aid industry, as the need for assistance increases, and confidence in aid practices decreases. A strong sense of uncertainty regarding the basic underlying ethical reference points of this industry is evident across a wide body of literature with many arguing that there is tension between two dominant approaches– deontological, or duty-based approaches, and consequentialist, or out-come based approaches. The former are more dominant in the humanitarian space, with the latter traditionally

evident in the development space.[1] In response to the rising sense of uncertainty, and in an effort to provide practitioners with a more secure ethical basis for action, Michael Barnett and Jack Snyder (2008) have suggested that the practice of assistance should shift from an ethic of duty to an ethic of consequentialism. This chapter examines this proposal and seeks to clarify the bases and implications of this argument. In so doing, it clarifies the philosophical foundations of the duty to aid across the two dominant traditions that can inform future chapters.

Barnett and Snyder (2008) claim firstly, that deontological ethical approaches are an insufficient guide within the contemporary context. There are three main reasons they offer in defence of this claim. Firstly, that deontological ethics fails to give adequate consideration to the ends or outcomes of action. Secondly, deontological ethical approaches lead to unintended (yet avoidable) harm. Thirdly, deontological ethics is essentially rigid and conservative, and is therefore unsuitable or inappropriate to guide the actions of agents in the contemporary context. Such contexts are inherently complex, with is a high degree of uncertainty regarding the probable outcomes of assistance, and where assistance is often delivered to areas where urgent need arises on multiple occasions for a multitude of reasons.

As a consequence of the inadequacy of deontological ethics, they argue that more sophisticated ethical approaches are evolving within the humanitarian arena. These approaches attribute greater weight to the outcomes of acts of assistance, and are taken to be evidence of a 'consequentialist turn' within the humanitarian space. Barnett and Snyder argue that this shift is to be welcomed and offer two main reasons in support of their position. Firstly, as consequentialist ethics is focused on outcomes (or ends), they argue it can dissolve the moral tension between assistance and avoiding harm. Secondly, they argue that consequentialist ethics is more 'strategic' and supportive of action and activism than deontological ethical approaches.

This chapter examines these claims. In the following, I comparatively assess Barnett and Snyder's characterisations of deontological and consequentialist ethics against two foundational accounts of moral duty representing each of these traditions. This assessment abstracts from the particular pressures and problems of the assistance industry. It examines Barnett and Snyder's ideal-type accounts against philosophical tests of analytical clarity and conceptual consistency. Any ethical approach that seeks to claim authority for its actions and reasons for action should be subjected to such scrutiny. The risk of selecting the wrong course of action, or acting for the wrong reasons, carries significant consequences, in particular, in matters related to the practice of assistance.

I begin by providing an exposition of Barnett and Snyder's characterisation of deontological ethics before testing this against the foundational deontological account of moral duty in the work of Immanuel Kant. I then provide an exposition of the characterisation of consequentialist ethics within Barnett and Snyder's taxonomy before testing this against a foundational (utilitarian) consequentialist account of moral duty in the work of Henry Sidgwick.

---

[1] See, for example, Riddell 2007: Chapter 8; Barnett 2011, and Barnet and Snyder 2008.

Three findings emerge from this comparative analysis. Firstly, the accounts offered by Barnett and Snyder are found to misconstrue the moral requirements of assistance within these theoretical frameworks. I argue that these moral theories offer a more complex account of the moral duty to assist than Barnett and Snyder suggest. Secondly, an examination of both consequentialist and deontological foundational accounts of moral duty indicates much greater connections, and points of consensus between these two approaches on the moral duty of assistance than Barnett and Snyder's taxonomy would suggest. It is not simply the case the deontological accounts must reject all consideration of outcomes and ends. Neither do all consequentialist accounts fail to recognise constraints on actions. Both moral theories share certain important common assumptions regarding the form of moral duty to assist. Thirdly, this analysis clarifies the points of conflict and distinction between these moral approaches that yield different substantive accounts of what a moral duty to assist would entail.

Contesting this claim does not address the moral tensions that have given rise to the sense of unease within the assistance industry. However, it does establish a frame of reference, clarifying the philosophical foundations of the duty to aid across the two approaches, and their points of connection and disconnect. As neither Kant nor Sidgwick provide practical applications of their accounts of moral duty to the contemporary circumstances of assistance, I examine leading contemporary deontological and consequentialist applied ethical accounts that claim linkages with these foundational moral theories in the following chapters.

2.2   Deontological Ethics and Assistance

2.2.1   Barnett and Snyder's Characterisation of Deontological Ethics

Barnett and Snyder develop a taxonomy of approaches that, they argue, are evidence of a gradual shift away from deontological ethics in the practice of assistance. So, a fair point of departure in this investigation is, I suggest, to provide an overview of the particular deontological ethical approach that other approaches appear to be shifting away from. Barnett and Snyder take what they describe as the 'classical' humanitarian approach as an ideal-type account of deontological ethics. In constructing this ideal type account, they draw upon David Reiff's (2002) account of the moral requirements of the duty of assistance, and the operating principles of the International Committee of the Red Cross and Red Crescent (ICRC) outlined in the 'Red Cross Code' (International Federation of Red Cross and Red Crescent Societies and the ICRC 1994), also embodied in the UN General Assembly Resolution on humanitarian assistance (1991). These are the principles of humanity, impartiality,

neutrality, and voluntariness. According to Barnett (2011), these are principles to which 'classical' humanitarians hold tightly.[2]

The first question that must be addressed is how this particular characterisation fits into the broader tradition of deontological moral theory. In order to answer this question it is necessary to give some indication of what this tradition would take the idea of moral duty to be.

2.2.2   Foundational Deontological Account of Moral Duty

In the following I draw upon the work of Immanuel Kant. Kant's foundational account of moral duty and the moral duty of assistance within this provides a seminal deontological point of view that continues to influence debates within contemporary moral theory.

From the outset, it is important to acknowledge that Kant's work has been the source of philosophical debate and conflict for over two and a half centuries. Any attempt to reduce and summarise a particular element of this work might inspire a harsh response from Kantian scholars and long standing critics. However, it is not my intention to engage in these debates. The purpose of this section is to outline a foundational deontological account of moral duty in order to examine how Barnett and Snyder's ideal-type account might fit into such a wider framework.

For Kant, the duty of assistance, as a matter of moral duty, is a strict moral requirement that is binding upon all agents. According to Kant, 'the concept of [moral] duty as such is the notion of a necessitation (constraint) of free choice by the [moral] law; this constraint may be either external compulsion or self constraint. The constraint does not refer to[ideally] rational beings as such but rather to men, natural beings endowed with reason, who are unholy enough that pleasure can induce them to transgress the moral law, even though they recognise its authority' (1964: 37–37). Thus, moral duty is a constraint on the actions of human beings *as* agents who have the capacity to act rationally but can choose to act otherwise. As Kantian scholars note (Baron et al. 1997; Herman 1984, 2001, 2008), his concern is not with what human agents actually do (based on experience and empirical evidence). Rather, what they *ought* to do (pure ethics and practical reason), and how it is possible for them to understand and follow what they ought to do, that is, how they ought to act, in everyday situations.

Within this account, the duty of assistance is one type of moral duty to others that is binding on all agents. It is certainly not the only one. There are two main two categories of duty within Kant's account, both of which are a matter of strict

---

[2] However, as Barnett remarks, these norms are not part of 'humanitarianism's original DNA' (Barnett 2011: 5). For this, according to Barnett, we would need to examine religious practice, beliefs, and ideas of salvation.

obligation – duties of law (or right) and duties of virtue.[3] The key defining feature between these duties is that duties of law can be enforced through legal instruments and coercive mechanisms, but duties of virtue cannot: 'Accordingly the system of the doctrine of duties is now divided into the system of the *doctrine of law*, which deals with duties that can be enjoined by external laws, and the system of the *doctrine of virtue* which treats of duties that cannot be so prescribed' (Kant 1964: 36). These two main categories are further divided into four types – duties to one's self, duties to others, perfect duties, and imperfect duties. The duty of assistance is a duty of virtue that is imperfect (Kant 1996, 2002). The following explains the distinctions between these categories.

Duties of law or right are of strict and narrow application, that is, that they must be applied in all circumstances regardless of costs or other agent-relative considerations. Duties of narrow application demand specific act-types and entail a definitive life-span, such as a duty to pay back money borrowed, or a duty to keep a promise. In this sense, duties of narrow application can be described as 'act-based' duties, that is, such duties require the performance of specific acts in specific contexts.

Duties of virtue, on the other hand, are of wide application, that is, that the agent has latitude in determining when and how to fulfil the duty. This form of duty can require an agent to perform many different act-types over an indefinite period of time. They aim at a particular end. For Kant, the duty of assistance (or beneficence) entails an obligatory end to promote the happiness of others. In the Kantian framework, the relation of duties to ends can be understood as running in two directions: 'one can begin with the end and seek out the maxim of actions in conformity with duty [these would be duties of virtue and beneficence] or on the other hand one can begin with the maxim of actions in conformity with duty and seek out the end that is also a duty [duties of law and justice]' (Kant 1964: 40).

Perfect duties are fully determined act-based duties, that is, an agent can know which particular act is morally or legally required in all similar contexts. In this sense, they are complete and definitive. For example, when I pay my taxes each year, I have fulfilled my duty as a taxpayer for that year. Perfect duties can be externally enforced through legal rules and conventions. Thus, duties of justice are perfect in form. They are narrow, specified, determined, and strict. They are enforceable through external law (such as positive law within a defined territorial jurisdiction) and apply in all circumstances regardless of cost, individual skill, or capacity. Perfect duties are largely negative; that is, duties to refrain from certain act-types, rather than positive, that is, duties to perform certain act-types. However, under certain conditions duties of justice (as special duties) can demand positive actions, for example, distributive systems of taxation and welfare provisions in modern liberal democratic states. Perfect duties demand only that a person act in accordance with a specific rule. They do not demand that a person act in a *good* or *moral*

---

[3] Duties of virtue are sometimes described as duties of charity but I avoid using this term as it carries thick religious and faith-based meanings that this particular account of moral duty does not entail.

manner. The motive of such duties can vary. It can be the duty itself, or it may be out of self-interest, inclination, or fear of sanction.

Imperfect duties are ends (or goal)-based.[4] They are wide in application, that is, they may allow for a variety of different act types to be performed in their fulfilment. Imperfect duties are indeterminate, that is, they require an agent to engage in practical evaluation and judgement in order to determine the right, best, or most suitable course of action in a specific context. In this sense, imperfect duties are incomplete and open. They must be selected and enforced by the agent themselves. So, for example, a duty of beneficence demands that all persons should do acts of assistance; however, we cannot *force* a person to have a benevolent character or to take the ends and interests of all others into their private considerations. The motive of this duty is internal to the agent. According to Kant both forms of duty, because they are duties, are strict in obligation however the mode of application is different. Perfect duties hold in all similarly placed circumstances, imperfect duties can vary depending on the character and capacities of the agent (Kant 1996).

The duty of beneficence (or assistance) can be described as an 'ends-based' imperfect duty of virtue. Within Kant's account at least six essential elements of a duty of assistance that can be identified. Firstly, as a duty, assistance is a matter of strict obligation (that is, some act or course of action that agents ought to undertake or pursue). Secondly, this duty can be positive requiring agents to undertake specific actions. Thirdly, this duty is constrained by other duties, in particular perfect negative duties such as the duty not to harm. Fourthly, this duty is general or universal in scope, but particular and context-dependent in application. That is, it is incomplete, indeterminate, of wide application – there is an indefinite variety of act-types that one can undertake to act in accordance with the duty of assistance including care, emotional support, financial support, technical support, training, education, knowledge sharing, and so on. The required act-types depend firstly, on the circumstances within which assistance is required, and secondly, the constraints of both other duties and the ends of the duty.

Fifthly, this duty is ends-based (or goal-based), that is, it is aimed at certain specifiable ends –the promotion of conditions of well-being or happiness in others. Actions required by this duty are means towards these ends. Finally, actions arising from this duty are selective and particular. As it is not possible to come to the assistance of all others, all of the time, agents must select the specific actions they can undertake and for whom. Thus, the duty of assistance entails the process of deliberation and selection. This suggests that the character and behaviour of the agents is of critical importance. As we will see in later chapters, this seminar account of

---

[4] Brian Barry (1991, 1995), in his analysis of the distinction between perfect and imperfect duties, describes perfect duties as 'rights-based duties' and imperfect duties as 'goal-based duties'. Perfect duties are correlatives of rights, such that, if an agent has a right, then specifiable others have a duty to act in certain ways or avoid certain acts. If a rights-based duty is violated, then specifiable others can be coercively required to act. Imperfect duties, on the other hand, are 'goal-based', aiming more broadly at goals, ends, or outcomes. Act-types are not clearly specified and are not correlated with particular rights.

moral duty continues to inform and influence deontological ethical approaches within contemporary practical ethics.

As Barnett and Snyder have claimed that deontological ethical approaches provide an insufficient ethical framework for action when the need for assistance arises, it is important to comparatively assess their characterisation of deontological ethics against this foundational account of moral duty.

2.2.3   Connections and Distinctions

The following examines the relationship between the characterisation of deontological ethics provided by Barnett and Snyder and this foundational account of moral duty. This comparison will focus on three separate elements that are taken as premises within Barnett and Snyder's claim that deontological ethics is an insufficient guide to the practice of assistance within the contemporary circumstances of assistance. These are, that deontological ethics excludes consideration of ends; that this approach is insensitive to harms caused by action; and that this ethical framework is essentially rigid and conservative.

2.2.3.1   Exclusion of Ends and Outcomes

Barnett and Snyder claim that a defining feature of deontological ethics is that this approach excludes ethical assessment and consideration of outcomes. Specific interpretations and applications of the four core principles of classical humanitarianism could suggest support for this claim. None of these principles point to a consideration of specific ends. Yet, if agents are to act with intent, that is, if agents are to act to perform this duty, then agents must select ends at which their actions can be aimed. Imperfect duties, because they are open and unspecified, require agents to select courses of action to achieve these ends. Without these ends, then agents would have no reason to justify their actions. So, although it is not explicitly stated in some accounts of classical humanitarianism, it is more plausible to assume that all interpretations entail some account of the ends or outcomes at which action is aimed. According to Tom Weiss, 'the sanctity of human life is the first principle of all humanitarians and overrides other considerations' (Weiss 1999: 12). This is further evidenced in the 'Saving Lives Together' framework of the Inter-Agency Standing Committee.[5]

For Kant, the duty of assistance is aimed at an obligatory end – the promotion of the happiness of others as ends in themselves. What does this mean? Basically, it means that an agent of assistance cannot determine what another's ends ought to be or what will make another agent happy. The most that they can do is to promote conditions where others can fulfil their own ends and secure their own happiness.

---

[5] See https://interagencystandingcommittee.org/about-iasc for further details.

According to Herman, this is a 'duty to take others' happiness as one's end' (Herman 2001: 229). This end is both enabling, in the sense that it motivates agents to support others in attaining happiness, and also limiting or constraining, in the sense that it prohibits agents from deciding what another's end should be or what will bring them happiness. Thus, a task of shared practical reasoning is entailed in this approach as both agents (the subject and object of assistance) must engage with one another to determine what one needs that another can, and ought to, provide.

This indicates that Barnett and Snyder may be misguided when they state that deontological ethics excludes consideration of ends in relation to matters of assistance. This, of course, is not to doubt that some may choose not to make explicit the ends at which their actions aim. Only, that they must have ends in order to guide them in their selection between courses of action.

2.2.3.2 Insensitivity to Harm

A second premise within the claim that Barnett and Snyder have made concerns deontological ethics and the inability of agents to act according to these rules without causing harm. Again, Barnett and Snyder may be correct in their analysis of their ideal-type classical humanitarian account. These operating norms do not explicitly acknowledge that harms can occur through acts of assistance, or guide agents in how they ought to respond to such harms if they do arise. However, at this point, I suggest that this ideal-type account seems to conflict directly with deontological moral theories.

For Kant, as for many deontologists, imperfect duties are constrained by perfect duties. This is a hotly debated area with many arguing that perfect duties carry greater weight than imperfect duties. As the duty of assistance is imperfect and the duty not to harm is perfect, this would imply that the duty to harm, which is a duty of law (rights) ought to take priority in any case of conflicting duties. This can be further taken to imply that agents must consider the effects of their actions on recipients to ensure that their actions do not result in harms, to ensure that harms are minimised as much as possible, and may suggest that actions should not be taken in certain instances, where the probability of harm is high.[6] Although Barnett and Snyder may correctly identify some actors within the assistance industry that do not give sufficient consideration to the harm that their actions might cause, this objection does not hold against deontological ethical approaches more broadly.

---

[6] I take this weaker claim from Onora O'Neill's (1996) Kantian account of the duty to avoid systematic injury, and the sometimes unavoidable occurrence of gratuitous injury.

2.2.3.3 Deontological Ethics as Conservative and Rigid

This objection has been widely invoked against deontological ethics and ethical approaches over many centuries so it is not surprising to find this raised by Barnett and Snyder in their critique of the classical humanitarian ideal-type account. It is plausible to assume that Barnett and Snyder are correct in their analysis of how different actors and sets of actors engage with the four operating norms of classical humanitarianism. However, translating these norms into action is not an easy or straightforward process. As Jennifer Rubenstein points out, 'although it is a significant source of information, the Code [that is, the four norms identified above] does not begin to exhaust the morally relevant considerations that NGOs [or any others adopting a deontological approach] incorporate into their distributive decisions [or their selection of actions more broadly]. Nor does the Code say anything about how NGOs should decide among several courses of action, all of which are consistent with the Code' (Rubenstein 2008: 216). Thus, NGOs or any others adopting this code as a deontological framework must figure out these details for themselves. The processes they adopt or methods they employ to do this are of significant moral and practical importance.

However, as is evident from the overview of a Kantian perspective, it is not at all clear that this code exhausts the moral requirements of a duty to assist. As an imperfect duty, the duty of assistance is open and unspecified. Agents must select for themselves relevant courses of action to achieve their ends (such as the end of saving lives). Thus, the courses of action and act-types are open, not rigidly closed. The Kantian point of view need not be conservative. The courses of action and act-types that can be selected in the performance of this duty can vary widely. This moral requirement can imply that agents are to undertake positive acts to assist others. However, as an imperfect duty, it places the burden on the agent to determine what act types are necessary in a given context *and* can be undertaken without conflicting with other duties such as a duty not to harm.

The ICRC and classical humanitarians such as David Reiff have selected a particular domain in which to enact their interpretation of the duty to aid. Why it should be restricted to this domain is not determined by their commitment to deontological ethics. Indeed, why each of the elements in the ICRC code of conduct is a matter of strict requirement is not clearly or securely rooted in a deontological moral framework, at least not within a Kantian framework. It seems to me that this code, as it stands, does not exhaust the requirements of the duty and may not always provide a secure framework to fulfil the ends at which it aims; it is simply one instantiation of one way in which one agent (individual and collective) can help others.

From this analysis, I suggest that it is simply not plausible to dismiss deontological ethics as inherently problematical. However, it is plausible to assume that acting according to the particular set of rules and norms that define classical humanitarianism may be problematical in some instances. Believing that one has identified the *right* set of principles is not a sufficient reason for another to accept this claim if others find that the defined courses of action are not sufficient, and in some cases may act as a barrier, to achieving the ends at which they aim.

2.2.4 Objections

This analysis points to at least two objections to the claim raised by Barnett and Snyder concerning deontological ethics. Firstly, I have argued that the account of deontological ethics offered by Barnett and Snyder represents one particular account of duty-based ethics and is not representative of deontological approaches in general. The particular account they offer is an ideal-type account that they have constructed in such a way that it can be easily dismissed. Their account arbitrarily (because it does so without justification) restricts the duty of assistance to a prescriptive, determinate list of act-types. It restricts opportunities for different types of action that an imperfect, end-based duty such as the duty to assist entails. Secondly, and related to this, I suggest that this representation of deontological ethics is open to a charge of conceptual confusion that leads to the incorrect categorisation of other approaches evident within the assistance industry.

2.2.4.1 'Classical Humanitarianism' and Deontological Ethics

The first point to note is that Barnett and Snyder's characterisation of a duty-based approach is restricted to a particular set of operating norms to which, they claim, those within the field of humanitarian assistance hold tightly. However, drawing upon the arguments above, I suggest that this particular set of operating norms does not represent a fair or complete account of a deontological point of view, at least of a Kantian variety. The following explains why.

According to the ICRC's Jean Pictet, the fundamental norms of the ICRC, set out as a code of conduct, are 'rules based upon judgement and experience, which is adopted by a community to guide its conduct' (1979 Online. Cited in Thomas Weiss 1999: 2). The Code is practiced, for the most part, among humanitarian organisations responding to emergencies. For the Red Cross, the code, as a doctrine of humanitarianism, means 'protecting human beings in the event of conflict and of relieving their suffering' (Pictet 1979 Online: cited in Shapcott 2010: 136).

However, from a Kantian deontological point of view at least, it would be necessary to critically reflect upon the reasons for action and the constraints that Pictet places on act-types required to fulfil the duty of assistance. One of the first questions I would ask is, *whose* judgement and *whose* experience? Such claims to experience and judgement do not ground or justify the norms outlined in this code. Experience relates to practices that have been undertaken, to put it simply, things that have been or are done (or practiced), rather than what ought to be done. Stepping from an *is* to an *ought* is a considerable jump and would require further levels of justification and reasoning if it is to claim a connection with Kant's foundational deontological point of view. Experience and practice does not necessarily mean that these actions are the right actions to take. Further steps would be required to justify these norms and provide a secure moral basis for action.

The second question I would ask is, why is such action restricted to emergency situations? I would suggest this represents an arbitrary constraint on the practice of imperfect duties. The imperfect duty of assistance does not specify who, how, or when to assist. Rather, it requires the agents to select who to help, when and how. The ICRC has selected a particular domain in which to enact this duty. This does not exhaust the requirements of the duty, or fulfil the ends at which it aims. It is simply one instantiation of one way in which one agent can fulfil this duty.

It is possible to be bound by a duty of assistance, and to be committed to a duty-based approach without being bound rigidly by the Code, at least according to the foundational deontological perspective. There is no single set of operating principles or determinate set of acts that one is required to undertake. It is up to each agent to figure out when, how, and for whom they will act. The only specifiable requirement is that an agent is duty-bound to assist another in need. A deontological ethical approach can entail critical reflection, practical reasoning, judgement, and evaluation. Thus, Barnett and Snyder's restricted representation of deontological ethics to this code seems to me to be an unfair and inaccurate characterisation of the deontological point of view.

2.2.4.2   Conceptual Confusion

According to Barnett and Snyder, a consequentialist turn is evident in the practice of humanitarian assistance over the last decade. They claim that 'in response to the growing recognition that noble actions can have negative and unintended consequences, many aid workers argue that as they enact their moral duties they also must consider whether their actions are having the intended effect, and if not, how they might adjust their behaviour to improve the circumstances of those that are the objects of their assistance' (2008: 213–214). This realisation, they argue, is causing concern among those who follow a duty-based approach, and prohibits these actors from acting 'strategically'. Actors, they argue, are turning to consequentialist ethical approaches to avoid what they take to be the failures and insufficiency of a duty-based approach.

However, this seems to me to be a false dichotomy. Firstly, as I explained above, the imperfect duty of assistance is ends-based, that is, it guides action towards specific ends (for Kant, the obligatory ends of duties to others is to promote their happiness; or in the case of humanitarian action, the requirement to save lives). It does not restrict the courses of action that an agent can select and it is not blind to outcomes. If action leads to unintended harm, such as contributing to a higher loss of life than would have been the case without the intervention, then the duty not to harm requires the avoidance of harm in the first instance. It is simply false to say that acting from duty disables an agent from considering outcomes, harm, or taking further action in the event of unintended outcomes occurring.

Within Kant's deontological approach, the duty not to harm is a perfect rights-based duty. This means it is strict, narrow, and must be avoided. The duty of assistance, on the other hand, is imperfect. This means it is broad, open, and indeterminate

outside the context of need. An agent must examine the context of need to determine what actions to take to assist another. The perfect duty not to harm is a factor that must be taken into consideration when evaluating, judging, and determining what to do. Thus, the task of practical reasoning is central to an understanding both of how to act in accordance with an imperfect duty to assist, without violating other duties. Within this theoretical framework, the outcomes of actions matter if the ends are to be achieved and harm is to be avoided.

So, it seems as though the link between the classical humanitarian ideal-type account constructed by Barnett and Snyder holds a rather tenuous link with Kantian deontological ethics. This is not to say that this needs to be the case. I would suggest that a greater engagement with deontological moral theories could greatly liberate duty-based approaches from the self-imposed constraints some approaches have established. Deontological ethics provide a theoretical framework to support agents as they go about the task of deciding what the right thing to do is in a given situation. It is a particular way of reasoning. It entails critical analysis, and is compatible with creative approaches and solutions to difficult, non-ideal contexts, always with an eye on its ends. It is somewhat misleading to claim that deontological ethics is necessarily a conservative, rigid ethical approach that requires the blind acceptance of a priori prescriptive rules, in particular in matters related to the imperfect duty of assistance.

Thus, I have argued that the first claim, that deontological ethics is an insufficient and inadequate framework for guiding action when the need for assistance arises, raised by Barnett and Snyder, does not hold against deontological ethical approaches in general. Rather, it points to problems within a particular application of a duty-based approach, the classical humanitarian ideal-type approach. The following will move to an examination of the second claim, that a consequentialist turn is evident within the industry.

2.3 Consequentialist Ethics and Assistance

2.3.1 Barnett and Snyder's Characterisation of Consequentialist Ethics

Barnett and Snyder identify three approaches to assistance that, they argue, indicates a progressive shift towards consequentialism. These include firstly, the 'do no harm' approach developed by Mary Anderson (1999). Anderson extends the Hippocratic Oath to the humanitarian assistance industry whereby practitioners engaged in humanitarian assistance are restricted or constrained by a duty of 'do not harm'. According to Barnett and Snyder, this account is still bound by some of the operating norms of the Code, in that it seeks to be neutral and to operate with others on the basis of consent. However, it is sensitive to outcomes and seeks to avoid

particular types of harm, so is therefore evidence of a shift toward consequentialist ethical reasoning.

Secondly, the 'comprehensive peace-building' approach whereby practitioners engage with the political system to address the underlying political and social causes of need. Such an approach is evident within the UN's Peacebuilding Commission (2006).[7] This approach demonstrates a radical shift from classical humanitarianism, according to Barnett and Snyder, because it aims to influence domestic political, social, and economic institutions. It is essentially not-neutral, not-impartial, and on occasion, not voluntarily endorsed by a recipient state. As this approach aims at specifiable political ends and social change, and is unconstrained by the particular operating norms of the code, Barnett and Snyder argue that this account falls into a consequentialist ethical category.

Finally, the 'back a decent winner' approach developed by Barnett and Snyder, which they describe as a pragmatic, politically informed response to the contemporary context of need. The 'back a decent winner' approach comprises the following recommended courses of action. Firstly, it argues that agents of assistance accept an outcome that allows for stability as the value to be maximised. This entails assisting those who are 'capable of ending violence, creating a stable cease-fire, and improving the local conditions so that human rights abuses are reduced' (2008: 154). Secondly, this account 'aims to promote those who are willing to favour an enlightened stability but does not attempt to radically transform political, economic, and cultural structures' (2008: 154). Thirdly, according to Barnett and Snyder, this approach requires 'making tough assessments on both values and consequences' (2008: 155). This approach, it is claimed, embraces consequentialist ethics. But does it really? Do these other two accounts fall into the category of moral consequentialism?

2.3.2   Foundational Consequentialist Account of Moral Duty

The term 'consequentialist' encompasses a broad family of philosophical perspectives that largely converge on the moral significance and importance of outcomes, goals, or interests, in determining the moral value of actions and reasons to act. Philip Pettit describes the consequentialist perspective as encompassing a wide variety of 'value theories'. 'Value theory is a schema that fits a variety of quite different substantive theories' (1997: 124). One characteristic that draws these accounts together under one umbrella is that they share a perspective on 'what makes a right option right' (Pettit 1997: 92). For Pettit, and those within this broad tradition, consequentialism 'holds that a fundamental assumption about rightness is that a right option always does better than a wrong option in regard to acknowledged values' (1997: 124). So, if calculations and considerations (that is entailed in the practical

---

[7]The original formulation of this approach is attributed to Former UN General Secretary Boutros Boutros-Ghali (Barnett and Snyder 2008: 150).

task of ethical reasoning for consequentialists) indicate that one option is more likely to promote a particular value more than another, than this is the right option and the other is the wrong option.

Utilitarianism represents one group within this broad tradition. Utilitarians converge on the value of utility and on the role of the principle of beneficence. Broadly speaking, this principle gives rise to a normative claim on every agent to promote the good (this may be to increase happiness, or well-being, or capabilities, or utility, or decrease misery and suffering) by performing actions that will produce the best outcomes, or maximise the interests or happiness, of the greatest number of people. For many within this tradition, the principle of beneficence is the supreme principle of morality and an original feature of human nature. The motive of the principle of beneficence (or assistance) is to maximise happiness or well being or human flourishing for the greatest number. The following will give a brief account of a consequentialist point of view drawing upon Sidgwick's utilitarian moral theoretical framework as a foundational representative of this tradition.

Sidgwick's account provides a clear conception of moral duty, in general, and duties to assist, in particular, that can engage with and inform contemporary positions and debates. Sigdwick acknowledges Kant's division of duties. An analysis of this account demonstrates the points of connection and disconnection between the deontological and consequentialist points of view with great clarity. Again, this analysis is concerned with moral duty, and in particular, the duty of assistance within this account. No attempt is made to offer a complete exposition of Sidgwick's moral theory.

For Sidgwick, general happiness is the ultimate and categorical end to which all duties and actions should aim. 'The rules of conduct which men prescribe to one another as moral rules are really – though in part unconsciously – prescribed as means to the general happiness of mankind, or of the whole aggregate of sentient beings; and it is still more widely held by Utilitarian thinkers that such rules, however they may originate are only valid so far as their observance is conducive to the general happiness' (1901: 8). General happiness, for Sidgwick is distinct from the private happiness of any single individual. It is a cumulative aggregate.

All actions, then, should seek to maximise the greatest happiness of the greatest number. This guiding principle sets moral requirements whereby agents are duty-bound to undertake actions that can achieve this outcome. It is possible to discern weak constraints on the types of actions that may be required. For example, Sidgwick argues that 'morality prescribes the performance of duties equally towards all, and that we should abstain as far as possible from harming any' (1901: 168). It is clear that the utilitarian principle of general happiness requires agents to act in the interest of others and avoid harm as much as possible. However, there is no absolute constraint on avoiding harm. Trade-offs can be justified within this approach whereby harm may be permissible in cases where greater good (as happiness) can be achieved.

For Sidgwick, the duty of assistance is a particular type of duty to others who have special needs or are in distress. However, he warns 'these are generally recognised claims: but we have considerable difficulty and divergence when we attempt

to determine more precisely their extent and relative obligation: and the divergence becomes indefinitely greater when we compare the customs and common opinions now existing among ourselves in respect of such claims with those of other ages and in respect of such claims with those of other ages and countries' (1901: 238).

There are six essential elements of a duty of assistance that can be drawn from this example of a utilitarian ethical account. Firstly, as a duty, assistance is a matter of strict obligation (that is, some act or course of action that agents ought to undertake or pursue). Secondly, this duty can be positive requiring agents to undertake specific actions. Thirdly, this duty is general or universal in scope, but imperfect[8] and context-dependent. That is, it is incomplete, indeterminate, of wide application. Fourthly, this duty is ends-based, that is, it is aimed at certain specifiable ends – the greatest happiness of the greatest number. Actions required by this duty are means towards these ends. Fifthly, actions arising from this duty are selective and particular. Agents must evaluate each context to determine which actions will result in the greatest happiness of the greatest numbers. So for example, the level of need and the severity of a situation may not be sufficient reasons to act. Rather, whether assisting agents can secure the best outcomes in this situation, or if the right action would be to direct resources and attention to another situation where better outcomes (greatest happiness of the greatness number) can be secured, would require consideration when acting. Finally, this account permits harm, but agents ought to try to avoid harm as much as possible. The benefits gained from particular courses of action ought to outweigh any harm caused.

2.3.3   A Consequentialist Turn?

Before examining the account that Barnett and Snyder wish to defend and promote, that is, the back a decent winner account, I firstly want to examine where the other two approaches sit in the spectrum that Barnett and Snyder have constructed between deontological ethics and consequentialist ethics, namely the 'do not harm' and 'comprehensive peace-building' approaches. Both of these approaches share an overlapping consensus on the moral duty to assist others in need, however, they offer different accounts of what this can entail. I suggest both of these approaches could support some variation of Tom Weiss's claim that, 'the sanctity of human life is the first principle of all humanitarians and overrides other considerations; but neutrality, impartiality, and consent are second-order principles that may or may not be accurate tactical guides. Traditional principles were developed as a means to safeguard life, but they no longer provide unequivocal guidance and should be modified when necessary' (Weiss 1999: 12). Both of these approaches, to a varying degree, take ethics to be a practical, active task requiring engagement and practical

---

[8] It is important to note that this approach does not restrict imperfect duties to 'internal' constraint, meaning that imperfect duties can be enforced through legal mechanisms and instruments if this is what is required to maximise a particular value, such as utility or happiness.

reasoning, rather than a passive task, constrained by a set of operating norms. However, to me, this is not evidence of a 'consequentialist turn', rather, more sophisticated methods of moral reasoning within duty-based approaches.

For Anderson (1999, 2004), actions that can be undertaken are constrained by other duties that agents also hold, in particular, the duty not to harm (1999, 2004). Anderson's approach is rooted in a firm deontological framework whereby the duty to aid is constrained by the duty not to harm. This, it would seem, is more accurately described as an end-based account of an imperfect duty to assist as a duty of virtue constrained by the perfect duty to avoid harm and injury as a duty of law and right. Due to the complexity of the circumstances of assistance, according to Anderson, aid cannot, and does not, have a completely neutral effect. It can be used to sustain conflicts and suffering rather than reduce or prevent these. As a consequence, she argues that it needs to be constrained by the perfect duty not to harm. This suggests that the 'Do no harm' approach is representative of a more sophisticated deontological approach, rather than evidence of a 'consequentialist turn' as Barnett and Snyder suggest.

It is also not immediately clear that the comprehensive peace building approach advocated by the UN is closer to a consequentialist rather than a deontological approach. This approach aims at the end of creating and sustaining conditions where human rights can be realised in areas where this is currently not the case. However, deontological ethics and consequentialist ethics offer different ways in which human rights can be grounded and secured.[9] Without explaining which approach is employed to ground and justify human rights, it is not possible to state that a peace building approach is consequentialist *or* deontological. It is plausible to assume that as this is a UN initiative, and as the UN as organisation is the guardians of the Universal Declaration of Rights (UDHR), then the inherent dignity of every human being, and the equal and inalienable rights of all members of the human family recognised with the UDHR would suggest that this approach might fall more comfortably into a deontological framework rather than a consequentialist framework. Without a deeper analysis of this model it is not possible to say of which framework it is representative. However, it is possible to argue that a reference to the promotion of human rights does not necessarily indicate a 'consequentialist turn'. This could just as easily indicate a deepening connection with a deontological ethical approach rather than a departure from it. Thus, I am not convinced that the 'do not harm' or the 'comprehensive peace-building' approaches are necessarily consequentialist ethical models.

The following will now focus on a comparison between Barnett and Snyder's 'back a decent winner approach' and the foundational utilitarian consequentialist ethical approach outlined above. I suggested earlier that this particular representation is closer to act consequentialism than the other approaches Barnett and Snyder identified as consequentialist. Walter Sinnott-Armstrong describes act consequentialism as 'the claim that an act is morally right if and only if that act maximizes the good, that is, if and only if the total amount of good for all minus the total amount

---

[9] For an exposition of both of these positions see for example Peter Jones (1994) *Rights.*

of bad for all is greater than this net amount for any incompatible act available to the agent on that occasion' (2006).

2.3.4   Connections and Distinctions

As mentioned above, there are six constitutive elements of the duty of assistance that can be ascertained within a consequentialist point of view such as Sigdwick's. This duty is a matter of strict obligation, incumbent upon all agents (and universal in reach), it is positive requiring agents to act, it is imperfect, it is ends based (the end of greatest happiness of greatest number), it requires a process of selection, evaluation, and judgement to determine who, how, and when to act, finally, agents ought to try to avoid harm as much as possible in their actions. Barnett and Snyder's account entails three components. Firstly, that stability is the end to be achieved and maximised; secondly, that this will not entail radical institutional transformation; thirdly, that this will entail tough decisions and trade-offs between values and consequences. The following will restrict its comparison to three elements – firstly, their assumption that this approach is better equipped to address the problem of harm in the practice of assistance; secondly, that consequentialist approaches allow for greater flexibility on the selection of act-types and courses of action; thirdly, that Barnett and Snyder's account entails the essential elements of the imperfect duty of assistance that is entailed in consequentialist accounts of moral duty.

2.3.4.1   Case of Uncomfortable Trade-Offs

The 'back a decent winner approach' prompts some uncomfortable questions regarding values and trade-offs. Firstly, Barnett and Snyder suggest that promoting 'stability' is one way to protect and promote human rights. This gives rise to two questions. Firstly, which values carry moral weight - stability or human rights? The second question I would ask is whose human rights? Based upon our empirical understanding of the nature of complex humanitarian emergencies in particular (see Chap. 1), it is highly implausible to assume that one side of the warring faction will simply accept that the others have human rights to which they ought to extend consideration. If the greatest happiness of the greatest number is to be achieved in this particular circumstance, it seems that the human rights of some can be justifiably sacrificed. This uncomfortable conclusion seems to follow from the assumptions Barnett and Snyder have employed in the construction of this account. Yet, they avoid examining this directly.

This uncomfortable conclusion is an objection against some accounts of utilitarian consequentialism that have informed philosophical debates over many decades, in particular, consequentialist conceptions of human rights. This conclusion has far reaching implications, in particular for matters of assistance in the contemporary context. For example, if areas are simply too volatile, or if the numbers effected are

too low, or if the actions required are too costly, then assistance may be justifiably withheld from one emergency and channelled to another, perhaps 'easier' situation where the outcomes can be achieved at a lower cost. The rightness and wrongness of acts and courses of action is judged on the aggregate effect of these acts on the particular *moral* value to be promoted. The question of trade-offs is fraught with difficulty. There is no easy answer. From the perspective of the agent seeking assistance from another, the fact that their situation is not big enough or will take great cost and effort to resolve may not seem a sufficient reason.

So, I suggest that traditional consequentialism does not necessarily provide stronger protection against harms. However, it does provide a mechanism for weighing outcomes and potential harms. Further, if the actions fail to maximise certain moral values, and cause more harm than good, then consequentialist actors would be required to address these outcomes and select alternative actions to promote their values. Whatever action is required to produce a particular, morally valuable outcome, can justify a limited level of harm. However, this is a delicate balance and one that requires rigorous ethical scrutiny. This is not evident in the 'back a decent winner' account of consequentialist ethics. Here it seems to be the case that stability is the value to be promoted. However, further justification would be required to argue that this value carries moral weight, and ought to be maximised and promoted.

2.3.4.2 Flexibility in the Selection of Act-Types and Courses of Action

Barnett and Snyder argue that consequentialism provides a more strategic and flexible approach to the practice of assistance than deontological ethics. However, in the accounts examined, it is not clear why this would be the case. Consequentialist moral theories do have constraints. It is not completely open and unconstrained in the way in which they suggest it is.

Traditional consequentialist accounts seek to maximise particular values or state-of-affairs (outcomes or consequences) that carry intrinsic moral worth. They weigh considerations and courses of action to determine which actions are required to achieve these outcomes. It does not admit of an 'anything goes' approach. Rather, actions are deemed right or wrong depending on their effect on particular moral values. Considerable flexibility, and sometimes unpalatable choices, may be necessary to maximise a particular outcome. However, the actions are justified by the ends achieved. If the ends (consequences / values / outcomes / states of affairs) are not specified and do not carry moral value, as appears to be the case in Barnett and Snyder's account, then this is difficult to justify from a moral consequentialist point of view. They suggest a plurality of ends including stability, enlightened stability, and the promotion of human rights, as ends that could be achieved through this approach, however considerably greater attention is required to explain how each of these concepts are linked together into a coherent moral theory.

2.3.4.3   'Back a Decent Winner Approach' and Consequentialist Ethics

The aim, value, or end of the 'back a decent winner' approach to the practice of assistance is not sufficiently clear. Further, the acceptance of 'a second-best outcome of workable stability' (Barnett and Snyder 2008: 154), could not, I suggest, represent the *right* thing to do from a traditional consequentialist point of view. Anything that fails to maximise the core values and ends is simply the wrong thing to do.

This objection is raised in particular, in relation to the second element of Barnett and Snyder's account - this account 'aims to promote those who are willing to favour an enlightened stability but does not attempt to radically transform political, economic, and cultural structures' (2008: 154). If the causes of the need for assistance lie in the political, economic, and cultural structure, why would an agent of assistance not seek to change these, if not in the short term, then at least in the medium to long term? If such change is required to achieve certain ends (greatest happiness of the greatest numbers), then change to the basic structures of a society would be morally required. On the basis of the evidence examined, I would suggest that the approach advocated by Barnett and Snyder (2008) is better understood as a pragmatic response to non-ideal situations. It is not representative of an 'ethics of consequentialism'. Greater consideration of the moral values or consequences that they are seeking to promote would be required.

2.3.5   Objections

2.3.5.1   Consequentialism and Deontology Misconceived

Barnett and Snyder have argued that an ethics of consequentialism offers a more strategic and helpful approach to the practice of assistance than deontological ethics. Their claims against deontological ethics are deepened when they argue that 'international organisations and aid agencies… have demonstrated little inclination toward strategic analysis, perhaps because they are instinctively attracted to an ethic of duty and allergic to an ethic of consequentialism' (2008: 145). Thus consequentialist approaches are equated by Barnett and Snyder with progress and strategic thinking. The converse of this implies that those practicing a duty-based approach are *not* progressive or strategic actors.

However, I think such an evaluation of the two approaches is misleading. Deontological ethics is not inherently rigid and inflexible. It is not anti-strategic in the way in which Barnett and Snyder imply. Also, consequentialist ethics is not completely open and unconstrained in the way in which they suggest it is. Consequentialist ethics is a moral theory that seeks to promote particular moral values. When Barnett and Snyder argue this approach requires 'making tough assessments on both values and consequences' (2008: 155), it is not at all clear what this means from a consequentialist point of view. Both consequentialist and

deontological ethical approaches require agents to engage in a task of practical reasoning to evaluate situations and selection between courses of action. However, which course of action they select is directly influenced by the ethical framework within which they operate, and the outcomes they seek to promote – the happiness of the greatest number, or the happiness of others as ends in themselves.

It is also not clear that accepting the requirement to 'make tough assessments' demonstrates that one is a consequentialist. Consequentialist ethicists would indeed embark upon an assessment of actions as these relate to the moral value or outcome they seek to promote. They would not, however, admit of a compromise of these values or outcomes. It is simply not the case that consequentialist ethics reduces values and consequences to trade-able commodities.

2.3.5.2 Conceptual Confusion

Barnett and Snyder identify three features that they take to distinguish deontological and consequentialist ethical approach to the duty and practice of assistance. These are firstly, that deontological ethics excludes consideration of outcomes whereas consequentialist ethics does not. As I have argued above, this is not necessarily the case, in particular, in relation to the duty of assistance within both of the foundational moral theoretical frameworks. Secondly, that deontological ethics cannot give sufficient attention to the harms that can be caused by acts of assistance, whereas, consequentialist ethics can allow for greater flexibility to avoid such harms. Again, this point of distinction does not stand up to scrutiny. Deontological ethical approaches are constrained by other duties, in particular perfect duties. The duty not to harm is a perfect duty of law (and right) within Kant's framework of moral duty. Consequentialist ethics also seeks to avoid harm when possible. However, it does permit harm if this is required to maximise a particular value. The benefits of action must always outweigh the harms. However, the benefits are measured at an aggregate level and can permit trade-offs entailing some level of harm at the individual level. Finally, they argue that consequentialist ethical approaches are inherently 'strategic', and deontological ethics are not. Again, this claim appears to lack any foundation. Both foundational moral theories assume that the duty of assistance is an imperfect duty that is wide, open, and unspecified. Both assume that agents must actively engage in the task of practical reason to figure out how to act in accordance with this duty in particular circumstances. Both accounts are essentially context and agent based. Therefore, I suggest there are sufficient and reasonable grounds for contesting the claims put forward by Barnett and Snyder.

However, this cannot be the end of the story. There are at least two implications that can be drawn from the above analysis. Firstly, it could be argued that my examination of these claims uses a similar method to that chosen by Barnett and Snyder. A potential objector could argue that I have employed the rhetorical device of constructing a straw-man account of deontological and consequentialist ethics in order to challenge Barnett and Snyder's ideal-type accounts. Therefore, I am obliged to provide further evidence that both approaches can support the accounts of the duty

of assistance that I have suggested they can. Secondly, the findings of this analysis do not address the underlying tensions and concerns of those operating within the assistance industry. They simply find that the solution offered by Barnett and Snyder is not sufficient for the task.

The first potential objection will inform subsequent chapters where I analyse the duty of assistance within contemporary applied deontological accounts of the duty of assistance and their fit with a Kantian point of view outlined in this chapter. I will take up the second point in the following section. In this section I extract a number of tensions between the two great traditions of deontology and consequentialism in matters related to the duty of assistance, and how these can be usefully employed to examine the philosophical problem evident within the assistance industry. This problem is concerned with the limits and extent of the duty of assistance and how agents can act in accordance with this duty without causing greater harms within the contemporary circumstances of assistance.

2.4   Tensions Between the Great Traditions

There are at least three critical points of difference between these approaches regarding the implications of the constitutive elements of the duty of assistance. These relate to the ends of this duty, the limits of this duty, and the implications of the imperfect nature of this duty.

Both foundational accounts of this moral duty take the idea of the happiness of others to be the outcome at which this duty aims. Yet, for both, the idea of happiness also represents a constraint on the performance of this duty. For deontological ethics, the happiness of others can only be determined by those others, and so this account places the agency of the other as the critical constraint on the act-types that can be selected in the performance of this duty. It also allows for a plurality of ends. It is open, not closed in this sense. However, it is constrained at all times by the duty not to harm.

For traditional (utilitarian) consequentialist ethics, the greatest happiness of the greatest number (or for some, reducing the greatest amount of suffering for the greatest number) determines the right and can inform in the selection of who to help and how. Further, this acts as a critical constraint on the act-types that can be selected in the performance of this duty. Thus, how these ends are achieved is fundamentally different within these accounts – deontological ethics requires the agent of assistance to continuously test their actions and intentions to ensure they are not violating other duties they may have. Consequentialist ethics requires the agent of assistance to continuously weigh their acts to ensure they are maximising happiness in as many agents as possible.

The second point of difference between the two traditions lies in their accounts of the limits of the duty of assistance. From a Kantian point of view, there are two constraining elements limiting the actions that can be required by this duty. The first element relates to the end of the duty, as discussed above. The end of the duty is to

promote happiness in another as an end in themselves, so the duty is fulfilled between agents when the conditions are such that both can act as ends in themselves, therefore in some sense autonomously (Herman 1984, 2008). The second limit on this duty is, quite simply, other duties, in particular, duties to ones' self and perfect duties to others. For Kant, all agents, as ends in themselves, have a duty of self-development.[10] All action is performed within a wider landscape of moral duty, so agents also have perfect duties not to harm or injure others in the performance of their actions. Acts or instruments employed in the performance of one duty, such as a duty of assistance, must avoid, as far as is possible, violating other duties that are binding on agents.

The situation is somewhat different within the consequentialist tradition. As the duty of assistance is a requirement of the supreme principle of beneficence, there are less obvious constraints on the duty. Acts and actions must maximise the value of utility (happiness and so on). Therefore actions that fail to do this should be avoided (see Baron et al. 1997). However, agents are expected to promote this value at all times, so it could be argued that they are obliged to evaluate all acts, act-types, and actions to achieve this. The particular values to be promoted can justify many different types of actions and act-types and do not lend themselves easily to restrictions such as a duty not to harm, only weak constraints to avoid harm as much as possible. So there are clear differences in how both of these positions treat the question of harm and permissible harms (see Baron et al. 1997).

The third point of difference between these accounts lies in the moral implications of the imperfect nature of the duty of assistance. For those within the Kantian tradition, imperfectness means that such duties ought not to be enforced. The mode of application of imperfect duties suggests that they cannot be enforced through external constraints (such as legal systems), rather they can only be enacted by the agent. For those within the consequentialist tradition the imperfectness of the duty does not carry any such constraints. If certain actions or act-types are determined and specified as the best actions or act-types to maximise an outcome, then these can be enforced in whatever manner necessary to secure those outcomes. Thus imperfect duties can be perfected, that is specified and enacted through an institutionalised framework if this is necessary to achieve certain outcomes. Much turns then on how imperfect duty is defined within these accounts.[11]

My intention in this section is not to resolve any of these conflicts. These will be examined in later chapters. My intention here is to highlight the richness and complexity of the accounts of moral duty within these traditions and the tensions and differences that exist between the two theoretical frameworks, in particular as these relate to our understanding of the duty of assistance.

---

[10] For an extensive discussion of the limits of the duty of beneficence see Barbara Herman's 'The scope of moral requirement', (2001).

[11] Daniel Statman develops this point in a rich, eloquent, and thoughtful essay entitled 'Who needs imperfect duties' (1996).

2.5   Conclusion

In this chapter I examined two claims raised by Barnett and Snyder (2008), that an ethics of deontology is insufficient to guide agents in the practice of assistance; and that a consequentialist turn is evident within the assistance industry that is to be welcomed as a more suitable guide to agents in the practice of assistance. I contested the conclusions of both of these claims by examining two influential foundational deontological and (utilitarian) consequentialist accounts of moral duty.

I argued that ethical approaches that critically reflect upon the operating norms of classical humanitarianism do not necessarily demonstrate a turn towards consequentialism. Such a claim radically underestimates the richness and complexity of both deontological and consequentialist moral theoretical frameworks. Further, I argued that some approaches, in particular the 'do no harm' and 'comprehensive peacebuilding' approaches are perhaps representative of more sophisticated deontological ethical reasoning. The foundational account of deontological moral duty examined in this chapter points to the need for such reflection, deliberation, and evaluation when acting according to duty.

By outlining the similarities and differences in the foundational accounts of moral duty within deontology and consequentialism, it is clear that moving from one ethical approach to another is not an easy or simple activity. Duty-based approaches take one way of specifying what is right and what is wrong in a given situation. Consequentialist based approaches take another. They may, and often will, propose very different act-types to reach their end. It is not clear to me that a shift of this fundamental type has been sufficiently justified or indeed is evident in the practice of assistance. Such a shift would require significantly wider considerations of the ethical implications of alternative approaches. Barnett and Snyder's ideal-type account ('back a decent winner') seems to me to be based more on pragmatic and instrumental reasons rather than an intentional philosophical shift towards consequentialist ethics and the promotion of certain specifiable, *intrinsic* values.

I argued that an ethical system is employed by agents as a method of determining not just what to do, but what the *right* thing to do is, in a given context. Consequentialist ethics promotes certain outcomes, values, or states of affairs, not because these are efficient but because they hold an intrinsic value that other values do not hold, and that can justify certain courses of action. For example, maximising the greatest happiness for the greatest good can justify sacrificing the interests of some for the benefit of others. If the aggregate level of happiness is increased, then this is the right course of action to pursue.

A transition from a duty-based approach to a consequence or outcome-based approach is a radical change. It is not my intention to suggest that this is a good or bad development. Only that it is a fundamental change and one that requires significant attention and critical reflection. Without critical reflection, and careful selection of a chosen course of action based on reasons, there is a substantial risk of either adopting the right approach for the wrong reasons; or the wrong approach for the right reasons.

Why an agent acts upon the duty of assistance directly informs how an agent acts. It informs agents on what actions are permissible and impermissible. It establishes the breadth and reach, the extent and limits, of the courses of action agents can undertake. It seems that the critical philosophical tension that experiences within the assistance industry points to relate to the question of how agents ought to act in the performance of this duty without causing further harms.

The abstract foundational accounts of moral duty examined in this chapter do not systematically address the question of what this duty would entail in practice, or more precisely, how this duty could be invoked to guide the practices of the assistance within the contemporary circumstances of assistance. However, contemporary philosophers, engaged in the practice of applied ethical and moral theory, such as John Rawls (from a deontological point of view) and Peter Singer (from a Utilitarian point of view) do examine this. Thus, I move to an examination of these approaches in the following chapter. In particular, I examine how contemporary ethical approaches to the duty of assistance offer ways to resolve the tensions and problems faced by those engaged in the current practices and institutions of the assistance industry.

References

Anderson, M. 1999. *Do no harm: How aid can support peace or war*. Boulder: Lynne.

Anderson, M. 2004. *"Do No Harm": Reflections on the impacts of international assistance provided to the occupied Palestinian territories. Report*. Cambridge, MA: Collaborative Learning Projects.

Barnett, M. 2011. *Empire of humanity*. Ithaca/London: Cornell University Press.

Barnett, M., and J. Snyder. 2008. The grand strategies of humanitarianism. In *Humanitarianism in question*, 143–171. Ithaca and London: Cornell University Press.

Barnett, M., and T. Weiss. 2008a (eds.). *Humanitarianism in question*. Ithaca/London: Cornell University Press.

Barnett, M., and T. Weiss. 2008b. Humanitarianism: A brief history of the present. In *Humanitarianism in question*, 1–48. Ithaca/London: Cornell University Press.

Baron, M.W., P. Pettit, and M. Slote. 1997. *Three methods of ethics*. Oxford: Blackwell Publishing.

Barry, B. 1991. Humanity and justice in global perspective. In *Liberty and justice: Essays in political theory 2*, 182–210. New York: Oxford University Press.

Barry, B. 1995. *Justice as impartiality*. Oxford: Oxford University Press.

Herman, B. 1984. Mutual aid and respect for persons. *Ethics* 94(4): 577–602.

Herman, B. 2001. The scope of moral requirement. *Philosophy and Public Affairs* 30(3): 227–256.

Herman, B. 2008. Morality unbounded. *Philosophy and Public Affairs* 36(4): 323–358.

International Federation of Red Cross and Red Crescent Societies and the ICRC. 1994. *The code of conduct for the international Red Cross and Red Crescent Movement and Non- Governmental Organisations (NGOs) in Disaster Relief*. URL, http://www.icrc.org/eng/resources/documents/misc/code-of-conduct-290296.htm.

Jones, P. 1994. *Rights*. New York: Palgrave Macmillan press.

Kant, I. 1964. (Gregor, M. Gregor translation and introduction). *The metaphysics of morals: The doctrine of virtue*. New York: Harper & Row.

Kant, I. 1996. *The metaphysics of morals*. New York: Cambridge University Press.

Kant, I. 2002. *Groundwork for the metaphysics of morals*. New York: Oxford University Press.

O'Neill, O. 1996. *Towards justice and virtue*. Cambridge, UK: Cambridge University Press.

Reiff, D. 2002. *A bed for the night: Humanitarianism in crisis*. New York: Simon and Schuster.

Riddell, R. 2007. *Does foreign aid really work?* Oxford: Oxford University Press.

Rubenstein, J. 2008. The distributive commitments of international NGOs. In *Humanitarianism in question*, 215–234. Ithaca/London: Cornell University Press.

Shapcott, R. 2010. *International ethics*. Malden/Cambridge, UK: Polity Press.

Sidgwick, H. 1901. *The method of ethics*, 6th ed. London: Macmillan.

Sinnott-Armstrong, W. 2006. Consequentialism. In *Stanford encyclopaedia of philosophy*. URL http://plato.stanford.edu/entries/consequentialism/.

Statman, D. 1996. Who needs imperfect duties. *American Philosophical Quarterly* 33(2): 211–224.

UN General Assembly Resolution 46/182. 1991. URL, http://www.un.org/documents/ga/res/46/a46r182.htm

Weiss, T. 1999. Principles, politics, and humanitarian action. *Ethics and International Affairs* 13(1): 1–22.

Chapter 3
Contemporary Philosophical Faces of Deontology and Consequentialism – John Rawls and Peter Singer

Abstract This chapter examines the following question – to what extent do contemporary ethical approaches to the duty of assistance offer ways to resolve the tensions faced by those engaged in the current practice of assistance? Two broad categories of responses that cut across traditional consequentialist and deontological boundaries are evident – instructive accounts that seek to specify precisely what the duty of assistance entails, and more specifically, what the content of this obligation is for affluent citizens towards those in need beyond their borders; and distributive accounts that resist the temptation to specify the content of the duty, focusing instead on opportunities offered by the imperfect structure of this duty, the possibilities of agency, and the processes and tools required for giving expression to this duty in different contexts that interrupt the usual order and practice. This chapter focuses on the first group of accounts through a comparative analysis of the work of John Rawls and Peter Singer. It argues that the instructive focus proposed in both approaches are at risk of over-specifying and simultaneously and under-estimating the requirements and reach of the duty of assistance. Ultimately, it argues that such instructive accounts do not provide pathways to resolve the tensions faced by those engaged in the current practice of global assistance.

3.1 Introduction

The foundational accounts of moral duty that underlie the duty to assist examined in Chap. 2 do not systematically address the question of how this duty could be invoked to guide the practices of the assistance industry in its contemporary globalised form. Thus, I take up this challenge in this chapter and address the following question: To what extent do contemporary ethical approaches to the duty of assistance offer ways to resolve tensions faced by those engaged in the current practices and institutions of assistance? More simply put, this chapter asks if these accounts can guide the actions of agents in assisting others without causing harm within the contemporary circumstances of assistance.

Two broad categories of responses seem to separate the literature. On the one hand, there are instructive accounts that seek to secure the foundations of current institutions and practices by specifying more precisely and narrowly what this duty

entails.[1] This perspective is evident within both contemporary deontological and consequentialist (utilitarian) approaches. These prescriptions underwrite and reinforce, so to speak, the existing institutional framework and contemporary practices. Quite how these prescriptions would address the underlying tensions that exist within this industry is not immediately clear and so is clarified and evaluated in this chapter.

On the other hand, there are disruptive accounts who seek to critically examine and evaluate at a broader level how we think about ourselves and our connections with others; what all agent's duties to others are, including a duty of assistance; how we come to have this; what this duty would entail, and how it might connect with other moral requirements.[2] Philosophers within this category argue that the duty to assist requires significantly more from agents that simply supporting and contributing to the existing institutional framework. Such disruptive approaches allow for critical examination of the industry and the practices within this. Their aim is to provide agents with a practical guide to ethical reasoning to enable deliberation, evaluation, judgement, and appraisal of actions, and reasons for action.

This chapter will focus on the first set of instructive approaches. In particular, I examine John Rawls's deontological contractualist account and Peter Singer's consequentialist utilitarian account. The contributions of both philosophers have been enormously influential within the literature on global justice and international ethics. In many ways, their moral theories and methods of practical ethics have shaped and driven the content and boundaries of these debates.

Contemporary political philosophers contributing to the literature on global justice and international ethics take their task to be one of practical ethics, broadly understood.[3] At least two approaches are employed within this literature. The first is evident in the work of Peter Singer. According to Singer, practical ethics can be broadly described as 'the *application* of ethics or morality to practical issues' (2011: 1). The other approach is what is sometimes termed a 'Kantian *constructivist*' approach. This approach is adopted in particular by deontologists such as John Rawls and others from the Kantian tradition.[4] Christine Korsgaard describes this as follows: 'practical philosophy is not a matter of finding knowledge to apply in practice. It is rather the use of reason to solve practical problems' (Korsgaard 2003: 115).

---

[1] For example, some have argued that affluent citizens in affluent states ought to increase donations to charitable organisations (Peter Singer); or that such citizens ought to build upon the existing international institutional infrastructure (in particular, institutions of the UN) to support peace-building and state building efforts in underdeveloped regions (John Rawls).

[2] For example Onora O'Neill (2000) and Amartya Sen (2009) both seek to secure the moral basis of the duty to assist, and the moral standing of agents in need of assistance.

[3] The term 'practical ethics' is somewhat ambiguous and the source of much debate among philosophers. For a contemporary perspective on what this entails, see Peter Singer's third edition of *Practical Ethics* (2011), and for an interesting, yet briefer read, Martin Benjamin's essay 'Between Subway and Spaceship: Practical Ethics at the Outset of the Twenty-First Century' (2001) provides an elegant overview of the aspirations and challenges of this endeavour.

[4] Although Amartya Sen (2009) employs a form of this method within a consequentialist framework.

In what follows, I argue that the application or construction (depending on which approach to practical ethics is adopted) of a precisely specified duty of assistance exposes tensions and problems for both Rawls' and Singer's ethical frameworks that seek to secure the foundations of the current practices of assistance within the contemporary circumstances of assistance. We have seen that there are three main dimensions that the literature on the assistance industry identifies as relevant. These are moral dimensions related to bounded affiliations; epistemic dimensions related to deepening awareness of the needs of others, understanding of complexity of need, and interconnectedness; and thirdly, practical dimensions related to the uncertainty of probable outcomes of acts of assistance. In this chapter, I test the sufficiency and adequacy of these two contemporary accounts to guide assistance under these circumstances.

In this analysis, I suggest that both ethical frameworks fail to give sufficient consideration to the contemporary circumstances of assistance and the tensions to which these give rise. As a consequence, both accounts fail to provide a sufficient account of the duty to assist within the contemporary context. This prompts me to examine alternative approaches that entail very different ways of thinking both about this problem, and about the role of the agent within this, in the next chapter.

In the following sections, I outline the content of each approach and examine these through the lens of the circumstances of assistance. I then examine a number of critical objections that each approach must consider. Finally, I draw together the findings of this chapter and the questions that need to be considered.

3.2   Rawls's Contractualist Deontological Account

John Rawls is perhaps best known for his enormously influential work on the subject of justice within a closed-state domestic context in constitutional liberal democracies. Before examining the details of Rawls's account of the duty of assistance beyond the borders of a closed-state it is perhaps helpful to situate this into the context of his wider theory.

3.2.1   Background

Rawls's primary objective in his examination of justice is to resolve a particular problem within closed democratic societies. He is concerned with a tension between the balance of two concepts within liberal democracies – freedom and equality. Rawls identifies the roots of this impasse in the influence of John Locke as the representative of the 'liberties of the moderns' (Rawls 1980: 519), who prioritises freedom and civil liberties of the individual; and Jean Jacques Rousseau as the representative of the 'liberties of the ancients' (Rawls 1980: 519), who gives priority to issues of equality, political liberties and public life over civil liberties.

In *A Theory of Justice* (1971) and subsequent publications, Rawls defends an account of 'justice as fairness' as the solution to this problem and the method whereby the tensions between the demands of freedom and the demands equality could be dissolved. To reach this solution, Rawls invokes a method of Kantian constructivism. Rawls explicitly acknowledges that his solution is not representative of Kant's view. Rather, 'the adjective 'Kantian' means roughly that [justice as fairness is] a doctrine sufficiently resembling Kant's in enough fundamental respects so that it is far closer to his view than to the other traditional moral conceptions that are appropriate for use as benchmarks of comparison' (Rawls 1980: 517). The Kantian endeavour is to construct a conception of justice that all can accept under a particular set of conditions.[5] The moral objectivity of the conception of justice as fairness is not based 'on its being true to an order antecedent to and given to us, but its congruence with our deeper understanding of ourselves and our aspirations, and our realization that, given our history and the traditions embedded in our public life, it is the most reasonable doctrine for us' (Rawls 1980: 519). It draws upon the public political culture within constitutional liberal democracies to establish *political* principles that all within this domain could and would endorse.

In *The Law of Peoples* (1999) Rawls extends this political solution to the international domain establishing a narrower set of principles of justice intended to guide interactions between groups (states or peoples taken as free and equal entities) that could be endorsed at an international level. Thus, Rawls's account of the principles of justice and his subsequent account of the principles of the law of peoples (foreign policy principles for liberal peoples) are grounded upon a *political* rather than a *moral* basis. That is, they appeal to ideas and values within the public political culture of constitutional liberal democratic regimes. Neither Rawls's domestic policy nor his foreign policy requires the *application* of specific moral principles (in the way that Singer, for example, assumes). Rather his task is to *construct* a reasoned and reasonable solution for a particular practical problem grounded upon the shared principles and public political values of citizens in constitutional liberal democracies.

The duty of assistance represents a marginal component of this broader theory.[6] This is because, for Rawls, this specific duty is a matter of non-ideal theory. It is a duty that is required to move peoples from non-ideal conditions to ideal conditions

---

[5] It is intended to apply to the basic structures of constitutional liberal democratic societies. Such societies are closed and self sufficient; they share a public political culture including political reasoning and understanding; they are democratic in nature; and share a conception of the moral person 'as both free and equal, as capable of acting both reasonably and rationally, and therefore as capable of taking part in social cooperation among persons so conceived' (Rawls 1980: 517).

[6] Although the duty of assistance is introduced by Rawls in *The Law of Peoples* as the eighth principle of the law of peoples, his analysis of this duty falls into less than 15 pages (1999: 105–120). To get a broader understanding of the grounds, ends, content, and limit I have explored Rawls's other works, for example *Theory of Justice* (1971) discusses principles for individuals, including mutual aid (Chapter II: 19; Chapter IV on duty and obligation).

of well-ordered peoples.[7] As such, it ceases to be a requirement when ideal conditions have been achieved. As Rawls explains 'though the specific conditions of our world at any time – the status quo – do not determine the ideal conception of the Society of Peoples, those conditions do affect the specific answers to the questions of non-ideal theory. For these are questions of transition, of how to work from a world containing outlaw states and societies suffering from unfavourable conditions to a world in which all societies come to accept and follow the law of peoples' (Rawls 1999: 90). Thus, the duty of assistance is a transitional duty required of well-ordered peoples to those burdened by unfavourable domestic conditions (it does not extend to outlaw states or benevolent absolutism regime types).[8] This duty aims at the end of an international society of just peoples (groups / states) all of whom have the necessary conditions to sustain just and stable institutions (Rawls 1999: 119).[9]

According to Rawls, 'peoples have a duty to assist other peoples living under unfavourable conditions that prevent their having a just or decent political and social regimes' (Rawls 1999: 37). This duty sets requirements on well-ordered peoples to assist burdened peoples in becoming well-ordered. Assistance is required only for a defined period of time, until an agent or community become well-ordered, and can engage with other peoples as free and equal members of the international society of peoples. After this time, the requirements of the duty have been met.

The background assumptions informing this duty are clearly outlined. Firstly, Rawls argues that peoples represent groups that form closed cooperative ventures for mutual advantage. These groups are bound by shared political principles and public values, including principles of justice. These closed systems of cooperation are the source of special rights and correlative duties among its membership. The moral basis of these bounded groups as closed entities lies in their collective collaboration which generates strong ties that those outside the group simply do not share. This is the idea of reciprocity. All of those who participate in social cooperation within these boundaries are entitled to (have special rights to) a share in the benefits and burdens of their shared enterprise. General duties to those outside this boundary are therefore much weaker and considerably more limited.

---

[7] Rawls identifies five categories of regime type in *LP* – Liberal peoples, decent (non-liberal) people. Both of these are considered 'well-ordered' and the bulk of concern within *LP* is to examine how these two groups can co-operate at an international level where both engage as free and equal members. The three remaining categories – outlaw peoples, burdened peoples, and peoples governed by benevolent absolutisms – are considered mainly in a non-ideal sense – of how to move them from their current status to a state of well-orderedness where they can participate in international cooperation as free and equal members of the society of peoples.

[8] From the outset, Rawls is not entirely clear on what the basis or ground of this duty is. Whatever it is, it not a moral duty.

[9] The seven remaining principles of Justice outlined in the Law of Peoples – peoples are free and independent; must observe treaties and undertakings; are equal and are parties to the agreements that bind them; are to observe a duty of non-intervention; have the right to self-defence; are to honour human rights; are to observe the restrictions in the conduct of war (1999: 35).

Secondly, members of these closed systems of mutual cooperation are collectively responsible for the actions and outcomes of their collective collaboration. Thus, the opportunity for well-being and conversely, causes of poverty, hardship, and under or maldevelopment, are internal to the group. In the event that peoples cannot protect or provide for themselves, other peoples have a duty of assistance to provide relief from suffering, and support this group in establishing just basic conditions.

Thirdly, the reason peoples ought to demonstrate concern for those in need of assistance outside their boundaries is not because they were involved in generating or sustaining the conditions that gave rise to this need, or indeed that they may have any connection with others that would give rise to the requirements of this duty. Rather it is because they *can*. Firstly, they have excess wealth to allow them to do so. Secondly, this is what their shared public political culture would require – 'a liberal people tries to assure reasonable justice for all its citizens and for all peoples' (Rawls 1999: 29). Thus, the grounds of this duty of assistance rest in the public political culture of constitutional liberal democratic peoples. According to Rawls, the motivation to act may be based initially on self-interest, but affinity between both groups (well-ordered and burdened) will deepen over time. Rawls explains that 'it is characteristic of liberal and decent people that they seek a world in which all peoples have a well-ordered regime. At first, we may suppose this aim is moved by each people's self-interest… yet as cooperation between peoples proceeds apace they may come to care about each other, and affinity between them becomes stronger' (Rawls 1999: 113).

Fourthly, the aim is to support such groups in becoming self-sustaining, well-ordered, functioning groups. It is to help them become, in Rawls's terms, 'cooperative venture(s) for mutual advantage' who can protect their members and then engage in cross-border activities as free and equal members. Following assistance, these groups can then function as closed cooperative ventures for mutual advantage with special rights and correlative obligations to the members of their own group, fully responsible again for the outcomes of their collective collaboration.

It is upon this set of assumptions that Rawls develops both his account of principles of justice that can guide in the constructions of institutions and practical interactions between separate groups, and also how to broaden the scope to bring all groups into an international society of peoples. Rawls discusses in great detail how agreement is to be reached between different types of well-ordered regimes. The method employed in this process of agreement is based upon the social contract and Rawls's particular constructivist application of this. Consent forms the basis of agreement between these groups, demonstrating liberal principles of respect and toleration between groups taken as free and equal entities.

Relations between those in well-ordered societies and those that are not well ordered fall into the domain of non-ideal theory. Agreement between these groups would not follow a similar constructivist procedure. Rather, moving from the background assumptions outlined above, taking the basis of the problem to lie in the basic institutions of these societies as closed entities, those in well-ordered societies

would act in accordance with the transitional duty of assistance, providing assistance to burdened peoples to establish just background institutions.

Rawls's solution is a political solution to a political problem constructed upon a particular set of empirical and normative assumptions. Rawls does not suggest that this exhausts the bounds of a moral duty of assistance. This is not his objective. In many ways, this political solution fits well into the existing institutional framework of the assistance industry. It goes considerably beyond the current constraints of classical humanitarianism towards contemporary development practices and provides strong support for both peace-building and state building development practices that aim to help groups establish strong and just basic institutions that would prevent the need for assistance in the future. If Rawls's approach were found to be realistic and feasible, it could provide the necessary underpinnings to secure the basis of this framework. It would provide practical philosophical grounding and security for the practices of those engaged in 'comprehensive peace-building and state-building' discussed in Chapters 1 and 2.

The following examines Rawls's account in light of the contemporary circumstances of assistance. As perhaps one of the most influential contemporary political philosophers in the Anglo-American liberal tradition it is not surprising that Rawls's account of the law of peoples and, in particular, his account of the duty of assistance has generated a deluge of debate and conflict. I will not address all dimensions of these debates in what follows. Rather, I focus more narrowly on how this account coheres with the circumstances of assistance in the contemporary context, and how it could support agents with the kinds of moral and practical problems they face. I examine not only whether liberal peoples should provide more than immediate relief, but also, how to provide assistance without violating other duties, such as the duty not to harm.

3.2.2 Moral Dimensions

In many ways Rawls's political solution seems perhaps the most sensitive to the modern conditions of bounded affiliations. In avoiding the use of definitive moral principles (such as the Categorical Imperative) as the moral basis for his account, Rawls seeks to draw upon what he takes to be a number of points of consensus within the public political culture of constitutional liberal democracies and what he takes to be other *decent* regimes to construct principles to guide interaction with other types of groups and other political cultures and value-systems.

Rather than dissolving the problem of bounded affiliation, I take it that Rawls's account solidifies the boundaries between peoples and seeks to build bridges between closed-bounded groups. In this sense each group can retain their own particular conception of the person, principles of justice, and special rights and duties amongst themselves. Interactions with others outside the boundaries of these groups would then be governed by a narrow set of principles that protect and reinforce the boundaries (such as the duty of non-interference; self-defence, territorial integrity

and sovereignty) and secure the foundations for fair interactions with other bounded groups (duty to observe treaties and undertakings; recognition of equal status of groups of peoples and as parties to binding agreements).

However, two points raise concern that I consider in more detail. The first relates to the grounds of this duty and why liberal peoples would assist other groups. Secondly, it is not clear what the basis of agreement is between groups unequally situated to support this type of duty which entails positive action and interference across borders and closed-groups. Is this based upon the consent of both parties? If not, then how agreement is reached and how would agents claim authority for their reasons for action?

Regarding the first point, *why* liberal peoples would assist others outside of the borders of their closed state and value-system, it is not at all clear that the motive or reason liberal peoples would have to act is either sufficient, or indeed necessary. Rawls suggests that self-interest may provide an initial reason for action, but that affinity would deepen between groups over time into a form of mutual concern (Rawls 1999: 113). However, it is not clear in this account that the motive to act either provides a sufficient reason to act, or that this action would achieve the objective of *helping* others. This suggests there may be problems within this account that would lead to the wrong actions for the wrong reasons.

It seems that this account entails liberal peoples, drawing upon *their* resources within *their* public political culture and values, to determine what assistance *they* will provide to those in unfavourable conditions. Regarding the reasons for action, Rawls appeals to the motive of self-interest. However, it seems a little odd that Rawls would appeal to self-interest in this way. Rawls claims a connection with Kant's methodology and aspirations. An appeal to self-interest in this way, as a motive of duty, seems to me to be a complete rejection of Kant. In appealing to self-interest Rawls seems much closer to Hobbes[10] than to Kant. Kant's account of duty directly challenges Hobbes's self-interest based account and identifies the motive of self-interest as something to be controlled by duty, not a source of duty. For Kant, and indeed for Locke and others within the deontological tradition, the motive of duty is duty itself.

Even if we take it that Rawls is closer to Hobbes on this matter, it is unclear and uncertain if self-interested reasons would provide a sufficient basis for action. If we follow Hobbes's account, Hobbes argues that it would be irrational to follow duties unless others are also forced to do likewise. Thus, for Hobbes, there are no duties to others outside the boundaries of a sovereign entity.[11] Thus, I suggest, for Rawls, the

---

[10] In *Leviathan* (1651), Thomas Hobbes's conceptualisation of duty as an artificial voluntary construct is perhaps one of the most radical accounts ever developed. For Hobbes, the laws of nature are the dictates of reason and can be known to all men. However, they are not laws proper, they are but 'conclusions or theoremes' (Hobbes. 1968. 1.15: 217). They become laws proper when a sovereign power is in place to enforce them. Therefore there are no duties outside of the boundaries of the law. This account is consistently rejected in the work of John Locke and Kant (Rawls claims an affinity to both of these philosophers) as both argue that duties act as a constraint on self-interest.

[11] For Hobbes it would be irrational to try and treat the duties to others as binding in the absence of this entity: 'The Lawes of Nature oblige *in foro interno*; that is to say, they bind to a desire they

duty of assistance across borders and between strangers is not a duty 'proper'.[12] It is an aspiration based on reasons of prudence. It is simply not clear why well-ordered peoples would undertake actions in the interests of others in the absence of shared coercive arrangements.[13]

A second objection that I would like to consider concerns the basis of agreement and the risk of oppression[14] within this account. What is particularly unclear is how agreement would or could be agreed to by all groups affected but who are not equally situated – that is, between 'well-ordered' and 'burdened' societies. Rawls discusses in great detail how agreement is to be reached between different types of well-ordered regimes. The method employed in this process of agreement is based upon the social contract and Rawls's particular application of this through a process of Kantian constructivism. So, it is clear that consent forms the basis of agreement between these groups, demonstrating principles of respect and toleration between groups (rather than individuals) taken as free and equal entities.[15] So far so good then for the case of ideal theory and peoples ideally situated.

We then come to the problem of non-ideal circumstances where peoples are burdened due to unfavourable conditions (largely, Rawls argues, of their own making). Interactions with these types of people are not governed by the principles of justice yet, because for Rawls, these groups do not have the capacity to be free and equal members of an international society of peoples. So, the duty of assistance is required to assist them to become members in equal standing.

However, if Rawls is to be consistent with his constructivist approach, and if he is to claim authority for his reasons for action, then his account would, at a minimum, have to establish a framework or procedure for justification of the particular courses of action between *all* parties affected by the actions, not simply those *giving* assistance. Within this framework all parties would have to provide reasons for their action that others could accept, or at least not reasonably reject. Yet, this does not seem to be either intended or indeed possible within Rawls's account. It seems to me that the reasons Rawls offers for why well-ordered (affluent) peoples would give

---

should take place: but *in foro externo*, that is, to the putting them in act, not always. For he that should be modest, and tractable, and performe all his promises, in such time and place where no man els should do so, should but make himself a prey to others, and procure his own certain ruine, contrary to the ground of all Lawes of Nature, which tend to Natures preservation' (Hobbes 1968. 1.15: 215).

[12] It is also very different from his account of the duty to assist within the domestic context. See for example, *A Theory of Justice* (1971) and discussion related to principles for individuals, including mutual aid (Chapter II: 19; Chapter IV on duty and obligation).

[13] These comments are broadly consistent with Thomas Nagel's analysis in 'The problem of global justice' (2005).

[14] I take oppression here to mean to subdue and suppress (OED online) where one party controls and subdues another. I take this, in this case, to be the antithesis of autonomy.

[15] The liberal principle of toleration is demonstrated through the acceptance by liberal peoples that others may have non-liberal values and still be members of the group of well-ordered peoples nonetheless. For example, non-liberal peoples that each may have a different conception of the person and different conceptions of freedom and equality within different peoples.

aid (self-interest) precludes any requirement to engage in a process of justification with burdened societies, or indeed to give support that others actually need. Thus, the possibility of oppression is high. The risk of harming those that are the intended target of help is also high.

Cooperation from those within burdened societies seems to be presupposed, as Rawls does not state how this could happen or even that it should happen. In the absence of any knowledge of, or engagement with, the public political culture of burdened societies, how is it possible to know what acts of assistance would be required and indeed perhaps more important, what forms of assistance would be acceptable to those within these bounded groups? How it is possible to know what to do and what is required without input from those in need of assistance? Interaction and engagement with burdened societies is required if the right forms of assistance are to be given. As assistance is a form of interference, reasons would be required to support the selection and justification of actions.

It seems that the method by which this duty is to guide the actions of well-ordered peoples represents a complete rejection of Kant and his account of duty (political, moral or otherwise).[16] If Rawls's own stated objective is to follow Kant and his idea of '*foedus pacificum*' then I suggest he fails in this objective. At a minimum, any account linking to Kantian thought and the constructivist process would require that the particular reasons and courses of action can be justified to all affected, if these are to claim authority as the right, or best, or most appropriate reasons for action. Rawls make no attempt whatsoever to establish a framework where this might be possible. It is unclear and uncertain within Rawls's account that there is any need or requirement for well-ordered peoples to justify their actions to burdened peoples. It seems more likely that burdened societies would have to accept whatever well-ordered peoples think they need and thus, the risk of harm (albeit unintentional harm) is very real. As mentioned above, this is not an interpretation of Kant. It is a complete rejection of the content and constructive process as this relates to the case of assistance. The capacities of burdened groups to act as free and equal members of an international community may be weakened, but it would still be presumed that they have this capacity, or so I would have thought.

It can be argued that Rawls's account does not seek to address the moral problem of social pluralism (which Herman describes as challenging morality's aspirations to universality), it seeks instead to reinforce the boundaries between groups. In so doing, it is unclear how Rawls's account of the duty of assistance can avoid the charge of oppression and the duty not to harm. This is a strong claim to make, and perhaps it would be more appropriate to suggest that this account provides a deeply insufficient procedure for moving from non-ideal to ideal conditions. The appeal to self-interest, even an 'enlightened' form of self-interest, is deeply troubling. The question that I will seek to address presently is if Rawls's account can avoid this charge.

---

[16] Rawls states in the introduction that his basic idea is to 'follow Kant's lead as sketched by him in *Perpetual Peace* (1795)'.

3.2.3   Epistemic Dimensions

The epistemic shifts of recent decades concerning the deepening awareness of need, complexity of emergencies and the development process, as well as the connections and interconnections between groups seem to be excluded from Rawls's considerations. As a consequence, the background empirical assumptions upon which Rawls builds seem to be deeply problematical.

As many have argued, in the modern context of globalisation, global financial and economic interaction, global social and cultural interaction, global assistance, and ICTs (information and communication technologies), it seems difficult to sustain the outdated idea of liberal democratic peoples' representing completely closed groups engaged in cooperative practices for mutual advantage only among the members of their own group. [17] This objection again does not concern the normative assumption that participation in a special relationship can generate special rights and duties (and indeed the ideal of reciprocity within this). Rather, that these relationships take place only within defined territorial and jurisdictional boundaries. It is common practice in the modern age (and indeed for several hundred years) for contractual and commercial relationships to operate across such boundaries.[18] Social and economic interaction across peoples, states, and groups is now the norm, rather than the exception in contemporary living. Recognition of interconnections and mutual inter-dependencies of human beings and all species on our shared space is also widely acknowledged across borders and between all peoples. This is evidenced in the global concern for anthropogenically forced climate change and the accepted need for vastly improved systems of global cooperation to tackle the harmful outcomes of centuries of unsustainable fossil-fuel driven development practices of modern high-income ('developed') states.

Rawls does accept and acknowledge that the nature of relations, interactions, and connections between groups is changing. However, he rejects the assumption that these changes, such as wider and deeper economic interdependence and wide scale communication and connections, constitute systems of mutual cooperation (and therefore meets the criteria for reciprocity) or that these changes alter the moral status of groups as closed entities. For Rawls, the processes of globalisation and interaction are not yet equivalent to 'a cooperative venture for mutual advantage'.[19]

---

[17] For example Charles Beitz (1979, 1999), Thomas Pogge (2005, 2010), Onora O'Neill (2000).

[18] Andrew Hurrell's *On Global Order* (2007) provides a powerful account of the deepening and expanding nature of the relationships that exist across territorial boundaries in recent decades. According to Hurrell, 'the changes associated with globalization and the increased interaction and connectedness across global society have … undermined both the practical viability and the moral acceptability of a traditional state-based pluralism' (2007: 297). For Hurrell, and many others, a greater appreciation of this interdependence and connectedness is necessary when identifying the starting point of where we are and where we hope to get to. Thus the empirical assumption within Rawls' peoples-based pluralism does not appear to provide a sound, secure starting point for an analysis of duties to others.

[19] Thus, attempts by philosophers such as Charles Beitz (1979, 1999) and Thomas Pogge to extend Rawlsian principles of justice (in particular, the second principle of justice known as the difference

However, in the contemporary context, given the physical and social scientific evidence available, it now seems implausible to suggest that the changes in the relationships within and between groups in recent centuries do not carry normative implications.

It is also important to note that these now normal patterns of interaction and connection are not limited to practices between well-ordered societies of peoples. These practices include interaction and connection with many 'burdened societies', 'outlaw states', and 'benevolent absolutes'. These are often the owners of important and much sought after resources. Thus the normative implications generated by interaction, connection, and cooperation in mutual economic ventures also could not plausibly be limited to well-ordered peoples.

However, in spite of the fact that the empirical evidence on this matter is clear, and in spite of the fact that Rawls's account of the duty of assistance is not a moral duty, rather a transitional political duty required to move from non-ideal to ideal circumstances, Rawls seems particularly reluctant to move from his basic assumption that each group is solely responsible for the shape of their system of cooperation and the outcomes of this collaboration. He states this very clearly: 'I believe that the causes of wealth of a people and the forms it takes lie *in their* political culture and in the religious, philosophical, and moral traditions that support the basic structure of *their* political and social institutions, as well as in the industriousness and cooperative talents of its members, all supported by its political virtues' (Rawls 1999:108).

However, this belief simply fails to take into consideration either the historical developments that led to affluent countries becoming affluent in the first place or the current situation where states are heavily influenced by a deeply embedded international institutional framework that coordinates the exchange of valuable resources in particular, and economic, social, and political interactions more broadly.[20] Even if, as Rawls seems happy to do, we exclude the first point, and focus only on the second point, cooperation and connection within this institutional international framework entails firstly maxims of action (moral, political, prudential or otherwise) and secondly, some minimal account of responsibility where agents are responsible for the outcomes of their collective actions.

I have discussed in detail above how Rawls relies on prudential reasons to defend maxims of action in international affairs where parties are not equally situated. I will not rehearse that objection again. Regarding the second point, at a minimum this implies that those interacting and maintaining the international institutional framework are, to some extent, responsible for the output of this system (Pogge 2010: 13). It seems that this is widely accepted to be the case when benefits from the

principle that is concerned with distributive matters) beyond the boundaries of states, cannot, according to Rawls, by justified.

[20] For information on the growth, reach, and depth of the international institutional framework directly influences and shapes domestic institutions see for example, Pogge *Politics as Usual* (2010).

outcomes of this framework are claimed. However, the opposite does not seem to hold. In an effort to explain my point more clearly consider the following example.

If a multinational corporation (for example an oil company) engages in economic activity across twenty separate states (all types of states – burdened, outlaw, absolutist, and well-ordered) and earns a profit of $20 billion (USD), and if they pay their taxes in accordance with the international rules (which require that they pay corporation tax in the location wherever they are headquartered at whatever the domestic rate is) then they are legitimately entitled to these profits and to do with them whatever they please (give them to shareholders, reinvest in the company, share with their workers in the form of bonuses, and so on). This minimalist account of responsibility is entailed in the public political culture of constitutional liberal democratic regimes (whosoever takes the risk and works hard to achieve successful outcomes reaps the reward, regardless of where this occurs).

However, it just so happens that ten of the countries happen to be outlaw states, others are 'burdened' societies, others are benevolent absolutist regimes. None of these regimes have functioning democracies in place. None of these regimes use the proceeds of this interaction to benefit the wider community of peoples they represent. Rather they reward certain groups of supporters, nurture political constituencies, and ensure that they remain in power. They are permitted to trade the natural resources of their territories as they are entitled to all the privileges and powers of international leadership.[21] From the company's perspective, they pay whatever price is demanded for the goods they require. From the international financial regulatory regime, as long as corporation taxes are paid in some location, then the company is now the fair owner of any benefits. At the same time, an entire group of people have lost their natural resources without any gain or reward. It is plausible to argue that a double violation of these groups has occurred. Firstly, they have lost natural resources and the potential to develop which such resources offer; and secondly, the actions of the international actors have reinforced the controlling parties' capacity to coercively maintain their privileged status.

There is no doubt that the responsibility for direct harm lies upon the shoulders of the local or domestic ruler of a state in this scenario. However, without the rights and privileges of leadership they could not trade on the international markets. Without well-functioning multi-nation companies they would have to trade locally rather than internationally. Whatever way we look at this, the international institutional system has rewarded one party, and indirectly assisted in harming others. Yet, it seems that responsibility only applies in the case of the legitimate ownership of the reward. Indirect responsibility for facilitating those who commit harms against particular populations remains hidden and insufficiently allocated.

The point of this scenario is to examine how responsibility (in particular when this entails enjoying the benefits of mutual cooperation) is embraced when it is in the interests of well-ordered peoples, however this does not seem to extend to sharing responsibility for the harms incurred. This is a well-rehearsed story (Pogge

---

[21] This argument is widely examined in the work of Thomas Pogge, for example 2004, 2005 and 2010, and Leif Wenar 2008.

2004, 2010). Rather than examining the implications of this from a moral or political perspective, it seems Rawls is comfortable to simply exclude this from his analysis. However, if he is to meet his own objective of constructing a realistic solution, based upon the realities of non-ideal real world circumstances, then it seems as if this omission seems a rather substantial oversight.

Rawls's account also seems to attribute insufficient, or indeed any, consideration to the deepening awareness of interconnection. By interconnection, I mean the involuntary physiological fact of our embedded connected material existence. The acceleration of climate change and a growing understanding of how these changes are the result of anthropogenic activity have considerably deepened our awareness of the interconnection and interdependency of all beings and species sharing one space.[22] This awareness raises fresh ethical questions concerning the reach of our duties and responsibilities.

Awareness of the practical interconnections and interdependencies raise ethically problematical questions concerning to whom we (any individual or group) are connected and in what way our actions effect one another. Our knowledge of anthropogenic climate change and the causes of this are particularly problematical when considering who ought to do what for those 200 million peoples currently at risk from increased climactic precipitation due to dramatic changes in the atmosphere (UNISDR 2009 global risk assessment report). The cumulative effects of millions, and indeed billions of individual actions that can cause unintentional harms or indirectly contribute to a causal chain that leads to some requiring assistance leaves agents uncertain and unclear about who is responsible and who ought to act to alleviate suffering and reduce harm. These are ethical issues requiring ethical analysis.

Rawls's bounded political account simply does not address these ethical issues and indeed, I suggest, cannot address these issues. Rawls seems quite prepared to take some interconnections to carry moral relevance. A person does not choose which family to be born into, or their country, gender, skin colour, and so on. Yet, these non-voluntary characteristics are the basis of interconnections between human beings and these interconnections constitute the basis of groups. These groups, as we have seen above, are bounded by jurisdictional and territorial borders. For Rawls, they culminate in closed systems of mutual cooperation with shared political values. A human being enters one such group at birth and leaves upon death or voluntary migration.

Within the domestic setting Rawls argues that an individual agent's starting point in life is a result of both social (the political, social and economic circumstances that one is born into) and natural (the natural abilities and disability, attributes and foibles one is born with) lotteries. For Rawls, these are a matter of luck – good and bad. However, they can and do influence the outcome of an individual's life and their opportunities for well-being. As such, he argues these outcomes are morally arbitrary and principles of justice should seek to neutralise or at least minimise these within a domestic context (Rawls: 1971: 74; 104). However, such natural and social

---

[22] For a helpful overview of the debates of this research see (Eds) Gardiner, Shue, Caney, and Jaimeson *The Ethics of Climate Change* (2010).

lotteries of life are not considered in the international context.[23] Again, this seems like a rather extraordinary omission and one that would deeply challenge the sufficiency of the grounds for action in Rawls's account, as well as the adequacy of the actions that Rawls seeks to encourage well-ordered peoples to undertake. It seems to me to be a further case of the wrong actions for the wrong reasons.

3.2.4   Practical Dimensions

Rawls's account is built upon a particular set of background assumptions that Rawls believes sufficiently explain the reasons for need. Rawls explains this as follows: 'the greatest evils of human history – unjust war and oppression, religious persecution and denial of liberty of conscience, starvation and poverty, not to mention genocide and mass murder – follow from political injustice, with its own cruelties and callousness... once the gravest forms of political injustice are eliminated by following just (or at least decent) social policies and establishing just (or at least decent) basic institutions, these great evils will eventually disappear' (Rawls 1999: 6–7). Such an assumption prevents consideration of the practical problem of uncertainty regarding the probable outcomes of acts of assistance.

However, from a practical perspective this is deeply unsettling. If we know that the causes of need are diverse and multiple, how can we be certain that the particular prescriptions that Rawls selects will result in the outcomes they are intended to achieve? The precise diagnosis of the problem and the solution seems somewhat arbitrary, not to mentioned, devoid of consideration of matters pertaining to international interactions and responsibilities. We know that the problem of uncertainty within the modern practices of assistance generates moral and practical tensions between the duty to assist and the duty not to harm. In circumstances as complex as the contemporary circumstances of assistance it would seem rather arbitrary to presume that these can be easily resolved or minimised by the enactment of Rawls's transitional duty to assist. Surely this duty must be situated both in the particular context of need, and also into a wider landscape of duties, including perfect legal duties such as the duty not to harm. If this is so, then how are agents to navigate through this landscape?

In his efforts to avoid imposing a liberal conception of the person (as a moral personality with two moral powers – the capacity for an effective sense of justice and the capacity to form, revise, and to rationally pursue a conception of the good) on decent societies that may not share this conception, Rawls is unable to provide an account of agency that would be required to navigate these moral tensions and situate this duty in the context of need. Although Rawls's account seeks to be realistic and feasible, it cannot achieve either of these aims without a role for the agent (individual and collective), continuously engaged in the task of practical reasoning, evaluation, selection, and judgement. Without this, it is unclear how the risk of

---

[23] Kok-Chor Tan (2005) examines this in detail.

causing unintended harms can be avoided. Further, in the event that harm does arises, how agents might act to take responsibility for this is unclear.

In conclusion, Rawls's political account of the duty of assistance does not seem well placed to support the practice of assistance in the contemporary circumstances of assistance. Although it reaches considerably further than Thomas Nagel's 'humanitarian moral minimum' (2005), it fails to give adequate consideration to the background circumstances of assistance or to place this duty into a wider normative landscape of duty. In doing so, it cannot sufficiently support agents moving from an imperfect duty of assistance to particular courses of action that can avoid conflict and tensions with other duties, such as the duty not to harm. In fact, Rawls's account seems to reject or, at least, marginalise the imperfect character of the duty of assistance. By so doing, I suggest his account is over-specified and insufficient for the task. However, I have also suggested that Rawls's account represents a significant departure from Kant's foundational account of moral duty. At best, his account is insufficient, and at worst, it is open to charges of oppression and arbitrariness.

In the next chapter, I will consider an alternative duty-based approach that is, I argue, better suited to this task. This is a contemporary account that is rooted more firmly upon Kantian ethics, and is, I argue, more sensitive to the complexities and uncertainties of the modern circumstances of assistance. However, before examining this account, I now examine if a turn towards contemporary consequentialism offers agents a more suitable and secure approach to the practice of assistance within the contemporary context, and one that can support agents as they navigate through the tensions of acting in accordance with a moral duty to assist while avoiding or minimising harm.

3.3   Singer's (Utilitarian) Consequentialist Account

Singer's contributions are attributed with bringing the question of what our (in particular affluent citizens in affluent states) moral obligations are to distant strangers into mainstream academic research and debate. His article 'Famine, Affluence, and Morality' (1972), is widely referred to as the catalyst for the renewed philosophical exploration of the duty of assistance. According to Michael Blake in his extensive survey of the literature and debates on international justice, Singer 'can be plausibly viewed as originating the internationalist movement within political philosophy' (Blake: *Stanford Encyclopaedia of Philosophy* online 2005). Singer's contributions have prompted many lines of debate and discussion, as numerous researchers and philosophers have examined his general proposition, the normative claims to which this gives rise, and the limits and extent of the duty of assistance to others in extreme need (in particular those beyond the borders of affluent states). The simplicity and ease with which Singer applies his account of the moral duty of assistance masks a complex, coherent, and consistent network of normative and moral assumptions. In this way, his work is accessible and intelligible to a wide audience. It is also the

source of much debate within contemporary consequentialist ethics and international-global political theory more broadly.

3.3.1 Background

Singer's contemporary account is representative of a classical utilitarian approach. For Singer, as for others within the utilitarian tradition, right action is the action that produces the most amounts of good. The grounds of Singer's claim ultimately rest on the principle of utility. However, it is important to note that Singer's account is more accurately described as representative of 'negative utilitarianism' as his principal goal is to reduce harm and suffering (and so indirectly it aims to maximise the greatest happiness for the greatest number). According to Singer, the modern conditions of increased globalisation, unprecedented levels of wealth in affluent or developed states, coupled with mass poverty, harm, and extreme levels of human suffering in less affluent states, generates a stringent duty of assistance on those with a capacity to help to do so, regardless of boundaries or special ties (these three assumptions – globalisation, wealth, and suffering represent the background circumstances that inform Singer's account). Informed by a basic cosmopolitan premise, that all individual human beings share equal moral status, Singer argues that situations of mass harm and suffering are bad. Therefore, there is a positive obligation on all agents to assist those in need when harm occurs and, as far as possible, to prevent such harm from (re) occurring. His argument is beautifully simple and for many, very persuasive.[24]

Beginning with the relatively uncontroversial premise, that suffering that is avoidable is bad and morally unacceptable, Singer extrapolates from this that one should prevent this bad from occurring if it is within one's power to do so, without sacrificing anything of comparable value. Very simply put, Singer claims that it is morally wrong not to act when others are in need of assistance. The proximity of the person experiencing harm, like any other arbitrary factor such as race, gender, religious preference, age, and so on, is not a morally relevant factor. In the modern globalised age, it is also not a practical constraint. Moving from abstract utilitarian principles to the specific practical question of who ought to do what for whom in the modern context where hundreds of millions of human beings suffer death and harm from preventable hunger and disease, Singer defends the following claim: donations to aid agencies prevent suffering and harm and do not sacrifice anything of comparable value. Therefore, it is wrong not to donate to aid agencies. The amount of aid we ought to donate should be the maximum amount we can give without sacrificing anything of equal moral worth. Thus, those who spend money on luxury items instead of giving to aid agencies are wrong and their actions are morally blameworthy (Singer 2009: Ch. 1–2).

---

[24] See for example Toby Ord's organisation Giving What We Can – http://www.givingwhatwecan.org/.

Singer's account of the duty of assistance incorporates the broad characteristics of the utilitarian duty of assistance outlined in the previous chapter. This duty is a matter of strict obligation.[25] Agents are morally blameworthy if they do not give as much as they can to others in need of their assistance. The duty requires positive acts whereby one agent must act to meet the interests or needs of another. However, Singer narrows the application of the duty from its wide and largely indeterminate basis to a more prescriptive rule – agents ought to give as much as they can, to the point of marginal utility, to whatever organisation they deem to be the most appropriate.[26] As an end-based duty its actions are aimed at the end of alleviating mass harm and suffering at a global level, taking all human beings in all parts of the world to count as one, and none for more than one (and perhaps importantly, none for less than one). For Singer, although the duty of assistance may be imperfect in its abstract form, its application requires certain act-types. These would include giving through private institutions, such as charities, as these represent the most effective and efficient means available today by which to redistribute excess wealth and reduce suffering. Thus, through a process of deduction and application, Singer in a sense transforms the imperfect duty of assistance into a set of perfect act-based duties incumbent on all agents – give as much as one can to charities up to a point of marginal utility.

3.3.2   Moral Dimensions

This classical utilitarian account of duty is, according to Singer, 'flat' (Singer 2004: 12). By this, he simply means there is no difference in kind in the types and weight of duties that can hold between human beings. Singer does recognize that special relationships and special obligations form an important part of the moral landscape for human beings. However, he rejects the presumption that these would always take priority if they came into conflict with a general duty, or indeed that these in some way constrain the types of duties that can hold between groups of human beings. Thus, he accepts bounded affiliations as a characteristic of how groups organise themselves, but rejects this as a moral constraint.

---

[25] As Michael Blake explains, for Singer, 'morality requires a radical revision of our moral duties; donating to famine relief is not a matter of charity or supererogation; such donations are not optional gifts, but duties, and those who do not donate are acting in an immoral way on any plausible interpretation of our moral thinking' (SEP Online 2005). I am not convinced that this represents a 'radical revision of our moral duties', rather a complete extrapolation of the principle of beneficence which forms the basis of much utilitarian thought. Also, both deontological and consequentialist ethical frameworks would argue that this is a matter of duty (for deontologists it may be described as a duty of virtue, but a duty and therefore a matter of strict obligation nonetheless).

[26] He does, however, assume that they should (in a normative sense) employ utilitarian reasoning to select the most efficient and effective agencies that can satisfy the end of securing the greatest happiness for the greatest number.

Perhaps the main objection raised against Singer's account is that it fails to provide sufficient space for special relationships that generate special rights and correlative obligations. Put very simply, Singer's account attributes too little weight to the demands of such relationships and the specificity of these moral requirements. This is a common objection raised against utilitarian accounts by non-utilitarian philosophers, and in this particular sense, it is not problematical for the coherence and consistency of Singer's account.

This challenge is not new to Singer's account. Sidgwick, for example, argues that 'we owe special dues of kindness to those who stand in special relations to us.[27] The question then is, on what principles, when any case of doubt or apparent conflict of duties arises, we are to determine the nature and extent of the special claims to affection and kind services which arise out of these particular relations of human beings' (Sidgwick 1901: 242). The inevitability of conflict (or apparent conflict) requires a particular focus on the *method* of ethics employed by an agent to navigate conflicting requirements. It is a focus on this method or practice that Singer accords significant consideration in his wider work.[28] This work focuses on the complexities of situated agents who must navigate their way through a complex labyrinth of special and general duties. Again, to be clear, Singer does acknowledge the particular background circumstances of bounded affiliations, he simply rejects the moral constraints this is widely assumed to generate.

In a recent contribution to this discussion, Singer claims that 'no principle of obligation is going to be widely accepted unless it recognises that parents will and should love their own children more than the children of strangers, and for that reason, will meet the basic needs of their children before they meet the needs of strangers. But this doesn't mean that parents are justified in providing luxuries for their children ahead of the basic needs of others' (2009: 139). Singer provides a utilitarian framework for agents to engage in the task of practical reasoning. If agents accept the wider premises of utilitarianism, then they are equipped with the necessary tools to apply the rules accordingly.

But this raises a question. If the requirements of this duty are not morally constrained by duties to those with whom we share a special relationship, then why not insist, for example, that the arrangements that are in place in affluent states to assist citizens and prevent their falling below a certain threshold of well-being through income tax redistribution and social protection and insurance instruments, should be extended out to include all human beings? Why do they remain in the non-legal voluntary sphere of charity (albeit charity as a matter of strict obligation)? One of the strengths of a monistic ethical theory, such as utilitarianism, is that all duties are

---

[27] I think it is particularly interesting that Sidgwick uses the term 'kindness' in the context of special relationships. This term is much more widely used to describe a motivation for acting in the interests of those outside these contexts.

[28] For example, Singer has written extensively on the ethical problems of climate change, treatment of non-human species, and so on. His work on practical ethics (third edition published 2011) examines in detail how ethical considerations and judgements can be weighed and justified through utilitarian methods.

an instrumental means towards a single end. Thus, imperfect duties governing the private actions of individual agents can be transformed into perfect duties enforced through legal instruments if they secure the best possible outcome. So, why not in this case? Other consequentialist accounts have moved in this direction.[29]

If there is no moral constraint on the types of duties that can hold across borders and between strangers, then why not prescribe the extension of what we know to be the best solution (at least the best that affluent states have come up with for their citizens thus far)? One possible reason that Singer might offer to this is that the probability of achieving consensus on this type of proposal is very low.[30] At least at this point in our history, it is very unlikely that states would agree to cooperate at this level. However, there is some (albeit very slowly emerging) precedent for a move in this direction among OECD states through their contributions to overseas aid that comes directly from their domestic tax take (target of 0.7 % GNI by 2015). The International Labour Organisation, for example, have been advocating for social protection systems for a number of years. Indeed, the 2030 agenda for sustainable development includes social protection instruments as a specific target– SDG 1.3 calls on all states to 'Implement nationally appropriate social protection systems and measures for all, including floors, and by 2030 achieve substantial coverage of the poor and the vulnerable' (https://sustainabledevelopment.un.org/post2015/transformingourworld).

One further criticism, that I suggest is difficult for Singer's instructive account to avoided, is that it is based on idealised notions of the values and virtues of citizens of affluent states. It implies that millions of affluent individuals in affluent states are suddenly going to change their life-time giving habits when they understand the level of need among others. This ignores the empirical reality that in affluent societies of the global north economic success brings social status, and for some, greed is good, so whatever is required to secure promotion and increases in salary is acceptable. I fully accept that such claims and such experiences operate outside the domain of morality; however, if Singer's aim is to appeal to the virtuous character of agents and their private motivations, then I suggest he could be charged with suffering from a severe case of idealisation. If Singer is appealing to the character and private motivations of agents, then I suggest that this would require consideration of how individual agents think about others more broadly, and not only in response to a situation of urgent need. If agents (in particular agents in affluent states) extended consideration to others (in particular those outside their circles of special concern) more broadly in their actions and courses of action, it is unlikely that the needs of others would be as great as they are today. Singer can of course respond that he is concerned with what others *ought* to do rather than with what they actually do. However, such idealisation seems to miss important empirical points regarding the structure

---

[29] For example Elizabeth Ashford in her discussion of the right to assistance (2007).

[30] The financial crisis in the eurozone area provides perhaps an interesting example of the difficulties surrounding integration and joint action between states regarding monetary affairs.

of the contemporary global social, economic, and political order and the benefits of this structure to affluent citizens in affluent states.

Thus, I suggest that although well-intended, Singer's instructive approach is inadequate and insufficient to the task. The image of the virtuous agents willing to give when they understand and acknowledge the urgent needs of others implicit within Singer's account, could be subject to a charge of idealisation. He seems to ignore some of the characteristics and values of agents in affluent states that enabled them to become wealthy in the first instance.

3.3.3   Epistemic Dimensions

Perhaps one of the strongest attributes of Singer's account is its capacity to capture the sense of unease generated by our increased awareness of harm and suffering of others coupled with the deeper knowledge of our connections and interconnections to others beyond our bounded group. Awareness of suffering in others does carry normative implications concerning what one ought to do in response to this. Also, as I have argued above (and in Chap. 1) knowledge of our connections and interconnections with others can provide strong reasons for rejecting arbitrary constraints on the kinds of duties that can hold across borders and between strangers. Singer's cosmopolitan account is, I think, more sensitive to these epistemic shifts than other accounts that seek to impose moral constraints based on other values such as national identity (David Miller 2007) for example, or political accounts such as Rawls that seem to reinforce the divisions between groups rather than embrace the implications these circumstances generate.

In spite of this promise, I suggest that Singer's account does not go far enough in exploring the implications of this epistemic shift. Contrary to many others who have objected to Singer's account of the basis on over-demandingness, I would like to consider an objection of under-demandingness and what I take to be a case of over-specified prescriptive action. To explain this claim let me go back to Singer's method of deduction and application in 'Famine, Affluence, and Morality' (1972). Singer employs a particular method of abstraction (in the use of a hypothetical scenario of a case of a drowning child and a passing stranger), deduction (starting with the principle of utility and the end of reducing harm and suffering for the greatest numbers) to application (specific act-types required in this scenario). If one (a passing stranger) can help another (the drowning child) avoid serious harm without sacrificing anything of comparable moral worth (such as their life), then one ought to do so. This scenario has generated an extraordinary amount of debate and analysis. I will not rehearse these here.[31] When thinking about this scenario, two questions came to mind that I have been unable to resolve. Firstly, what happens to the child next?

---

[31] Singer has, in the three decades following publication of this article, responded to many of his critics providing sophisticated and rich responses in support of his conclusion.

Secondly, is it enough to simply increase donations to charitable organisations or are there other actions that I and others should take to reduce suffering and harm?

Regarding the first point, do I simply return the child to the (at worst) negligent or (at best) incompetent guardian (that could lead to further harm to the child)? Or do I take them to some other support agency (for example, state-based child services agency, or voluntary groups such as the National Society for the Prevention of Cruelty to Children in the UK and Ireland) and therefore interfere more directly into the life of this child (again with a strong risk of unintended harm). It seems to me that Singer's conclusion represents the beginning of a process of engagement that represents a strong potential for further accumulative obligations rather than an end point. In this sense, I find the conclusion under-demanding and potentially incomplete.

Secondly, is giving all I can to the assistance industry enough? In the particular scenario Singer examines, it is relatively clear what an agent ought to do, or at least what is the first action that they ought to take. However, it is not clear to me, in the case of enormous suffering and harm of those outside my borders and who are strangers to me, that I can meet all of the requirements of the duty of assistance by simply giving enough money to someone else to sort the problem out.

The assistance industry is a modern, socially constructed, bureaucratic institutional response to wide-scale endemic poverty, hardship, and suffering. The key agencies (including NGOs and IOs) of this institutional framework perform a mediating role enabling a minimum level of wealth distribution between agents across large spatial areas. Analogies to cases of single individuals in urgent need, such as the drowning child in Singer's argument, do not easily or obviously correspond to the systematic harm and suffering of hundreds of millions of individuals on a daily basis. It is not obvious to me that the right action to take that will lead to the best outcomes is to simply sustain the current institutional framework. This may be the only option available to me to save an individual life, and in that sense, I agree with Singer that such action is necessary. However, I do not believe it is sufficient. In this sense, I think Singer's conclusion is over-specified and under-demanding. Surely there is a pressing requirement on all agents, from a utilitarian perspective, to figure out better ways of reducing such enormous levels of harm, thereby maximising the greatest happiness for the greatest numbers (or reducing the greatest harms and suffering of the greatest number). For me, it is not obviously true that the conclusion Singer reaches necessarily follows from the premises that go before. Further engagement and reasoning would surely be required of the agent from a utilitarian perspective. Yet, this seems to be restricted or constrained by the precise act-types Singer prescribes – save the child and give all you can to charity.

As mentioned in the section that has gone before, Singer gives great attention to practical ethics and the methods that agents can employ to figure out what is required of them from a moral (utilitarian) perspective in situated circumstances. However, it is not clear to me that this is the case in Singer's particular account of the duty of assistance, and the limits and extent of the requirements of this duty.

3.3.4   Practical Dimensions

The conclusion above leads directly to a consideration of how this account deals with the practical dimension of uncertainty. Perhaps one of the most pressing challenges that has contributed to the crisis in confidence in the assistance industry, is the problem of uncertainty surrounding the probable outcome of acts of assistance. The realisation that acts of assistance can cause unintended harms, both in the practice of humanitarian and development assistance has caused many to question the very foundations of the practice. For a utilitarian, or indeed any account that takes the basis of right action to be the action that produces the best results or outcomes, this is a particularly pressing concern. If outcomes cannot be determined or secured with any level of certainty, then can outcomes such as increased well-being, or reduced suffering, determine the right course of action?

Singer is acutely aware of the threat this poses to his account. Indeed, his later work evaluates some of the evidence from the assistance industry, and concludes that although significant improvements are required, this industry is still better than any other option available to us at this moment in our history. For this reason, we should continue to give.[32] However, this response seems incomplete. It fails to acknowledge the tensions and difficulties facing those directly engaged in the practice of assistance. It also fails to consider the implications for those contributing to these practices whereby their actions may be contributing to harm rather than reducing this. From a classical utilitarian perspective, such actions may not be the right actions and so would not be morally permissible. In such uncertain circumstances, how then do agents determine what the right course of actions ought to be? This is a troubling question that the work of Singer's examined here does not adequately address.

Connected to this also, is the question of trade-offs. If the value to be maximised is the greatest happiness of the greatest number, or indeed minimised as is the case for Singer (the greatest reductions of the greatest harms), then some level of harm can be permitted and justified from a moral perspective if this is required to maximise (or minimise) a particular value. This places a considerable burden on agents to engage in the practical task of ethical reasoning, to evaluate courses of action and potential outcomes, the risks associated with these, and judge whether benefits offered by a particular course of action outweigh the harms of these actions. Agents operating within the assistance industry are required to engage in this type of reasoning on an ongoing basis as they deal with complex circumstances, and multiple levels and types of harm. However, Singer's account offers a rather thin, and, I suggest, insufficient account of practical reasoning, agency and responsibility in this context.

Actions undertaken when performing this duty can only be justified within Singer's account if they reduce harm and suffering. There is no strict duty to avoid harm, only to avoid harms that outweigh the benefits of the outcomes of action. One

---

[32] See for example, Singer's *The life you can save* (2009) chapter 8.

of the constitutive elements of the duty of assistance is that it is imperfect, open, and context dependent. The agent must examine the context and determine the right course of action from that situated point. However, Singer seems to cut off this possibility from the generality of agents by insisting, rather simplistically, that they can fulfil this duty by donating a certain amount of their disposable income to charity, and for those operating within the industry, to figure out ways of better maximising (or minimising) outcomes. A considerably richer account of practical reasoning, agency and responsibility, I suggest, is required to support and guide agents in their actions in both circumstances (inside and outside the assistance industry).

Many political philosophers have focused attention on what they perceived to be the over-demandingness of Singer's claim. Richard Miller (2004b), for example, argues that the substantive content of Singer's account is based on an extensive principle of sacrifice that is beyond ordinary moral thinking, and demands acts that are supererogatory in nature. Liam Murphy (1993, 2000) develops an alternative utilitarian account of the duty of assistance as a 'cooperative' conception. Rather than starting from the claim that every agent should do as much as they possibly can without sacrificing anything of comparable moral value, Murphy examines the collective duties to which situations of extreme need give rise and develops what he takes to be the most 'fair' way to distribute the burdens of this moral duty across all agents according to their capacities. Introducing a 'compliance condition', Murphy argues that each agent should be required to give only the level of donations/perform only the acts that would be adequate to solve the problem of poverty if everyone gave an equal or fair share. Anything beyond this, say for example, additional acts or giving to compensate for the failure of others to act or to give, would be considered supererogatory, that is morally optional and beyond the call of duty.

However, Singer (2004, 2009) rejects this objection. He argues the level of demandingness is not a morally relevant reason for rejecting moral principles for action. The charge of demandingness may be true, but this does not alter the moral status of the duty. I tend to agree with Singer on this point. However, I do not think Singer's account is troubled by over-demandingness, rather, as mentioned above, that it is under-demanding and incomplete. The 'how much is enough' debate is, I believe, missing a far more crucial concern – why would agents continue to support something when they are uncertain if this is relieving harm or producing longer term suffering? How can agents be better supported to engage at a deeper level to recognise the accumulative duties and responsibilities that can arise in the course of aiding another, and to take responsibility for the outcomes of their actions.

In the opening paragraphs of the first chapter I provided an overview of a debate concerning the limits and extent of the duty of assistance as this is practiced in real-world trouble-spots. According to those engaged in the practice and delivery of essential assistance it seems that the industry is in crisis. The experiences of complex humanitarian emergencies and failing development initiatives, in particular, have led to what could be described as a crisis in confidence. In some cases it is simply not clear if the actions of this industry reduce harm and suffering or displace this with other forms of harm and longer term damage. Indeed how actions undertaken to fulfil this duty can be evaluated and responsibility for outcomes allocated

is not considered. This literature suggests that there is enormous uncertainty concerning who ought to do what, for whom, when the need for assistance arises. So, a fair question to ask might be, is it enough for citizens of affluent states to increase contributions in the form of charitable donations? Singer argues that it is the best we can do for now. I am unconvinced. As mentioned above, I fully agree that it may be necessary and urgent from a practical perspective; however, from a moral perspective surely alternative practices ought to be examined which can facilitate agents in giving expression to the range of accumulative duties and responsibilities to which aid interventions can give rise.

In conclusion, although Singer's utilitarian account of the duty of assistance reaches considerably further than Nagel's 'humanitarian moral minimum' (2005), in simplifying and over-prescribing the act-types required of agents, I argue that it fails to give adequate consideration both to the circumstances of assistance and to the imperfect character of the duty of assistance. In so doing, it arbitrarily restricts and curtails agents in the practical task of determining what the best action to take is in a situated context. It moves too quickly from an imperfect duty of assistance to particular act-types and fails to give consideration to how these act-types interact with the circumstances that they seek to improve thereby reducing harm and suffering (rather than increasing or displacing harm). Similarly to the account provided by Rawls above, I suggest that Singer's account is over-specified, under-demanding, and insufficient to the task. Neither approach provides a sufficiently clear and secure basis for moral action in the contemporary context, where agents are frustrated by the seemingly intractable and irresolvable hardships with which so many human beings live out their lives.

3.4   Conclusion

This chapter has examined two approaches within contemporary practical ethics that seek to address the question of what the duty of assistance entails, and more specifically, what the content of this obligation is for affluent citizens towards those who experience enormous levels of harm and suffering.

Both accounts, in different ways, over-specify and under-estimate the requirements of the duty of assistance. They either attribute too much weight to bounded affiliations or too little weight to the constraints this generates. They do not give sufficient weight to the connections and interconnections that exist and operate across boundaries that provide strong reasons for agents to include others in their ethical considerations, or indeed to extend moral standing to these others (in their everyday action and not simply when others need direct help). Uncertainties regarding the probable outcomes of acts were dissolved by over-specifying the causes of need (Rawls) or under-specifying the context into which assistance is to be delivered, and the means by which current practices attempt to do this (Singer). Finally, both accounts underestimate the requirements of practical reasoning and the role that agents must take as they figure out both what needs to be done, and indeed what

they can do, when assisting another. In seeking to secure the foundations of the current practices and institutional framework, I suggested that neither account gave sufficient space to each of the elements entailed in an imperfect duty of assistance.

I argued that these accounts do not sufficiently examine or resolve the underlying moral problems that exist. Quite simply, it is unclear how to balance the duty to assist with the duty not to harm (for Rawls), or how to reduce harm and suffering (Singer). I also argued that in over-specifying the act-types required by this duty, they have disabled what I take to be a constitutive element of this duty – its imperfect, open, and context-dependent form. By prescribing specific act-types, they curtail the capacity of the agent performing this duty to sensitively examine each situated context, balance this duty against other duties that also hold in any context, or the harms certain courses of action may cause, and determine the right actions to achieve certain specifiable ends.

Both accounts appear to curtail the role of practical reasoning, instead dictating what agents ought to do. In so doing, they provide an insufficient account of the content of the duty of assistance and the practical task of ethical reasoning and evaluation that agents must engage in if they are to act in accordance with this duty and achieve the outcomes or ends at which their actions are aimed.

In its current form, the assistance industry represents one manifestation of the way in which the duty of assistance might be fulfilled in practice. It is what we have to work with at the moment and its work is necessary to the survival of many human beings. However, this does not mean that it is a complete expression of the imperfect duty of assistance.

In the next chapter, I will consider a different approach to these questions and tensions. I examine two approaches that evaluate at a more fundamental level how we think about ourselves and our connections with others. These accounts assume a different role for agents from that assumed by Rawls and Singer. They assume that agents will be continuously engaged in the practical task of ethical reasoning, evaluating contexts and situations, selecting among various potential courses of action, and appraising outcomes. Both of these approaches offer ways of addressing the moral tensions faced by those within the assistance industry (and also those outside the industry) without over-specifying what the moral duty of assistance entails.

References

Ashford, E. 2007. Chapter 7: The duties imposed by the human right to basic necessities. In *Freedom from poverty as a human right: Who owes what to the very poor?* New York: Oxford University Press.

Beitz, C. 1979. *Political theory and international relations*. Princeton: Princeton University Press.

Beitz, C. 1999. *Political theory and international relations*. Princeton: Princeton University Press.

Benjamin, M. 2001. Between subway and spaceship: Practical ethics at the outset of the twenty-first century. *The Hastings Centre Report* 31(4): 24–31.

Blake, M. 2005. International justice. In *Stanford encyclopaedia of philosophy*. URL, http://plato.stanford.edu/entries/international-justice/

Gardiner, S., S. Caney, D. Jamieson, and H. Shue (eds.). 2010. *Climate ethics*. New York: Oxford University Press.

Hobbes, T. 1968. *Leviathan*, edited and introduced by C. B. Mac Pherson. Harmondsworth: Penguin.

Hurrell, A. 2007. *On global order*. Oxford: Oxford University Press.

Kant, I. 1996. *The metaphysics of morals*. New York: Cambridge University Press.

Kant, I. 2002. *Groundwork for the metaphysics of morals*. New York: Oxford University Press.

Korsgaard, C. 2003. Realism and constructivism in twentieth century moral philosophy (Harvard University). *Philosophy Documentation Center:* 99–122.

Miller, R. 2004a. Moral closeness and world community. In *The ethics of assistance: Morality and the distant needy*, 101–122. New York: Cambridge University Press.

Miller, R. 2004b. Beneficence, duty, and distance. *Philosophy and Public Affairs* 32(4): 357–383.

Miller, D. 2007. *National responsibility and global justice*. Oxford: Oxford University Press.

Murphy, L. 1993. The demands of beneficence. *Philosophy and Public Affairs* 22(4): 267–292.

Murphy, L. 2000. *Moral demands in non ideal theory*. New York: Oxford University Press.

Nagel, T. 2005. The problem of global justice. *Philosophy and Public Affairs* 33(2): 113–147.

O'Neill, O. 2000. *Bounds of justice*. Cambridge, UK: Cambridge University Press.

Pogge, T. 2004. Assisting the global poor. In *The ethics of assistance: Morality and the distant needy*. Cambridge, UK: Cambridge University Press.

Pogge, T. 2005. Severe poverty as a violation of negative duties. *Ethics and International Affairs* 19(1): 60.

Pogge, T. (ed.). 2007. *Freedom from poverty as a human right: Who owes what to the very poor?* New York: Oxford University Press.

Pogge, T. 2010. *Politics as usual*. Cambridge, UK: Polity Press.

Rawls, J. 1971. *A theory of justice*. New York: Oxford University Press.

Rawls, J. 1980. Kantian constructivism in moral theory. *The Journal of Philosophy* 77(9): 515–572.

Rawls, J. 1999. *Law of peoples*. Cambridge, MA: Harvard University Press.

Sen, A. 2009. *The idea of justice*. London: Allen Lane published by the Penguin Group.

Sidgwick, H. 1901. *The method of ethics*, 6th ed. London: Macmillan.

Singer, P. 1972. Famine, affluence, and morality. *Philosophy and Public Affairs* 1(1): 229–243.

Singer, P. 2004. Outsiders: Our obligations to those beyond our borders. In *The ethics of assistance: Morality and the distant needy*, 11–32. New York: Cambridge University Press.

Singer, P. 2009. *The life you can save*, 1st ed. London: Picador.

Singer, P. 2011. *Practical ethics*, 3rd ed. Melbourne: Cambridge University Press.

Tan, K.C. 2005. Cosmopolitan impartiality and patriotic partiality. In *Global justice, global institutions*, 165–192. Calgary: Canadian Journal of Philosophy, University of Calgary Press.

UNISDR. 2009. *Global risk assessment report on disaster risk reduction*. http://www.unisdr.org/.

Wenar, L. 2008. Property rights and the resource curse. *Philosophy and Public Affairs* 36(1): 2–32.

Chapter 4
The 'Terrible Beauty' of Imperfect Duties – Onora O'Neill and Amartya Sen on the Duty of Assistance

Abstract This chapter returns to the central question – to what extent do contemporary ethical approaches to the duty of assistance offer ways to resolve the tensions faced by those engaged in the current practice of assistance? Through an examination of the approaches offered by Onora O'Neill and Amartya Sen, it argues that both deontological and consequentialist frameworks can provide ways to resolve the tensions faced by those engaged in the practice of assistance. Both accounts are potentially disruptive in that they prompt questioning, critical reflection, and enable dynamic approaches to aid that stretch considerably beyond simple and determinate prescriptive actions. They clarify the basis of the duty of assistance as an imperfect duty that is wide in reach, and is open and unspecified in its requirements. Both approaches construct robust accounts of active situated agents engaging in a process of practical reasoning that supports agents to figure out how to specify the requirements of this duty in particular, concrete circumstances. Both accounts also point to additional considerations for those supporting such practices, and in particular, how agents might navigate issues related to harm and the matter of responsibility for the outcomes of action.

4.1   Introduction

We saw in the previous chapter that both the contractualist deontological account of John Rawls and the utilitarian consequentialist account developed by Peter Singer fail to give sufficient consideration to the contemporary circumstances of assistance. The tensions and problems encountered by Rawls' and Singer's accounts point to tensions between their conceptualisations and the theoretical frameworks they employ. To be clear, these are tensions *within* ethical traditions rather than between them. It seems that the constitutive elements of this duty, and an account of agents engaged in the task of practical reasoning required by this duty entailed in both theoretical frameworks, have not been given sufficient space or adequate attention. Both accounts are instructive, in that they set clear steps and actions to be taken to fulfil the duty of aid, but evaluation of the precise instructions are lacking. Further, how this duty interacts with other moral requirements is not examined, and how agents can be supported in considering responsibilities for the outcomes of their actions is not considered.

What has emerged from this analysis is that strict specification of particular act-types can lead to arbitrary constraints on what is essentially an open, wide, incomplete form of duty. It also risks reducing the capacity of agents to determine the most appropriate actions within a situated context of need. There is a fundamental issue here. It can seem that the very idea of an imperfect duty of assistance is something of a contradiction in terms. How is a moral requirement both imperfect and a duty at the same time? If the definition of a duty is some act or requirement an agent ought to perform, and the definition of imperfect is that the acts and the requirements are wide, open, incomplete, and unspecified, then how is an agent supposed to act?

A secondary issue related to this is how to perform positive act-types that are in essence a form of interference to achieve the goal of assisting another without causing unintended harm? This is a critical tension that has contributed to the sense of crisis in the assistance industry and was examined, in detail, in Chap. 1. For deontologists, how can an agent perform a duty of assistance without violating a duty not to harm in circumstances of uncertainty? For consequentialists, how can agents measure the potential harm so as to judge if these harms are permissible and can produce better outcomes overall when the problem outcomes of actions are uncertain and difficult to determine? Both Rawls and Singer seem to assume that this tension would be resolved if their prescriptions are adopted. However, if assistance requires that an agent act in the interest of another or for their benefit, then this can entail both a constraint on the actions of the agent and some form of interference in the life of that other (agent). These aspects of constraint and interference are delicately balanced and easily upset. This issue was not adequately addressed by either approach.

These findings prompt me to examine these problems from a different perspective. Rather than seeking to reinforce the institutional framework through the precise specification of the courses of action agents ought to undertake, these findings suggest ethical scrutiny is required at a more foundational level to support agents critically examine the imperfect nature of this duty and what this requires of them. In this chapter, I examine approaches that offer ways to examine these problems from a different perspective. In the following section, I examine Onora O'Neill's approach, representing a deontological point of view, through the lens of the circumstances of assistance. I then examine Amartya Sen's approach, representing a consequentialist perspective, within these circumstances. Both of these philosophers examine the moral basis, grounds, and limits of an imperfect duty of assistance and construct practical approaches to guide agents in the performance of moral duty within the contemporary circumstances of assistance.[1]

---

[1] That is, one that can be used to support agents in judging and appraising specific contexts and that can guide agents in responding to these contexts.

4.2   O'Neill's Approach to the Practice of Ethics

4.2.1   Background

Onora O'Neill is perhaps most widely known for her critiques of contemporary liberal contractualist deontological such as Rawlsian liberal contractual accounts, (1980, 1993, 1999) and consequentialist (welfare utilitarian in particular such as Singer (1972, 2004, 2009, 2011)) accounts of justice in the modern state-based context of international ethics. However, in her role as a 'practical' philosopher, O'Neill does not limit her comments to critique; rather she constructs an account of an alternative ethical approach that aims not to fall foul of what she takes to be the main problems of these other accounts. Within this alternative ethical approach, O'Neill has developed what might be broadly described as a 'rigorist' account of an imperfect duty of assistance.[2]

O'Neill's contributions to the debates on the duty of assistance represent a small component of her much broader theory and research interests. With this in mind, it is perhaps helpful to situate this duty in the wider context of O'Neill's account of moral duty before extracting an exposition of the duty of assistance, its basic premises and general propositional structure.

According to O'Neill, recent developments within political philosophy that focus entirely on institutions without adequate consideration of the character and behaviour of agents (individual *and* collective) are misguided and insufficient. Perfect duties of justice are necessary to shape the basic institutions of a society, regulating and governing the behaviour of agents in a delimited public sphere.[3] However, for O'Neill, and for most historical political philosophers, duties for agents, understood as duties of virtue, concerned with guiding the moral character and behaviour of agents in their actions, represent an enormously important element of moral and political philosophy.

O'Neill argues (1989, 1996) that modern liberalism, in particular Rawlsian liberalism (1980, 1993), which focuses exclusively on perfect duties of justice, is not only lamentable, but theoretically unstable and practically unhelpful. The relegation of duties of virtue and matters concerned with character and behaviour to the private sphere, beyond the reach of scrutiny, and the exclusive focus on the establishment

---

[2] Here I borrow this term and classification from Daniel Statman (1996) as the closest description of the definition of imperfect duties that O'Neill works upon. According to this account, neither the act type nor the reason for action differs between perfect and imperfect duties: 'viewing perfect and imperfect duties as expressing similar types of reasons for action helps us to see that there is no clear-cut demarcation between them but that instead we are faced with a continuum of moral reasons of varying weights' (Statman 1996: 220). Therefore he suggests that all duties generate reasons for action that must sufficiently outweigh personal concerns or reasons not to act, and therefore, both perfect and imperfect duties compel an agent to perform certain acts.

[3] Perfect duties, as discussed in Chap. 2, as duties of law or right, are of strict and narrow application, that is, that they must be applied in all circumstances regardless of costs or other agent-relative considerations.

of just institutions is deeply problematical.[4] O'Neill offers many reasons in defence of this criticism. According to O'Neill, duties of virtue are not limited in their reach to private individual agents and matters of private reasoning. Duties of virtue are also concerned with matters of social virtue and the ethos and character of human-made (and managed) institutions, and are therefore matters of public reasoning. These are duties of *social* virtue, and are required because 'without some underlying orienting stance, without certain attitudes and responses to others and to differing aspects of life, in short without a character, action would be unstable and erratic; the basis for sustaining relationships and ways of life would be weakened; even ways of interpreting situations and of distinguishing which ways of feeling and acting were appropriate in given contexts would fluctuate' (O'Neill 1996: 186).

In *Constructions of Reason: Explorations of Kant's Practical Philosophy* (1989), O'Neill highlights the tension that this exclusive focus on justice leads to within contemporary deontological and consequentialist accounts. She argues that in marginalising matters of social virtue, some accounts attempt to squeeze matters traditionally associated with virtue (not only in a Kantian sense but also, more broadly within the history of political philosophy) into an account of justice. Those that do not fit into such an account of justice are marginalised and hidden. O'Neill argues that both deontological and consequentialist welfare liberals have devalued duties of virtue, such as assistance and charity to no more than personal preference: 'If charity is no more that personal preference, then callous and kindly actions to others in need are equally permissible, provided justice is not breached. It is not surprising that liberals who think they face this dilemma often try to show that much that used to be thought charity is really a matter of justice' (O'Neill 1989: 225). Rather than blurring the distinction between duties of virtue and justice, as for example, Rawls's account attempts to do, O'Neill's account seeks to maximise the potential of a richer and wider account of moral duty.

In *Towards Justice and Virtue* (1996) O'Neill argues that contemporary theories of justice which exclude consideration of social virtues[5] are particularly practically inadequate in the modern world marked by deep pluralism, continuous and widening networks of connection, and mutual interdependence. Pluralism and connection form the background assumptions upon which O'Neill bases her account. It is against these background assumptions that O'Neill develops duties of justice and virtue which, she argues, are necessary for social cooperation at all levels. Building upon Kant's division of duties, O'Neill identifies four types of duty – perfect universal; imperfect universal; perfect special and imperfect special (O'Neill 1996: 152). The method of justification of these duties also follows a Kantian constructivist methodological approach whereby a procedure is invoked to enable an agent test their maxims of action and deliberate between specific courses of action.

---

[4] For example, John Rawls's enormously influential work *A Theory of Justice* (1971), and his later work *Political Liberalism* (1991) develop principles of justice that apply to the basic institutions of the state and provide a minimalist account of the duties and character of agents.

[5] O'Neill is also critical of contemporary theories of virtue that exclude consideration of conceptions of justice.

In the process of deliberation, agents test their reasons and courses of action (and the ends entailed by these) against a simple, yet demanding set of criteria, to establish if the reasons and courses of action (and the ends entailed by these) can be justified and claim authority among an affected population. The criteria for justification require courses of action to be adoptable, followable, and intelligible by those who fall into the domain of ethical consideration. This form of practical reasoning is public and inclusive and requires an agent (individual and collective) to justify their actions to *any* others affected by these. This marks a clear departure from instructivist approaches such as Rawls' where the recipient of aid is not part of this conversation.

4.2.2   The Moral Basis of Duty

Within this framework, the majority of perfect duties are rights-based.[6] They are direct correlatives of rights. They can be perfectly specified and allocated. Imperfect duties, on the other hand tend to be goal-based.

O'Neill develops what she describes as a 'principle based conception of action' as the reasons agents would act upon duty (any duty). The moral basis of both types and forms of duty rests upon principles. These principles are also constructed through the process of practical reasoning. The content of these principles is thin. According to this account, duties of justice (perfect in form) rest upon principles to reject injury (the duty not to harm); and duties of virtue (imperfect in form) rest upon principles to reject indifference and neglect (duties of assistance and help). These principles represent the starting point, rather than the end point in a process of ethical reasoning and deliberation that would be embodied in the character of agents and the ethos of institutions. Specific duties, including the duty of assistance, can be derived from these principles.

Within this account, the circumstances or conditions of activity are based on three core assumptions. Firstly, plurality – that there are others seen as separate from the agent; secondly, connection – that those others are (or could be) connected to the agent in some way; and thirdly, finitude – that those others have limited but determinate powers (O'Neill 1996: 100–106). When these conditions or circumstances arise, agents are required to assign moral standing to these others in their ethical deliberations.

For O'Neill, the reason why agents are bound by imperfect duties is not necessarily because of a pre-existing relationship or special connection; or because a right has been claimed and it is the correlative duty of the agent to act to fulfil the requirements of this claim. These factors may provide an agent with special reasons to perform specific act-types in specific circumstances and contexts. Rather, it is because an agent has moral standing. As agents do and must act, and as agents do

---

[6] Again I borrow here from Barry's description of right-based and goal-based duties (Brian Barry 1991).

and must select among alternative courses of actions, and as these actions do have an effect on others, then agents must justify their actions to those others and are responsible for the outcomes of these actions wherever they fall. If others who are connected with an agent in some way, and thus have moral standing for that agent, are in need of assistance, then that agent is bound by the moral duty to assist that other.

One important point to note here is that both forms of duty, justice (rights-based) and virtue (goal-based) lie at the heart of tensions in the assistance industry – how to act in accordance with a duty to assist without violating the duty not to harm. This account does not offer a single solution for resolving this tension. However, it offers a framework for navigating this. The perfect duty not to harm (or to avoid direct and indirect injury) is a constraint on the imperfect duty to assist. That is a perfect duty of justice, not virtue. Thus, there need not be conflict between these duties, rather, it demands that agents give more consideration to the reach and effects of their actions, and seek to avoid causing harm whilst providing assistance. However, this may also imply greater restraint in the range and reach of actions in circumstances where the probable outcomes of action are uncertainty.

4.2.3 Approach to Practical Reasoning

So what is practical reasoning? O'Neill defines this as 'reasoning which we and others can use in both personal and in public life not merely to judge and appraise what is going on, not merely to assess what has been done, but to guide activity' (O'Neill 1996: 2). Within this account, agents have the capacity to act, to reason, and to select courses of action based on reasons. Agents are assumed not to be ideally rational or ideally independent. Rather, they are rooted within the context of their communities, – families, and circles of special concern. Agents are situated, but not locked in by their circumstances. Their actions reach beyond these situated circumstances.

One of O'Neill's central concerns in *On Justice and Virtue* (1996) is to develop a procedure of practical reasoning to support agents when they engage in activity. In the context of bounded affiliations and social pluralism, this procedure cannot be based upon a test against a single, transcendental, metaphysical, or Divine principle, as there is no such principle that all agents would recognise as the one *True* principle. However, even in this context, agents still need to act, and to justify their actions to others within the reach of such actions. This procedure entails two elements. The first element concerns the question of who ought to count for a situated agent. The second concerns the question of justification of action and how reasons for action can claim authority within this context.

According to O'Neill, when the conditions or circumstances of activity arise, agents are required to assign ethical standing to others (the plurality of finite other with whom they are or could be connected) in their considerations. This method supports an agent to identify who, or what, should be given ethical consideration in

a given context. O'Neill's procedural approach allows for the development of restricted (particular or special) and inclusive (universal and general) duties. 'That as questions that arise for and must be addressed by particular agents who need to determine to which other beings they must accord the standing either of agent or of subject (or both)' (O'Neill 1996: 93).

The second element is concerned with the requirement for justification of reasons for action. O'Neill develops a procedure where reasons for action can be selected, tested, justified and therefore can claim authority in a particular context. In order for the reasons for acting and outcomes of practical reasoning to be authoritative in some way, they are required to meet certain criteria for justification. The criteria for justification are firstly, that the proposed actions (and ends to which these actions aim) and reasons for these actions must be ones that others could adopt; secondly, that these actions be followable by those others, and thirdly, that the reasons be intelligible and accessible for those to whom they are to be relevant. That is, by those who fall into the domain of ethical consideration in a particular context.

Thus, both elements enable agents to engage in the task of practical reasoning within situated contexts. The aim of this procedural framework is not to determine what to do in all possible situations, rather to enable agents to 'reason with all possible solidity from available beginnings, using available and followable methods to reach attainable and sustainable conclusions for relevant audiences' (O'Neill 1996: 63). As such, the types of action that can be undertaken are not defined or prescribed in advance, and are limited only by other duties.

4.2.4   The Imperfect Duty of Assistance

Within this account, the general duty of assistance is categorised as a universal imperfect duty: 'held by all, owed to none' (O'Neill 1996: 152). The duty of assistance is not a correlative of any particular human right, because for O'Neill (as for Kant), the content of a right and its correlative duty must be fully determined and perfect in form. Therefore assistance from others cannot be claimed as a matter of right *because* it is imperfect, wide, indeterminate, and open. '*Universal imperfect obligations* like all imperfect obligations, lack counterpart rights, so unlike universal perfect obligations will be enacted by all but not for all; *a fortiori* they cannot be claimed by each from all' (O'Neill 1996: 201). However, the *imperfectness* of an obligation does not mean that it is not an obligation. It simply means that an agent is required to select a course of action that will achieve specific ends, such as the rejection of neglect and suffering. However, the selection of particular courses of action in the performance of this duty requires agents to balance the requirements of this duty against the constraints and requirements of other duties. This is not a simple task. Much of what an agent ought to do will be determined by their capacities and the context within which the need for assistance arises. The procedural

framework for practical reasoning is intended to support agents in navigating these requirements in particular contexts.

Thus, for O'Neill, as a matter of duty, the duty of assistance is a matter of strict obligation. As an imperfect duty it is incomplete, indeterminate, of wide application and critically it is action-based (and therefore ends-based). It requires the selection of a course of action (from a plurality of possible actions) to meet or fulfil certain ends or goals such as the rejection of indifference to the suffering of others through the alleviation of harm, or promotion of conditions were harm and suffering can be reduced. Actions required by this duty are means towards these ends or goals. As a matter of assistance, this duty entails positive act-types requiring agents to undertake specific actions. At the same time, agents are required to avoid act-types that will result in injury. Finally, although this duty is potentially universal in scope, it is necessarily particular and partial in application. As it is not possible to act for the benefit of, or in the interests of, all others all of the time, agents must select the specific actions they can undertake, for whom, and justify each step along the way. Thus, the process of selection and deliberation is critical.

Within O'Neill's account, I have argued that each of the constitutive elements of an imperfect duty of assistance (introduced in Chap. 2) are acknowledged and activated. However, this is only possible due to a rich account of agents engaging in the everyday task of practical reasoning. Within this account it is the agent, not the philosopher, who engages in deliberation, evaluation, judgment, and appraisal. It is the situated agent, not the philosopher, who decides upon the right course of action. The philosopher, however, has established the framework within which these activities can take place. This framework includes criteria and procedures for judging between alternative courses of action and justifying or vindicating decisions taken. So, the question then becomes, can the account provide a practical guide to agents acting within the contemporary circumstances of assistance?

4.2.5 Contemporary Circumstances of Assistance

4.2.5.1 Moral Dimensions

Within O'Neill's account, agents are situated within, not abstracted from the condition of social pluralism. The reach of actions and the presumption of a plurality of other finite agents acknowledge our shared connections beyond a delimited circle of special concern. As a consequence, for O'Neill, social pluralism does not curtail the reach of morality or duty. It is not a moral constraint within this account as it is taken to be by Rawls (1971, 1980), for example. Rather, it is simply the situated circumstances within which agents act. For O'Neill, the condition of activity generates demands on agents to extend consideration of their actions to any others whom they are or could be connected with (and who may in some way be affected by it). It sets demands on agents to give some consideration to a plurality of others, and the mutual vulnerabilities and finitude of those others. When these conditions hold,

according to O'Neill, agents ought to take the moral standing of these others into their deliberations. The central function of criteria for justification is to test the accessibility and followability of the reasons for action. This requires agents to reach beyond the boundaries of like-minded agents by providing reasons that all others effected by actions can accept: 'our practical reasoning must often be based on principles that are widely accessible; its authority will vanish if we duck the requirement to keep to such structures' (O'Neill 2000: 25).

O'Neill's account entails a basic moral cosmopolitan assumption concerning the equal moral status of all agents. However, O'Neill devotes considerable attention to the demands of special ties and relationships, the value that these hold for agents, and the richness they bring to human life. O'Neill rejects the presumption that special duties would always take priority over general duties to others should a conflict occur. At least two reasons can be found in O'Neill's approach to defend this position. Firstly, agent's acts and actions reach considerably beyond these circles of special concern; secondly, the scope and boundaries of special relationships are not immediately obvious or easily determined in a world as interconnected as ours. Agents share special relationships based on political connections, social connections (for example through Diasporas), cultural or religious values, economic interactions, and so on. Identifying the scope and boundaries of special obligations within such a continuously changing and shifting web of connections and interconnections is not only a complex task, but an incomplete and ongoing process. This process is supported through the procedural framework for practical reasoning.

Thus, the starting point of practical reasoning within this account is situated, but the reach is open, inclusive, and potentially universal. In this sense, I suggest it is fair to say that this approach moves from the inside out, so to speak. It moves from the perspective of the situated agent, and supports the agent in various ways to recognise the reach of their actions, and the responsibilities these may entail. Thus, social pluralism is acknowledged as a practical reality rather than a moral constraint.

4.2.5.2   Epistemic Dimensions

The three shifts discussed in previous chapters include firstly, awareness of need, secondly, understanding of the complexity of humanitarian and development contexts such that the process of assistance is often not as simple as it might first appear to be. Thirdly, we are now more aware of deepening connections between agents in different ways through economic links and interdependencies, as well as our interconnectedness, as we come to understand how our actions effect unknown others, in unknown places, at unknown times, and in unknown ways.

O'Neill's account of the duty of assistance, as an ends-based imperfect duty, is intended to be sufficiently wide and open to provide reasons for agents to act in these circumstances. The ends of this duty are set by the principle of virtue from which it is derived. This principle sets requirements – agents ought to reject indifference and neglect in their actions and ethical considerations. According to O'Neill,

this includes the rejection of direct indifference to the suffering of others (thus agents would demonstrate social virtues such as sympathy, assistance, care, and solidarity) and indirect indifference to the material basis of life (thus agents are required to give consideration to natural and human-made environments in their actions) (O'Neill 1996: 205). Agents are required to select among possible courses of action to achieve these ends.

On the matter of needs and complex contexts, I suggest that this duty-based account can provide agents with a practical guide in situations where the apparently simple task of assisting others is, in reality, anything but simple and where a multitude of intersecting and overlapping factors influence the outcomes in different ways. Within this account, acting in accordance with a duty to assist requires an agent to act to achieve certain goals or ends. Act-types are not clearly specified by the duty and must be determined by the agent within the context of need. However, this does not permit an agent to violate other duties such as the perfect duty not to harm others. The openness of the duty allows for new, different, and alternative courses of action and innovative approaches. At the same time, actions that can result in harm or injury must be avoided. The duty to avoid harm, as a perfect duty, holds in all circumstances as such, acts as a constraining consideration when deliberating on appropriate courses of action.

Regarding the deepening awareness of connection and interconnectedness, I suggest again that O'Neill's account can provide a practical guide. For O'Neill, connection with others is assumed in so many of our daily activities. For example, the act of boiling the kettle to make a cup of tea assumes the existence and cooperation of a wide and unknowable plurality of other finite beings. It assumes the use of energy and thus the release of greenhouse gas into our shared atmosphere, and the cooperation and engagement of so many others that it would be difficult to trace and quantify (from sowing of seeds to picking of leaves, to processing plants, transportation, further processing and packaging, and distribution). There is no possible way in which tea leaves or coffee beans can be grown in Ireland for example. Therefore, every agent in such a location, that develops a taste for these items, shares a labyrinth of connections with agents beyond their borders and who are strangers. O'Neill's argument is very simple. If we are or could be connected with others, then these others ought to be attributed ethical standing in our moral deliberations. As connection is assumed through so many of our actions, it is taken as a core condition of the procedural framework of practical reasoning.

However, greater reflection on this epistemic consideration does not necessarily lead to greater clarity on the limits of actions that can be required when the need for assistance in others arises. As it is not possible to act for the good of, or in the interests of, all others all of the time, agents must select the specific actions they can undertake and for whom. Although this account of assistance is universal in scope, it is necessarily partial in application. Further, although all such agents are engaged in practices and cooperation, such agents (such as the tea consumer), are not expected to provide assistance to all others (such as the tea producer) at all times. For O'Neill, the duty to aid is held by all, but owed to none – as such, agents are required to select who they can and will assist and when. Finally, the limits of this

duty rest in the need to balance its requirements with the range of other duties within this deonotological framework – perfect and imperfect, to others and to oneself.

4.2.5.3 Practical Dimensions

Rawls's contractualist deontological account was not deemed insufficient due to its inability to guide agents in circumstances where the outcomes of actions are uncertain quite simply because Rawls did not consider this circumstance. Rather, Rawls assumed that the reasons for need lay in the domestic context of closed societies, and that the content of the duty of assistance ought to focus entirely on improving the domestic context.

However, O'Neill does not share these assumptions. O'Neill's account enables agents to select courses of action in conditions of uncertainty, but all times, agents remain bound by the perfect duty not to harm. Agents use practical reasoning to navigate through the landscape of moral requirements, including constraints generated by the duty not to harm, to address a specific context of need. If there is a risk of harm, then particular courses of action ought not be selected and pursued. This would suggest that at times, this may entail the agent refraining from certain courses of action until they can gain a clearer and more accurate understanding of the particular context of need. The imperfect, goal-based character of this duty allows for critical analysis, deliberation, and determination of a wide-range of activities depending on the specific context of need. Thus although O'Neill's broader landscape of moral duty enables agents to act as they determine most appropriate to the circumstances, it also sets constraints. It supports agents in navigating these circumstances, facilitating action that is required to achieve a particular goal. However, agents are required to avoid actions that will harm others.

4.3 Sen's Consequentialist Comparative Approach

4.3.1 Background

Amartya Sen is perhaps best known for his activities as an economist, taking the Nobel Prize for Economic Science in 1998 in recognition of his contributions to welfare economics and social choice theory. However, he is also a formidable philosopher examining the ethical implications of famine, the causes of poverty, and the idea of justice at a global level for over five decades.[7]

---

[7] A small anecdote that might provide some indication of the reach of Sen's work lies, I think, in the preface to John Rawls's *Theory of Justice* (1971) where Rawls thanks Sen for his comments on earlier drafts of his text, but also acknowledges Sen's philosophical skills when he comments upon Sen's *Collective Choice and Social Welfare* (1970). Rawls claims that 'his book will prove indispensable to philosophers who wish to study the more formal theory of social choice as economists think of it. At the same time, the philosophical problems receive careful treatment' (Rawls 1971: xi).

His contribution to the debates on assistance represents a small component of his much broader theory and research interests. I will make no attempt here to provide a full exposition of Sen's *Idea of Justice* (2009). Rather, I will focus on his account of duties in general and the duty of assistance in particular. Bearing this precautionary note in mind, I suggest it is helpful to provide a brief overview of his wider account before extracting his account of the duty of assistance, its basic premises and general propositional structure. Sen's account fits broadly into the category of consequentialist ethics, although I choose to use this term with some reservation.[8]

Sen is highly critical of classical and contemporary utilitarianism which seeks to reduce the values of what ought to be maximised to the single principle of utility.[9] Sen rejects this (or indeed any) singular, monistic account of the grounds and moral basis of right action. He argues that it is deficient in many respects. At least two reasons are offered by Sen in defence of this criticism. Firstly, that a plurality of valid and competing claims may emerge in a process of ethical reasoning, and agents must be supported in deliberating between these claims. Secondly, some consequentialist ethical frameworks do not, according to Sen, give sufficiently wide consideration of duty and responsibility as reasons for agents to act. Monistic accounts of outcomes to be maximised, such as utilitarianism are problematical for Sen because, in 'ignoring all consequences other than utilities, even when they are part and parcel of the state of affairs' (2000a: 478), agents cannot be held responsible and accountable for the full range of consequences of their actions, including harm they may have caused or in some way contributed toward. Responsibility here refers to taking responsibility for the full outcomes or consequences of one's choice of action.

The reasons why one might act, according to Sen, are multiple and varied (see Sen's idea of freedom entailed in his *Development as Freedom* 2000b). Attempts to reduce all reasons to the promotion of a single value do not, he argues, allow for evaluation or judgement, and can result in the suppression and arbitrary restriction of the practical task of ethical reasoning in which agents can and do engage . He argues that 'those who are insistent that human beings cannot cope with determining what to do unless all values are somehow reduced to no more than one, are evidently comfortable with counting ('is it more or is it less?') but not with judgement ('is this more important than the other'?)' (Sen 2009: 395). For Sen, 'being able to reason and choose is a significant aspect of human life' (Sen 2009: 18). These abilities are the basis of his account of agency. Through the process of selection and choice, agents are then responsible for the full range of outcomes or consequences of these choices (Sen 2000a: 477). Again, Sen's approach is an example of

---

[8] It seems Sen is not comfortable with the label 'consequentialism' which he suggests can 'be sensibly bequeathed to anyone who wants to take it away' (2000a: 478). However, he concedes that his account is not in conflict with at least one standard definition of consequentialism – that developed by Philip Pettit "roughly speaking consequentialism is the theory that the way to tell whether a particular choice is the right choice for an agent to have made is to look at the relevant consequences of the decision; to look at the relevant effects of the decision on the world" (cited in Sen 2000a: 478; Pettit *Consequentialism* 1993: xiii).

[9] See for example, Singer (2004, 2009).

a disruptive account that challenges traditional philosophical ideal theory in its search for clarity and instruction, seeking instead to liberate the process of inclusive deliberation, practical reasoning, and creative agency.

So, a fair question to ask then might be what values does Sen seek to maximise or promote? The answer to this is rich and diverse, but not easily stated. One of the reasons for this can be found in his approach to ethical reasoning. In his later work (2009) Sen has explicitly rejected what he describes as 'transcendental theory', understood as theories that aim at some ideal-type account of justice or virtue (or perfectionism or happiness), as an appropriate approach to ethical theory. There are two reasons for Sen's rejection of this framework. Firstly, according to Sen, different ideal-type accounts are based on different, possibly irreconcilable and incompatible grounds. As such, he argues, it is reasonable to assume that a plurality of reasonable grounds represents a more suitable point of departure. This necessitates a comparative approach and a rejection of ideal theory. Secondly, he argues that contemporary transcendental approaches focus entirely on institutions and fail to give sufficient consideration of the actual circumstances and societies peoples act within (Sen 2009: 6–7). Thus, he favours what he describes as a comparative approach which he claims allows for social comparisons between 'more' and 'less' just conditions within actual societies, giving adequate consideration to actual circumstances. He describes his preferred approach to the task of political philosophy as follows: 'to investigate realisation-based comparisons that focus on the advancement or retreat of justice' (Sen 2009: 8). This, he describes broadly, is the method of 'consequential evaluation' (Sen 2000a).

In short, he seeks to promote the value of the idea of justice (including liberty or freedom and equality), but what this is precisely is a little tricky to state. Broadly speaking, it is concerned with the nature of the lives people can actually lead, the freedoms they have, the capabilities they can secure, and the well-being and happiness they can have and can secure for others. There are a plurality of values that inform the *idea* of justice and a plurality of reasons that would inform particular conceptions of justice. Sen's task is to provide a framework for evaluation and judgement among this plurality of reasons and conceptions.

Sen also departs significantly from classical utilitarian (and other consequentialist) accounts when it comes to consideration of human rights (as freedoms). For contemporary utilitarian philosophers such as Singer, human rights are instrumentally valuable in so far as they promote utilities, whereas for Sen, a violation of a basic right represents an intrinsically bad state of affairs. He argues 'consequential evaluation that takes note of freedoms, rights and obligations – and their violation – would argue that bad things have happened precisely because someone's freedom has been breached, and some rights and duties have been violated' (Sen 2000a: 493).

Thus, his is a consequentialism of a different kind, seeking to promote a plurality of values and reasons for action. His approach links 'ideas of 'goodness' and 'rightness' in a general consolidated framework' (Sen 2000a: 480).

4.3.2   The Moral Basis of Duty

There are at least three different ways in which agents can come to have duties within Sen's account. Firstly, duties are correlatives of human rights where rights represent the basic deontic category and duties are secondary to this. In the case of these types of duty, typically perfect in form, the requirements of the duty are entailed by the right. Such duties are narrow, precisely specified, and to be strictly applied in all circumstances regardless of the cost to the agent. Rights-holders and duty-bearers are clearly specified and specifiable. Secondly, an agent can come to be a duty bearer indirectly. In cases where a right-holder cannot have their right fulfilled or perhaps have had their rights violated, others with a capacity to act have, according to Sen, a duty to act to assist the agent (as rights-holder). Thirdly, duties are derived through Sen's account of agency and the reach of actions. Human beings, in the course of their lives, can select certain goals and pursue these goals for reasons that they take to be relevant and valid to them. For Sen, freedom of choice is also a basis of responsibility and duty. 'Freedom to choose gives us the opportunity to decide what we should do, but with that opportunity comes the responsibility for what we do… and this can make room for the demands of duty' (Sen 2009: 19).

4.3.3   Approach to Practical Reasoning

Sen invokes what he refers to as 'consequential evaluation' as his preferred method of practical reasoning. Similar to O'Neill's conception of the moral agent as being not ideally rational nor ideally independent, Sen develops an account of 'situated evaluation' which requires 'that a person not ignore the particular position from which she is making the choice' (Sen 2000a: 484). Thus, considerable sensitivity to and space for special responsibilities (and duties) is supported within this approach. Also, this account falls more comfortably into the constructivist methodological framework rather than the traditional consequentialist accounts such as Singer's. This stands in direct and sharp contrast to ideal theories such as utilitarianism (or indeed contractualist deontological accounts) that require an agent to rationally evaluate what the right course of action would ideally be (such as, maximising the sum total of utilities or acting in accordance with a consequence-independent duty).

However, rejecting an ideal account of a single value does not reduce Sen's account to the status of 'anything goes'. This account is demanding of agents in that they must take account of the full consequences of their actions. This implies that they must take account not only of the direct consequences but also of the indirect consequences. This dramatically broadens the scope of *who* agents must consider in their actions. Again, like O'Neill, Sen's account is sensitive to social pluralism and special relationships, but demands that borders and boundaries remain porous when it comes to the task of practical reasoning, determined instead by the reach of

activity and the consequences of action (see Sen 2002). Thus, he rejects as arbitrary the limiting of concern or consideration to a particular group. Like Singer, Sen's approach is global in reach.

On the question of how the reasons and actions that agents select come to claim moral authority, Sen (again moving further away from the broad consequentialist family) invokes the test employed by Adam Smith of the Impartial Spectator. This is a test of impartiality and allows an agent to claim a level of objectivity (and thus authority) for their reasons. It requires agents to consider their actions 'at a distance' from themselves (Sen 2009: 44). According to Sen 'Adam Smith's insistence that we must *inter alia* view our sentiments from a "certain distance from us" is motivated by the object of scrutinizing not only the influence of vested interest, but also the impact of entrenched tradition and custom' (Sen 2009: 45). So for Sen, this procedure represents a process where reasons can be tested and vindicated, allowing claims to the status of objectivity and therefore carrying moral authority. It is vital to note that for Sen, as for O'Neill, such claims to objectivity and moral authority *are fallible*. They are not claims to absolute truth, rightness, or goodness. Rather, they are claims to inter-subjective reasonableness.

In the case of an imperfect duty of assistance, the method of reasoning departs somewhat from this basis. Although an agent may not be the direct duty bearer (for certain specifiable rights and freedoms), in the event that a claim is violated or unrealised, agents with a capacity to assist have an indirect obligation to do so. Thus, imperfect duties can be invoked indirectly. The question of who ought to count is answered by the circumstances of need. However, the questions of who ought to act and what course of action to pursue would be subject of this procedure.

Another distinctive feature of Sen's account of consequential evaluation, and one that distinguishes his approach from others within the family of consequentialism, is his rejection of the idea that the right course of action must be the one that always optimises particular values. This is because, in many situations, the relevant information is simply not available to agents to allow this. Thus, he aims at more modest criteria for determining right action. Right action is the action that maximises particular values through a process of non-ideal, partial ranking of potential outcomes. According to Sen, 'maximisation does not in fact demand that all alternatives be comparable, and does not even require that a best alternative be identifiable. It only requires that we do not choose an alternative that is worse than another that *can* be chosen instead' (Sen 2000a: 496). For Sen, following the axiom of logic that ought implies can, agents can only select an option based on the information available and thus, options are compared and selected on the basis of comparative partial rankings. This allows for a flexible and dynamic process of deliberation and selection in which the complex circumstances of assistance can be given consideration, and where there may be no single 'right' action to take.

4.3.4   The Imperfect Duty of Assistance

Within Sen's account, duties represent reasons or precepts for action. The moral basis of this account is a rich conception of 'freedoms'. Freedom, for Sen, entails two essential elements – opportunities and processes. Freedom within this account refers both to the capabilities required for agents to have the opportunity engage in action, however, there must also be a process in place for agents to activate these opportunities. Rights are a means for achieving and securing these freedoms. If agents have rights (as freedoms), then specified others are duty-bound to respect and protect this right. This is a direct, correlative relationship, and can be clearly specified for all perfect duties. If rights (or their underlying freedoms) are violated or un-realized then agents with a capacity to assist have a reason and a duty to act to fulfil this. Thus, the duty of assistance is indirectly correlative with human rights in this account.

According to Sen (and in sharp contrast to O'Neill), imperfect duties are the correlatives of rights but in a different way.[10] If an agent is unwilling or unable to meet the requirements of a right, then others have what Sen refers to as a 'third party obligation' (Sen 2009: 376) to meet the requirements of this right. The duty falls to any agent with the capacity (and character/will) to act to fulfil the requirements of the right. Sen argues 'even if it is not specified who will have to do what to help the victimized person, there is a general need for a responsible consequence-evaluating agent to consider her general duty to help others (when reasonably feasible)' (2000a: 494). The duty of assistance, as a third party obligation, is indirectly grounded upon rights (as freedoms). This broadens the reach of potential actors and agents considerably.

For Sen, the duty of assistance is an imperfect duty of justice (where justice is understood in a very broad sense as the promotion of freedoms and well-being, and entails the practice of virtuous action). As a matter of duty, it is a matter of strict obligation. As an imperfect duty, it is incomplete, indeterminate, and of wide application. As an action-based duty, it aims towards certain specifiable goals or ends. These goals, and the actions they can entail, are diverse. As a matter of assistance this duty can entail both positive act-types requiring agents to undertake specific actions or negative act-types, requiring agents to avoid certain types of action. However, this duty entails a process of selection and deliberation. As it is not possible to act for the benefit of, or in the interests of, all others all of the time, agents must select the specific actions they can undertake and for whom. Thus the duty of assistance requires a robust method(s) of practical reasoning to enable agents to move from the duty to specific acts, and to justify each step along the way as the best (comparatively speaking) means toward the ends of freedom and well-being in

---

[10] Sen is aware of the range of criticisms that O'Neill's account holds against his. Their opposing positions are clearly outlined in O'Neill (2004a) 'Dark Side of Human Rights' and Sen's 'Elements of a Theory of Human Rights' (2004). Sen also addresses O'Neill's objections and defends his position in his later work *The idea of justice* (2009: Chapter Five).

others (in whatever precise form this would take). However, as a duty of justice, and in sharp contrast to O'Neill, it is not only held by all but also owed to all.

4.3.5 Contemporary Circumstances of Assistance

4.3.5.1 Moral Dimensions

Sen's account, like O'Neill's, takes social pluralism to be an important empirical fact rather than a moral constraint. Morality's claim to universality is not threatened, rather it is situated. If morality and the idea of universal principles (the grounds of which may be plural and diverse) are to mean anything at all to agents, then they must be brought to life in particular situations and circumstances by those agents. This approach falls within the family of constructivist methodology where a range of principles and values can be weighed and tested. Within Sen's account, agents are situated within, not abstracted from the condition of social pluralism. However, they are not locked into this situated context. Both the reach of an agent's action, and their capacity to reason beyond the boundaries of their special circles of concern, implies that social pluralism need not curtail the reach of morality or duty. However, it would imply that reasons to support actions must intelligible within a given context and system value.

   Sen also takes action to be the locus of practical reasoning where agents are required to take responsibility for the outcomes of their actions on all those who are affected by this action. For Sen, the condition of activity entails a connection among a plurality of agents, mutual dependencies on freedoms (including both process and opportunity elements), and the interdependence of interests among agents engaged in activity. It is context sensitive in that practical reasoning begins with agents situated and embedded in social networks and relationships. The claim to authority of the reasons for actions for Sen lies in the use of Adam Smith's impartial spectator which acts as a test of impartiality and objectivity. Agents are required to examine the reasons for action at a distance, to consider who could be affected, how they might be affected, and if these outcomes could be accepted by that other.

   Thus the reach of Sen's account is open, inclusive, and potentially universal. In this sense, I suggest it is fair to say that it also (like O'Neill above) moves from the inside out, so to speak. It begins from the perspective of the situated agent and supports the agent in various ways to recognise the reach of their actions, the responsibilities these may entail, and the broad reach of rights and duties.

4.3.5.2 Epistemic Dimensions

Sen's account, like O'Neill's, is also not threatened by the epistemic shifts within the complex moral circumstances of assistance and provides methods to guide agents deliberating within these circumstances to enable action. Sen's contributions

to the research on the causes of famine, and the range of actions and act-types that would be required to alleviate suffering and reduce the causes of such events, were ground-breaking in both empirical and philosophical terms. Sen's research, I suggest, was instrumental in generating knowledge and awareness of the complexity of humanitarian emergencies. Sen provided empirical evidence to show that famine is not simply a lack of food but the inability of particular populations cohorts to access food due to their reduced freedoms (including both opportunity and process elements). These findings, and this evidence, have enormous ethical implications concerning how and why assistance is required to address the immediate lack of food, and also the underlying causes of the emergency. As famine and many other types of complex humanitarian emergencies are the result of the actions of human agents, then human agents have the capacity to alleviate the suffering and remove the causes of need through alternative courses of action. For Sen, this is a matter of justice, not virtue. Agents are obliged to seek alternative courses of action in cases where their actions have resulted in or contributed to harm. Such harm may prompt a justice-based response where actions are required to alleviate suffering and remediate those who have been harmed.

Thus, Sen places freedoms (as rights) as the basic deontic category and defends the claim that imperfect duties, including duties of assistance, are correlatives of rights, albeit indirectly. In sharp contrast to O'Neill, Sen argues that a person in need of assistance, for example, a person at risk of starvation, can claim or demand (as a matter of right) that others provide this assistance assuming of course that these others have the capacity to provide such help (2000a: 494; 2009: 376). Thus, for Sen, the strict division between duties or justice and duties of virtue is not categorical, and duties to aid are essentially, duties of justice.

There are two ways in which he defends the claim that the duty of assistance is a (although not the only) rich source of possibility for ethical action – firstly through embracing the *imperfectness* of this duty and secondly through action-based practical reasoning. Firstly, for Sen, as an imperfect duty, the act-types required are open, unspecified outside the context of need, wide in application, scope, and reach. The actions and goals that these seek to achieve represent a rich source of ethical requirements that agents are obliged to undertake. Any person with the capacity (and the will) to act for another ought to do so. The act-types can be both positive and negative. Therefore, this could entail simply providing sufficient food or shelter, or it might require the provision of administrative and technical support to assist an agent (or group of agents) establish institutions and structures to better facilitate the delivery of healthcare, education, or whatever may be required within the particular context. Thus, the plurality of actions that can be required by this duty to achieve a plurality of goals represents a rich source of open obligation.

This is made possible through a robust account of agency and the active task of practical reason where agents engage in a process of deliberation to determine the right course of action in a particular context. Sen argues that this duty (like other duties) is both action-based and consequence-sensitive. Agents begin from their situated context to determine what actions they can (or ought to) undertake. This duty arises where freedoms have been violated *or* un-realised. Thus, Sen's account

is not only sensitive to the epistemic shift of deepening awareness of the complexity of humanitarian emergencies, but in many ways his work prompted this shift, and provides *one* method of responding to this.

To move now to a second shift concerning deepening awareness of the connections between agents across borders, Sen's approach, like O'Neill above, is not only sensitive to this shift, but can be applied to examine its ethical implications. Through his analysis of action, the reach of actions, and the responsibility agents hold for the outcomes of their actions, Sen's account demonstrates the connections between agents across jurisdictional and territorial boundaries. Through this analysis he provides strong evidence to explain why Rawls's assumption, that peoples or groups form closed systems of mutual cooperation, is fallacious.

Sen and O'Neill both argue that it may indeed be the case that an agent's special relationships with distinct, specifiable, special others, may be of intrinsic value for them, and one that brings great richness and depth to life. However, this represents only one dimension of a much more complex system of interactions and connections. The porous nature of boundaries (economic, political, and social; but also physical, chemical, and biological) makes the determination of the membership of cooperative schemes and special relationships incomplete (O'Neill 2000: Chapter 10). Through an analysis of action it is possible to trace the broad reach of an agent's relationships and dependencies that stretch considerably beyond those they may presume to be of special importance.

Finally, moving to considerations on interconnectedness, Sen's account accommodates a plurality of grounds and reasons for action. Although the work examined here does not explicitly consider environmental interconnectedness, I suggest that it can be applied to this case and can ground strong and shared reasons for action.

Thus, an elaboration of Sen's account could highlight its sensitivity to the idea of interconnection and the material basis for the existence of life. The implications of this epistemic shift suggest that interconnection provides a morally relevant reason to include others in our ethical deliberations and evaluations. If interconnection is taken as a morally relevant condition of activity, this provides a strong foundation for action wherever and whenever needs arise. In the contemporary context, we know that we cannot be certain that our actions do or do not culminate in harm to unknown others, in unknown places, at unknown times, and in unknown ways.

The acceleration of climate change and a growing understanding of how these changes interact anthropogenic activity have brought the ethical issues, the facts of interconnection and interdependency of all beings and species sharing one space, into the domain of moral scrutiny and ethical consideration. Quite simply, my ability to function as an agent, and as a human being, that is, to breathe clean air and to have access to water is linked or connected with the collective actions of other human beings and our shared dependence on the earth as a finite living entity. This dependence may not be a comfortable one. It is not easily controlled and it is not a matter of choice. I cannot choose to give up breathing or drinking water because I want to live an independent life. As a finite, living human being, it is a fact of my material existence that I am connected to others and to the planet. My (any agent)

actions, then, have an effect on those others and on the materials that are necessary for our existence and that we share.

To help clarify this point, the following provides some examples of contemporary events and developments that point to the moral relevance of awareness of interconnection. Up until relatively recently it was widely assumed that states (or groups) could legitimately use their natural resources in any way they desired to support economic development within their boundaries. This assumption, or belief, went largely unchallenged in the eighteenth, nineteenth centuries, and much of the twentieth century as many states in the global north cleared vast tranches of land to support industrial scale agricultural development required to feed large urban populations and provide incomes for rural dwellers, and the development of large scale industrial and manufacturing industries. However, by the end of the twentieth century, it became clear that the activities that were necessary to support the industrial revolution in the global north could not be adopted by states in the global south. The earth simply does not have enough natural resources (Rockström et al. 2009), and the damage that this activity has already caused to the environment is evident in what is now referred to as anthropogenic climate change. So, in today's discussion concerning actions required to adapt to our new (or altered) environment and mitigate the worst effects of these changes, low income less developed groups are constrained (or at least there are attempts to place constraints) in the actions they can select and pursue in the process of developing.

Rawls's analysis, for example, which reduces the duty of assistance to a duty that well-ordered states ought to perform for burdened states (or peoples) fails to take account of this development. Within the contemporary context, it is clear the burdened states (or peoples) need to (or at least we would like them to) take the interests of well-ordered states into their considerations when developing their economies. In fact, well-ordered states now, because of our knowledge concerning interconnection and mutual interdependence, require burdened states to act in ways that they themselves have consistently failed to do – to take the effect of their actions on others outside their borders into account as they pursue their ends (for example, economic development, securing the well-being of citizens within their borders and so on).

Accepting interconnection as a morally relevant assumption does not mean rejecting the importance of the situated context of agents and how this context is indeed the starting points for practical reasoning and deliberation for agents in their everyday activities. However, this is embedded within a context of interconnection.

Paul Collier, in his book, *The Bottom Billion* (2007) engages in an extensive analysis of up to one billion people who are not directly engaged in the global market. These people live, according to Collier, in fourteenth century conditions, and are largely unconnected with the wider world. Such groups are largely invisible to the ethical considerations of the outside world until an event occurs to bring them into focus. For example, many commentators have analysed what is sometimes referred to as the 'CNN effect' whereby media attention on a particular event is followed by action (Barnett and Weiss 2008: 26). However, we do share interconnections

with these groups. Actions undertaken by agents in one part of the world do impact unknown others in unknown locations. Without consideration of interconnections, it is not impossible for some individuals or groups to find themselves outside the boundaries of ethical consideration of others. However, this concern can be dissolved if greater consideration is given to an awareness of interconnection as a background condition of activity. Within Sen's account, in circumstances where it is unclear (or disputed) if some have acted unjustly, or violated certain rights, or simply ignored certain duties, agents still have a reason to act.

4.3.5.3   Practical Dimensions

Traditional consequentialist approaches, such as Singer's account, that evaluates the rightness or correctness of actions on the outcomes of these actions, are deeply troubled in circumstances where uncertainty prevails regarding the probable outcomes of acts of assistance. However, Sen's is not a traditional consequentialist approach. As discussed earlier, his is a consequentialism of a different kind.

There are at least two distinctive features in Sen's account that enable him avoid the problems of selecting the right course of action when the outcomes cannot be predicted with certainty. Firstly, the framework of comparative analysis, and the method of consequential evaluation within this approach, rejects accounts that seek to maximise what he takes to be idealised monistic values such as utility. Sen's task is to provide a framework for evaluation and judgement among a plurality of reasons and conceptions. He claims 'judgements about justice have to take on board the task of accommodating different kinds of reasons and evaluative concerns' (Sen 2009: 395). Thus, the outcomes do not aim towards ideal ends of full and complete justice, but to more modest ends that are more just, rather than less just.

The second feature of Sen's account rests on his employment of the distinction between maximisation of particular values and optimisation of particular values discussed above. Sen defends what he refers to as maximising values through a process of comparative partial ranking of outcomes where the agent selects the best available option based on the information that is available to them, as situated agents. Thus, his account avoids objections that can be raised against traditional consequentialist accounts such as Singer's, which in circumstances of uncertainty, selecting the best course of action to secure the best outcomes may not be possible.

4.4   Conclusion

This chapter provided an analysis of O'Neill's deontological and Sen's consequentialist approaches, and examined both through the lens of the circumstances of assistance. It explained how these approaches avoid the pitfalls of more instructive deontological and consequentialist accounts and how both provide a practical and

living account of the duty of assistance that can guide agents in their deliberations within the contemporary circumstances of assistance. Both accounts clarify the basis of the duty of assistance as an imperfect duty that is wide in reach, and is open and unspecified in its requirements. Both accounts construct a robust account of active situated agents engaging in a process of practical reasoning that supports agents in figuring out how to specify the requirements of this duty in particular, concrete circumstances.

However, there are sharp differences between these accounts. The moral basis of the duty of assistance, and the grounds of this duty, are different in each, offering different reasons to explain how and why an agent can come to hold this duty. The process of practical reasoning and the method of justification of reasons for action are also different. These differences lead to different accounts of both the content of this duty, who the appropriate duty-bearers ought to be, and the moral constraints on action in the performance of this duty. More concretely, both account give different and separate treatment to the distinction between perfect and imperfect duties; to their treatment of harm and the strength of the duty to avoid harm; and to the inter-connections between duties and the types of incremental duties that can arise in the course of acting to help another.

The conclusion of this chapter does not take us far enough. It is not enough to demonstrate how deontological and consequential ethical approaches can be invoked to support the actions of agents in the practice of assistance. It is important to indicate which approach is more appropriate within the contemporary context and beyond. In this chapter, I have not argued that one or other is the right or best approach, only that both deontological ethics and consequentialist ethics can provide practical approaches to guide the actions of agents in the performance of a duty of assistance. I will now move to the thorny question of which account is the more appropriate. This is addressed in the next chapter.

References

Barnett, M., and T. Weiss. 2008. Humanitarianism: A brief history of the present. In *Humanitarianism in question*, 1–48. Ithaca/London: Cornell University Press.

Barry, B. 1991. Humanity and justice in global perspective. In *Liberty and justice: Essays in political theory 2*, 182–210. New York: Oxford University Press.

Collier, P. 2007. *The bottom billion*. New York: Oxford University Press.

O'Neill, O. 1989. *Constructions of reason: Explorations of Kant's practical philosophy*. Cambridge: Cambridge University Press.

O'Neill, O. 1996. *Towards justice and virtue*. Cambridge: Cambridge University Press.

O'Neill, O. 2000. *Bounds of justice*. Cambridge: Cambridge University Press.

O'Neill, O. 2004a. The dark side of human rights. *International Affairs* 81(2): 427–439.

O'Neill, O. 2004b. Global justice: Whose obligations? In *The ethics of assistance: Morality and the distant needy*. Cambridge: Cambridge University Press.

O'Neill, O. 2009. Applied ethics: Naturalism, normativity, and public policy. *Journal of Applied Philosophy* 26(3): 219–230.

Rawls, J. 1971. *A theory of justice*. New York: Oxford University Press.

Rawls, J. 1980. Kantian constructivism in moral theory. *The Journal of Philosophy* 77(9): 515–572.

Rawls, J. 1993. *Political liberalism*. New York: Colombia University Press.

Rawls, J. 1999. *Law of peoples*. Cambridge, MA: Harvard University Press.

Rockström, J., W. Steffen, K. Noone, Å. Persson, F.S. Chapin, III, E. Lambin, T.M. Lenton, M. Scheffer, C. Folke, H. Schellnhuber, B. Nykvist, C.A. De Wit, T. Hughes, S. van der Leeuw, H. Rodhe, S. Sörlin, P.K. Snyder, R. Costanza, U. Svedin, M. Falkenmark, L. Karlberg, R.W. Corell, V.J. Fabry, J. Hansen, B. Walker, D. Liverman, K. Richardson, P. Crutzen, and J. Foley. 2009. Planetary boundaries: exploring the safe operating space for humanity. *Ecology and Society* 14(2): 32. [online] URL: http://www.ecologyandsociety.org/vol14/iss2/art32/.

Sen, A. 2000a. Consequential evaluation and practical reason. *The Journal of Philosophy* 97(9): 477–502.

Sen, A. 2000b. *Development as freedom*. New York: Anchor Books.

Sen, A. 2002. Justice across borders. In *Global justice and transnational politics*, 37–53. Cambridge, MA/London: MIT Press.

Sen, A. 2004. Elements of a theory of human rights. *Philosophy and Public Affairs* 32(4): 315–356.

Sen, A. 2009. *The idea of justice*. London: Allen Lane published by the Penguin Group.

Singer, P. 1972. Famine, affluence, and morality. *Philosophy and Public Affairs* 1(1): 229–243.

Singer, P. 2004. Outsiders: Our obligations to those beyond our borders. In *The ethics of assistance: Morality and the distant needy*, 11–32. New York: Cambridge University Press.

Singer, P. 2009. *The life you can save*, 1st ed. London: Picador.

Singer, P. 2011. *Practical ethics*, 3rd ed. Melbourne/New York/Cambridge: Cambridge University Press.

Statman, D. 1996. Who needs imperfect duties. *American Philosophical Quarterly* 33(2): 211–224.

Chapter 5
Adjudicating Between O'Neill and Sen on Assistance

Abstract This chapter adjudicates between the broad deontological and consequentialist frameworks of O'Neill and Sen to identify the most appropriate framework to guide action in the contemporary circumstances of assistance. There are a number of areas of overlap between these approaches as both seek to retain the imperfect nature of this duty, and also to place this duty into a wider moral landscape in which situated non-idealised agents are based. Using the idea of 'practical' to develop appropriate criteria for evaluation, it finds that an application and extension of a broad consequentialist approach provides a more practical framework to guide the actions of agents in the contemporary context. Three reasons are offered in defence of this claim. Firstly, I argue that a non-monistic pluralist theoretical framework provides a more inclusive moral basis to guide agents in the performance of this duty. Secondly, I argue a dualistic method of justification that blends both weighing of outcomes and testing of actions may remove and reduce conflict and manage uncertainty in a way that narrower methodological duty-based approaches cannot. In providing agents with a clear, but open framework for practical reasoning and evaluation, this procedural framework can avoid the risk of inaction and reduce confusion and uncertainty where possible, accepting that this may not always be possible. Thirdly, I argue that a pluralistic, non-idealised outcome-focused approach provides a stronger foundation for action, while seeking to minimise harms and unintended outcomes, and maximise responsibility for the outcomes of action. Through action, connection, and interconnection this approach explains how incremental moral duties can arise in the performance of assistance that can mark the beginning of special relationships rather than the complete fulfilment of a moral duty.

5.1 Introduction

The two approaches examined in the previous chapter both claim to provide a practical framework to describe how agents can deliberate, evaluate, appraise, judge, and perhaps most importantly, act to help others within the contemporary circumstances of assistance. Both sought to relieve the tension that can arise between acting to assist another whilst avoiding (or minimising) harm by clarifying the moral basis for the duty to assist, as a duty of strict obligation, within a wider landscape of ethical requirements and commitments. Acting upon the requirements of this duty

does not relieve or remove other duties or responsibilities we may have to others. Both accounts develop a rich tapestry of the reach of action and a framework for practical reasoning. It is through agents and the practice of agency that reasons and courses of action are evaluated, judged, and appraised and it is through engaging in the task of practical reasoning that agents can navigate a course through the contemporary circumstances of assistance to identify the right, best, or most appropriate course of actions to take in complex contexts.

The constitutive elements of the imperfect duty to assist (introduced in Chap. 2) are supported and acknowledged in both accounts, but in different ways, leading to different substantive accounts of what this duty could entail. In both accounts, the agent is engaged in the task of practical reason to evaluate, select, and appraise what is required in situations of need based on the particularities of the context. Within both accounts the role of agency and the character and behaviour of agents, both donors and recipients, is of critical importance. However, there are important differences between these accounts. The moral basis of the duty of assistance and the grounds of this duty are different in each, offering different reasons to explain how and why an agent can come to hold this duty. The process of practical reasoning and the method of justification of reasons for action are also different. These differences lead to different accounts of both the content of this duty, who are the appropriate duty-bearers, and the moral constraints on action in the performance of this duty.

These differences point to long standing tensions between deontology and consequentialism. Although it is not my intention to take on this ancient conflict in its entirety, it is necessary for me to engage in a smaller battle to adjudicate between the competing claims of these rival accounts. In order to arbitrate between the two approaches, relevant criteria are required to judge and appraise both fairly and consistently. The selection of criteria is in itself a controversial action, so I shall try to avoid this confrontation by selecting criteria that both accounts take to be relevant. Both accounts aim to be practical, so this idea can be used to inform the selection of criteria.

Firstly, before agents can engage in the task of selecting courses of action in the performance of this duty it is necessary that the moral basis of this duty be securely established. If it is not, then the duty to assist as a precept for action is insecure. So, in the first section I examine the moral basis of the duty of assistance within both accounts to determine which account provides a more secure basis for acting in accordance with this duty.

Secondly, a practical guide would enable agents to claim authority for their decisions. It would support agents in appraising courses of action to determine which, among a wide range of options, presents the right, best, or normatively appropriate course of action to undertake in a specific context. So, I examine the framework of practical reason and the criteria for justification of action in each account.

Thirdly, both accounts claim to be action-guiding, so I examine how both accounts can be used to identify appropriate duty-bearers, and to enable and constrain agents as they judge between alternative courses of action to select the most appropriate pathway to assist another. The chapter is then structured into three sections to examine each of these criteria and identify which of the two ethical

approaches provides a more practical guide to agents in the contemporary circumstances of assistance. Section 5.4 considers the weight of evidence, and draws the threads together in a coherent conclusion.

To borrow one of my favourite remarks from Sen, 'since this is not a detective story' (Sen 2004a: 319), I will begin with an account of my proposed answer to the question I have set. In what follows, I argue that an elaboration and application of a broad consequentialist perspective offers a more appropriate framework to guide agents in the selection of actions within the contemporary circumstances of need and assistance. I offer three reasons in defence of this claim. Firstly, I argue that a non-monistic comparative framework provides a more inclusive and practical moral basis to guide agents in the performance of this duty than monistic duty-based approaches. Secondly, I argue that Sen's dual- step method of justification may remove and reduce conflict and manage uncertainty in a way that duty-based tests of rightness and appropriateness cannot. In providing agents with a robust yet open framework for action and evaluation, this procedural framework avoids inaction and seeks to reduce confusion and uncertainty where possible, accepting that this may often not be possible.

Thirdly, I argue that a pluralistic account of the moral basis of duty provides a stronger foundation for action amongst a wider range of duty-bearers. Through action, connection, and interconnection this approach explains how incremental moral duties can arise in the performance of assistance that can mark the beginning of special relationships rather than the complete fulfilment of a moral duty.

However, the implications and potential objections that can be drawn from this conclusion and the approach that has emerged also require consideration. This will be taken up in the following chapters.

5.2   The Moral Basis of the Duty of Assistance

5.2.1   O'Neill and the Moral Basis of the Duty of Assistance

According to O'Neill (1989, 1996), the reason why an agent ought to come to the assistance of another is not necessarily because of a pre-existing relationship or special connection; or because a right has been claimed and it is the correlative duty of the agent to act to fulfil the requirements of this claim. These factors may provide an agent with special reasons to perform specific act-types in specific circumstances and contexts. The reason an agent (any agent) ought to help another in need is because all agents are bound by the principle to reject indifference to suffering and neglect of those with whom one is connected to, and who have moral standing. This is a duty of virtue, grounded in this principle. Such duties are described in the previous chapter as 'goal-based' duties, and the performance of these duties is wider and less specified than duties of justice, based on rights, and the principle to avoid injury. Duties to aid are unenforceable, according to O'Neill, because they are

dependent on an understanding of the context of need, and consideration of the situated context of the assisting agent, and their tapestry of moral requirements. Within this account much then rests on the character of the aiding agent to activate this duty. Duties to avoid injury, on the other hand, are protected by laws and rights, regardless of agent character, and hold in all circumstances.

The conditions of activity developed by O'Neill are intended to provide agents with a procedural framework for determining who ought to have moral standing in their ethical considerations. These are based on three core assumptions. Firstly, plurality – there are others that are seen as separate from the agent; secondly, connection – those others are (or could be) connected to the agent in some way; and thirdly, finitude – those others have limited but determinate powers (O'Neill 1996: 100–106). When these conditions arise, agents ought to assign moral standing to these others (as agents or subjects) in their ethical considerations. In assigning moral standing to others under these conditions, this gives rise to moral requirements. All agents, under these conditions, are bound by the principle to reject indifference to suffering and neglect. They are also bound by moral principle to reject intended and unintended harm and injury to all others they take to hold in moral standing. Thus, under ideal conditions, the scope and reach of duties stretches to others across territorial and jurisdictional boundaries, and sets requirements for a wide range of agents.

The moral basis of all types of duty within O'Neill's account rests upon broad principles – principles of virtue and principles of justice. Within this account, duties (or obligations) represent the basic deontic category. The duty of assistance is derived from the principle to reject indifference and neglect towards others. This is a principle of virtue, according to O'Neill, and the duties that are derived from this are imperfect in form, unspecified, of wide application (that is, that agents have latitude in deciding when, where, and how to apply this), and unenforceable. They are held by all, that is, all agents are bound by these duties. However, with this account, such duties cannot be claimed as a matter of right, and are not owed to any other in particular. Rather, the (potential) assisting agent has full latitude to decide who to assist, when, and how. Such duties are embodied in the character of agents and the ethos of institutions. They are distinguishable from duties of justice which are typically perfect in form, narrowly specified, strictly applied, and enforceable. Such perfect duties can be, and ought to be, specified in legislation and enforced through coercive (if necessary) instruments and shared institutions. Such duties are rights-based, held by all, owed to all as a matter of justice. Within this account, both forms of duty guide the actions and interactions of agents. However, only duties of justice can be externally enforced, and thus should carry heavier moral weight where determining right action. The duty to aid rests on the character of agents and the ethos of institutions and is constraint by duties of justice.

The underlying principles (of virtue and justice) establish a minimal basis of moral requirement from which more specific duties can be derived. Both forms of duty are constructed through the process of practical reasoning. O'Neill constructs a procedural framework based on two core elements to support this process. The first element provides a procedure for establishing who is to count in a particular

context, that is, to whom should an agent extend ethical consideration to in a particular context. This is established through an analysis of the conditions of activity. For example, an agent might engage in this process by asking a simple question, such as, which others do my actions assume, or which others will be effected if I pursue this course of action rather than another course of action? The second element entails a procedure whereby reasons for action can be selected, tested, justified and therefore can claim authority in a particular context. In order for the outcomes of practical reasoning to be authoritative in some way, reasons for action and courses of action are required to meet certain criteria for justification. The criteria for justification are that courses of action (and the ends these entail) must be adoptable, followable, and intelligible by those who fall into the domain of ethical consideration.

This form of practical reasoning is intended to be public and inclusive. It sets requirements that an agent (individual and collective) ought to justify their actions to *any* others who are or may be effected by their actions. It is clear within this account what is expected of agents and why.

When an agent embarks on a course of action to assist another they are duty-bound, in all circumstances, not to harm that other. Performing one duty ought not to result in the violation of other duties. In pursuing courses of action, indeed any courses of action, an agent ought not to harm others. In this sense, the kinds of actions and act-types that can be permitted within the performance of the duty of assistance are morally constrained by duties of justice. However, this requirement is not restricted to the domain of assistance. Actions, more broadly understood, undertaken in the course of everyday life, are constrained by the duty not to harm, and not only when an agent is acting specifically to assist another. The reach of this basic duty of justice is equivalent to the reach of the duty of assistance and so it is through interplay between both forms of duty that agents ought to select the most appropriate courses of action.

If an agent rejects the underlying principles (of virtue and justice) and duties that can be derived from these, then they must provide reasons in defence of this position. O'Neill argues that there are many reasons that might be offered to reject these duties or reduce the scope of duties to special groups in particular circumstances. Such reasons can be evaluated and adjudicated upon within the framework of practical reason. In many cases, it may be found that the reasons offered to reject these duties are not ones that others could accept, in particular, those who are affected by the actions of others.

This approach is intended to provide a firm, minimalist moral basis for agents to 'reason with all possible solidity from available beginnings, using available and followable methods to reach attainable and sustainable conclusions for relevant audiences' (O'Neill 1996: 63). It is intended to facilitate a process of engagement and evaluation, rather than a declaration of required act-types. Agents can determine what actions and courses of action are required and also, can be justified to those who ought to count.

This duty-based approach might prompt at least three potential objections, each of which is problematic to its claim to practicality, rather than to its theoretical

coherence. These include firstly, the problem of un-enforceablity and real-world non-ideal conditions; secondly, the problem of navigating the strict separation and categorisation of duties in conditions of uncertainty and the risk of justifying inaction; and thirdly, the problem of unintentionally accentuating power asymmetries in situations of extreme need.

Firstly, in practice it seems clear that the contemporary circumstances of assistance are decidedly non-ideal in the sense that many simply fail to acknowledge the moral standing of others; or to give them sufficient weight in their considerations. Some acknowledge their duties to others; however, for many, this becomes weaker and less visible the further one is removed from ones social, cultural, and political boundaries. If an agent (individual or collective) is ignorant of, rather than chooses to reject, the basic principles of virtue outlined above and if they are ignorant of the suffering of others, then no other can force them to act, or indeed, to acknowledge the suffering. As such, they do not have to provide reasons for rejecting these principles. They are simply unaware of the suffering of others, or perhaps may not see that sufficient connection exists to those others to justify action or their decision not to act.

According to O'Neill, adherence to the underlying principles is to be judged on a scale from systematic to gratuitous avoidance. Systematic avoidance of the rejection of direct and non-direct injury is unjust, according to O'Neill, however, gratuitous avoidance may be permissible in certain situations, or indeed may be required to balance the priorities of certain situations, and is not necessarily unjust (O'Neill 1996: 163). Likewise, adherence to the principle to reject indifference may also be judged upon this scale. However, understanding in practice what is just avoidance and unjust avoidance, or virtuous indifference and *un*-virtuous indifference is a little unclear, and quite who and how such evaluations are determined is not specified.

The problem of ignoring or simply being unaware of the suffering of others points to a recurring practical problem within the aid industry where some events and locations simply fail to capture the attention of the international community, and populations are left alone to cope with conditions of extreme need and violence. For example, the continuous threats to food security across the lowest income least developed locations and populations in sub-Saharan African states tend to capture international attention only when an outbreak of famine occurs. However, much suffering is evident for extended periods before the condition of famine is taken to exist.[1] These locations also experience the highest population growth rates and so the problem continues to deepen and reach across generations. Another example of indifference can be found in cases of seemingly ubiquitous violence and circumstances of physical insecurity across states in central Africa including the Democratic Republic of Congo, South Sudan, Sudan, and Somalia. In response, international actors can claim that the levels of aid have never been higher. However, in spite of the increase in capital flows, for each aid recipient, there are many more experienc-

---

[1] According to the UN definition, famine can only be declared when at least 20 % of households in an area face extreme food shortages; acute malnutrition rates exceed 30 %; and the death rate exceeds two persons per day per 10,000 persons. See http://www.un.org/apps/news/story.asp?NewsID=39113#.VbY3fPnK1xg for more details.

ing severe suffering and hardship beyond the gaze of international attention. Where these populations fall on the scale of indifference is unclear within this framework.

Further, when such a situation arises, that is, when some areas and populations fall below the CNN radar it seems that others (individual or collective) are not required, as a matter of duty, to 'pick up the slack', thus prompting the question of who ought to act for whom when others fail to acknowledge and act upon their moral requirements? This is not to imply that the duty itself and the underlying principles are wrong or would be rejected. However, in placing the burden on the duty-bearer to recognise and realise the needs of others without any form of sanction and without any clear pathway for reallocating unfulfilled duties to other parties, in the event that they fail to do this, it seems as though this duty is weak and deeply insufficient in the contemporary context where the majority of the global population live in contexts of unmet basic needs.

Secondly, it remains a little unclear to me how agents are to navigate between the strictly separate categories of duties within this binary framework. There are two elements to this objection. First, there seems to be a risk of inaction as agents use the defence of 'harm avoidance' as a reason not to assist in certain circumstances. Within this framework, negative duties of justice, because they are perfect, such as a duty not to harm, carry greater weight, than positive duties to act to assist others. Negative perfect duties are also taken to hold in all circumstances. Thus, the risk of inaction seems high in cases such as Somalia where the outcomes cannot be determined with any level of certainty and the socio-political conditions are highly complex.

Second, it is not entirely clear how the interplay between duties of justice and virtue would be facilitated within this framework. As any act of assistance is a form of interference, it would seem logical to suggest that agents are therefore responsible for the outcomes of this interference. These outcomes are not immune from moral scrutiny. Like any special relationship, it could be argued that they are now subject to the special rights and duties that arise within such special relationships. Thus, populations located in areas such as Somalia which have been the target of considerable levels of international humanitarian aid and development assistance for decades are connected to their donors. However, the link between the duty to aid and responsibility for outcomes is not clearly specified, in particular in cases where outcomes could be deemed unfair or unjust and indeed could lead to further harm. If interference results in harm, then it would follow that the agent is duty-bound, as a matter of justice, to remediate these harms. However, accepting responsibility in this way may give further reason to avoid acting. Thus, it would seem possible to utilise this strict separation of duties to justify inaction in these situations due to the complexity and uncertainty of the situated circumstances and the possibility of harm.

Further, in circumstances where action is taken to assist another, and where harm has resulted, it would seem that the onus rests on the recipient to demonstrate that such harms were both causally and morally attributable to the donor's systematic failure to reject indifference to suffering or injury. Thus, inaction is again potentially permissible in a duty that permits such latitude and is less weighty than the duty not

to harm. Although O'Neill's account constructs a secure minimalist moral basis for action, it also provides a strong basis for inaction.

Finally, and linked to the two objections outlined above, it seems plausible to argue that the latitude permitted to duty-bearers to select who to assist, when, and how to assist, risks hiding or marginalising the voice of the one in conditions *in extremis* as the duty to aid cannot be claimed or demanded. The circumstances of assistance are invariably marked by asymmetrical power positions, where those in need have a much greater dependency on those with the capacity to help. By taking duties as the basic deontic category over rights, and by elaborating on the responsibilities of duty bearers, the recipient, that is, the one in need, is at a greater risk of becoming hidden, marginalisation, and voiceless. Yet, it could be argued that their needs should determine the content of the duty, rather than the other way round.

5.2.2   Sen and the Moral Basis of the Duty of Assistance

Within Sen's account, the moral basis of the duty rests on his wider conception of freedom and maximising freedoms. Within this account, freedoms as rights represent the basic deontic category. As discussed in Chap. 4, there are three ways in which duties can be derived – duties as correlatives of rights (freedoms are specified as multiple types of basic human rights); duties can be derived through actions whereby agents are responsible for the full reach and consequences of their choice of actions; and duties can be derived through capacities whereby agents with greater capacities ought to act to assist another in need of help. The duty of assistance is based on the third derivation.

Sen's conception of freedom is rich and complex. It entails two essential elements – opportunities and processes. Freedom within this account refers both to the capabilities required for agents to have the opportunity to engage in action, and to the processes in place for agents to activate these opportunities. Rights are the means for achieving and securing the conditions for the opportunity and process forms of freedom to be enabled. If agents have rights (as freedoms), then specified others are duty-bound to respect these. This is a direct, correlative relationship between rights and duties. Such duties can be clearly specified and perfect in form (they are rights-based). If rights (or their underlying freedoms) are violated or unrealized, then agents with a capacity to assist, have a reason, and a duty, to act to fulfil this (they are rights based but indirectly allocated). For Sen the duty of assistance is an indirect correlative of unspecified rights in this account. Sen explains this as follows: 'the reasons for action can support both 'perfect' obligations as well as 'imperfect' ones, which are less precisely characterized. Even though they differ in content, imperfect obligations are correlative with human rights in much the same way as perfect obligations are. In particular, the acceptance of imperfect obligations goes beyond volunteered charity or elective virtues' (Sen 2004: 319).

Although there would be agreement, I suggest, between O'Neill and Sen on the final point, that the imperfect obligation to assist goes beyond volunteered charity or

elective virtues, there is sharp disagreement between O'Neill and Sen on the point that an imperfect duty can be both imperfect (and therefore wide, unspecified, indeterminate), and a correlative of human rights.[2] O'Neill (1996, 2004) has argued that to be correlative suggests some relationship, ideally an analytical relationship such that the right entails the duty. Sen rejects this argument on the basis that it aligns human rights too closely to legal rights, thereby restricting and weakening the status of moral rights. Although this may be a fair response, there is a requirement upon Sen, I suggest, to clarify what this claim would entail. There are a number of reasonable questions an agent might pose. For example, to which human rights would imperfect duties be correlatives? What are the limits and extent of the actions which an agent ought to perform in order to fulfil the requirements of this duty? And what does this mean for the freedoms of the assisting agent? Without addressing these questions, it is unclear how this duty can sensibly be understood as a correlative of rights.

In various contributions it is possible to find answers within Sen's work to many of these questions. According to Sen, this duty arises both where freedoms have been violated *and/or* un-realised. Any agent (individual and collective) with the capabilities to assist another ought to do so in these circumstances. In this sense then, the imperfect duty of assistance is correlative to *any* right, if that right is violated or un-realised. For example, Sen examines the right not to be tortured, the correlative perfect duty is that an agent ought not to torture another. The indirect duty that is incumbent on all agents, reasonably situated, is to do what one can to prevent torture (Sen 2009: 376).

For the agent contemplating torture, there is an obvious duty not to pursue this course of action. In the event that the torturer does pursue this impermissible course of action, then there are duties upon others outside this particular relationship (between a potential torturer and the tortured) to act to prevent this occurring. Sen argues that 'for others, too, there are responsibilities, even though they are less specific and generally consist of trying to do what one reasonably can in the circumstances (this would fall in the broad category of imperfect obligations). The perfectly specified demand not to torture anyone is supplemented by the more general – and less exactly specified – requirement to consider the ways and means through which torture can be prevented and then to decide what one should, in this particular case, reasonably do' (Sen 2009: 376). Sen describes these obligations as 'third party' obligations. However, how to determine which other agents should act to prevent torture, if they can, remains somewhat underspecified. Also, what this would entail for the agent is not clear.

Sen's account of imperfect duty risks generating at least three potential problems. Firstly, it could be charged with over-demandingness on some agents (those

---

[2] Disagreement on this point is evident in what appears to be a long running debate between these two philosophers. In his discussion on consequential evaluation (2000a), it seems that Sen is aware of the objections that O'Neill's approach would raise and seeks to address these. O'Neill responds (not directly to Sen but to all those following a similar line of argument) with her rejection of this argument in 2004. Again, in Sen's 2004, 2009 publication he returns to these objections and offers further defence of his argument.

willing to acknowledge the needs of others). Secondly, it could be argued that it seems to change the status of this duty from an imperfect duty held by all, to that of a duty held by some under certain conditions (the violation or un-realisation of freedoms and the capabilities of an agent). Finally, it is not clear what priority and moral weight this duty ought to hold. There seems to be persistent ambiguity concerning the limits and extent of the act-types required. Indeed, it is unclear how agents ought to go about setting limits, as they must (because this duty is open and wide in reach, but necessarily particular in application). The moral status of this duty is different from other types of duty that arise through actions or that are direct correlatives of rights. If the moral status of the duty is different then what moral reasons justify an agent having this duty? Simply put, it could be argued that it is not clear why this duty is a duty at all.

If we follow Sen's line of reasoning, when the need for assistance arises, and the agents who ought to act are either unable or unwilling to do so, this generates a third party obligation on any agent with a capacity to assist. This seems to be widely accepted by governments and citizens in all states that people beyond jurisdictional boundaries who are in dire need have claims on our assistance. We see this acceptance in the foreign aid programmes of national governments and international responses to humanitarian crises, such as the recent international response to major geological events such as the earthquakes in China (2009), Haiti (2010), and Nepal (2015), and in the formal commitments of states such as the Organisation for Economic Coordination and Development (OECD) Development Assistant Committee's (DAC) target of contributing 0.7 % GNI to overseas development and aid by 2015. However, this account could be taken to justify the allocation of extra demands on certain specifiable groups of agents. The protection and promotion of freedoms (as rights) seems to imply that it would be fair or appropriate to require certain agents to perform extra duties precisely because others have failed to take responsibility for their actions or to fulfil perfect duties that correlate with another's right.

These potential problems point to a concern that Onora O'Neill has explored in some detail relating to the implications of taking rights as the basic deontic category over duties. She argues that duties that do not have rights can become marginalised and invisible; they can remain in the status of 'unacknowledged'. As O'Neill explains, 'when rights are identified as the basic deontic category, obligations which lack rights are marginalised unless institutions are built to deliver upon them; those which lack corresponding rights altogether are hidden from view entirely' (1996: 140).

Furthermore, they also give rise to questions concerning the weight and moral force of an imperfect duty of assistance and how this might be reconciled with perfect duties. For some consequentialists, the way to avoid these concerns is to perfect imperfect duties, through specifying more precisely the act-types required of agents.[3] For more traditional consequentialists such as Singer, the particular deontic

---

[3] See for example Buchanan, A., 1996, "Perfecting Imperfect Duties: Collective Action to Create Moral Obligations", Business Ethics Quarterly, 6(1), 27–42; Buchanan, A., 1987, "Justice and

category is not problematical as any duty can be required of agents if it will promote a particular value. But this does not seem to be a defence that Sen is eager to invoke. This is evident in the careful treatment and considerable attention Sen attributes to the imperfect nature of this duty as a rich source of ethical action, explaining how this duty arises and why it is important to act upon this duty.

There is no doubt that Sen is aware of the potential tensions within the position that he is seeking hold. In some earlier work, Sen claims that agents have a 'general duty to help others (when reasonably feasible)' (2004: 494). This duty can be invoked when freedoms (rights) have been violated or un-realised. However, in his later work, he acknowledges that 'the move from a reason for action (to help another person) which is straight-forward enough in a consequence-sensitive ethical system, to an actual duty to undertake that action is neither simple, nor sensibly covered under just one straightforward formula....' (2009: 372). So, Sen introduces what to many may seem like a weaker claim – 'the basic general obligation here must be to consider seriously what one can reasonably do to help the realisation of another person's freedom, taking note of its importance and influenceability, and of one's own circumstances and the likely effectiveness' (2009: 372–373).

It could be argued that this shift from the claim that imperfect obligations are a correlative of human rights in much the same way as perfect obligations (2004), to the claim that the imperfect duty of assistance is an 'acknowledgement that if one is in a position to do something effective in preventing the violation of such a right, then one does have a good reason to do just that' (2009: 373) may seem to weaken the moral status of this duty.

It is possible to argue that this objection might hold if Sen were silent on other forms of duty. However, this is not the case. Where rights have been violated, a victim is entitled to seek remediation for these harms, as a matter of justice and apart from the requirements of assistance. When rights were violated due to the outcome of actions of others, again, a victim can seek justice for these harms, outside of the requirements of aid and assistance. Thus, it stands to reason that if rights are violated in the practice of assistance, victims can seek remediation for such harms, as a matter of justice. Simply because one is acting to assist another does not mean that one is not responsible for the outcomes of one's actions.

Assistance, within this account, is not offered as a surrogate or replacement for other moral duties. Through a pluralistic moral basis, duties are derived from actions, rights, and capacities. Rather than overburdening the idea of assistance, Sen's broader examination of the moral basis of duty can explain how different moral requirements might be organised in a coherent view. It is this wider moral framework that can explain how aiding another can give rise to accumulative duties, and how agents retain responsibility for the selection of actions and the outcomes of actions in the performance of this duty. This is of particular relevance in the context of global assistance.

Charity", Ethics, 97(3), 558–575; Ashford, E., 2007, "The duties imposed by the human right to basic necessities", in Freedom from poverty as a human right: Who owes what to the very poor? New York: Oxford University Press, Chapter 7.

Thus, I suggest that the moral basis of the imperfect duty of assistance and for action is more robust within Sen's account and the interplay between perfect and imperfect duties is facilitated. As a consequence, the specific courses of actions and act-types that can be required of agents arising from this duty are more secure and indeed, more demanding. O'Neill's account, on the other hand, leaves too much discretion and latitude to the duty-bearer, not enough consideration of the needs of those seeking assistance as the determining factor in selecting appropriate courses of action, and can indeed defend inaction in certain circumstances.

5.3   Practical Reasoning and Claims to Authoritative Actions

The activity of practical reason is critical to both accounts in explaining how agents go about the task of determining who to consider and what to do. The process of practical reason is also critical if an agent's claim is to carry authority and moral force. Within both accounts, agents are required to provide reasons in defence of their actions and proposed courses of action. If agents are to claim authority for their decisions, then agents need to engage in some method of justification to demonstrate that the reasons they offer and the courses of action they select are correct, right, best, good, or most appropriate in a particular circumstance.

5.3.1   O'Neill on Practical Reason

O'Neill adopts a Kantian constructivist procedural framework[4] where reasons can be examined and tested against a set of criteria. Quite simply, courses of action and reasons provided must be adoptable, followable, and intelligible for those who fall into the domain of ethical consideration. Agents are taken to be situated, not ideally rational and not ideally independent. However, agents are required to bracket certain social and cultural contextual elements. This is a requirement if the output of this procedure is to be adoptable to and followable by all.

This account is doubly modal – 'the first modal element states that reason sets requirements: what we deem reasoned must meet certain requirements: what we

---

[4] As Rawls helpfully explains, there are three different components or elements of Kant's account of the concept and content of duty – the Moral Law, the Categorical Imperative, and the procedure for the Categorical Imperative: 'The moral law is an idea of reason. It specifies a principle that applies for all reasonable and rational beings… The Categorical Imperative as an imperative is directed only to those reasonable beings, who, because they are finite beings with needs [and desires, inclinations, and options] experience the moral law as a constraint' (2000: 166). The Categorical Procedure is a tool or method that enables us to apply the Categorical Imperative to our own unique set of circumstances. The moral law and the Categorical Imperative are abstract concepts. But the procedure for applying the Categorical Imperative, as a practical tool for use in concrete circumstances, enables us evaluate and justify our moral decisions.

view as reasoned sets standards and claims authority. The second modal element explicates these requirements: those who act for reasons must act on principles that are followable or adoptable by others for whom they take their reason to count' (O'Neill 1996: 56).

O'Neill (1996, 2000) defends this rudimentary procedure against long standing objections that have been raised by philosophers over centuries against the Kantian procedure. The two dominant objections that O'Neill defends against are firstly, that this approach is too rigid and formal, and secondly, that it is based upon an idealised account of virtuous agents and institutions.

Critics who claim that this approach is too rigid might argue that agents could not possibly test every reason, action, and decision against these criteria. This requirement would be too strict and the level of abstraction required from an agent's situated circumstances would not be possible. In response, O'Neill might argue that the requirements are practical, rather than rigid. They represent only the starting point, the agreed procedural principles for developing ethical claims, rather than the solution. They are intended only to support agents to reason. However, they are demanding. They require agents to reflect more carefully on their preferred course of actions, and the reasons for such action. They require agents to reflect more carefully on the reach of their actions, and who could be effected by these. However, this procedure is not over-demanding in that it does not require agents to do anything that they cannot do.

Although the charge of rigidity may plausibly be rejected, it is not entirely clear how the criteria might inform on the specific content of an imperfect positive duty in practice. In the case of aid and assistance, the content cannot be specified outside of the circumstances of need. The criteria act as a guide to those acting upon a duty to aid. However, it is not clear when and how the voice of the recipient population would come in. Additional criteria would be required that could enable greater interaction between the agent in need and the assisting agent if the dignity and autonomy of both parties is to be respected through the process. However, precisely what such criteria would entail, and whether such additional steps in the process could generate renewed claims of rigidity, are open to question and not easily addressed. It is not at all clear how this approach could be applied to development and humanitarian circumstances, marked by a complex conflation of multi-sectoral cross-disciplinary problems. A practical framework is essential to support action, decision making and resource allocation in conditions marked by social, economic, and environmental uncertainty and complexity.

O'Neill also rejects the claim that this procedure is too formal. To defend against this objection, O'Neill draws a careful distinction between idealisation and abstraction. Abstraction need not entail idealised notions of the ideally rational agents. According to O'Neill, abstraction in this strict sense is defined as 'bracketing, but not denying, predicates that are true of the matter under discussion. Abstraction in this strict sense is theoretically and practically unavoidable, and often ethically important' (O'Neill 1996: 40). In contrast, O'Neill's account of practical reasoning does not necessarily involve idealised conceptions of the person as ideally rational or ideally independent. Her account is minimalist, yet demanding – 'if no

metaphysical system or empirical discovery provides foundations for reasoning, reason will be no more than the term we use for the necessary conditions of coordination, however minimal, by those among whom reasoning is to count' (O'Neill 1996: 60). This entails starting from the realities and vulnerabilities of real, everyday, human life. Thus, O'Neill could reject the objection of formality, and could argue that her practical procedural framework is minimalist.

However, there are two problems with this defence. Firstly, it is difficult to see how this could extend from agent as individual to collective groups without entailing idealisation in some sense – either of the capacities and willingness of the group, or of the circumstances of the recipient in need. Although O'Neill is heavily critical of Rawls for his dependence of an idealised perfectly rational being when constructing principles of justice under a veil of ignorance, it is difficult to avoid applying similar critical assessment to O'Neill construction of the principles of virtue and justice, and idealised accounts of human character and the potential reach of social virtues that her account entails. Even if the claim that others will recognise the moral standing of those in distant lands and will reject indifference to their suffering on the basis of principle simply because this is the right thing to do may be plausible, when all that is required is for them to reject indifference to suffering, this does not require them to actually undertake any action to alleviate this suffering.

Secondly, this account seems to focus heavily on the acting agent while the recipient, as a receiving agent, seems to feature mainly as a secondary consideration. Rather, their role is reduced to that of following and adopting principles for action rather than determining the content of action based on their needs and their requirements. The amount of latitude permitted to the assisting agent in determining who to help, how, and why places the recipient of into a passive role.

5.3.2   Sen on Practical Reason

Sen's approach, on the other hand, takes freedoms and rights, and the violation or un-realisation of such freedoms and rights as the reason for action. In this account, the recipient of aid represents the primary reason for acting and their basic freedoms represent the broad content of action. The selection of action then involves a number of different steps. There are two stages involved in this approach: the metric and the modal stages. The metric element entails a process of non-ideal, partial ranking of potential outcomes. The modal element requires assisting agents to reflect upon their actions 'at a distance' from themselves.

As this is a non-idealised account, Sen seeks to take agents as they are, situated in complex and rich moral, social, and political groups, rather than as abstract moral beings devoid of such connections. He requires 'that a person not ignore the particular position from which she is making the choice' (2000a: 484). From this positional stance, Sen then aims at more modest criteria for determining right action. Right action is the action that maximises particular freedoms through a process of non-ideal, partial ranking of potential outcomes. According to Sen, 'maximisation does

not in fact demand that all alternatives be comparable, and does not even require that a best alternative be identifiable. It only requires that we do not choose an alternative that is worse than another that can be chosen instead' (Sen 2000a, b:496). For Sen, agents can only select an option based on the information available and thus, options are compared and selected on the basis of comparative partial rankings.

The metric element, requiring agents to weigh various reasons and courses of action to examine which one provides better outcomes, can be broadly describes as 'consequentialist evaluation'(Sen 2000a: 484). Thus, considerable sensitivity to and space for special responsibilities (and duties) is supported within this approach. This stands in direct and sharp contrast to ideal theories such as utilitarianism (or indeed contractualist deontological accounts) that require an agent to rationally evaluate what the right course of action would ideally be (such as, maximising the sum total of utilities or acting in accordance with a consequence-independent duty).

Secondly, there is a modal element to this procedural framework that is required to support agents in evaluating their reasons and claiming moral authority for their decisions. Sen invokes the test employed by Adam Smith of the Impartial Spectator for this purpose. It requires agents to consider their actions 'at a distance' from themselves (2009: 44). According to Sen 'Adam Smith's insistence that we must inter alia view our sentiments from a 'certain distance from us' is motivated by the object of scrutinizing not only the influence of vested interest, but also the impact of entrenched tradition and custom' (2009: 45). This procedure represents a process where reasons can be tested and vindicated, allowing claims to the status of objectivity and therefore carrying moral authority. It is vital to note that for Sen, such claims to objectivity and moral authority are fallible. They are not claims to absolute truth, rightness, or goodness. Rather, they are claims to inter-subjective reasonableness.

Rather than simply weighing outcomes and evaluating which reasons and actions would produce the best results (understood as maximising or minimising a particular value), agents must also test their reasons and so abstract themselves somewhat from their personal or localised situated context to examine if others, at a distance from this context, would agree with the reasons they offer and the course of action they select. This offers the possibilities of further reflection to ensure that the actions are aimed at fulfilling freedoms for others. Thus the recipient's specific needs and perspectives are central to determining which are the most appropriate forms of action to take in a given context.

The combination of metric and modal methods are intended to guide agents in the evaluation of reasons and actions, when moving from the abstract moral duty to concrete moral action. Rather than simply weighing outcomes and evaluating which reasons and actions would produce the best results, agents must also test their reasons and so abstract themselves somewhat from their personal situated context to examine if others, at a distance from this context, would agree with the reasons they offer and the course of action they select.

So, the question then becomes, can this 'belt and braces' approach can avoid long-standing objections to consequentialist accounts of practical reasoning, and at the same time, provide agents with a practical method to examine their reasons and

secure authority for their claims? Or does this approach open him to attack from two fronts – that his account permits trade-offs that some may deem morally unacceptable and, at the same time, that it is too rigid and formal (who or what is an impartial spectator? Is it an ideal rational being or something else? How is it possible to know when a spectator is impartial)? These questions are complex and not easily or quickly addressed and dismissed.

In one sense, the modal element introduced by Sen is required to support his comparative non-ideal approach. He rejects metric models that reduce all actions to how they affect one particular value and requires some mechanism for judging between the plurality of values that agents may reasonably endorse. In another sense, however, it might leave an agent unclear on what the relevant criteria actually are for judging and appraising between reasons and courses of action. Is it to maximise particular values, or to provide reasons that would withstand appraisal from a distance, that is, outside the situated context of the agent? These two methods may lead to similar results or they may not. It is plausible to assume that they could lead in different directions and set different requirements for agents. How are agents to evaluate between these and which method, the metric or the modal, ought to be the ultimate arbitrator.

However, it is plausible to suggest that Sen's hybrid approach is more robust than others as it requires much greater engagement by agents in weighing between possible courses of action and considering their reasons from the perspective of an impartial spectator. It is also plausible to argue that agents can select for themselves which is the appropriate mode of reasoning to employ. This is consistent with Sen's pluralistic, non-idealised account of moral reasoning. It is also consistent with Sen's conception of freedom, agency, and judgement. Thus, the lack of certainty on the most appropriate mode might be linked, it could be argued, to idealised aspirations entailed in transcendental accounts that this approach rejects. This approach seeks to establish a framework for inclusive deliberation that acknowledges the positionality of reasoning agents whilst demanding that agents also consider the position of those they seek to help. The step from 'situated evaluation', to reflecting on reasons 'from a distance' is of particular significance when reasoning on duties that entail positive actions in the complex circumstances of assistance. For example, rather than asking what I can do to aid another, it requires an agent to consider what the other actually needs. In the contemporary circumstances of international assistance marked by complexity, uncertainty, and multiplicity, more reflection on the needs of others and weighing of the possible outcomes of action rather than less reflection and the use of simple monistic formulas may help in avoiding unintended outcomes. Further, it may shed further light on the interconnectedness of action, and how one action can prompt the moral requirement for other actions.

Thus, on the balance of evidence, I suggest that Sen's richer, more complex method of practical reasoning, is more practical that O'Neill's approach. An application of Sen's account permits an examination of the reach of action, responsibilities that this would entail, and the possibility of accumulative duties that may arise as a consequence of action. It sets the duty to aid within the wider web of moral duties, allowing for a process of interplay between duties, through action.

5.4 Facilitating an Action-Based Approach

If agents are to move from the idea of an imperfect duty to assist to particular courses of action and act-types, then the character and behaviour of agents and the ethos of institutions (that represent a collection of agents) are of central importance to this. Both philosophers take character and institutional ethos to be of critical importance. Both philosophers assume a dynamic role for assisting agents as actors. Both explain how agents are connected and interconnected. This is an unavoidable feature of our material embedded existence. In the selection of courses of action, agents must select the inputs they take to be relevant (this can be an inclusionary or exclusionary process depending on to whom an agent extends moral status and also which actions they subject to ethical evaluation) and are responsible for the outputs or consequences of these actions. If the outputs or consequences of action reach a wider domain than an agent intends or does not have the intended outcome, then it is plausible to assume that the inputs agents took to be relevant were insufficient. It is difficult, if not impossible for agents to know with complete certainty, in advance, how effect their actions will have on a particular context, what the outcomes will be, and what unintended outcomes will arise as a consequence of this action. Thus, both philosophers assume that agents can be and will be (that is have moral reasons to be) open and inclusive, reasonable and interactive, although not ideally so.

Both accounts are deeply critical of idealised conceptions of the moral agent, and argue that their account of practical reason assumes agents are situated, not ideally rational and not ideally reasonable. This situated account of moral agency entails great importance for the practice of ethical reasoning and methods of justification. The duty of assistance, then, is also situated. The content of this duty must be worked out by situated agents in response to situated circumstances where agents determine who to assist and what to do. This leads to an obvious, yet difficult question. What are the limits and extent of the action and act-types required by a duty of assistance?

5.4.1 O'Neill and the Limits and Extent of the Duty of Assistance

For O'Neill, there are at least two morally relevant elements that can be used to guide agents in specifying the limits and extent of the duty of assistance. Firstly, when acting to perform this duty, agents are guided by both principles of action – justice and virtue. As such, agents ought to avoid harm as much as possible in their actions. However, adherence to the underlying principle is to be judged on a scale of systematic to gratuitous. Systematic avoidance of the rejection of direct and non-direct injury is unjust, according to O'Neill, however, gratuitous avoidance may be permissible in certain situations, or indeed may be required to balance the priorities of certain situations, and is not necessarily unjust (O'Neill 1996: 163). Further, the

constraint of duties of justice applies in any type of circumstance, including those where the need for assistance has arisen either as a result of brute bad luck or as a result of the unjust actions of others whereby agents have systematically failed to reject direct and non-direct injury. Thus virtuous agent must at the same time act as an agent of justice seeking to avoid systematic injury to others through their actions or omissions.

Secondly, in circumstances where injuries have arisen as a result of injustices by others, agents can act to assist the injured. Such action does not replace the need for the enactment of duties of justice. O'Neill argues that 'although no amount of virtuous action can compensate for the injuries of injustice, it can make some difference' (1996: 210). In this sense, virtuous action can survive in circumstances where justice has failed (or been violated). There is no requirement upon agents to ignore or bracket the injustices that have resulted in the need for assistance. However, quite what would be required is less clear. Would virtuous action in such circumstances entail actions that generate conditions where justice can be recognised? It might seem as though this would be stretching beyond the duty to reject indifference. Within this approach, the duty of assistance cannot replace duties of justice and quite what would be required when assistance arises as a result of unjust outcomes, who ought to act, and what action they should undertake is unclear.

Unlike duties of justice, duties of virtue do not fully specify the precise actions agents ought to undertake or the full reach of their obligations. Thus, the possibility of conflict is not and cannot be removed. However, this under-specification is not necessarily a weakness of this approach (or indeed any approach that seeks to defend imperfect duties). According to O'Neill, 'the ways of acknowledging the force of unmet and on occasion contingently unmeetable obligations is often seen as an objection to rather than as a component of any ethic of principles of obligations. This may be because of the persistent but misplaced suspicion that principles must fully determine action' (O'Neill 1996: 160). Action- guiding duties must be supplemented by the agent's judgement when evaluating and judging in a situated context. Although this may be a plausible defence, it still does not explain what the duty of assistance would demand, beyond the negative duty to 'reject indifference' when the need for assistance arises as a consequence of injustice. Further, at all times, the moral agent should seek to avoid harm, and if this results in inaction, then such inaction is justified on the basis of the requirements of justice.

5.4.2 Sen and the Limits and Extent of the Duty of Assistance

In direct contrast to O'Neill's approach, Sen's account can permit a plurality of reasons for action and a plurality of motives for acting upon this duty in particular – moral and non-moral. Within Sen's account, the limits and extent are determined not only by the reach of an agent's action, but also by the agent's capacity to acknowledge the obligation to assist others when and where they can. As assistance is understood to be a duty of justice and a correlative of human rights, they can

compensate for injuries that have arisen through injustices by others. Although an agent may not be responsible for the actions that resulted in a particular harm, they can, and, if they can, ought to take responsibility for assisting the victim of injustice.

Within this account, there are reasons for agents to act to establish institutions that transcend the boundaries of social pluralism to enable the enactment of duties of justice and to ensure that agents can be and are required to take responsibility for the full reach of their actions.

However, limits of this duty are perhaps a little more difficult to determine within Sen's account. As rights are the basic deontic category, it is also plausible to assume that rights are also a morally relevant limiting constraint on the actions and act-types that can be required of an assisting agent and also the recipient of this assistance. Simply because an agent is rich in freedoms (manifested in rights) and capabilities (as opportunities to avail of these freedoms) does not immediately yield an answer to the question of which freedoms ought to be invoked, for whom, and to what extent. This would need to be worked out by the agent (rich in rights and opportunities to avail of these) giving attention to the needs of others through a process of practical reasoning. This process will entail trade-offs for both the assisting agent and the recipient of assistance in specifying what can be done to assist, and what ought to be done to assist.

The duty not to harm (as much as possible) is a morally relevant constraint within this account, however, it is not an absolute constraint as it is for O'Neill. However, the threat of harm, including unintended harm that may arise in complex and uncertain circumstances where the outcomes of assistance cannot be determined with a high degree of probability, is not a reason for inaction. Rather, weighing the balance of harm against the benefits to be gained by a particular course of action, and reflecting upon the reasons for action from the perspective of an impartial spectator, are the determining factors when selecting between courses of action. What factors carry more or less moral weight is not specified outside of the situated context and information available to agents. As the duty to assist is a duty of justice within this account there is no categorical distinction between virtuous action and just action. Agents of assistance are at the same time agents of justice and vice versa.

5.5   Weighing and Testing the Balance of Evidence

Both approaches aim to be practical. This means quite simply that agents can evaluate, judge, select, and appraise from a range of actions and act-types within the situated context of need. Agents are then supported in justifying their reasons and courses of action, claiming authority for their decisions. However, this analysis finds that one approach is *more* practical than the other. Only a broad consequentialist account can permit a plurality of reasons for action and a plurality of motives for acting upon this duty in particular– moral and non-moral. Within this framework, duties of assistance *are* duties of justice. Agents acting on the duty to assist are at

the same time agents of justice and vice versa. Where relevant, duties to aid can be claimed as a matter of right and could be enforced. The source of this duty is the un-realisation or violation of basic rights and freedoms in another agent. This may arise due to the intentional actions of one agent resulting in unintended but unjust consequences for another, or when another agent has failed to realise their duties to another or violated their rights. In a plurality of cases, agents can engage in courses of action that can support the establishment of conditions where duties of justice can be enforced, respected, and protected. As an imperfect duty, the act-types are not specified outside the context of need. As a matter of duty this is a matter of strict obligation. However, its mode of application is situated and particular, influenced by the agent's circumstances and the circumstances of need.

I have argued that O'Neill's approach, although rich and complex, may lead to inaction rather than action and so prolong avoidable suffering by those in need. Further, I have argued that taking duty as the basic deontic category over rights may reinforce existing power asymmetries and inequalities that mark circumstances of assistance. Also, the focus on the duty-bearer, rather than the rights-holder in need, and the latitude entailed in this account of imperfect duty seems to rest on an appeal to a particular type of agent that is willing to acknowledge this as an obligation. This, I argued, is not a sufficiently secure moral basis for this duty.

I also argued that the approach to practical reasoning and the method of justification within O'Neill's account may be problematical. Firstly, this account is primarily focused on the acting agent while the recipient, as a receiving agent, plays a secondary role. Secondly, it is difficult to see how this could extend from agent as individual to collective groups without entailing idealisation in some sense – either of the capacities and willingness of the group, or of the circumstances of the recipient in need. Rather, I argued that the push and pull between evaluation of consequences as a metric exercise and the modal assessment of moral reasons and requirements through an impartial spectator within Sen's account provides a richer, more robust method of reasoning better suited to non-ideal and non-idealised circumstances of assistance.

Finally, where the duty to avoid harm is a strict constraint for O'Neill, this is not the case in Sen's consequentialist account, rather, agents must retain responsibility for the outcomes of their actions, and any additional accumulative duties to which these action might give rise. In this sense, Sen's account provides a stronger foundation for action in the contemporary context where some level of harm, albeit unintended, is likely.

5.6   Conclusion

This chapter has examined and evaluated the differences between two contemporary approaches to practical ethics to determine which approach provided the most practical guide to agents acting within the contemporary circumstances of assistance. The criteria selected to judge between the approaches were derived from the

common core objective of both accounts. That is, that they provide a practical guide to situated agents acting in concrete circumstances. Both accounts seek to provide a robust moral basis for this duty. If this duty is to be a sufficient precept for action, then it must rest upon a secure moral basis that can clearly explain why agents ought to act upon its requirements. Both accounts rely on extensive elaborations of approaches to practical reasoning and a method for justifying reasons for action. These are required if agents are to claim authority for their reasons and their actions, that is, if agents are to claim that they are pursuing the best, right, or most normatively appropriate courses of action in the performance of this duty. Finally, I examined how each approach enabled and constrained agents in selecting courses of action. I examined the limits and extent of the moral requirements upon agents that each account sought to justify.

I found that an application of a broad consequentialist account provides a more robust moral basis that permits a plurality of moral reasons to support and guide action. The duty of assistance within this account is both a direct duty that all hold and an indirect duty that arises when others have failed to act in a normatively appropriate manner, such as failing to realise the rights of others, violating those rights, and failing to take responsibility for the outcomes of their actions. It points to other agents, suitably situated, to acknowledge that they can act to alleviate the wrongs that have occurred and that they have an obligation to do something. This, I argued, provides strong direct and indirect reasons to all agents to do what they can reasonably do to assist others. Further, and very importantly, it requires agents to think beyond the immediate duty to aid to the further accumulative obligations that may arise and to take responsibility for the outcomes of their actions. Thus, the action of helping another can mark the beginning of a special relationship and all that that entails, rather than the complete fulfilment of a moral duty.

O'Neill's duty-based account, on the other hand, roots the duty of assistance in principles of virtue. Agents are required to reject indifference and suffering to others within their domain of ethical consideration. The scope of this domain is determined by the conditions of activity and the reach of action. Agents are required to extend moral status to any other agent within these circumstances. The content of these actions and the act-types required will differ, depending on the context of need and the capacities of the agent. However, I have argued that this account is open to three objections. These include firstly, the problem of ideal theory and unenforceability in non ideal conditions; secondly, the problem of navigating the strict separation and categorisation of duties in circumstances where the problem outcomes of actions are uncertain; and thirdly, the problem of unintentionally accentuating power asymmetries in situations of extreme need.

I argued that both accounts seek to provide a practical guide that would enable agents to claim authority for their decisions, and support agents in appraising courses of action to determine the right, best, or most appropriate course of action to undertake in a specific context. Here too, I found that Sen's hybrid (metric and modal) approach provides the strongest and most robust framework for navigating between competing claims and a plurality of value systems.

Finally, as both accounts claim to be action-guiding, I examined how each account identifies appropriate duty-bearers, and the limits and extent of the actions

and act-types that could be required of agents in the performance of this duty. I argued that O'Neill's approach is too rigid, restricting potential duty-bearers and the actions they can undertake. Although this theoretical framework provides a strong foundation for protecting against harms and unintended outcomes, the requirement to avoid harm may result in in-action in circumstances where outcomes cannot be determined with any level of uncertainty. Who ought to act in such circumstances, that is, who would be appropriate duty-bearers is unclear. On the other hand, the pluralistic basis for duty within Sen's account allows for action across a number of areas – when rights have been violated/unrealised; when an agent has a capacity to assist; and when an agents actions have resulted in unintended harmful outcomes. Perhaps one of the most distinctive features of this approach is that it provides a framework for examining the requirements of the duty to assist within a wider framework of moral duty. In developing an account of assistance as essentially imperfect, this approach facilitates limitless opportunities for action and engagement between human beings, simply in recognition of our shared status as moral agents. However, these actions are not immune from moral scrutiny and other duties that an agent might hold.

To show the significance of these findings, I will examine the implications of this approach for the assistance industry, and the practical problems which those operating within this industry are required to address in the following chapter. I take note of the point that the account of the duty of assistance that emerges from this analysis may not, taken on its own (that is, taken out of the context of the landscape of other ethical requirements within which it is set), be sufficient to justify the range of actions required to meet all needs for assistance within the contemporary context. Therefore, I must show which actions can be supported and which actions cannot.

The following chapters examines how an elaboration and application of a Senian account could provide a practical framework for examining practices of international aid within the contemporary circumstances of assistance whereby public and privately funded donations enable the actions of parties outside of the territorial and jurisdictional boundaries of a community and state to directly influence the functioning of that community. Further, it will examine how action can give rise to further incremental moral duties. It can be used to explain how agents are responsible for the outcomes of their acts of assistance, even when mediated through international institutional actors, and how such acts can give rise to accumulative duties and obligations that are not bound or constrained by territorial boundaries or pre-existing special obligations.

References

Ashford, E. 2007. Chapter 7: The duties imposed by the human right to basic necessities. In *Freedom from poverty as a human right: Who owes what to the very poor?* New York: Oxford University Press.

Buchanan, A. 1987. Justice and charity. *Ethics* 97(3): 558–575.

Buchanan, A. 1996. Perfecting imperfect duties: Collective action to create moral obligations. *Business Ethics Quarterly* 6(1): 27–42.

O'Neill, O. 1989. *Constructions of reason: Explorations of Kant's practical philosophy*. Cambridge: Cambridge University Press.

O'Neill, O. 1996. *Towards justice and virtue*. Cambridge: Cambridge University Press.

O'Neill, O. 2000. *Bounds of justice*. Cambridge: Cambridge University Press.

O'Neill, O. 2004. The dark side of human rights. *International Affairs* 81(2): 427–439.

Rawls, J. 2000. *Lectures on the history of moral philosophy*, ed. Barbara Herman. Cambridge, MA/London: Harvard University Press.

Sen, A. 2000a. Consequential evaluation and practical reason. *The Journal of Philosophy* 97(9): 477–502.

Sen, A. 2000b. *Development as freedom*. New York: Anchor Books.

Sen, A. 2004. Elements of a theory of human rights. *Philosophy and Public Affairs* 32(4): 315–356.

Sen, A. 2009. *The idea of justice*. London: Allen Lane published by the Penguin Group.

Chapter 6
Defending an Interconnected Ethical Account of Assistance

Abstract The aim of this chapter is to provide a more comprehensive exposition of the approach that has emerged throughout this book as the most appropriate and practical guide for agents (donors and recipients, individual and collectives) in the practice of assistance within the contemporary circumstances of assistance, and to consider the objections that might be posed to this account. The following begins with an elaboration of what is here referred to as an interconnected ethical approach drawing upon an application of a Senian account of the imperfect duty to aid as a basic duty of justice. An elaboration of this approach points to the unavoidable interconnections between agents and our shared interdependencies; and also to the interconnections that link duties, action, and responsibility for outcomes as a source of further moral action. Rather than examining aid as a separate and stand-alone duty that has a clear cut-off point, this approach points to a moral landscape where responsible action entails inclusive engagement that may lead to further accumulative moral requirements. This normative argument carries a range of ethical implications for how acts of assistance should be practiced. It also sparks a number of potential objections, including the charge that this account misconstrues and overburdens the idea of the duty to aid; and that the agential latitude entailed in the approach is problematic given the power asymmetries of the contexts of need. The following outlines the interconnected ethical approach that has emerged and the range of potential objections that this might prompt before turning to the implications for policy and practice in the final chapter.

6.1 Introduction

The duty to aid forms a part of almost all major moral and ethical theories. This duty gives rise to a normative agent-based claim that one (an agent) should act for the benefit of, or for the good of, another (or others) in need of assistance. The basic concept of aid, as an action performed by one agent for the benefit of another, is broadly accepted as a rational, cultural, or religious imperative.

The philosophical justification for this practice span the deontological – consequentialist divide with both moral frameworks broadly providing support for the general normative claim that one should act to alleviate the suffering of another if

one has the capacity to do so.[1] This is referred to as a moral duty to assist that is incumbent on all human beings in their capacity as agents simply qua status as moral agents.[2]

The issue that has been examined in previous chapters emerged from the moral problems that can arise when performing positive actions when giving expression to a duty to assist. Analysis of some of the leading accounts of the duty of assistance in earlier chapters points to a number of critical debates within and between the dominant moral theoretical frameworks of deontology and consequentialism regarding the nature, content, limits and extent, and structure of the duty to aid. However, it also identified some points of connection between these traditions on the foundational elements of this duty.

An examination of classical foundational accounts such as those found in the work of Immanuel Kant (1964) and Henry Sidgwick (1901) and contemporary deontological (O'Neill 1996) and consequentialist theorists (Sen 2009) point to at least six constitutive elements of the duty of assistance. (i) As a duty, assistance is a matter of strict obligation[3]; (ii) this duty can be positive requiring agents to undertake specific actions; (iii) this duty is constrained by other duties, in particular perfect duties, such as the duty not to harm[4]; (iv) this duty is general or universal in scope, but particular and context-dependent in application. Actions arising from this duty are necessarily selective and particular. As it is not possible to come to the assistance of all others all of the time, agents must select the specific actions they can undertake, and for whom. Thus the duty of assistance entails the process of deliberation and selection[5]; (v) at a conceptual level this duty is imperfect, that is it is incompletely prescribed, indeterminate, and of wide application. In practice there is an indefinite variety of act-types that one can undertake to act in accordance with this duty. As Daniel Statman (1996) notes, much turns on how an imperfect duty is defined within these traditions; and (vi) this duty is goal-based,[6] that is, it is aimed

---

[1] See Peter Singer (1972, 2009), Deen Chatterjee (Ed) (2004), Campbell (1974), Simon Caney (2005); Brian Barry (1991, 1995) Amartya Sen (Sen 2000a, b, 2009); Onora O'Neill (1996, 2000); Thomas Pogge (2007, 2010) as examples of literature concerned with the moral basis of the duty of assistance.

[2] This broadly implies that a human being has the capacity for thought, choice, deliberation, and action.

[3] See (Kant 1964: 37–37; Sidgwick 1901: 238).

[4] (Sidgwick 1901: 168; Kant 1964: 36).

[5] (Sidgwick 1901: 238).

[6] Brian Barry (1991), in his analysis of the distinction between perfect and imperfect duties, describes perfect duties as 'rights-based duties' and imperfect duties as 'goal-based duties'. Perfect duties are correlatives of rights, such that, if an agent has a right, then specifiable others have a duty to act in certain ways or avoid certain acts. If a rights-based duty is violated, then specifiable others can be coercively required to act. Imperfect duties, on the other hand, are 'goal-based', aiming more broadly at goals, ends, or outcomes. Act-types are not clearly specified and are not correlated with particular rights.

at certain specifiable ends. Actions required by this duty are means towards these ends.[7]

However, in much of the literature, this duty is treated as separate and distinct from other duties. Due to its imperfect and indeterminate nature, for some such as Thomas Nagel, this duty is weak and limited – a 'humanitarian moral minimum' and deeply insufficient in the complex contemporary circumstances of assistance and global need. However, other arguments and extrapolations of alternative approaches examined in earlier chapters point to rich and varied bases for ethical action which can be justified through different interpretations and applications of this imperfect and indeterminate duty, pointing to richer and more varied accounts of ethical action in the realm of assistance and how this might link with further moral requirements.

Through a process of comparative analysis, a broad consequentialist, non-idealised, situated, and positional account of the duty to aid emerged as the most practical and appropriate approach in the contemporary context. This account is practical in the sense that it can be applied to identify appropriate duty bearers, drawing upon wide and diverse moral bases to address questions of who ought to act and for whom. Further, it draws upon a rich and inclusive account of practical reasoning to enable agents to weigh and test reasons and courses of action in situations where information may be limited and imperfect. Finally, it can explain how actions undertaken in the realm of assistance connect with further moral requirements and can prompt further action and engagement with recipients of aid.

This account seeks to embrace pluralism and diversity. It builds upon the points of conceptual connection between the dominant moral traditions, and employs a rich account of embedded human agency and practical reason that can guide agents in the selection of actions, and includes consideration of all parties, donors and recipients, in the process of justification. Furthermore, an application of this framework allows for a deeper understanding of the connection through action of this moral duty to other duties. This account provides a framework for embedding this duty into a wider moral landscape, and points to ways in which outcomes of actions undertaken in the expression of this duty can give rise to further, accumulative obligations.

Rather than seeking perfect prescriptions, this account appeals to the imperfect nature of this duty which, it is argued, provides a rich and diverse source of ethical action. In what follows, it is possible to see how imperfect duties can allow for rich and innovative moral action, in ways that more perfectly specified duties cannot permit. However, identifying who can act and what actions are permissible does not bring us to the end of the story. Within this account, action is the locus of practical reasoning where agents are required to give consideration to the outcomes of their

---

[7] For Kant, the relation of duties to ends can be understood as running in two directions: 'one can begin with the end and seek out the maxim of actions in conformity with duty [these would be duties of virtue and beneficence] or on the other hand one can begin with the maxim of actions in conformity with duty and seek out the end that is also a duty [duties of law and justice]' (Kant 1964: 40).

actions on all those who are affected by this action. This approach provides a practical pathway to navigate moral requirements in an interconnected world. Rather than abstracting from the realities of contemporary circumstances, such an approach is situated and non-idealised, allowing for comparative evaluation and assessment between various options for action. It requires a robust method of practical reasoning to guide agents to enable them both to act and justify these courses of action.

Rather than seeking to identify one ideal reason or winning argument, the approach that has emerged seeks to provide a platform where commonality across valid and competing claims can be identified. Within this account, agents are invited to weigh and compare options for action rather than test against a single ideal principle. Thus, whether assistance falls into the category of a random act of kindness of an occasional giver, or is delivered by a reliable altruist in the form of tax or direct income transfers to international multilateral organisations to act on behalf of a concerned population, or indeed, is part of a wider strategic plan based on national interests, this approach helps to explain how the simple act of giving, common to all three categories, creates a connection between the donor and recipient. It further explains why this connection matters, from a moral point of view. Ordinarily understood, agents are responsible for the outcomes of their freely chosen actions. It holds then, all things being equal, that donors, through their actions, share responsibility for the outcome of these actions.

The aim of this chapter is thus to examine the theoretical implications of the interconnected ethical account of the duty to aid that has emerged through this analysis, focusing specifically on three elements entailed in this account that require further clarification. These are firstly, the idea of responsibility and responsible action; secondly, the idea of inclusive and situated engagement; and thirdly, the claim that responsible action can give rise to further accumulative duties. Such an account can give rise to at least four potential objections that prompt further consideration and analysis. Examination of these potential objections provides an opportunity to further elaborate on the strength, reach, and possibilities of this imperfect duty and the interplay between this duty and other duties that one may hold.

6.2   Exposition of the 'Interconnected Ethical Approach'

Within the interconnected ethical account that has emerged, each of the six constitutive elements that characterise the idea of the duty of assistance is given expression and consideration. Firstly, as a matter of duty, the duty of assistance is a matter of strict obligation. When the need for assistance arises, any agent bears an obligation to assist by providing support in whatever way they can, depending on the context of need and the capacities of the agent. As Sen explains, 'loosely specified obligations must not be confused with no obligations at all. Rather they belong… to the important category of duties that Immanuel Kant called 'imperfect obligations' (2004: 391). Whether one is motivated by religious belief, moral principle, or

recognition of our common humanity, this account claims that one ought to act to assist the other in need.

Secondly, as an imperfect duty, it is open, wide, and the particular act-types required are unspecified outside the particular context of need. In this sense, the precise content of this duty is incomplete. However, rather than viewing this characteristic as a weakening condition, the imperfect nature of this duty represents a rich and open source of ethical action, whereby agents can engage in a wide range of creative and innovative actions to achieve the ends of assisting another. Whether an agent is in a position to directly reduce suffering, such as the provision of food, shelter, and basic needs; or more broadly and indirectly, through one's own talents and activities such as act, music, or literature, the imperfect nature of this duty is open and inclusive of all agents to act to assist others, based on their capacities and the context of need. Indeed, as the causes of need are complex, so the solutions may not be easily or immediately identifiable.

Thirdly, as an imperfect duty it is ends-based (aiming towards particular ends and goals). For deontological theorists such as O'Neill, rejection of indifference to suffering may prompt certain actions (O'Neill 1996, 2000), for others such as Singer, minimising suffering may be the end at which actions are aimed (Singer 1972, 2004, 2011). The precise content remains loose, open, and under-specified outside of the specific context of need. However, identification of the specific ends requires some engagement with those in need to understand more precisely what they require to achieve their ends.

Fourthly, this duty can entail positive act-types requiring agents to undertake specific actions. The particular act-types required to achieve these ends are open and determined by the context of need of the recipient and the capacities of the agent. It could entail acting to provide urgent survival necessities if a sudden event has removed these from a population, or it might require working with others to assist them in building conditions for sustainable livelihoods, or conditions where the rule of law can be implemented and enforced. This duty can require agents to act to assist another in circumstances where their basic rights have been violated or unrealised, or in circumstances where ones actions have inadvertently contributed to the needs or suffering of another. The causes of need are multiple and varied and so the duty is broad and indeterminate, allowing for a wide range of possible cases. This account can provide a strong theoretical basis of humanitarian interventions in circumstances of mass violations of human rights. It also provides a reason to act to support mitigation and adaptation activities of communities in the face of extreme weather events due to climate change and shifting weather patterns forced through anthropogenic activity. Thus agents are required to select among possible courses of action to achieve these ends.

Fifthly, as this duty entails positive action, and as this action results in the direct interference of the life of the recipient, this approach argues that donors should remain open to the responsibilities that flow from their actions. This would demand much greater collaboration between donors and recipients when determining the content of actions and evaluating outcomes. In particular, donors ought to be aware of the potential of harm when interfering in the life of another. Acting in the interest of another, or for the benefit of another, entails a form of interference in the life of

that other. This is an unavoidable outcome of acts of assistance. This interference may have the intended effect, or it may not. It may also have unintended effects. It may prevent death, reduce chronic suffering, and ease harsh conditions. Or, it may interfere in an unintentional way in the life of the other by inflicting new harms, prolonging suffering, and intensifying the harshness of the conditions. Therefore, donors should give significant consideration to the potential outcomes of action selecting those act-types that are most likely to achieve their ends and the range of responsibilities that flow. In this sense, this duty is unavoidably interconnected with other moral requirements.

Finally, the reach and context of this duty is open. When the need for assistance arises, any agent, suitably situated, can be required to act to address these needs. All agents are situated within a network of ethical requirements and special commitments. These situated circumstances will inform more precisely what an agent can do, and ought to do, to assist another. As it is not possible for any agent to act for the benefit of, or meet the needs of, all others all of the time, agents must select the specific actions they can undertake, for whom, and justify each step along the way. This is only possible when supported by a rich account of agents engaging in the everyday task of practical reasoning where a process of selection, deliberation, and justification of reasons for action is made possible. Thus the duty of assistance requires a robust method(s) of practical reasoning to enable agents to move from the duty to specific acts, and to justify each step along the way as the best (comparatively speaking) means toward their ends (in whatever precise form this would take).

This agent-based account of the duty of assistance rejects the compartmentalisation of duties into tightly divided separate categories, instead it points to a wider moral framework whereby acting upon this duty can give rise to further accumulative duties linked to the reach of action and the rights of those affected. Assistance here is not a correlative of any particular human right rather it is an indirect correlative of any unrealised or violated right. Rather than a rigid system of binary duties, this approach allows for the interplay of different forms of duty, more fitting of a world marked by deep pluralism and diversity.

The reasons to act, the types of action, and the outcomes of action remain open outside of the specific context of need and the specific capacities of the acting agent. This account avoids attempting to determine what to do in all possible situations, rather, it seeks to provide a framework for identifying the most appropriate agents, actors, actions, and goals in a given context, and a method of securing some form of non-idealised intersubjective engagement in the practice of practical social reasoning to determine the most appropriate action for that context. Further, it points to the possibility of new special relationships emerging from such interactions that reach across spatial distances and state boundaries. It is essentially cosmopolitan and global in reach, and open in duration.

6.2.1   Responsibility and Responsible Action

Responsible action within this account faces in two directions. It requires that agents and recipients consider the impact and outcomes of their actions when deliberating on action and also to examine the consequences of these actions and to take full account of these. This account of responsibility shares some parallels with Simon Caney's (2014) conceptualisation of climate justice with entails both 'backward looking' or burden sharing justice *and* 'forward looking approaches' or harm avoidance justice. In this account, those responsible for the highest greenhouse gas emission levels have the heaviest responsibility to act to remediate for damage caused, while at the same time, all should seek to avoid further harm through their present and future actions.

In parallel with Caney's account, the position defended here suggests that all have a duty to act to assist those in need (forward-looking inclusive approach) and to seek to avoid or minimise harm through their actions. At the same time, those who have contributed most to assistance efforts have the deepest engagements with specifiable recipient populations, and may have additional responsibilities to these populations arising from their earlier interventions.

Looking back on the history of a population and past humanitarian or development interventions may give an indication as to who ought to act in certain circumstances. The connections and shared understandings that exist following a past intervention may provide the most appropriate starting point when deliberating on what would be required to bring relief, and also how a population might build their resilience and resistance to future events. Further, examining and evaluating outcomes of past interventions may help to explain why certain cohorts of a population are more vulnerable to events triggering a need for further assistance.

Thus, this approach is inclusive in that it calls upon all those with a capacity to act to assist those in need. If some have failed to fulfil their obligations, or to realise the rights of others, or indeed have violated these rights, then those with a capacity to act have a third party obligation to do so. However, in the course of action, agents ought to take responsibility for the outcomes of their actions. Thus, it can explain how particular agents may carry special responsibilities arising from their actions.

Given the complex circumstances of need and assistance, and the high degree of uncertainty concerning the probable outcomes of acts of assistance, the matter of responsibility for the outcomes of one's freely chosen actions is a critical link point between the imperfect duty to aid, and more precise perfect duties more traditionally associated with justice-based approaches.

A fair question to ask at this point is: does this account stretch the idea of assistance too far? Is it fair to allocate responsibility to those whose actions are well intended, and who did not intend for any harm to arise? According to Stephen Sverdlik, 'it would be unfair, whether we are considering a result produced by more than one person's action or by a single person, to blame a person for a result that he or she did not intend to produce' (1987: 60).

This objection assumes that an allocation of responsibility entails the allocation of moral 'blame'. However, such paradigmatic ideas of moral blame do not fit

comfortably into the complex context of development and humanitarian assistance where a range of factors including political, social, economic, and environmental, may all play a part in producing unintended results. Thus, alternative theories of responsibility and responsible action are required.

One such alternative theory is offered by Crawford and Watkins (2010) in their examination of international responsibility. This is the idea of 'responsibility as answerability'. Responsibility as answerability is concerned with the causal connections between actions and outcomes. It is distinguishable from 'responsibility as liability' which is concerned with cases involving violations of obligations or wrongdoing. Accordingly, 'understood thus, responsibility [as answerability] need not necessarily imply that a wrong has been done since a person may respond to a charge by offering a valid justification for their conduct, thereby deflecting any imputation of wrongdoing' (Crawford and Watkins 2010: 283). However, one can still be called upon to account for their actions. In many instances, harms that arise in the practice of assistance may be unintentional or indeed unforeseen, yet they may be directly and causally linked to this practice. Indeed in some of the most critical cases, agents engaging in acts of assistance recognise the risk of harm, such as prolonging conflict, reinforcing existing unequal power structures, or contributing to aid dependency, however, they deem that the benefits outweigh these risks. This approach simply asks that, regardless of the outcome, agents take responsibility for their actions. This implies, for example, that humanitarian acts may require longer term engagement, beyond the immediate act of rescue. It implies that the initial engagement arising from an act of assistance may mark the beginning of a special relationship rather than the complete fulfilment of a moral obligation.

For many, this conclusion may be too demanding. It would certainly affect the way in which aid and assistance are practiced in the contemporary context. However, the very idea of agency entailed in this account rests on the idea that agents have the capacity to reason and to choose, and with the freedom to choose comes a basic responsibility for the outcomes of actions freely chosen. This would thus prompt required changes to contemporary practices in how aid interventions are evaluated and examined. From a donor's perspective this may prompt questioning of the short-term funding cycles and temporary supports for interventions, demanding instead a commitment to longer term engagement and collaboration with recipient populations. Thus, the account offered here defends the basic normative claim that actions undertaken in the course of the performance of helping or aiding another should be subject to moral scrutiny and responsibility for the outcomes of actions should rest with the agent (individual and collective) who selected and choose the particular course of action.

6.2.2   *Inclusive Engagement*

The reach of the interconnected ethical account of the duty to aid is broad and open. The duty itself does not specify or constrain *who* ought to do *what* for *whom*. As a global population unavoidably connected to one another, it simply calls upon the capacity of any agent to acknowledge the obligation to assist others when and where they can. As a duty of justice, it is a correlative of any human right, and can and should be demanded by those in need. Although an agent may not be responsible for the actions that resulted in a particular harm, they can, and, if they can, ought to take action to assist the victim of injustice or bad fortune.

Thus, the activity of practical reason is critical in explaining how agents can practically go about the task of determining who should act, for whom, and what to do in particular contexts. Also, if agents are to have any level of confidence that their proposed actions are the most appropriate to a given context, then agents need to engage in some method of justification that can interrogate the reasons they offer and the courses of action they select. In this way, it is more likely that the actions selected will be more appropriate in a particular circumstance.

There are two stages involved in this approach: the metric and the modal stages. The metric element entails a process of non-ideal, partial ranking of potential outcomes, based upon available information. The model element requires agents to reflect upon their actions 'at a distance' from themselves to seek to establish some level of objectivity.

As this is an embedded, positional account, it assumes that agents reason from within their situated context. It assumes that they live within complex and rich moral, social, and political groups. Further, it assumes that those in need also live within similar structures. Knowledge of such contexts is unavoidably limited for those outside and spatially removed. From this positional stance, agents as donors can only select actions based on the information available and thus, options are compared and selected on the basis of comparative partial rankings. However, these options and actions may need to change as information increases.

The modal element to this procedural framework provides one method for acknowledging the epistemic gaps between donors and recipients. It requires agents to consider their actions and plans 'at a distance' from themselves (Sen 2009: 44). Thus, they are not expected to understand every context. The account does not suggest that there is one single right, correct, or true response to a situation. It simply requires agents to reflect on their proposed actions as a distance from themselves and their own situation. This procedure represents a process where reasons can be tested and vindicated, allowing claims to the status of objectivity and therefore carrying moral authority. However, such claims to objectivity and moral authority *are fallible*. They are not claims to absolute truth, rightness, or goodness. Rather, they are claims to inter-subjective reasonableness. It is required to support agents in evaluating their reasons and claiming moral authority for their decisions. Thus, the combination of metric and modal elements are intended to guide agents in the evaluation

of reasons and actions, when moving from the abstract general moral duty to concrete particular moral action.

6.2.3   Accumulative Duties

Perhaps one of the most distinctive features of this approach is that it provides a framework for examining the requirements of the duty to assist within a wider network of interconnected moral duty, rights, and responsibilities. Most contemporary discourse across the normative and empirical literature examines the duty to aid as a stand-alone duty. There is much debate concerning the link regarding the limits and extent of the duty and the question of how much aid is enough, and what is the line between the duty to aid and supererogation. However, less consideration is given to the matter of outcomes, and responsibility for the outcomes of well-intended acts. The interconnected ethical approach points to the unavoidable connection between reasons to act and responsibility for the outcomes of action which can give rise to further duties.

The duty to aid, as a positive duty, entails a form of interference in the life of the recipient and potentially it has a bearing on the outcomes of the wider population. As an imperfect duty, it can justify the employment of a range of different act-types. These actions have an effect. Thus, it has consistently been argued through earlier chapters that these effects may result in additional, accumulative obligations. Such obligations may be perfect or imperfect, positive or negative. Rather than attempting to map more precisely the types of accumulative obligations that may arise from action and interaction, the account more modestly seeks to place the duty to aid into a wider moral landscape of rights and responsibilities, where the outcomes of action can be ethically evaluated and further action and engagement identified.

6.3   Philosophical Objections

At least four potential objections can be identified that this account must consider. Firstly, the charge that this account misconstrues the duty to aid: that it is insufficient to meet the need for assistance across the broad range of circumstances within the contemporary context, and that it asks too little of those in affluent states in particular. Secondly, the charge of over-demandingness: that this account of the duty of assistance, and the implications of this, demands more than the approach can support. Thirdly, the charge of confusion: that this account could result in the possibility of inaction. Fourthly, it could be argued that this account does not give sufficient space for the voice and agency of the one(s) in need – the problem of agent latitude and indeterminacy.

6.3.1   The Charge of Misconception

Thomas Pogge, in one of his many contributions to debates on duties between strangers, argues that 'as affluent peoples and countries, we surely have positive moral duties to assist persons mired in life threatening poverty whom we can help at little cost. But the label detracts from weightier, negative duties that also apply to us. We should reduce severe harms we will have caused and we should not take advantage of injustice at the expense of its victims' (2004: 278). The main body of his research focuses on the perfect negative duty not to harm and the way in which affluent states, in particular, have contributed to the need for assistance in those beyond their national and jurisdictional boundaries (Pogge 2004, 2005, 2007, 2010). Pogge could argue that the needs of others are caused by failures of some to act according to the negative duty not to harm, and as such, perfect duties of justice to remediate for past mistakes and avoid causing future harms ought to guide a response to these circumstances.

Echoes of this argument can be found in the earlier work of Brian Barry in his analysis of duties of justice and duties of humanity. Barry argues firstly, that duties of justice (as right-based duties) as perfect duties, such as the duty to not harm, are morally weightier than goal-based duties such as the duty to assist; secondly, he argues that it is the violation by affluent states of duties of justice that leave so many in need of assistance in the first instance; and thirdly, he argues that the need for assistance would be greatly reduced in a world where international institutions were guided by just principles of distribution. According to Barry, 'to talk about what I ought, as a matter of humanity, to do with what is mine makes no sense until we have established what is mine in the first place. If I have stolen what is rightfully somebody else's property or if I have borrowed from him and refuse to repay the debt when it is due and as a result he is destitute, it would be unbecoming on my part to dole out some part of the money that should belong to him, with various strings attached as to the way in which he should spend it, and then go around posing as a great humanitarian' (Barry 1991: 209).

Both of these arguments can be linked to a long standing philosophical investigation of the principle and practices of assistance (or beneficence). Pogge (2004, 2005, 2007) and Barry (1991) provide one way of addressing a puzzle posed by Immanuel Kant in *The Doctrine of Virtue*. In this, Kant asks the following:

> The ability to practice beneficence which depends on property follows largely from the injustice of the government, which favours certain men and so introduces an inequality of wealth that makes others need help. This being the case, does the rich man's help to the needy, on which he so readily prides himself as something meritorious really deserve to be called beneficence at all? (1964: 122)

Pogge and Barry, and indeed O'Neill (1996, 2000) argue in this context that, if agents acted in accordance with the perfect duty not to harm, or to reject injury, then the needs for assistance would not be as great as they are in the contemporary context. The needs of many are as a direct result of unjust international institutions and practices. Thus, current practices of beneficence as contributions to the assistance industry would not deserve the label of assistance (or beneficence) at all. Both

provide ample evidence to support their claims that international practices and rules create the conditions whereby some populations are avoidably impoverished. Both examine principles of distributive justice and supporting institutions that are required within the contemporary context that can remediate for past harms and protect against further harms in the future.

However, these arguments only examine one side of this puzzle. Kant's question points in two directions. Firstly, which injustices have left some in need of others' assistance; and secondly, what constitutes assistance, and indeed, what does not. The analysis put forward in this book focuses on the latter in seeking to understand what would constitute beneficence and how action undertaken in fulfilment of this moral requirement might link to other duties and responsibilities. The need for assistance is a basic foundational feature of human existence. This account does not directly examine principles of distributive justice or issues related to structural and social inequality caused by international institutions. Assistance, within this account, is not offered as a surrogate or replacement for fair principles of just distribution or structural changes to reduce social inequality. As such, the account defended here need not stand in conflict with these positions. Rather, it is an examination of the idea of beneficence and how we should understand the duty of assistance itself given that even in the most ideal and just circumstances, assistance will always be required. The need for assistance is an unavoidable element of the human condition as vulnerable, finite, and ecologically embedded and dependent entities.

On this basis, I suggest this account is not in conflict with either Barry's or Pogge's arguments in defence of just international institutions and rules. Rather, it examines the extent and reach of the duty of assistance and argues that this duty is considerably richer and more far-reaching than Barry and Pogge suggest. Neither Barry nor Pogge specify how duties of assistance and duties not to harm might be organised in a coherent view. Nor do they examine how these duties interact. Rather, they seem to assume that duties of assistance result in 'doing good' in some very limited and weak sense beyond the reach of perfect duties. However, the approach developed here examines how an imperfect duty to aid links with other duties and responsibilities. Further, it explains how this duty might be invoked in circumstances where perfect duties have been violated and unjust institutions have failed to protect the rights of those over whom they claim authority.

Acts of assistance are not intended to replace the need for just institutions. However, if the need for assistance rests in the failure or absence of sufficiently just institutions, then assistance can entail supporting an agent to establish these institutions. As an imperfect duty, the duty of assistance can provide reasons to act to establish conditions where justice can be enforced. In the absence of functioning institutions of justice, this approach provides reasons to explain and justify why agents ought to act to respond to the urgent needs of others with whom they share connections and interconnections.

The claim defended here is that duties of assistance, held by Barry and Pogge as general duties binding on all agents, provide reasons for agents to act to address the needs of others regardless of who or what is to blame for the conditions of need. However, in acting, agents should take responsibility for the outcomes of their actions, avoiding harm as much as possible, and remediating for harms as these

arise. Thus, the forward and backward looking elements of responsibility entailed in an interconnected ethical approach are explored in much greater detail. This account examines the connections and interplay between duties, rights, and responsibilities, rather than dividing each into separate closed categories. Through a rejection of compartmentalisation, this account can explore the flow of ethical actions and inter-actions. When agents act to give expression to a duty of assistance, their actions are bound and constrained by duties of justice and are considered an appropriate subject of moral scrutiny and evaluation.

The claim that perfect duties always carry greater moral weight and always trump imperfect duties which dominates deontological accounts[8] is difficult to sus-tain in the contemporary circumstances of assistance marked by complexity, multi-plicity and uncertainty when urgent action is required to provide basic survival necessities. When it is unclear (or disputed) who has acted unjustly, or violated certain rights, or simply ignored certain duties, others with the necessary capacities still have a reason to act. However, such action may result in unintended outcomes that entail the violation of some perfect duties. Rather than seeking to allocate moral blame, this approach would provide agents with reasons to remain engaged to address any unintended harmful outcomes and to continue to work with populations to alleviate their suffering. Thus, I suggest this duty is somewhat richer and stronger that Barry and Pogge imply in these circumstances. It does not replace the require-ments of justice and an appropriate institutional framework where principles of dis-tributive justice, can be given full expression.

6.3.2   Over-Burdened?

Thomas Nagel identifies the duty of assistance as a minimum moral duty that agents' bear which is entirely separate from considerations of justice. Nagel (2005) discusses what he describes as a 'humanitarian moral minimum' in an examination of contract-based deontological accounts (in particular, the accounts developed by John Rawls and Thomas Hobbes).

Nagel claims that 'some form of humane assistance from the well-off to those in extremis is clearly called for quite apart from any demand of justice, if we are not simply ethical egoists' (2005: 114). He does not elaborate on what this 'humanitar-ian moral minimum' entails or would look like. What is the relationship of this requirement or duty to other duties and requirements we may have? Or what this implies in relation to how we think about ourselves and our relationships with oth-ers, and in particular, others outside our accepted special circles of concern (such as family, communities, nation, and state)? Of course for Nagel, as for other duty-based approaches, aid and assistance are not matters of justice and should not be enforced. They are matters of virtue, and can be enacted across jurisdictional boundaries.

Nagel goes on to argue that both Rawls and Hobbes provide compelling reasons to explain why justice is limited to jurisdictional boundaries and that some form of

---

[8] See O'Neill (2004).

institutional framework would be necessary to enforce duties of justice across borders. In the absence of coercive enforcement mechanisms, he argues, justice does not and cannot exist.

However, the central thesis of this book is that the duty of assistance stretches further than Nagel's positivist 'humanitarian moral minimum' and his statist, institutionalist account of justice that excludes consideration of concern for and connection with others beyond the arbitrary territorial borders of a state. The focus of Nagel's argument is concerned with what he takes to be necessary conditions for justice – a defined population and mechanisms of enforcement of legitimate rule of law. His account does not examine the transnational character of the moral duty to aid or indeed of non-state actors and institutions that also consider themselves bound by norms and principles of justice when giving aid. Nagel's account does not take into consideration connections and interconnections between populations as reasons to act, nor that the actions undertaken carry normative implications and are an appropriate subject of moral concern and the concerns of justice, or indeed that these actions create both direct connections and also carry consequences for which agents carry responsibility.

Nagel's account, it seems to me, does not give sufficient consideration to matters of social, economic, and ecological interactions and concerns that transcend jurisdictional borders and connect populations in joint action. Such actions, I have argued, are not immune from moral scrutiny and the requirements of justice. The duty to aid does not have a clear cut off point and is not limited to realms where justice cannot or does not reach. I suggest that Nagel's reduction of the duty to assist to a bare 'humanitarian moral minimum' overlooks a rich source of ethical action that draws upon the capacities of agents and their use of practical reason. This duty provides reasons to act when others are in need and institutions have failed. Such action aims at just outcomes, where agents are required from a moral perspective to act justly in places where formal institutions of justice are unable or unwilling to reach. Simply because institutions do not yet exist where agents in need can claim assistance from others, or indeed can demand accountability and remediation for issues arising from the well-intended actions of donors, does not mean that such institutions should not exist.

6.3.3 Action Guiding or a Recipe for Inaction?

A third objection that could be raised against this account is that rather than acting as a practical guide to agents as they go about the task of selecting courses of action, this account is a recipe for inaction and could act as a disincentive to giving aid. There are two elements to this objection. Firstly, in circumstances of complexity, where the outcomes of action cannot be determined with a precise level of probability, how can outcomes and consequences be an appropriate guide to right action? Acts of assistance are a form of interference and may result in both intended and unintended outcomes. How can agents determine what level of harm is likely, what would be permissible, and indeed how can they avoid the potential of harming those

they wish to assist or causing injury to others? Secondly, what if they do not want to risk becoming embroiled in an unknown and unknowable special relationship with others?

In the contemporary circumstances of assistance, introduced in Chapter One, actors engaged in the practice of assistance face genuine tensions and problems in assessing what actions and act-types will succeed in achieving the desired ends and avoid harm. So, the question is, whether agents can use outcomes or consequences to guide in the selection of action, and if such circumstances might require agents to refrain from action in some circumstances.

There is no simple answer to the question of what ought to be done in such circumstances. However, the account offered here explicitly rejects the idea that there is one single right or correct answer. It does not seek to prescribe the content of the duty outside of the particular context of a particular event. The duty of assistance within this account, as an imperfect, open, and unspecified source of ethical action places a requirement on agents to give much greater consideration to their actions and potential courses of action that ought to be employed to achieve the end of helping another. Thus, this does not justify agents undertaking *any* form of action. Rather, agents are invited to comparatively examine possible courses of action and act-types, extend consideration to the context of the recipient through reflection on their selection at a distance from themselves, and select the most appropriate form, rather than the easiest (for them) or most efficient (for them). It is only possible to select actions and make decisions based on available information and so such actions and decisions are fallible. However, they should meet the conditions of inter-subjective validity and reasonableness.

There will, of course, be circumstances where action is required even though some level of harm is probable. For example, food distributions in times of famine may create systems of dependency and risk harming local production processes. However, addressing the most urgent need to alleviate starvation first does not prevent aid agencies from working with populations to reduce the risk of the above mentioned harms over time, when the threat to life has passed. This approach argues that agents are required to acknowledge that harm in some form is a possible outcome. If harm does occur, then agents have good reason to address this. Thus, this account requires greater reflection and thoughtful action rather than inaction. It may also require longer terms of engagement and cooperation between donors and recipients than contemporary practices could permit. However, if one accepts that action undertaken in the course of assisting another is not immune from moral evaluation and may give rise to further duties, then donors (agents) ought to support changes to current practices to reflect the flow of ethical action. Such action represents an opportunity to agents to act justly in cases where just institutions have ceased (if indeed they ever did) to have force. Rather than a basic moral minimum, the interconnected ethical account of a duty to aid represents a point of engagement and departure for moral action. Thus, in more complex and uncertain circumstances, the duty of assistance can also represent the beginning of a relationship based upon direct connection rather than the complete performance of a moral duty.

But what if a donor does not want such a special relationship? Does this provide a reason not to act? Only, I would suggest, if one rejects the notion of a duty to aid in the first instance. The claim that acting to assist another may generate new relationships and accumulative duties simply rests upon shared norms evident across legal and social systems, that one is responsible for the outcomes of one's actions. This applies to all domains and scales of action. If one accepts that entailed in the idea of agency is the idea of choice and freedom to choose reasons and actions, it logically follows that one is responsible for the outcomes of these actions. As such, the idea of interconnected ethical action is not radically new, but it may be more demanding of donors than traditional conceptualisations of this moral duty that limit its domain to charity as voluntary, independent acts of kindness.

Further, this account rejects the notion that 'one size fits all' when it comes to matters of assistance. Institutions or mediating actors who claim that experience in one area justifies a particular course of action in another would not find vindication within this account. In this sense, there are parallels between this and Thomas Weiss's analysis of humanitarian action, and the way in which actors ought to respond when faced with unpalatable or unknown outcomes. Weiss argues that 'thoughtful humanitarianism is more appropriate than rigid ideological responses… Rather than resorting to knee-jerk reactions to help, it is necessary to weigh options and make decisions about choices that are far from optimal' (Weiss 1999: 9). It is precisely within the contemporary circumstances of assistance that the full powers of agency, as reasoning thinking actors, are called for. However, this is not a guarantee of success. This is a practical account of why and how agents ought to respond when the need for assistance arises. Depending on the outcomes of such action, acts of assistance may lead to deeper special connection and relationships that generate new obligations. This is an unavoidable outcome of acts of assistance. It does not provide a reason for inaction; rather, it should prompt much greater reflection, critical engagement and responsible action from donors as they seek to give expression to this duty.

6.3.4   The Problem of Agent-Based Duties: Indeterminacy and Agent Latitude

As an imperfect duty, the content of this duty is not determined or specified outside of the particular context of need. For many, this indeterminacy is a cause of some concern. If the content of this obligation is not adequately specified and prescribed, there is a risk that the obligation will not be performed.

However, I have argued above that the element of indeterminacy is a source of strength rather than a weakness for this duty. Accepting that indeterminacy cannot be entirely dissolved does not mean that actions cannot be undertaken in the performance of this duty. Indeterminacy need not lead to inaction or indecision. Indeed it

creates the possibility for a range of actions drawing on agents with their multiple capacities to do what they can to assist others.

This indeterminacy is characterised by the absence of rules or positive laws instructing an agent what to do. Therefore they must decide for themselves. This indeterminacy cannot be resolved or removed. There will always be circumstances where it is not clear what one ought to do. The duty of assistance simply instructs that one ought to assist another when the need for assistance arises, that is, it insists that an agent ought to *act* to meet the needs or in the interest of another. The specific acts required are determined by the context of need and the capacities of agents. The fact that a fully determined and complete solution cannot be provided may be uncomfortable for some critics. However, this is not a sufficient reason to reject such an account. Rather, it opens up deliberations to the widest possible range of actions and agents to use their skills, abilities, networks and capacities to promote the interests and well-being of others in need of their support.

A second concern related to the agent-based nature of this duty rests in the latitude that agents are attributed to determine what they ought to do and for whom. Elizabeth Ashford (2007), for example, has argued that the characteristic of latitude in agent-based duties is morally problematical due to the power asymmetry in circumstances of extreme need. If the agent has latitude in deciding who, when, and how to assist, this could imply firstly that agents can chose not to act to assist another; and secondly, that those in need of assistance have no voice, power, or control over their circumstances, and so their very agency is further threatened.

Although this is a risk for some agent-based accounts, I suggest it misrepresents the broader elements that characterise this approach. Firstly, to assume that because the agent has latitude in determining how to fulfil the duty, that this somehow implies that he/she/or they have latitude in fulfilling the duty at all is misplaced. If this were the case, then it would be impossible to explain why the imperfect duty to assist is a duty at all. The characteristic of latitude applies to the application of the duty, not the structure of the duty. It is not that an agent can chose whether or not to fulfil the duty, rather that they must use their judgement, and engage in a task of practical reason, to determine when, where, who, and how to assist. This does not reduce or remove the status of moral agency of those in need of assistance. More modestly, it places the onus on agents outside this context to examine what they can do to assist. Some agents will have greater capacities to assist based on relevant factors such as geography and proximity. Others will have greater capacities to assist based upon their economic circumstances. The imperative then is to tie these capricious capacities together to respond to the need for assistance where and when this arises. This is where the centralised instruments of the current assistance industry can and do play a critically important role.

However, secondly, the moral status and agency of the recipient or beneficiary is critical in explaining why one ought to act, and also in determining the most appropriate course of action. If the broad end of acting is to promote freedoms and well-being of others, then those others must participate in articulating their needs and the most appropriate interventions that will increase their freedoms and well-being (as they understand these concepts). The broad-based ends at which this duty aims, combined with the pluralistic grounds for action (connection, interconnection,

rights and freedoms based on the moral standing on affected populations) would imply that an understanding of the needs of the recipient are central to determining the right course of action in a given context. When viewed from this perspective, it would seem that the practice of 'participatory' engagement so frequently mentioned in the practical and policy literature carries more than mere instrumental value. It is intrinsic to the idea of agency, moral standing, and the identification of appropriate actions in a given context.

6.4   Conclusion

This chapter examined the theoretical implications of conceptualizing the duty to aid within an interconnected ethical approach. Rather than attempting to find a single right reason for acting and indeed a single right path to take, this account is essentially non-idealistic and deeply pluralistic, appealing to the points of commonality across philosophical, religious and rational arguments that collectively point to a moral duty to act to assist another. Further, the elaboration of this account sought to explain how the imperfect nature of this duty, rather than indicating a weakness, actually points to a great strength when identifying the most appropriate agents, actors, and actions to take when need arises in the contemporary circumstances of assistance. Further, how such an account can explain the links and connections between this duty and other duties that may arise in the performance of positive acts. Rather than reducing actions undertaken in the performance of this duty to isolated, stand-alone, temporary responses to indiscriminate suffering and random events, it explain how this duty interacts in a wider web of moral duty and rights and can be activated in a variety of circumstances.

Through the location of this account in a wider framework of moral duty, it can provide a moral pathway from responsible action to responsibility for the outcomes of action. Rather than bracket other moral requirements, it located the actions arising from this duty within these wider moral landscape where any such actions can be subject to moral scrutiny, evaluation, and judgment.

A range of potential objections were also examined. Firstly, the charge of misconception: that it is insufficient to meet the need for assistance across the broad range of circumstances within the contemporary context, and that it asks too little of those in affluent states in particular. Secondly, the charge of over-demandingness: that this account of the duty of assistance, and the implications of this, demands more than the approach can support. Thirdly, the charge of confusion: that this account could result in the possibility of inaction. Fourthly, it could be argued that this account does not give sufficient space for the voice and agency of the one(s) in need – the problem of agent latitude and indeterminacy. Each of these objections were rejected or dissolved, and in the process of examination, further elaboration on the strength, reach, and possibilities of this imperfect duty and the interplay between this duty and other duties that one may hold emerged.

References

Ashford, E. 2007. The duties imposed by the human right to basic necessities. In *Chapter 7: Freedom from poverty as a human right: Who owes what to the very poor?* New York: Oxford University Press.

Barry, B. 1991. Humanity and justice in global perspective. In *Liberty and justice: Essays in political theory 2*, 182–210. New York: Oxford University Press.

Barry, B. 1995. *Justice as impartiality*. Oxford: Oxford University Press.

Campbell, T. 1974. Humanity before justice. *British Journal of Political Science* 4(1): 1–16.

Caney, S. 2005. *Justice beyond borders*. Oxford: Oxford University Press.

Caney, S. 2014. Two kinds of climate justice: Avoiding harm and sharing burdens. *The Journal of Political Philosophy* 22(2): 125–149.

Chatterjee, D.K. (ed.). 2004. *The ethics of assistance: Morality and the distant needy*. Cambridge: Cambridge University Press.

Crawford, J., and J. Watkins. 2010. International responsibility. In *The philosophy of international law*, 283–315. Oxford: Oxford University Press.

Kant, I. 1964 (Gregor, M. Gregor translation and introduction). *The metaphysics of morals: the doctrine of virtue*, New York: Harper & Row.

Nagel, T. 2005. The problem of global justice. *Philosophy and Public Affairs* 33(2): 113–147.

O'Neill, O. 1996. *Towards justice and virtue*. Cambridge: Cambridge University Press.

O'Neill, O. 2000. *Bounds of justice*. Cambridge: Cambridge University Press.

O'Neill, O. 2004. The dark side of human rights. *International Affairs* 81(2): 427–439.

Pogge, T. 2004. Assisting the global poor. In *The ethics of assistance: Morality and the distant needy*. Cambridge: Cambridge University Press.

Pogge, T. 2005. Severe poverty as a violation of negative duties. *Ethics and International Affairs* 19(1): 60.

Pogge, T. (ed.). 2007. *Freedom from poverty as a human right: Who owes what to the very poor?* New York: Oxford University Press.

Pogge, T. 2010. *Politics as usual*. Cambridge: Polity Press.

Sen, A. 2000a. Consequential evaluation and practical reason. *The Journal of Philosophy* 97(9): 477–502.

Sen, A. 2000b. *Development as freedom*. New York: Anchor Books.

Sen, A. 2009. *The idea of justice*. London: Allen Lane published by the Penguin Group.

Sidgwick, H. 1901. *The method of ethics*, 6th ed. London: Macmillan.

Singer, P. 1972. Famine, affluence, and morality. *Philosophy and Public Affairs* 1(1): 229–243.

Singer, P. 2004. Outsiders: Our obligations to those beyond our borders. In *The ethics of assistance: Morality and the distant needy*, 11–32. New York: Cambridge University Press.

Singer, P. 2009. *The life you can save*, 1st ed. London: Picador.

Singer, P. 2011. *Practical ethics*, 3rd ed. Melbourne/Cambridge/New York: Cambridge University Press.

Statman, D. 1996. Who needs imperfect duties. *American Philosophical Quarterly* 33(2): 211–224.

Sverdlik, S. 1987. Collective responsibility. *Philosophical Studies* 51: 61–76.

Weiss, T. 1999. Principles, politics, and humanitarian action. *Ethics and International Affairs* 13(1): 1–22.

Chapter 7
Implications for Practice & Policy

Abstract Earlier chapters conducted a philosophical investigation into a particular set of moral problems, set against a background of particular philosophical dimensions. The aim of this chapter is to examine the practical implications of the interconnected ethical approach that has emerged from this analysis and to consider implications for aid practitioners, institutions, and policy-makers. Beginning with two real-world cases, this chapter will seek to explain how current practices and policies can and do result in unintended outcomes, how such outcomes are currently hidden from moral scrutiny, and how responsible action, inclusive engagement, and accumulative duties within an interconnected ethical approach are impeded by contemporary institutional arrangements. It then considers what measures would be required from a policy and practice perspective to ensure that outcomes can be evaluated and scrutinised so that recipient populations can be protected, assisting agencies can act responsibly, and unintended harms can be addressed. It examines the implications for the various sets of actors engaged in the practice of assistance introduced in chapter one and seeks to establish the ethical reference points that can guide industry actors in their activities, and provide a more informed basis for ethical practices of assistance. From a policy perspective, such an account demands a much more holistic approach to aid, with a specific need to bridge policy and institutional gaps between humanitarian action and short term interventions, with longer term development aims and objectives.

7.1 Introduction

The giving of assistance is an established practice that has grown into what has been described as the aid industry to facilitate and mediate between those in desperate need and those with a capacity to assist. The institutions of this industry have a global reach, operating across state borders to deliver assistance wherever and whenever the need for assistance is most pressing. The issue that has been examined in previous chapters emerged from the moral problems that can arise when acting to give expression to a duty to assist. This chapter now returns to the practical problems experienced by those engaged in the exercise of aid within this global industry.

Aid practice is financed through the cooperative contributions of multiple agents including individual donors in the form of citizens contributing to overseas aid through their taxes or private donations directly to organisations, to corporate donors through social responsibility schemes, to private philanthropic foundations all of which flows to a range of governmental and non-governmental agencies for use in the practice of aid. Aid can be delivered bi-laterally, from government to government, or multi-laterally, through inter-state based institutions such as the United Nations. It reaches citizens directly through government agencies, inter-governmental agencies, or non-governmental organisations, depending on the circumstances and context of needs. Aid finance is used to fund a blend of service delivery, advocacy and protection measures. The industry rests upon a substantial bureaucracy responsible for measuring needs, capital flows, and the outcomes of interventions.

Over the last few decades, in particular since the end of the cold war, a number of trends and events have unfolded that have sent shock waves through this industry. The sense of crisis is not only related to a shortage of funding and the difficult distributive considerations to which this gives rise in a context of growing populations and increasing calls for aid amid rising numbers of environmental, political, economic and social shocks. But, more fundamentally, contemporary instruments and activities employed in the practice of giving seem themselves to represent part of the problem in some instances. The growing realisation that some contemporary practices do not seem to be helping those in need, and indeed might be contributing to harm and fuelling the need for assistance, has caused many to question the moral basis of their actions.

In recognition that change is required, the international development policy framework witnessed a massive expansion of areas requiring development attention from eight specific goals outlined within the Millennium Development Goal Framework (2000) to 17 goals and 169 targets within the Sustainable Development Goal framework (2015) that is intended to guide development practice from 2015 to 2030. The Sendai Framework for Disaster Risk Reduction 2015–2030 also seeks to expand its scope of operations from its predecessor, the Hyogo Framework for Action 2005–2015, focusing now not only on disaster risk reduction, but recovery and reconstruction with an eye on 'building back better', thus linking itself firmly into the development sphere. Within the humanitarian space, at the time of writing this text, a global initiative driven by the United Nations General Secretary Ban Ki-moon, to review the practices, institutions, and policies engaged in humanitarian action is ongoing and will produce a new policy position at the World Humanitarian Summit in 2016, with the aim of re-orienting humanitarian action based on contemporary understandings of this practice. Again, this framework is likely to seek ways to bridge the humanitarian – development divide. Thus the practice of aid is likely to shift and change over the coming decades, in recognition of the complexity of aid practice, multiplicity of events, and the uncertainty of the probable outcomes of interventions.

In response to this uncertainty and unease, this book took on the thorny task of examining which ethical framework provides the most appropriate guide to action

for agents within the contemporary context. The most appropriate framework is one that supports donors to provide assistance to those in need, while recognising and considering the moral problem of harmful outcomes – how to avoid these, or how to determine what level of harm is morally permissible. Appropriate action is also sensitive to the social and cultural context of need, identifying pathways for engaging inclusively with affected populations to understand their needs.

The interconnected ethical account of duty of assistance that emerged from this analysis does not limit the scope or reach of who can take action, for whom, or the types of acts that can be justified. Within both dominant moral theoretical frameworks evident within the aid industry – deontology and consequentialism – the duty to aid is taken to be binding on all agents regardless of geography and spatial distance between donor and recipient.

Although this moral duty, in its general form, does not depend on institutions for its expression, it can justify the establishment of institutions to reach those in need across political, social, and economic boundaries. Within the contemporary context, a range of institutions, actors, and agents have emerged and evolved over several centuries to connect populations across great distances and to give expression to this duty by reaching out to those with the greatest needs. There are then, mutual interdependencies between agents, actors engaged in the direct provision of assistance, and institutions that manage the practice of assistance. Without mediating institutions, assistance would be much more limited; without some account of moral standing of those in need of assistance, such institutions would not be necessary.

The vast majority of actors in the aid industry, both humanitarian and development, and also those that provide financial supports to this industry, claim to be well-intended, and generally claim to be motivated by a desire to 'do good' in some way (Barnett 2011; Barnett and Snyder 2008; Ramalingam 2013; Rubenstein 2007, 2008, 2015; Riddell 2007). Indeed, one only has to glance through the various annual reports or mission statements from any of the main international aid agencies to get a sense of their commitment to improving the conditions of the most vulnerable and desperate populations. However, it is also widely recognised that the act of delivering international assistance is complex and the probable outcomes can be uncertain. As has been examined at great length, although it can be argued that one has a duty to aid, the question of what should be done, which actions are most appropriate, and how can and should the duty be fulfilled is more problematic, leading some to question their traditional ethical approaches.

The approach that has emerged through the process of comparative philosophical analysis in earlier chapters is intended to be applied in a practical context, establishing and grounding some of the ethical points of reference required to support this practice. Three particular features of this approach point to the need for radical change both within the practice and policy of international development and humanitarian assistance. These are firstly, the idea of responsibility and responsible action whereby donors and actors can give greater attention to the range of actions required to alleviate need in a given context, recognition of the possibility of unintended outcomes and the risk of harm, and measures that can be taken to mitigate such risks; secondly, the idea of inclusive and situated engagement, linking donors and

recipients in a shared collaborative engagement to identify the most appropriate actions to address needs in a particular context; and thirdly, the idea of accumulative responsibilities that can arise when acting upon this duty. An interconnected ethical approach embeds the duty to aid in a wider moral network where actions can be linked to further responsibilities which may mark the beginning of new relationships between donor and recipient, with corresponding rights and responsibilities.

The following examines the implications of these three features for the practice of assistance and the policy framework. To assist with this task, the next section begins with two real-world cases. These cases are used to explain how current practices and policies can and do result in unintended outcomes, how such outcomes are currently hidden from moral scrutiny, and how an interconnected ethical approach is impeded within the contemporary institutional arrangements. It then considers what measures would be required from a policy and practice perspective to ensure that outcomes can be evaluated and scrutinised and an interconnected ethical account can be given expression. Such an account would entail measures directly aimed at ensuring responsible action, inclusive engagement, and accumulative responsibilities can guide agents as they act to assist others in need. Such an approach would then further support the protection of recipient populations, assisting agencies to act responsibly, and addressing unintended harms as these arise. As such, it seeks to establish the ethical reference points that can guide industry actors in their activities, and provide a more informed basis for ethical practices of assistance. From a policy perspective, such an account demands a much more holistic approach to aid, with a specific need to bridge policy gaps between humanitarian and short term interventions, with longer term development aims and objectives.

7.2 Reflecting on Real-World Cases

In October 2010 an outbreak of cholera was announced in Haiti, a small island developing state located between the North Atlantic Ocean and the Caribbean Sea. This was the second crisis to strike the country in 2010. Ten months earlier in January 2010, Haiti experienced a devastating geological shock – an earthquake that took the lives of over 250,000 people and displaced several hundreds of thousands more. In response to the devastating earthquake, hundreds of aid agencies and thousands of donors responded with much need aid and assistance to support the local population through this difficult period. There is strong evidence to suggest that the outbreak of cholera was directly linked to the actions of a UN agency acting to support and assist the local population. Although an unintended outcome, it marks a clear case of harm in the practice of assistance.

In July 2011, a large region of Somalia was declared a famine zone following a period of extreme drought leaving over three million people at risk of starvation. Again, in the months following the declaration of the outbreak of famine, international agencies and donors responded with supports and essential food aid. Media reports identified drought and resulting crop failure as the key drivers of the famine.

It is also widely recognised that this region has been effected by social and political turmoil and conflict for several decades. However, closer examination by researchers suggest that causes of the famine are more complex, linking the practices of aid agencies in the region over the preceding years, coupled with changing security policies in one of the main donor states, the United States of America, as important factors in explaining the outbreak of famine in this region. Again, it seems to be a case where unintended harm arose in the practices of assistance.

Both of these events – the outbreak of a communicable disease and famine – prompted large-scale humanitarian relief efforts. Although these represent very different cases in structure, cause, and content, an examination of both cases suggests that the causes of need were prompted not only by arbitrary natural events, but also by a blend of ill-judged actions and failures of actors to take responsibility for the outcomes of their actions, previously aimed at aiding these populations. Both events were entirely avoidable. Both events entailed human action undertaken under the auspices of the moral duty to aid. However, a litany of specifiable and identifiable actions causally contributed to the need for further relief and aid. The response of the international agencies did not link past actions to the subsequent crises. Rather, the responses represented stand-alone humanitarian interventions, without any attempt to allocate responsibility and remediate for harms caused to the affected populations.

7.2.1 The Haitian Cholera Crisis

Haiti is one of the most under-developed countries in the world, with a HDI (Human Development Index) ranking of 168 out of 187 countries in 2014 (UNDP 2014: 1). The Human Development Index measures health, education, and income levels. Haiti has a life expectancy of 63 years; 50 % of the population live in multi-dimensional poverty; on average, citizens have less than 5 years of schooling.

In addition to health, social, and economic challenges, geography is also an important factor in understanding Haiti's exposure to risk. Haiti is exposed to a range of natural hazards – both geological and climate related. Its capital, Port-au-Prince rests along the Enriquille Fault System and is thus prone to earthquakes.[1] With a tropical climate, the country is also exposed to high levels of hurricanes and tropical storms. Finally, Haiti has also experienced decades of political disruption and social conflict. The United Nations have had a peace-keeping presence in the state since 1993. Since this time Haiti had been an effective ward of the international inter-governmental organisations with a permanent UN stabilisation mission (MINUSTAH) and multiple international and local NGOs engaged in development practice and peacebuilding efforts.

In January 2010 Haiti experienced a devastating earthquake that killed over 200,000 people, with the largest impact affecting the most densely populated areas

---

[1] http://www.scientificamerican.com/article/haiti-earthquake-prediction/

around the capital of the country, Port-au-Prince. As a consequence, thousands of additional, well-intentioned aid agencies of all shapes and sizes descended on the state to provide humanitarian assistance and to work with the local population on disaster relief and reconstruction efforts. Evidence from the immediate aftermath of the earthquake indicates a very difficult start to the aid effort due to the wide scale physical and social infrastructural damage and weakened capacities of those charged with public administration and coordination.

In spite of years of under-development, conflict, and exposure to natural hazards and disasters, Haiti had managed to avoid outbreaks of cholera – a water-borne infectious disease that is potentially life threatening. In October 2010, before the arrival of Nepalese United Nations Peacekeepers, Haiti had not experienced an outbreak of cholera in over a century.

By now, it has been well established within the scientific, health, and political communities that the arrival of an UN Peacekeeping soldiers from Nepal to MINUSTAH in October 2010 also marked the arrival of an outbreak of cholera. According to reports, unsafe sanitation practices at the main peacekeeping base, where raw sewage and human waste were discharged into the Meille tributary, which flows into the Artibonite, Haiti's longest river and primary water source created the conditions whereby a health crisis was more likely (Lantagne et al. 2013). The particular strain of Cholera that was identified in this water source in October 2010 was present in Nepal at the time of the incident and it seems that the freshly deployed troops had not been screened for such health issues (Lantagne et al. 2013). Hundreds of thousands people used this as their main fresh-water source and were infected. Over 8000 people died from the disease over the following 3 years.[2]

A lawsuit was filed by a US based nongovernmental organisation against the UN in New York on behalf of the victims of the outbreak. They claimed that the UN had been negligent in their actions (improper sanitation management and inadequate health checks on personnel). However, the UN claimed immunity against the action. In January 2015, the case was dismissed and the US courts upheld the claim for immunity.

Although instances of court action against international organisations or international NGOs are rare, this case raises interesting ethical questions regarding the limits of the duty of assistance and responsibility for unintended outcomes. In the philosophical analysis of preceding chapters, it would seem that neither a broad deontological nor consequentialist accounts would provide a basis for justification of the UN defence of international immunity in this case. Further, the interconnected ethical approach that has emerged from this analysis would suggest that this defence, although prudential, is morally indefensible.

From a practical perspective, it seems clear that the UN peacekeeping mission failed to pay due care to the local environment and circumstances of those dependent on this critical water-source; it also appeared that they failed in their duty of care to their employees to conduct adequate health checks and ensure all were fit to

---

[2] See media coverage from the Guardian – http://www.theguardian.com/global-development/2015/jan/12/haiti-earthquake-five-years-on-village-solidarite

work in a highly disrupted area where health services were already struggling to cope. Responsible action in this case would require due consideration and diligence both of the local population, and their need for access to clean water, and the capacities of the aid giver. Insufficient care and inadequate due diligence seems to be evident for both groups.

Secondly, it seems that the practice of inclusive and situated engagement was also lacking in this case. Engagement with the local population, and more rigorous situational analysis would have clearly identified the dependency of the local population on this water source. Given the fact that the UN peacekeeping mission had been present in this country since 1993, the lack of adequate analysis of local practices, needs, and environmental awareness seems difficult to comprehend.

Thirdly, from a moral perspective, this case points to a range of accumulative moral duties that these actions generate for the UN peacekeeping mission – to remediate the damage to the water-system and to compensate the local population. When the duty to aid is examined as a stand-alone duty, disconnected from other duties that one may hold, which requires one-off acts of assistance, this leaves the real impact of such interventions hidden, and closed to scrutiny. However, in the practice of aid, responsibility, consideration of recipient populations, and a deep understanding of the situation and context is critical if harm is to be avoided. The idea that agencies in humanitarian contexts have a duty not to harm directly informed the construction of this legal case. Basic human rights had been avoidably violated, albeit unintentionally.

In this case, the very organisation that was in place to assist the citizens of the state directly contributed to the health crisis prompting the need for a new humanitarian response and drawing on other arms of the same institution to assist in addressing a new set of urgent needs, placing additional stress on already weakened healthcare systems and water and sanitation systems. Had these three considerations informed the practice of assistance from the outset, it is likely that the case of cholera would have been avoided, and the accumulative duty to remediate for harm would not have arisen. Below, a number of further implications will be considered. Ultimately, the responsibility to ensure justice is acknowledged and applied in this case rests with those who enabled the actions of the UN in the first instance – member states and their citizens.

7.2.2   The Somalia Food Crisis

Somalia is another radically under-developed, deeply complex and troubled country. It does not feature regularly in the main human development index and report as the data is not currently available. Since the mid-1980s, the education system in Somalia collapsed, thus three generations of Somali youth have effectively grown up in a world without formal education leading to very low literacy skills. Since 1992 Somali's central government effectively collapsed and certain regions in the

country have continued to experience constant complex and political turbulence over subsequent decades.[3]

Although the media coverage of the outbreak of famine in Somalia in 2011 focused on crop failure due to drought which resulted in food shortages, there is now a growing body of evidence that explains how the causes of this famine, like other famines, are much more complex (Majid and McDowell 2012). Like all contemporary famines and food crises, there are socio-economic, political *and* environmental factors (Devereux 2009; O' Grada 2009). An understanding of the interactions and connections between these variables is essential to explaining the cause of the famine.

The roots of the famine in Somalia rest in a range of factors dating back over several decades (Maxwell and Fitzpatrick 2012). A former colony of Britain and Italy, its post-colonial history (since 1960) is one of conflict and political unrest. The area experienced a multilateral humanitarian intervention by US and UN in 1992 in response to what was described as a supreme humanitarian emergency marked by severe human rights violations and critical food insecurity. However, this intervention resulted in a failed attempt to restore order and basic institutions of statehood. Much has been written on the reasons for the failure of this intervention.[4] Since that time, there has been no effective central government in Somali. Rule of the territory is divided among several warring parties. However, the international community have remained engaged through the UN peace-building efforts and have continued to provide basic humanitarian supports to the region, including ongoing food aid programmes, over the following decades.

Hillbruner and Moloney (2012) identified a number of key factors that explain why famine occurred and why certain populations were more vulnerable to starvation. These include drought and resulting crop failure; pre-existing dependency on food aid distribution by a number of communities; a suspension of World Food Programme operations in January 2010; Al-Shabaab's control of the territory and their restrictions on humanitarian access; and finally the slow response of the international agencies to the call for assistance.

Although this crisis entailed a complex blend of interlinking factors, there is strong evidence to suggest that the withdrawal of food aid from a population who relied on food aid for their survival, prompted by US security policy decisions not to provide aid to regions controlled by those that fall into their categorisation of 'terrorist', had a significant impact on the affected population.

Without diving more deeply into the details of this complex case, I suggest this case points to at least two normative considerations. Firstly, the international community has been engaging in this region for many decades. Since the early 1990s, the language of aid, assistance, and beneficence has been employed to justify a range of actions and interventions in this area that, it is claimed, aim at improving the freedoms and well-being of the local population. Over three decades billions of dollars have gone to this region and yet, for the local populations, it seems as though the situation has continued to deteriorate. Further, it is unclear and unknown what

---

[3] For wider analysis of earlier interventions see for example, Wheeler (2000).

[4] See for example Wheeler's comparative analysis of military interventions in Iraq, Rwanda, Somalia, and Kosovo in the 1990s.

harms have been produced through these efforts and capital flows. These practices should be the subject of moral evaluation and critical scrutiny. Further, deep knowledge of this context that rests with the actors engaged in this area over many decades should inform in the process of deliberation and aid delivery.

Secondly, in spite of the complexity of the circumstances, the unilateral political decision of USAID to withdraw supports from regions controlled by terrorist groups causally contributed to the unintended consequence of famine for the population within this territory. Although it would be deeply unfair and indeed incorrect to allocate moral "blame" to the actions of the aid industry in general in this case, it seems evident that the gap between security policy and aid policy was a contributing factor. The famine was avoidable. Difficult decisions taken by international aid organisations and international actors contributed to the harm and suffering of the local population. In withdrawing food aid from food dependent populations, the actions of some demonstrate a failure of responsible action and inclusive, situated reasoning and planning. When viewing this case from an interconnected ethical perspective, there is a duty on all actors engaged in the region to remediate for harm and work with the local populations to rebuild this region. Rather than less engagement, this account of the duty to aid would require much greater engagement in this region, giving much greater consideration to the idea of responsible action; inclusive and situated engagement; and accumulative obligations.

In what follows, I will argue that, through their to actions, identifiable actors within the international community accumulated additional, special obligations based on years of engagement entailing multiple forms of intervention, and wide scale interference in the lives and livelihoods of multiple generations of Somali peoples. As in the case of Haiti, the following argues that responsibility for remediating for the harm inflicted on the local population rests with the key international agencies operating in this region for several decades, and those who have enabled their actions – UN member states and their citizens. In these cases, the particular actions selected to give expression to the general moral duty to aid gave rise to special accumulative duties on particular groups to address new needs and problems arising from their intervention.

7.3   Agents, Actors, and Institutions

In its current form, the aid industry is relatively young, and the practices that are widely engaged in today are different from those of previous decades, as learning and experience have deepened. The broad practice of assistance is a fluid and somewhat changeable social system that has changed over time, and indeed changes over places, spaces, and populations. However, the breadth and reach of the industry and its supporting agencies and institutions has never been wider, touching on the lives of almost all human beings globally. In order for this industry to grow and flourish, it requires substantial financial support from large and wealthy populations. Yet, the industry operates in a largely unregulated manner, without a consistent, shared formal regulatory structure and oversights. The link back to enabling populations (that

is, individual donors and tax-payers) is weak in most donor countries. Further, after the initial act of giving, very few citizens in donor states give further thought to the outcomes of actions that they have enabled, with international aid featuring as a very low priority, if indeed at all, in domestic electoral considerations.

However, there are at least four additional implications to which an examination of the Haiti and Somalia cases points. Firstly, the institutional framework of the aid industry is a mediating structure that facilitates and enables agents to perform this duty in a global context, with the capacity and authority to reach almost all populations in need.[5] Secondly, through taxation and financial contributions, citizens give their support to this mediating structure and thus, are to some degree directly connected to and indirectly responsible for the outcomes of the actions undertaken through this structure. When examined through the lens of an interconnected ethical approach it is possible to understand how actions of assistance create connections. They mark the beginning of direct relationships between donor and recipient mediated through this institutional architecture. Depending on the actions and outcomes, this can entail accumulative duties between donors and recipients. Thirdly, such an approach would suggest that agents (citizens, tax-payers, donors, and recipients) ought to engage in public deliberation on and appraisal of the performance of the institutions that they have selected to enable, the goals at which these mediating groups aim, and the outcomes of their actions. Fourthly, if institutions fail to perform this duty without consideration of the wider moral landscape and the emerging network of moral responsibilities to which their action has given rise, then donors ought to act to address this. For example, this may entail removing funding and support from the particular group of actors, or requiring that certain agencies remain engaged with recipient populations to address any issues. Although often operating in what can seem like a legal vacuum, the aid industry is not operating in a moral vacuum. Rather, they have a greater dependency on moral and ethical reference points to guide their actions.

The following closing pages will argue that there are at least four critical practical changes required to support aid practice in the contemporary context. Firstly, there are many examples of good practice entailing responsible action, inclusive engagement, and recognition of how duties and responsibilities can accumulate through the process of action that could guide in the establishment of more appropriate institutional oversight, governance, and regulation of practice.

Secondly, the intersection between humanitarian and development practice prompt a need to review funding cycles, with a strong emphasis on increasing the duration of cycles to better support agencies engage with communities over longer periods of time. Such a shift would not only set expectations for communities and practitioners that they share a longer commitment to one another, but from a practical perspective, would enable greater inclusive engagement with local communities, and provide more time for evaluation and learning.

---

[5] There are of course exceptions to this statement as evidenced by the experiences of North Korea which experienced pre-famine conditions in 2015.

Thirdly, from an institutional perspective, mechanisms are required for arbitration of cases where harm has arisen and recipient populations can be supported in accessing redress. Fourthly and finally, on a broader note, this approach would demand that current institutions undergo substantial re-engineering around people, populations, and planetary considerations, rather than its current structure which is based upon states, territorial boundaries, and division of resources.

7.3.1 Mediating Institutions and Actors

Mediating institutions such as the UN, government aid agencies (for example USAID), and NGOs are enabled and supported through public funds gathered by states through their systems of taxation, and private donations of individual agents. Ultimately, all of these institutions and organisations are enabled through the actions of others. As such, the individual agents who provide funding for these actors are a critical stakeholder in the business and practices of these organisations.

As mediating actors, those directly engaged in the institutions of the assistance industry represent others in their actions. Their actions are not completely autonomous and independent. Thus, as a stakeholder responsible for enabling these actors and supporting these institutions, those who have funded these organisations have some degree of moral responsibility for the actions and outcomes undertaken by these institutions and actors.

For some, it can seem that that the institutions of the contemporary assistance industry represent a zenith in the history of humanity, giving full expression to the compassion and generosity of human beings. Indeed, in many cases it is clear that this industry represents the only method of saving lives in the contemporary context. However, it is better understood as representing one instantiation or one way in which the duty of assistance can be enacted. This practice is continuously changing and as such, can implement changes that will better support the practice of aid. Once established, these institutions are not immune from moral scrutiny. If these institutions fail to meet the ends at which their actions are aimed, such institutions can be and ought to be subject to change.

In the absence of a robust global institutional framework, many international NGOs have taken the lead in establishing a range of tools for practitioners to guide them in this complex area. Many organisations have developed guidelines; best practices; codes of conduct; transparent operating principles and monitor and evaluate their actions through rigorous frameworks. Similarly, governmental and intergovernmental organisations have voluntarily undertaken a review of aid effectiveness, and again set out revised operating principles and guidelines to their members in an attempt to govern the actions of practitioners. These initiatives are excellent examples of individual organisations seeking to improve their practices and ultimately, to improve the lives and livelihoods of those they serve. There is a strong willingness from actors within the aid industry to support initiatives that promote transparency,

accountability, and improved regulation. The door is open for policy makers to establish stronger institutions and practices to support aid practitioners in this area.

7.3.2   Responsibility for Actions

The contemporary literature on humanitarian assistance, in particular, paints an image of the contemporary assistance industry encapsulating the idea of a terrible beauty. Never before, in the history of humanity, has it been possible for so many human beings to act in the interest of or for the benefit of so many others. At the same time, the potential to directly harm those others by failing to appreciate their interests, their status as moral agents, or the circumstances within which they act, can lead to further harm and suffering. There is clear evidence in the Haitian and Somali cases outlined above that the interests of those in need were not given sufficient consideration.

For some, this image captures what seems to be an insoluble problem. However, such an image is not helpful from a practical or moral perspective. Simply because the contemporary assistance industry intends to act for the benefit of others does not mean that these actions will benefit those others. The enormous ranges of activities that are currently performed in the practice of assistance across a multiplicity of institutions are an important site of moral scrutiny and critical reflection by those agents who have made such practices possible.

According to this approach, human beings, in their capacity as enabling agents, can ease this problem by insisting that those organisations remain engaged with communities to undertake rigorous evaluation of the outcomes of interventions, and further, to take responsibility for the outcomes of their actions. This would require substantial changes to traditional funding models that simply do not provide time or finance to address this essential work.

Whatever course(s) of action is selected by these mediating actors, those who have provided funding for these activities are stakeholders in outcomes of this action. As such, they retain responsibility for the outcomes of these actions. By facilitating assistance organisations (such as aid agencies and institutions), it can be assumed that those who have funded such organisations consent to the actions of those organisations. Through their actions they have implicitly or tacitly endorsed the particular course of action selected by these actors. This leads to two considerations. Firstly, it is plausible to assume that these agents ought to remain engaged and informed until the ends have been achieved, overseeing the actions undertaken in their name.

Secondly, they ought to have a high degree of confidence that their actions have not inadvertently harmed others, as in the Haitian case, or contributed to conditions whereby harm is more likely, as in the case of the Somalia famine victims. If this is the case, agents are responsible for ensuring that actors remain engaged to remediate for any harm. In this sense, the provision of food and water to those experiencing famine in Somalia, for example, represents the beginning of an engagement rather

than the complete performance of a duty. Interfering in such a complex and troubled location is very likely to result in further unintended outcomes. NGOs and other mediating organisations engaged in the practice of assistance ought to be supported, and indeed required, to remain engaged with the recipient population to ensure all measures of support are provided to secure relief from starvation and the conditions that have led to this state of affairs, but also relief from any harmful outcomes that particular acts of assistance may have contributed to.

The duty of assistance may not be completely performed when urgent needs have been met. Thus, to determine a cut-off point of assistance outside of the situated context of need would represent an arbitrary assumption that would not be justified outside a particular situated context. Openness and indeterminacy are essential components of this duty. They are a rich and broad source of ethical action. Pre-determined cut-off points, such as Rawls prescribed (Chap. 3) arbitrarily restrict the variety of act-types that can be employed in the performance of this duty. Many of the organisations active in the field, NGOs in particular, understand this and know what would be required to support responsible action. However, this would require significant change in the behaviour and management of funding agencies.

7.3.3   Accountability, Transparency, and Engagement in Public Reason

As human beings in affluent states are the primary facilitators of mediating institutions, they are responsible for the actions taken in their name, and the outcomes of these actions. As such, these agents (affluent citizens in affluent states) ought to engage in public deliberation on and appraisal of the performance of the institutions that they have selected to act as their representatives, the goals at which these institutions aim, and the outcomes of their actions. However, such inclusive engagement should not end with the donor community. Additional institutional mechanisms are required to support recipient populations also – both in expressing their needs and also in evaluating outcomes, intended and unintended, good and harmful.

This approach is intended to support mediating institutions in the practice of aid, however, directly acting to assist another ought not to provide protection or immunity against moral scrutiny and critical reflection. Decisions and trade-offs made in the process of deliberation ought to be scrutinised and the implications shared both with donors and recipients.

Simply because organisations have the capacity to act due to their presence on the ground and proximity to those in need of assistance does not mean that their actions will achieve the ends of assisting the other. Appropriate institutional mechanisms should be established to arbitrate in cases where harm arises and recipient populations require redress. This implies that mediating actors representing others in their actions should not claim immunity or protection from moral scrutiny or harmful outcomes of their actions.

The requirement for increased openness, transparency, and public engagement with mediating institutions ought to be facilitated by such institutions and ought to be demanded by agents who directly support and enable these institutions, for example tax-payers in OECD DAC states who have pledged 0.7 % of GNI to 'Overseas Development Assistance' from 2015. Such taxpayers have a responsibility for actions undertaken in their name. Ultimately, as an agent-based duty, this requirement falls to agents to enact and demand.

7.3.4 Interconnecting Ethical Action: The Practice of Just Assistance

Perhaps one of the most distinctive features of the interconnected ethical approach is that it provides a framework for examining the requirements of the duty to assist within a wider network of moral duty, rights and responsibilities. In particular, this approach provides a framework for agents of assistance to act justly, therefore to be agents of justice in places where institutions of justice have failed to reach. The shape and moral force of the duty does not change depending on the reasons for need – if another is in need as a consequence of the unjust actions of others, the requirement on agents to act remains the same, although the content of the act-types may be different. It is a rich source of ethical action that reaches places where coercive instruments cannot or do not.

As an agent-based duty, it connects people, places, and spaces, rather than states, resources, and territorial boundaries. However, it does not seek to replace the need for effective institutions of justice and instruments of enforcement. As a moral duty, it survives in places where institutions of justice have failed. In such circumstances, if the need for assistance rests in the failure or absence of sufficiently just institutions, then assistance can entail supporting agents to establish these institutions. As an imperfect duty, the duty of assistance can provide reasons to act to establish conditions where justice can exist. Thus, an interconnecting ethical approach would require a shift in the contemporary structure of international institutional arrangements towards global institutions that would acknowledge and support the multiple and diverse needs of people, populations, and places.

The performance of this duty provides an opportunity for agents to act justly. If the courses of action and selection of act-types avoid harming those they intend to assist, then agents have acted justly. It is in this limited sense that agents can bring principles of justice to places where institutions of justice have failed. In the particular cases of complex humanitarian emergencies, where intentional disruption has been caused to the basic institutions of social cooperation within a group, mediating actors such as NGOs, or intergovernmental organisations such as the UN agencies, have an opportunity to act justly as they go about the task of assisting others. In this limited sense, they have an opportunity to demonstrate the interplay of moral duties through their actions. They have an opportunity to demonstrate the reach of justice

beyond territorial boundaries and to connect with people and populations more directly.

7.3.5   Bridging the Gap: Linking Humanitarian and Development Policy & Practice

In its contemporary form, the humanitarian and development international institutions of the UN remain in tightly separated groups, with very different mandates, operating principles, and rules of engagement. Yet, it is becoming increasingly clear to leaders within the international policy making community that past development practices have contributed to conditions whereby disaster is more likely for many highly vulnerable communities; and also that disasters result in substantial development loses. According to the UNDP's Helen Clarke, in 2015 "the world is coming up against the limits of pursuing short-term gains while ignoring long-term consequences. The defining challenge of our era is to shift to new models of development" (UNDP 2015: 1). Thus, new ways of thinking about development are required to mitigate future disasters and assist communities to adapt to new environmental and ecological conditions. The task of linking the institutions is substantial, but not beyond the capacities of organisations.

Unfortunately, building bridges and connections between the humanitarian and development worlds does not seem to be a core priority within the international aid architecture in 2015. With separate tracks for policy review and formulation in the development space, the humanitarian sphere, and the climate negotiations, all of which will culminate in new and distinct agendas to guide practice from 2015 to 2030 at least, it seems as though the lessons of previous decades have not yet informed institutional practices.

Disconnect and dissent is evident not only between these areas, but within these areas. For example, according to the UN High Level Panel report (2013) on the post-2015 development agenda, practitioners and policymakers have been operating in isolated, separated silos, often working on the same issues but failing to recognise the interlinkages across the domains. Yet each of these dimensions has a bearing on one another and on international-development practice in both developed and developing countries. Without a concerted effort to address the issues identified by the UN High level panel, it seems that the possibility for greater connection and coherence across the policy framework for international assistance seems low in the current political climate.

In addition, it is also clear that building greater connections and coherence between international agencies will not be sufficient to address the practical challenges that have informed this text. Acts of assistance are a form of interference. This interference will result in both intended and unintended outcomes. The institutions of assistance would require radical change if they are to support aid practitioners

to act responsibly, inclusively, and consistently. However, such changes are not beyond the reach of humankind. As is often the case, it is a question of political will.

7.4   Conclusion

This chapter, and the arguments that underpin the interconnected ethical account of the duty to aid, strongly point to the need for change in the practice of international assistance, including the need to evaluate and assess how greater accountability and transparency could be achieved. It points to the need for greater consideration to be extended to all stakeholders involved in the practice of assistance and an examination of how feedback to and from stakeholders can be effectively achieved and integrated into learning and the enhancement of the practices of assistance. This approach suggests that further assessment is required of how connections between agents and actors are facilitated and how to support greater engagement in open discussion and reasoning.

Through an examination of real-world cases, this chapter explained how current practices can and do result in unintended outcomes, and how such outcomes are currently hidden from moral scrutiny. It pointed to the measures that are required from a policy and practice perspective to ensure that outcomes can be examined, recipient populations can be protected, and unintended harms can be remediated.

This chapter, and indeed this book, explained why this duty is a matter of moral concern and requirement for *all* agents, including donors and recipients, not simply those acting within the industry. Tax-payers and citizens in donor states are ultimately responsible for the actions taken in their name, facilitated through their income. As such, it is through this enabling group that demand for change to the political agendas and policy framework can be driven. From a policy perspective, this account demands a much more holistic approach to the practice aid, with a specific need to bridge policy and institutional gaps between humanitarian and short term interventions, with longer term development aims and objectives. The institutions of the aid industry are designed and managed by human agents, often with the best of human intentions, and as such, can be redesigned to achieve better outcomes for both donor and recipient populations.

References

Barnett, M. 2011. *Empire of humanity*. Ithaca/London: Cornell University Press.
Barnett, M., and J. Snyder. 2008. The grand strategies of humanitarianism. In *Humanitarianism in question*, 143–171. Ithaca/London: Cornell University Press.
Devereux, S. 2009. Why does famine persist in Africa. *Food Security* 1: 25–35.
Hillbruner, C., and G. Moloney. 2012. When early warning is not enough—Lessons learned from the 2011 Somalia Famine. *Global Food Security* 1: 20–28.

Lantagne, G., B. Nair, C.F. Lanata, and A. Cravioto. 2013. The cholera outbreak in Haiti: Where and how did it begin? *Current Topics in Microbiology and Immunology* 379: 145–164.

Majid, N., and S. McDowell. 2012. Hidden dimensions of the Somalia famine. *Global Food Security* 1: 36–42.

Maxwell, D., and M. Fitzpatrick. 2012. The 2011 Somalia famine: Context, causes, and complications. *Global Food Security* 1: 5–12.

O' Grada, C. 2009. *Famine*. Princeton: Princeton University Press.

Ramalingam, B. 2013. *Aid on the edge of chaos*. Oxford: Oxford University Press.

Riddell, R. 2007. *Does foreign aid really work?* Oxford: Oxford University Press.

Rubenstein, J. 2007. Distribution and emergency. *The Journal of Political Philosophy* 15(3): 296–320.

Rubenstein, J. 2008. The distributive commitments of international NGOs. In *Humanitarianism in question*, 215–234. Ithaca/London: Cornell University Press.

Rubenstein, J. 2015. *Between Samaritans and states: The political ethics of humanitarian INGOs*. Oxford: Oxford University Press.

UNDP Annual Report. 2015. *Time for global action*. Available at http://www.undp.org/content/undp/en/home/librarypage/corporate/annual-report-2014-2015.html.

UNDP Human Development Report for Haiti. 2014. Available at http://hdr.undp.org/sites/all/themes/hdr_theme/country-notes/HTI.pdf.

United Nations High Level Panel of Eminent Persons. 2013. A new global partnership: Eradicate poverty and transform economies through sustainable development, (New York, 2013), 33 (hereafter cited as UN HLP, New global partnership), http://www.un.org/sg/management/pdf/HLP_P2015_Report.pdf.

Wheeler, N. 2000. *Saving strangers: Humanitarian intervention in international society*. Oxford: Oxford University Press.