

https://dspace.org/

An individual's duty to the poor: a moral justification for patriotic bias

Fine, Paul Bradley

2009-02-27T11:07:45Z
http://hdl.handle.net/10539/6517

Downloaded from a DSpace repository. https://dspace.org/

AN INDIVIDUAL'S DUTY TO THE POOR: A MORAL JUSTIFICATION FOR PATRIOTIC BIAS

Paul Bradley Fine
9205193/E

A research report submitted to the Faculty of Humanities, University of the Witwatersrand, Johannesburg, in partial fulfilment of the requirements for the degree of Master of Arts.

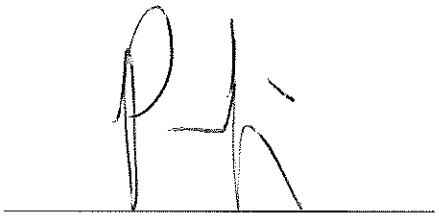
Johannesburg, 2008

ABSTRACT

The disparity in wealth – within domestic society as well as across countries – requires an individual to morally justify the priority ranking of his or her duties of justice. This is on the basis that an individual's resources are finite and to the extent that justice in respect of one group of poor people is prioritised, it is done so at the expense of another. I attempt to resolve the moral dilemma by arguing – with reference to Kantian moral principles, particularly as interpreted by Richard Miller – that an individual's patriotic bias is justified. In support of this view, I argue that considerations of justice require that the local rich respond to the demands of reciprocity within their own society. Coercion of the poor for the sake of perpetuating a "well ordered" civil state, in which the rich are able to amass greater wealth, requires an individual to prioritise duties of justice to compatriots.

DECLARATION

I declare that this research report is my own unaided work. It is submitted for the degree of Master of Arts in the University of Witwatersrand, Johannesburg. It has not been submitted before for any other degree or examination in any other university.



Paul Bradley Fine

13th day of February, 2008

To my parents and Lea:

Thanks for your love and encouragement throughout this project

"No man is an island, entire of itself. Every man is a piece of the continent, a part of the main."

– John Donne

SECTION I

There is a view shared by many that in spite of an increasingly modernised world and humanity's growing sophistication, mankind still retains primitive instincts. And if evidence is required to attest to such primitivism, then the complacent acceptance of the distinction between rich and poor people serves this purpose well. By acknowledging the vastness of humanity's capabilities and resources available to help us achieve our ends, we come to the realisation that we surely *must* be primitive to go about the comfortable living of our lives while a great number of our fellow human beings are worse off for no justifiable reason and certainly through no fault of their own. The income disparity between those who have more and those who have less invariably leads to heated discussions amongst us regarding why distributive imbalances in wealth arise in society in the first place and on what basis, if any, these disparities should be tolerated. Some people argue that equality of human beings extends beyond the domain of political justice and should be asserted in the pattern of distributive justice too. Others point to the idea that there are grounds that morally legitimise some people having more than others, and a consideration of arbitrary factors such as the social class one is born into is only part of the picture and renders incomplete an argument for distributive equality on the basis of arbitrariness in wealth allocation. Even if we take the view that globalisation has improved the lot of the world's population overall, as Joseph Stiglitz has pointed out, we still tend "to think, to an extraordinary degree, locally. It is natural for us to value a job lost at home far more than two jobs gained abroad..."[1]

[1] Joseph E. Stiglitz, *Making Globalisation Work* (New York: W.W. Norton and Company, 2006) 278.

That there is no easy way to assert a pattern of fair distributive justice on a global scale is trite. On the one hand, the complex and intractable web of political, economic and social arrangements across the globe has secured a variety of benefits for some countries, to the detriment of others. By way of example, trade tariffs and quotas have achieved protectionist objectives for many of the world's industrialised economies but have significantly inhibited the ability of developing economies to gain traction in accessing global markets[2]. Restricted access to global markets undermines export revenues and the transfer of skills and technology to developing economies. Ultimately, the traditional saying, "one man's meat is another man's poison" is an appropriate and succinct description of the global trade schema. On the other hand, there is the view that, *inter alia,* differing productivity and governance standards, as well as capital accumulation policies and the sophistication of capital markets that vary from country to country, should have some bearing on the extent of wealth produced by those respective countries across the globe. After all, it is only fair to my mind that those societies whose constituent members worker harder, innovate more, and who actively participate in promoting political, economic and social justice in their societies, should fairly be more prosperous than other societies where these virtues are absent. (I am only concerned here with macroeconomic measures of prosperity – such as gross domestic product – which best evidences the extent of prosperity for the totality of persons in a society. At the level of the individual, of course, 'prosperity' is a relative concept that varies from person to person).

[2] For example, developed countries are permitted by the World Trade Organisation to allow lower tariffs in respect of imports from developing countries. Despite this favourable dispensation, developed country tariffs against imports from developing countries are, on average, four times higher than tariffs against goods imported from other developed countries (Stiglitz: 82).

As alluded to above, the comments thus far constitute more of a macro perspective on problems of distributive justice. At the micro level, there are individuals who are concerned to do their part in asserting a more even spread of wealth across societies. But individuals are constrained by one factor that is less acutely felt by governments and institutions: the availability of resources. The scarcity of resources owned by an individual – be it, for example, time or money – ensures that, whatever his chosen method of doing his part to alleviate problems of distributive justice, there are some who will benefit from that individual's assistance and others who will not. There is, then, an inherent trade off in any decision he takes to respond to the poor. If X and Y are equally poor, and Z has only R100 to contribute to them, then regardless of how Z chooses to allocate that R100 between X and Y, a 'cost versus benefit' permutation is at play. So even if Z chooses to divide the R100 equally, although X and Y benefit equally to the extent of R50 each, they also bear an opportunity cost of R50 each – the cost to each of them of *not* having received the benefit of another R50.

From the perspective of distributive justice, then, it seems reasonable to argue that given the moral equality of X and Y and their equal extent of being poor, the fairest distribution of R100 between X and Y is an equal allocation of R50 to each of them. This distributive pattern seems just if considered *solely* within the abstraction of moral equality of persons. But suppose a special relationship exists between X and Z – they are cousins – and no such relationship exists between Y and Z. Is an equal distributive pattern still fair in these circumstances? If we are to concern ourselves with the very notion of *justice*, then there is something unjust, I think, with a situation in which Z responds to his cousin, X, in exactly the same way that he responds to a stranger, Y. We tend to say – correctly in my view – that Z has manifested a disregard for his

relationship with X. More to the point, Z has demonstrated a lack of respect for X. The cosmopolitan would probably disagree with my sentiment. Suppose that Y, a foreign stranger, is poorer than X. Since he is bound by a moral commitment to the universal wellbeing of human beings and their equal basic rights, the cosmopolitan might argue with reference to this inviolability of human moral equality that there are fewer legitimate grounds within the sphere of morality for Z to justify a bias to X who, although poor, is still richer than Y in a foreign land. I suspect that in these circumstances there are more people who would sympathise with the moral dilemma facing Z: honouring his family relationship with X or coming to the aid of that foreigner, Y, who needs the R50 more than X does. In fact, if we were to be told that the assistance of R50 would save the life of Y (and thus, we were to speak of beneficence), the dilemma ceases for the many who would argue that saving a stranger's life is a morally justifiable basis for *dis*honouring family bonds.

Let us now suppose that instead of being cousins, X and Z's special relationship is predicated on the basis of their being compatriots, living in the same country. Y still lives in a different country. Since there are poor people both within Z's country and elsewhere, Z's response to distributive *in*justice inevitably requires him to morally justify priority rankings in discharging his duties in this regard. Therefore, the main question to be asked in this essay is as follows: *Does Z have a priority duty of justice that is owed to poor people in his own domestic society (such as X), or is his duty of justice owed to poor people (such as Y), wherever in the world they may be*?

It is the purpose of this essay to argue that considerations of justice demand that Z manifests a patriotic bias in discharging his duty to respond to distributive imbalances

in wealth. Therefore, his priority duty is to come to the aid of X. Put more generally, an individual owes a stronger duty of justice to his poor compatriots than he does to the poor in other countries. Richard Miller argues for a universalist morality predicated on the notion of *respect* for all and a patriotic morality that requires *concern* for one's own[3]. As Miller says, "I certainly regard the life of the girl who lives across the street as no less valuable than the life of my own daughter. But I am not equally concerned for her"[4]. In rejecting a morality that demands equal concern for all, Miller invokes a Kantian perspective that asserts a duty to "take on one's fair share of world-improvement", but not to the extent of "grave self-sacrifice...even if it is productive of great good" [5]. Miller advances two arguments in support of patriotic bias, manifested via tax-financed aid: His first argument is predicated on the idea that it is permissible for society's rich to favour their poor compatriots to avoid the cost imposed on the former because of the lost social trust that arises from prioritising the foreign poor[6]. His second argument says that patriotic bias is required for the sake of the local poor who are coerced by institutions in domestic society that the rich help to impose on them[7]. Miller's first argument is consequentialist while his second is deontological. I agree with both of Miller's arguments but, for reasons to be explained further on, I shall attempt to argue for patriotic bias in this essay largely with reference to his second argument only. I intend to expand on Miller's second argument with reference to, *inter alia,* the principles of a "well ordered" society as postulated by John Rawls[8] to demonstrate the priority ranking of domestic justice for the poor.

---

[3] "Cosmopolitan Respect and Patriotic Concern", *Philosophy and Public Affairs* 27 (1998) 202-224.
[4] Ibid. p207.
[5] Ibid. p209.
[6] Ibid. p210ff.
[7] Ibid. p215ff.
[8] John Rawls, *A Theory of Justice* (Cambridge: Harvard University Press, 1971).

I take the view that an individual's duties of justice consist of two kinds. The first – the provision of tax-financed aid – is discharged via the mechanism of government, regardless of whether this aid is channelled to the local or foreign poor. In this sense, then, tax-financed aid as a duty of distributive justice is always discharged *indirectly* by an individual. A second duty concerns the promotion of morally reliable institutions in domestic society. Morally reliable institutions play their part in helping to focus the collective consciousness of human beings inclined to respond to arbitrary disparities in wealth and concerned to alleviate the plight of the poor. Now an individual has a duty to promote these institutions *himself*. This direct duty may be discharged, for example, via his support for non-governmental organisations such as the Nelson Mandela Children's Fund or Amnesty International (South Africa). Also, an individual's duty to promote morally reliable institutions in domestic society includes the promotion of good government, charged with the responsibility to assert fair political justice. This includes the promotion of just international institutions and arrangements for the sake of the foreign poor (or so I shall argue). And given the better connectedness between governments and international institutions such as Oxfam and the International Monetary Fund, it is government and not the individual, to my mind, that is responsible for, and better able to assert, fair political justice and morally reliable institutions in the global context.

Several observations may thus be made at this point. Firstly, an individual's duty to foreigners is contained and indirect: discharged as a by-product of a "well ordered" domestic society, as well as (tax-based and political) support for government and institutions inclined to respond to injustice elsewhere. Secondly, when speaking of patriotic bias in an individual's duties of justice, I have in mind a bias in tax-financed

aid to poor compatriots – an indirect duty – and support for morally reliable institutions in domestic society (including morally reliable government) – a direct duty. I shall argue that an individual's indirect duties of justice to the distant poor must be seen against the background of prior considerations of domestic justice. As a final consideration, though, it must be said that an individual's benevolence to the foreign poor is permissible and, indeed, is to be encouraged. After all, compatriots who, to my mind, can rightly call themselves decent are those who, regardless of their stance on whether aid to foreigners constitutes a *duty* or not, are sufficiently concerned about the plight of the foreign poor to do something about it.

I acknowledge that an appeal to considerations of justice inevitably points to tensions inherent in the multiplicity of relationships within which an individual finds himself[9]. To illustrate the point, take X and Z's special relationship in the example discussed earlier. What makes it 'special' is that they are compatriots. But this is not to say that there is no relationship between Y and Z. The country in which Z lives may be a direct trading partner of the country in which Y lives. Alternatively, Z's country may indirectly benefit from international trade policies, as well as capital and labour flows, that operate at a cost to Y's country. Whether direct or indirect, these scenarios do establish some sort of relationship between Y and Z. Therefore, Z faces conflicting duties of justice to both X and Y.

From the perspective of moral theory, I shall avoid resorting to consequentialist arguments to justify my support for patriotic bias. Indeed, consequentialism proves to be a neat and effective tool that enables an individual to rise above the myriad of

[9] Darrel Moellendorf, *Cosmopolitan Justice* (Oxford: Westview Press, 2002) 40.

relationships within which he finds himself by finding moral authority on the basis of a comparative analysis of the outcomes of his alternative courses of action. Therefore, since Miller's first argument is consequentialist – prioritising duties to poor compatriots to avoid the cost imposed on one's own life through lost social trust – I do not deal with it in this essay. Instead, my moral justification for patriotic bias in duties of justice rests on the philosophy of Kant. Within this framework, Kantian moral constraints demand that an individual acts out of respect for *all* human beings. But this is not to say that he must treat everyone the same way. Given that these moral constraints require him to realise his *own* freedom and humanity – to treat himself as an 'end' too – I shall argue that the promotion of domestic justice represents the rational mechanism by which an individual can discharge Kantian duties to himself and to his compatriots, so long as in doing so, he neither violates the rights of the foreign poor nor contributes to their hardship.

At this juncture I wish to make some preliminary observations regarding the distinction between duties of beneficence and duties of justice[10]. In the case of duties of beneficence, these are concerned with the theme of neediness. Beneficence is cause for consideration when we are concerned with those who are befallen by poverty and an individual's duties in alleviating that plight. Also, duties of beneficence require us to consider who needs the assistance most. Is it, for example, the person who has lost all his possessions in a flood in Bangladesh or the poverty-stricken local living in Soweto? A myriad of moral questions emerge when considering duties of beneficence – obviously, perhaps, when we consider that such questions often have implications within a 'life or death' context. I do not concern myself with duties of beneficence in

[10] I thank Brian Penrose for his valuable insights in this regard.

this essay. Instead, I choose to focus on duties of justice. The disparity in wealth between the rich and the poor in domestic society – and, indeed, between the rich in one country and the poor in another – is a question that falls under the banner of justice. Here, I am concerned with the very notion that some people possess more than others (and not the fact that those 'others' may be those who are the *least* well off in society). Therefore, duties of justice are cause for consideration when questions are asked such as whether it is fair for some people to be richer than others and, to the extent that this distributive imbalance is acceptable in a society, what the duties of the local rich are in relation to the poor.

It is also necessary to give definition to a 'compatriot' as I intend it. For reasons already articulated by philosophers, there are inherent problems with trying to define a compatriot as one with whom I, as an individual, either share citizenship or nationality[11]. Take citizenship first. Assume that X and Z are fellow citizens of South Africa while Y is a citizen of Zimbabwe. X and Y are equally poor. When X finds work in Botswana and goes to live there, while Y (by some fortunate chance) finds his way to a new life in Johannesburg, moral problems emerge with Z's contention that his duties of justice are owed first to X by virtue of their shared citizenship. For if X lives thousands of kilometres away from Z *and* ceases to participate in, or contribute to, South Africa's political, economic and social system, what principle of morality demands that X should nonetheless have a stronger claim to assistance from Z when Y is poor and Z's coming to Y's aid *can* effectively be achieved within South African borders? Patriotic bias on the basis that once upon a time X and Z happened to share a common birthplace – and so qualified for citizenship of the same country – seems too

[11] See, for example, Andrew Mason "Special Obligations to Compatriots", *Ethics* 107 (1997): 427-447, at p438. Here, Mason asks whether special obligations might be owed to fellow nationals rather than fellow citizens? His discussion that follows informs my views in this regard.

tenuous a justification to me. There is a similar problem rooted in the national identity of persons. Z may argue that his duties of justice are owed firstly to his fellow South Africans. But who, really, is a 'South African'? If we are to regard individual identity as derived from attachments to a particular country[12], it follows that Y is still a Zimbabwean despite his living in South Africa, and if nationalism is to inform the meaning of a compatriot, then patriotic bias again demands priority assistance to X. Again, I have a problem with demands imposed on Z to prioritise aid to his fellow 'South African', X, when all they share are certain *historical* cultural traits particular to South Africa while Y, the 'non-South African', *presently* shares so much more with Z because of the multi-faceted local relationships that flow from his having established a life in the same political society as Z. In short, citizenship and nationality reveal themselves to be arbitrary, vulnerable to challenge by virtue of the dichotomous obligations produced when these concepts and their implications are properly distilled within the global arena.

Instead, I consider compatriots to be those who participate in the same political system – via their eligibility to vote – and are obliged to contribute to the financing of that system – via taxation. By describing a compatriot in this way, I hope to embrace all those individuals who actively contribute to, and are responsible for, the content and structure of a country's political system. Whether their eligibility to participate in the system is voluntarily or not, compatriots are those persons who actively perpetuate the mutually beneficial scheme of cooperation that underpins a "well ordered" domestic society. They are the people who can depend on each other for having done – and who continue to do – their part in promoting the political freedom inherent in a

[12] Ibid.

constitutional democracy. But democracy lives and breathes on the back of sound fiscal planning by government, dependent on tax receipts to achieve its socio-economic objectives. Given, then, that the individual stands to benefit from taxes paid by certain others to enable government to provide those goods and services for which it is responsible (such as roads and access to fresh water), compatriots, then, may be described as those who have actively done what counts to preserve the means – via a just political and civil society – to enable their fellows to lead more fulfilled and productive lives.

I do not consider coercion by a country's system of laws to necessarily be a reliable basis for defining compatriots for the simple reason that coercion by the law extends to those people who temporarily visit the country. The poor Zimbabwean who enters South Africa for a few weeks to look for work and thereafter leaves the country or the rich German tourist in Cape Town are both required to adhere to South Africa's civil laws while they are here. They must, for example, adhere to the rules of the road and respect property laws to no greater or lesser extent than local persons. But despite the fact that locals and foreigners are subject to the same coercive system of civil rules, the Zimbabwean and German's presence in the country is merely transient. They leave after a few weeks, possibly never to return. So while it gives good reason, then, to prioritise duties of justice to compatriots, coercion by the law does not in itself provide adequate grounds for conferring compatriot status *in the first place*. If he remains in the country, however, there comes a point in time when a foreigner becomes obliged to contribute to the tax base and qualifies to participate in the political system (with the former stipulation often preceding the latter). Indeed, South African income tax law recognises this principle by specifying the timeframe beyond

which a foreign person becomes tax 'resident' in South Africa and his income qualifies to be taxed here[13]. Ultimately, it is only at the point of his becoming part of the local tax base and qualifies to exercise a political vote in a national election, that a foreigner assumes the status of compatriot.

Before proceeding further, I wish to make some comments regarding the structure of this essay. Section II will focus on the argument in favour of priority duties of justice owed by an individual to compatriots. The argument will also be reconciled with Kantian moral theory in order to crystallise the idea that patriotic bias in an individual's duties to the poor is consistent with the carrying out of Kant's moral law. Section III will focus on appropriate objections to the argument, with responses thereto. Section IV represents the conclusion of the essay. In this final section, the proposed answer to the main question in this essay will be summarised, together with a discussion of some concluding thoughts.

SECTION II

The argument in support of patriotic bias rests on the premise that the individual thrives best within a just civil society. Jean-Jacques Rousseau observes the following about the civil state:

> Although, in this state [the individual] deprives himself of some advantages which he got from nature, he gains in return others so great, his faculties are so stimulated and developed, his ideas so extended, his feelings so ennobled, and his whole soul so uplifted, that, did not the abuses of this new condition often degrade him below that which he left, he would be bound to bless continually the happy moment which took

[13] See the definition of 'resident' as defined in section 1 of the South African Income Tax Act 58 of 1962.

him from it forever, and, instead of a stupid and unimaginable animal, made him an intelligent being and a man[14].

I thus derive from Rousseau the notion that a civil state, with its system of law and order, is the medium in which the individual is best able to secure his autonomy and the freedoms necessary to enable him to attain his goals and achieve fulfilment in the overall productive living of his life. There is a great incentive, then, for the individual to prefer the civil state over the state of nature since in the former he is more likely to obtain the respect of his fellow human beings which in turn, contributes to his own sense of worth and self respect[15]. Now, the extent of effectiveness of the civil state depends largely, in turn, on the effectiveness of political justice in that state. In this regard I have already alluded briefly to the idea that a constitutional democracy is the most effective form of political structure for a society, an arrangement whereby each person has an equal opportunity – via general elections – to condone or veto government's manifesto concerning the state's political and socio-economic objectives, with government all the while bound by an underpinning constitutional mandate and an inviolable separation of powers between its executive, legislative and judicial arms. This form of democracy, I think, works best since it manages to achieve the best measure of social stability in civil society. And by living in such a society, each person implicitly agrees to a particular coercive system of laws that ultimately facilitates a mutually beneficial scheme of cooperation between all persons in that society. We arrive, then, at an understanding that the scheme of cooperation in a politically just and civil society best asserts the liberty of individuals "to associate in

[14] Jean-Jacques Rousseau, *On the Social Contract* (Translated by G.D.H. Cole, New York: Dover Publications, Inc, 2003) 12.
[15] Rawls, *A Theory of Justice*, p. 155.

pursuit of common ends"[16]. Hence, to my mind, it would be naïve to deny that an individual in society shares a special kind of relationship with his compatriots, a relationship of the kind that does not exist between him and foreigners. It is also important to note that the mutually beneficial scheme of cooperation is impacted by two primary and distinct notions of justice[17]. On the one hand, a fair system of political justice asserts the equality of human beings and demands that morally reliable institutions have regard to this fact. For example, a fully participative electoral voting system, equal liberty and equality of opportunity are some of the institutions that manifest a just political structure. On the other hand, a fair system of distributive justice is one that, *inter alia*, recognises individual talents, rewards innovation and recognises that permitting wealth and income inequalities serves to improve the lot of everyone *overall*, so long as the poor can benefit (via taxation and transfer payments) from largely allowing free market principles to regulate the allocation of income and wealth within society.

Putting the picture together, each individual in society relies on his compatriots to do their part in asserting the mutually beneficial scheme of cooperation. This, in the main, entails adhering to the laws of the land (which, pertinently in the present context, includes complying with one's duties in respect of taxation) and participating in the political process via an eligibility to vote. But given that, firstly, the rich are permitted to accumulate greater wealth by taking advantage of the socio-economic means installed via a constitutional democracy, and, secondly, since coercive institutions apply to the rich as well as to the poor, it seems fair that the rich should

[16] Charles R. Beitz, *Political Theory and International Relations* (New Jersey: Princeton University Press, 1979) 77.
[17] In this regard, I am assuming for present purposes that Rawls's two principles of justice represent an appropriate approximation of fair political and distributive justice in society. See Rawls, *A Theory of Justice,* p. 53.

prioritise duties of justice to the poor in recognition of the fact that the greater prospects of the rich and their overall fulfilment in life is assured by the civil state and its social system that the poor are coerced to maintain to no lesser extent than the rich are. As Charles Beitz notes, the perception that the institutions of society facilitate a fair distribution of the burdens of social cooperation is likely to be an important source of motivation amongst compatriots for compliance[18]. (Whilst I accept that Beitz's views are more reflective of considerations of *prudence* than justice, I see no problem if acting from prudence secures the kind of justice I'm arguing for here). Put simply, then, the principle of reciprocity demands that the rich prioritise their duties of justice to the local poor, thus acknowledging that much of what they obtain in their lives is a function of the means provided, and assented to, by the poor. Coercion of the poor to accept their (smaller) share of society's wealth, *for the sake* of perpetuating the "well ordered" civil state, necessitates some *quid pro quo* in order to fairly secure their compliance in perpetuating the scheme of cooperation.

Notice the consistency in the principle of reciprocity that I argue for and Miller's view that if equal respect for all is the appropriate moral yardstick, then coercive laws that enable the rich to promote self-advancement at a cost of burdening the poor, must be incompatible with the notion of respect[19]. According to Miller, a lack of respect is manifested when the burden imposed on the poor by coercive laws could be alleviated at little cost to the rich[20]. The implicit essence of Miller's argument is that patriotic bias towards the local poor in the form of tax-financed aid is required since, given the

[18] Beitz, *Political Theory and International Relations,* 159. Thomas Pogge makes a similar observation when he says that for a society's *modus vivendi* to endure, the "distribution of benefits and burdens may then have to be adjusted so that participation continues to be each party's rationally preferred option." (Thomas W. Pogge, *Realizing Rawls,* New York: Cornell University Press, 1989) 220.
[19] Miller, "Cosmopolitan Respect and Patriotic Concern," 215.
[20] Ibid.

coerciveness of institutions that the rich contribute to imposing on local poor, a greater injustice to them arises from the rich giving priority to the foreign poor, than the injustice imposed on the foreign poor from patriotic bias. The principle of reciprocity being argued for is really no more than a case of 'looking at a different side of the same coin', so to speak; failure on the part of the rich to respond to the demands of reciprocity in domestic society manifests disrespect for the local poor with the result that an injustice is inflicted upon them.

Although Miller does not explicitly say so, I read his argument for patriotic bias via tax-financed aid to be a duty of justice imposed upon the local rich. Indeed, the entire system of taxation, its structure and content, as well as redistributive policies associated with tax laws are either to be voted upon by compatriots or at least assented to via parliamentary democracy where compatriots are able to inform the design and implementation of tax policy. Therefore, while some may regard tax-financed aid to the local poor to be a duty of government, a government's duty is, to my mind, more specifically one of *discharging* distributive justice in the manner mandated by compatriots and delegated to government as the agent best able to achieve a society's distributive objectives. While I shall say more on this subject later, it should be noted that I'm not concerned at this juncture with duties of government; merely the priority that duties of justice assume in context of the relationship between rich individuals and their poor compatriots.

Given his view that (rich and poor) individuals each have a duty to take on their "fair share of world improvement", I also read Miller as asserting that the absence of tax-financed patriotic bias on the part of the rich is tantamount to requiring the local poor

to bear more than their fair share of the burdens in the scheme of cooperation[21]. What Miller ignores, though, is that indirect taxation as a coercive instrument provides adequate grounds *in itself* to justify patriotic bias. Indirect taxes are levied on the consumption of goods and services in the economy and the regressivity of these taxes is evident in the comparison of consumption of a particular good, G, by X and Z respectively[22]. Z is rich and earns income of R20 000 whereas his compatriot, X, is poor and earns income of R5000. If the cost of G is R100 and the tax rate is 14%, then the effective tax rates incurred by X and Z from consumption of G are 0.28% and 0.07% respectively. Notice that despite his greater wealth, Z bears a lower share of the indirect tax burden than X. Of course, one may argue that the extent of regressivity depends on what exactly G is and X's need for it. If, for example, G constitutes luxurious Cuban cigars, the argument may plausibly be that X shouldn't be buying those cigars in the first place and one's perceptions of regressivity are watered down in these circumstances. The point, though, is that when G is a necessity such as basic clothing, regressivity in indirect taxation is plainly evident as the poor bear proportionately higher taxes than the rich do in order to clothe themselves. One may attempt to explain this stark injustice away by arguing that the distributional effect of taxation needs to be looked at from the perspective of the economy as a whole and it is ultimately the net budgetary incidence of taxation that matters[23]. This consequentialist justification for a system of indirect taxation, though, cannot hold as it ignores the imbalance in the distribution of the indirect tax burden when seen against a backdrop of Z's deriving more benefits than X from their joint participation

---

[21] Ibid.

[22] For an interesting discussion of the regressivity of taxation and the comparative effects of direct and indirect taxes, see Begg. D, Fisher. S, Dornbusch. R (eds), *Economics,* 3rd Edition (Berkshire: McGraw-Hill Book Company, 1991) 287-292.

[23] Alan A. Tait, *Value Added Tax – International Practice and Problems* (Washington, D.C: International Monetary Fund, 1988) 215.

in, and their financing of, the scheme of local cooperation. Miller's argument thus proves to be good grounds for demanding patriotic bias from the rich insofar as *direct* (or income) tax-financed aid to the poor is concerned. Given the disproportionate share of indirect tax paid by the poor and the fact that indirect taxes contribute to providing the means for the rich to promote their ends, the principle of reciprocity must, then, surely demand a patriotic bias in duties of justice owed to the poor.

There is yet another perspective that leads to the patriotic bias being argued for. Rawls notes the importance of narrowing the gap between the rich and poor in domestic society since an injustice arises when the gap is sufficiently widened to the extent that the poor become stigmatised and treated as inferiors[24]. If we are to accept Rawls's two principles of justice as the nearest approximation of a just "basic structure" of society, then, to my mind, a duty to avoid the injustice highlighted above follows by implication. While on the one hand fair political justice is predicated on the basis of moral equality of persons and requires the "most extensive scheme of equal basic liberties"[25] amongst the constituent members of domestic society, a pattern of distributive justice on the other that permits income and wealth inequalities inevitably leads to tension between these two forms of justice. To elaborate, if the rich are allowed to accumulate sufficient wealth to the point whereby they are able to influence the political and social structure of society to suit their own ends, they undermine the autonomy of the poor who are constricted from pursuing goals of their own and their ability to improve their overall life prospects[26]. Therefore, so long as a society permits disparities in economic wealth, there must be a constant monitoring of

[24] John Rawls, *The Law of Peoples* (Cambridge: Harvard University Press, 1999) 114.
[25] Rawls, *A Theory of Justice,* 53.
[26] Rawls refers to the need for "...sufficient all-purpose means to make intelligent and effective use of their freedoms and to lead reasonable and worthwhile lives". (*The Law of Peoples,* 114).

the gap between the rich and the poor in order to maintain it sufficiently close so as to assert the priority importance of fair political justice. This necessitates that the rich must commit to patriotic bias in voting for redistributive tax policies that reduce the strains on commitment demanded from local poor to support and perpetuate civil order, with the promise of possibility that their lives may be improved within a fair political arrangement that is properly able to assert their equal moral worth and potential for life improvement. There is one final comment to be made in this regard. Precisely because Rawls's two principles of justice represent the ideal, and "decent" societies replicate these principles to a greater or lesser degree, there is something to be said for the fact that the rich should be required to manifest a patriotic bias in their duties of justice so as to actually replicate "justice as fairness"[27] as far as possible. In essence, patriotic bias is precisely the mechanism required in order to assert the priority of Rawls's first principle of justice over his second (being the so-called "Difference Principle")[28]. To regard an individual's duties of justice as being indistinguishable between local and foreign poor – or to argue that duties of justice are owed firstly to the foreign poor who are worse off than local poor – is to discount the special relationship that the local rich share with their poor compatriots and the principle of reciprocity that this relationship demands within the mutually beneficial scheme of cooperation within domestic society.

Where, then, does this leave an individual's duties to the foreign poor? This is the obvious question that flows from what has been said thus far. Duties of justice include promoting morally reliable institutions within domestic society and the promotion of good government vested with the responsibility to respond to the

[27] Rawls, *A Theory of Justice*, 11.
[28] Ibid. p53ff.

demands of justice in the international arena. But implicit in this view is the assertion that duties of justice to the foreign poor are the domain of government and not individuals. A cosmopolitan perspective on duties of justice sees no reason why the local poor should take priority over foreign poor, particularly if the foreign poor happen to be poorer than the local poor. I have already offered reasons to show why patriotic bias is justified (although I have yet to deal with some objections to such a standpoint). I now hope to properly contextualise duties of justice owed to the foreign poor by pre-empting the powerful cosmopolitan challenge to my views.

Defenders of egalitarian justice might say that given the moral equality of all persons across the globe, individuals owe a general duty of justice to all persons and duties of justice to compatriots merely represent the most efficient means available to individuals to discharge this general duty[29]. By way of analogy, while the lifesaver on a beach is charged with the duty to save the lives of swimmers, the general duty to save those lives still rests with the beachgoers when, say, the lifesaver goes home or inadvertently turns his back to the water[30]. The idea, then, is that the lifesaver represents the most efficient mechanism to discharge the general duty of all persons to watch out for each other, so to speak. But while the lifesaver can be regarded as the agent of the beachgoers, the same cannot be said about the relationship between a government and its people. The very notion of government is predicated on the basis that those to be governed agree to the vesting of greater powers in the representatives of government, and are willing to come under the control of these representatives so as to secure the civil state that Rousseau speaks of[31]. But in return for allowing those who govern to have more powers than those to be governed, there is a *delegation* to

[29] Robert E. Goodin, "What Is So Special About Our Fellow Countrymen?" *Ethics* 98 (1988) 663-686.
[30] Moellendorf, *Cosmopolitan Justice*, 75.
[31] Rousseau, *On the Social Contract*, 12.

government of certain duties that the individual thereafter ceases to be responsible for discharging. Now, the crucial difference between a relationship of agency and the delegation of duties to government is that in the former, compatriots remain the principals for actions undertaken by government while in the latter, government *is* the principal protagonist. The radical implication of a view that equates the agency of a lifesaver with that of government is to say that a society is responsible for the decisions and actions of its government, and history has proven that this is more often not the case.

Duties to be delegated by individuals are of the kind that, on the whole, government stands a far better chance of effectively discharging, such as asserting justice in respect of the foreign poor. And considering that unjust political and economic arrangements across the globe are a significant factor in perpetuating, and even exacerbating, the disparities in wealth between countries – and between the rich and poor within these countries – it makes sense to charge governments with the duty to promote just arrangements, or to remove unjust ones. Properly contextualised, then, compatriots in domestic society have a duty to promote fair political justice and this includes voting in favour of foreign policy – to be discharged by government – that is inclined to respond to international *in*justice, supportive of the establishment of patterns of global institutional arrangements that are underpinned by a belief in, and the recognition of, the moral equality of persons, as asserted at the level of domestic society. One's political support for international justice is to be underpinned via tax-financed aid, to be channelled by government to causes or objectives that assert justice, or assist to remove injustice, in the global arena. Two observations may be made at this point. Firstly, the duty of a rich individual to the foreign poor is *indirect*,

discharged via his support, and active participation in, a domestic political system and its institutions that, in turn, demand from government support for, and the promotion of, international justice. Rawls makes the point that there is a natural duty to establish just institutions where none exist[32]. I, for one, cannot conceive of a basis whereby rich individuals in society are able to meaningfully discharge this natural duty of justice at international level, other than through the mechanism of government. The duty to promote morally reliable institutions in domestic society also contributes to support for international justice in that compatriots are more inclined to do things that go beyond 'the call of duty', to the point of manifesting benevolence in relation to each other as well as to the foreign poor. For example, prizing the institutions of charity and developmental aid in domestic society contributes to the well-being and effectiveness of organisations such as Oxfam and UNICEF, as people respond out of concern and sympathy for the plight of others less fortunate than themselves. Secondly, an individual's duty is contained. His duty to the foreign poor constitutes the conjunctive effect of political support for fair international relations and a mandate extended to government to allocate tax-financed aid to the foreign poor. But for reasons already discussed, in respect of every rand of redistributive tax financed by rich people, a greater share of that rand is to be allocated to poor compatriots, with the balance to go towards discharging justice to the foreign poor.

Such a restrained measure of 'international' duties of justice is thus consistent with two perspectives advanced by Miller. In the first case, consistent with Miller's "principle of sympathy", it is sufficient that a person's duties of justice demand no

[32] Rawls, *A Theory of Justice,* 293-294.

more than an "underlying disposition" to respond to the foreign poor[33]. The "principle of sympathy" outlines a morality that regards an individual's underlying disposition to respond to the poor as being sufficiently demanding. Any further giving is not morally required, argues Miller, as it expresses a greater level of concern that runs a "significant risk of worsening one's life", so long as one fulfils "all further responsibilities" rightly considered[34]. To this end, I consider the duties of justice of the local rich to the foreign poor, so formulated above, to be sufficiently demanding in terms of this principle. So long as an individual discharges his duties of justice in the manner I've outlined thus far, I think that to demand more from him in terms of global duties of justice would run the significant risk of worsening his life. After all, man has duties and responsibilities to his family, his compatriots – and, indeed, to himself – that understanding people amongst us would acknowledge that he should have the moral space to attend to. And if the demands of international justice so formulated in this essay were to be added to his workload (instead of falling within the domain of government), I suspect that we'd be unrealistic in our expectations of what ordinary mortal human beings are capable of doing for each other. In the second case, Miller demands respect for all persons but considers "concern" to be something required between compatriots in their relationships *inter se*[35]. In this regard, the duties of justice owed to both local and foreign poor, and as formulated in this essay, are predicated on the basis of respect, as evidenced by the idea that a structure of fair political justice, that secures the freedoms of individuals, has been argued for at both the domestic and international level. Insofar as the individual is concerned, the only

[33] Richard W. Miller "Beneficence, Duty and Distance", *Philosophy and Public Affairs* 32 (2004) 2. It should be noted that Miller talks here about duties of *beneficence* whereas I am concerned with duties of justice. I am of the view, though, that his moderate "principle of sympathy" applies to both kinds of duties and so consider it be relevant in the present context. I therefore substitute "neediness" with "poor", in my discussion of this principle.
[34] Ibid. p2ff.
[35] Miller, "Cosmopolitan Respect and Patriotic Concern".

difference between his local and international duties of justice is that in the former, his duties are discharged *directly* and *indirectly* whereas in the latter, his duties are only discharged *indirectly* – via government. In a sense, then, I am not so much rejecting the cosmopolitan claim but rather arguing for an appropriate allocation of duties of justice between compatriots and their government and ultimately, placing moral responsibility for these duties where they rightfully belong. But the principle of reciprocity that arises from the special relationship between compatriots cannot be ignored and demands concern for the local poor –manifested, *inter alia,* via a patriotic bias in tax-financed aid to them.

Before turning to some objections to my argument thus far, I wish to deal with the Kantian justification for patriotic bias in duties of justice. The appeal to Kant's moral philosophy is underpinned by a belief in intrinsic human worth, and the idea that one is duty bound to do those things that promote the dignity of, and manifest respect for, all human beings. It now remains to be argued that patriotic bias in discharging duties of justice to the poor accords with the carrying out of Kant's moral law, articulated via his formula of humanity.

At first blush, the assertion of equality in the moral agency of persons seems to be aligned with a cosmopolitan stance regarding to whom duties are owed in the combined domestic and international context. Put differently, if autonomy is of prime importance to asserting the dignity of human beings and contributes to one's self respect, and if all human beings are morally equal, it seems, then, that a Kantian stance on the matter imposes on us positive perfect duties to do those things that accord with autonomy – and hence, ground an obligation to promote justice for all –

and negative perfect duties to do things that remove impediments to autonomy – and correspondingly, ground an obligation to remove or desist from imposing *in*justices on all. But what has been argued thus far is the idea that considerations of justice demand a priority duty to poor compatriots by virtue of the principle of reciprocity. To recap, if the political state imbued with a system of law and order provides the rich with the means to amass greater wealth than the poor, and the perpetuation of this scheme of cooperation is dependent on the poor doing their fair share to maintain this system, then reciprocity, manifested via a priority in duties of justice, is required from the rich in return.

To my mind, there are two ways to interpret Kant, thereby resolving the apparent disconnect between the argument for patriotism and the cosmopolitan stance that Kant seemingly demands from duties of justice. In the first case, Pauline Kleingeld attempts to ascertain whether a framework of Kantian morality permits a legitimate basis on which to prioritise patriotic duties of justice[36]. I agree with her argument that promoting one's own just political state – engaging in civic patriotism – is a Kantian moral duty, since this serves to secure the autonomy of compatriots[37]. Since the duty to actively participate in one's *own* political institutions – and not in those of foreign states – sustains the democracy required to enforce considerations of justice in domestic society, the argument succeeds in asserting priority Kantian duties to compatriots[38]. Ultimately, though, Kleingeld regards Kantian duties as extending only as far as political justice in the name of patriotism. In other words, beyond the notion of political justice, Kleingeld argues that Kantian patriotism does not permit a bias in duties of justice owed to *individuals per se.* But based on what has already

[36] "Kantian Patriotism", *Philosophy and Public Affairs* 29 (2000): 313-341.
[37] Ibid. pp325-326.
[38] Ibid. p327.

been argued thus far, there is a second argument that does, to my mind, extend Kleingeld further, thereby giving a more complete conception of an individual's Kantian duties of justice and a legitimate basis within a Kantian ideal to assert patriotic priority in discharging these duties (but without regard to the notion of reciprocity, which has formed the backbone of my argument thus far). Two observations are necessary at this point. Firstly, on my reading of Kant, acting in accordance with the moral law requires no more than abstract compliance with the principles laid down by the formula of humanity. More to the point, the requirement to treat humanity as an end, whether in one's self or in others, connotes a finite duty to carry out this conception of the moral law that, once discharged, imposes no further demands on the individual. Secondly, Kant does not specify how the moral space of acting in accordance with the formula of humanity is to be filled. So long as a person acts to treat himself and others as an end, there is no exact specification as to the relative weightings to be assigned to duties owed to one's self versus duties owed to others. It is this second point that permits one to differentiate in his duties owed from one person to the next, just so long as his actions do not violate the rights or the autonomy of others. In essence, we find that this is the context within which Kantian imperfect duties may be derived too.

Now, an application of the foregoing Kantian principles to duties of justice owed to the poor necessarily brings about the following observations. In as much as the rich have a duty to treat the poor as ends, they also have duties to treat themselves as ends too. And if the civil state is the medium in which the rich are rationally best able to realise their own humanity and self-respect, then discharging their duty to themselves requires giving priority to their poor compatriots, for reasons already discussed earlier

in this essay, so long as in doing so, the rich do not contribute to, or cause a violation in the rights or the autonomy of the foreign poor. Kant notes in relation to duties to one's self that there are capacities of greater perfection in humanity which if neglected may be consistent with the *maintenance* of humanity but not with the *advancement* of humanity as an end in itself[39]. Seen in this light, then, the civil state provides the means for the advancement of rich people's humanity and, to my mind, renders the demands of patriotic bias more evident. There is another way in which to view this point: the so-called "social nature of consumption"[40]. In this regard, Christopher Heath Wellman observes that "advance in society is possible only by moving to a higher place among one's fellows, that is, by improving one's performance in relation to other people's performances. If everyone stands on tiptoe, no one sees better"[41].

The idea, then, is that the social nature of consumption leads an individual in the direction of his own happiness and provides a sense of self respect and fulfilment in life by means of his being able to both compete and compare himself to the social status of his compatriots. More specifically, it is an individual's participation in civil society, and his acknowledgement of the virtues that such a society prizes, that impels him to attain those virtues that contribute to bringing about his happiness and a sense of life improvement and fulfilment. Without competition, for example, man does not realise his capacity for perfection, being in a position to measure his greater strengths relative to others. *This* is the social nature of consumption. And if man's strengths are strengths that society prizes, so much the better for his level of happiness and the

[39] *Fundamental Principles of the Metaphysics of Morals*: 4: 430. Allen W. Wood (ed) *Basic Writings of Kant* (New York: The Modern Library, 2001) 187-188.
[40] Christopher Health Wellman, "Relational Facts In Liberal Political Theory: Is there Magic in the Pronoun 'My'?" *Ethics* 110 (2000) 547.
[41] Ibid. p548.

attainment of his humanity. Self-respect, then, is a function of the social nature of consumption and outside of the organised structure of the civil state, it quite simply does not – and cannot – exist. Within a Kantian context, I therefore regard the social nature of consumption as a manifestation of the duty of individuals to advance their own humanity as an end and if doing so is dependent on the civil state and its freedoms to secure this advancement, then prioritising duties of justice to poor compatriots is, in turn, a concomitant necessity so as to secure the civil state and the freedoms that flow from it.

What does this say, though, for Kantian duties of justice to the foreign poor? So far the moral space to act in accordance with the formula of humanity has been filled with duties owed to oneself and poor compatriots. Consistent with the line of argument already advanced, Kantian duties, incumbent on the rich, to advance the ends of the foreign poor are discharged via the mandate extended to government – in the form of democratic voting or lobbying representatives in a parliamentary democracy – to respond to, and demand the termination of, unjust global institutional arrangements. Instead, they must promote fairer political, economic and social arrangements that secure the autonomy of the foreign poor and contribute to enhancing their self-respect. And since the vote for fair foreign policy at government level represents the most appropriate and realistic mechanism for the rich to treat the foreign poor as ends, this is how the Kantian duty of the local rich to the foreign poor largely is manifested. Finally, since promoting morally reliable institutions in domestic society has the positive effect of rendering compatriots more sensitive to injustices imposed on the poor elsewhere, thereby causing pressure to be exerted politically to stop these injustices, the local rich are hence charged with a Kantian

duty to promote these domestic institutions that ultimately help to advance the ends of the foreign poor too.

SECTION III

I now wish to turn to some of the more pertinent objections that can be made to the argument for patriotic bias in a person's duties of justice, as advanced in this essay.

One of the more powerful challenges to an argument premised on coercive arrangements giving rise to patriotic duties is advanced by Kok-Chor Tan[42]. In his attempt to demonstrate the limits on conditions used to justify patriotic bias, Tan regards Miller's view as an "argument from reciprocity" since special obligations and patriotic bias manifest the endorsement by compatriots of institutions involuntarily and coercively imposed on them[43]. Tan argues, however, that such an argument cannot be restricted to the domestic context. Since *global* institutions are involuntary and coercive, foreigners too, must be given justifiable reasons that they can reasonably accept for the imposition of these institutions upon them[44]. In other words, in the same vein that Miller argues for patriotic bias given the coerciveness of institutions that the rich help to impose on the poor in domestic society, Tan questions whether this bias can legitimately be contained to the domestic context given the coerciveness of global institutions that the local rich assist to impose on the foreign poor. But while on the surface such an argument seems appealing, it must surely fail by virtue of its ignoring the fact that it is largely governments of rich countries that have created an unjust global order and are responsible for coercive injustices imposed on poor countries (and, ultimately, poor people in those countries).

---

[42] "Patriotic Obligations", *The Monist* 86 (2003): 434 -453.
[43] Ibid. p441.
[44] Ibid.

I agree with Thomas Pogge when he asserts that governments and statesmen (that is, those individuals familiar with, and who are concerned with, directing the affairs of government) bear a "special responsibility" for the injustice that pervades the world today; they are responsible for not only violating the existing global order, but also for failing to bring about a *future* global order "which they lack the will and vision to help bring about" [45]. Recall that I have argued that individuals delegate those duties of justice that on the whole government is best able to efficiently discharge and such duties include those relating to international justice. By delegating these duties, individuals cease thereafter to be responsible for them and it is the duty of government, in turn, to respond to the call of international justice owed to the foreign poor. I have also argued that it is the duty of compatriots in domestic society to actively participate in the democratic political process and to lobby for fair foreign policy at government level that is supportive of a fair political, economic and social order amongst countries. And so long as individuals discharge these duties, they are not to blame for the failure of their government to discharge its own (unless, of course, government failure in foreign policy is not called to account by compatriots, via, for example, parliamentary democratic processes or an election). We come to the conclusion, then, that to hold an individual responsible for global coercive institutions involuntarily imposed on the foreign poor and to vest in these individuals a duty of justice to the foreign poor that is no different to a duty of justice owed to compatriots, is effectively to conflate the duties of government and individuals in the first place.

My response to Tan's argument above may be more generally formulated as follows. When it comes to matters of international justice, an argument for egalitarian duties of

[45] Pogge, *Realizing Rawls*, 234.

justice at the level of compatriots is incomplete in the absence of considering the role and moral responsibilities of government in setting the tone of global order amongst nations. But given what I've said regarding the moral responsibilities of government, I wish to deal with the question of the significance of national borders in the face of an increasingly popular view that the world consists of a single community of global citizens. There are some who might say that although each country's government is charged with a moral responsibility to secure a just international order (in line with what I've argued in this essay), each government – via the vote of its electorate – has its own conception of what a fair global order looks like, with the result that tensions arise between the government of one country and another. So, given a single community of global citizens, a possible solution might be a single global government taking on duties of justice (on behalf of a global electorate) in the international context, without regard to national borders. While a complete response falls beyond the scope of this essay, I think that there are two factors that give us reason to retain the importance of national borders, and governments within them, despite their perceived irrelevance in the face of technological advancement and the ease of mobility of capital and people.

In the first place, there is the matter of the distributive efficiency and effectiveness of so-called dedicated taxes[46]. It is crucial not to lose sight of the fact that the mutually beneficial scheme of co-operation that exists at the level of domestic society perpetuates itself with the assistance of a redistribution of wealth via taxation. Recall that this one of the chief reasons that I have advanced in support of patriotic bias in duties of justice. But if we are to conceive of a global mutually beneficial scheme of

[46] Examples of dedicated taxes in South Africa include the Road Accident Fund levy, Workmen's Compensation Fund levies and Regional Services Council levies (which were repealed effectively from 1 July 2006).

cooperation, I think that it is practically impossible to replicate the efficiency of redistributive tax policy at the global level. There is good reason for certain dedicated taxes to be collected at national government level and for others to be collected at provincial and local government level within domestic society. The link between the incidence of taxation and the costs and benefits of public services achieved via dedicated taxes results in a more efficient and fair basis of allocating public sector resources across the domestic economy[47]. And if distributive inefficiencies arise when taxes collected at central government level are to be channelled to provincial and local government, then I struggle to conceive of a tangible basis whereby the distribution of tax across a *global* society can be any more efficiently achieved. If anything, I think it's more plausible that a global tax system would fail to achieve the necessary efficiencies required to prop up the functional effectiveness of a single global economy. Of no lesser importance is the idea that government at the domestic level of society is better able to gauge the needs of its electorate and is thereby able to effectively adapt the tax system to the political, economic and social objectives of domestic society.

There is a second reason to retain national borders and governments within them. Given the fact that the notion of political justice varies from one society to the next, and that each society's measure of distributive justice flows from the context of its political and social framework, I think that discounting national borders tends to exaggerate the effects of globalisation. It is also difficult to conceive how a single global government – if that is to be the designated means of securing global justice – would be able to function effectively, in the face of having to take appropriate

[47] Third Interim Report of the Commission of Inquiry into Certain Aspects of the Tax Structure of South Africa (Pretoria: Government Printer, 1995) 16-17.

cognisance of the myriad of cultural and ethnic differences that manifest from one country to the next, in order to give proper meaning and content to a single global political state instead. In this regard I have in mind Rawls's reference to societies he terms "benevolent absolutisms": societies that "honour most human rights but deny their members a meaningful role in making political decisions"[48]. I struggle to see how these benevolent absolutisms could be integrated into a single global political order, especially if these are societies that, *inter alia,* prize civil freedoms, are economically prosperous and perpetuate international trade policies that are fair for both their own members as well as foreigners. It is worth questioning, to my mind, whether such societies would be prepared to give up their economic and social stability – for reasons already advanced above in the discussion of the distributive efficiency in taxation and its importance to sustaining the scheme of domestic cooperation – for the sake of a fairer conception of political justice. In other words, it is not beyond doubt that the perceived cost of foregoing an effective pattern of distributive justice would be greater than the gains in the form of political freedom to the members of these "benevolent absolutisms".

Richard Arneson asserts that domestic obligations of beneficence are restrained by our stronger global duties of justice[49]. Arneson advocates the idea of a morality that ranks entitlement to aid according to "how badly off one is and to what extent one's condition would improve with an infusion of resources"[50]. He picks up on Miller's assertion that one has an obligation to "take on one's fair share of world-improvement" but not at significant cost to one's self[51]. Recall Miller's argument to

[48] Rawls, *The Law of Peoples* 63.
[49] "Patriotic Ties and Global Justice", *The Journal of Ethics* 9 (2005): 127-150.
[50] Ibid. p141.
[51] Miller, "Cosmopolitan Respect and Patriotic Concern" 209.

the effect that coercive political arrangements in domestic society that result in aid from the domestic rich being channelled to the foreign poor are ones that cause the domestic poor to take on more than their "fair share of world-improvement". Therefore, given the significant cost of such arrangements to the domestic poor, they have reasonable moral grounds for rejecting them and to instead demand priority attention from the domestic rich as *quid pro quo* for their acquiescence to inequality-promoting institutions that the domestic rich help to impose on them. Arneson rejects this. He argues that the inviolable moral principle is to channel aid to "people elsewhere on the globe who are worse off than [the domestic poor] and in greater need of the benefits"[52]. Thus, although the cost to them may be significant, thus rendering rejection of priority attention to the foreign poor as being something "excusable"[53], it would not be *reasonable* for the domestic poor to reject this principle (thereby undermining, to my mind, the reciprocity that I've argued the domestic poor could reasonably demand from the domestic rich).

As I see it, the problem with Arneson's argument lies in its oversimplification of the social context that underpins the mutually beneficial coercive arrangement of domestic society. By way of example, take X, who is poor, and his rich compatriot Z. If a foreigner, Y, is significantly poorer than X, Arneson's principle of morality requires Z to prioritise aid to Y. Now if this is where the example ends, I think most of us could justifiably agree with Arneson. After all, an abstract comparison of the relative wealth positions of X and Y gives reasonable moral justification for priority aid to be channelled to Y (or I would at least hope it does). But let's add some colour to this picture and assume that Y was once a rich man who carelessly squandered his

[52] Arneson, "Patriotic Ties and Global Justice" 140.
[53] Ibid.

wealth while X was born into a poor family and unfortunately, due to fewer opportunities, remained poor his whole life. In the case of Z, he was fortunate enough to attain wealth through his taking advantage of the better opportunities that were available to him in his life but which were not available to X. Now X and Z both participate in the same political society and vote for laws and support institutions that created precisely the same social framework that led them down the path to where they are today. Notice, though, that while Z's success is wholly commendable (remember that he worked hard for what he got), it was largely derived off the back of a political and social arrangement that X acquiesced to, despite the arbitrariness of his social circumstances over which he had no control throughout his life. Now that we have added these facts, let's again apply principles of morality to this situation, and more specifically, to Arneson's principle of morality. I think that in these circumstances, principles of morality would suggest that Z owes something to X. Certainly more than what Z owes to Y. After all, Y is poor because of circumstances that he was in a position to control while X is poor because of circumstances beyond his control *and* X has contributed his fair share to a domestic system that has allowed Z to amass more wealth and a higher social status than him. I, for one, struggle to conceive of any moral principle that would demand that X prioritise aid to Y, who ranks ahead of X in the queue of assistance needed. Now, in as much as we could plausibly have situations in which the circumstances of X and Y could be reversed (thereby demanding a priority of aid to Y), all I seek to demonstrate is that within the same political community which permits wealth inequalities, the moral principle of reciprocity enjoys much greater traction than a principle of morality of the kind that Arneson argues for. Why is this so?

In any society that permits wealth inequality, the arbitrariness of social circumstances serves to exacerbate the disparity between those who have more and those who (often through no fault of their own) have less. Yet if the "basic structure" of such a society is to be regarded as fair, each man is expected to do his fair share in perpetuating the mutually beneficial scheme of cooperation. Each man must adhere to the political and civil rules of his society to no greater or lesser extent than his compatriots. And if in doing so, some men attain more fulfilment in their life prospects due to the participation in sustaining civil order of those compatriots who have less, I see little moral justification for the local rich to prioritise duties of justice to the foreign poor, who *on balance* play a smaller role (if one at all) in securing these better life prospects. Failure to respond to the demands of reciprocity is, to my mind, a rejection of the participation of the local poor in domestic society. It is, quite simply, tantamount to condemning those who *presently* have less to *always* have less. And that is too significant a cost that the local rich should not be prepared to impose on their poor compatriots.

SECTION IV

I have argued for a patriotic bias in duties of justice owed by individuals in domestic society. This bias is predicated upon the demands of reciprocity owed to the local poor who are required to do their share in securing the mutually beneficial scheme of domestic cooperation that, in turn, promotes the orderly functioning of the civil state. And on the basis that the civil state constitutes the medium in which the individual is best able to thrive and affords him the necessary freedoms to realise his humanity, it has been argued that all compatriots in the civil state are required to actively participate in their democracy so as to assert fair political justice for all. But given the strains arising between the requirements of equality in political justice and inequality

permitted in distributive justice, I have asserted a priority duty incumbent on the local rich to compensate the local poor – via, *inter alia*, redistributive policies in taxation – as *quid pro quo* for the local poor's contributing to the means by which the local rich can amass greater wealth, in context of moral equality of persons being the underpinning basis of a fair society. Also, patriotic bias is necessary to manifest the constant monitoring of the gap between political and distributive justice and to ensure that this gap remains sufficiently close in order that political justice is not undermined to the detriment of the local poor. To this end, patriotic bias asserts the priority that political justice takes in relation to distributive justice in domestic society.

In the case of duties of justice owed to the foreign poor, I have argued that these constitute tax-financed aid as well as just global arrangements, voted for by compatriots and delegated to government as the agent best placed to discharge the mandate extended by compatriots in domestic society for fair international justice. It is an individual's duty to actively participate in his society's democratic system to vote or exert necessary pressure on democratic political processes for foreign policy that is inclined to respond to the demands of justice in the global context. But given the argument that government stands separately from the individual – an agent distinct from the individual and a principal in its own right – it follows that injustice in the global arena that causes or exacerbates the distributive imbalance in wealth, is a function of government failing in its own duties and not an individual failing in his or her own. I have, though, argued for a proviso to this view: To the extent that individuals fail to demand from government fair global institutional arrangements or the removal of unfair arrangements that support an adverse distributive effect on the foreign poor, then we can rightly regard individuals as having failed in their duties of

justice. Lastly, it has been argued that duties of justice in the global context are embraced by the duty to promote morally reliable institutions in domestic society, since the positive spin off is compatriots more sympathetic to the needs of the poor elsewhere and the manifestation of benevolence for those less fortunate than themselves.

I have also argued that Kant's moral philosophy provides legitimate grounds for patriotic duties of justice. The civil state is the medium in which individuals are best able to realise their own humanity and so constitutes the rational goal for achieving self-respect too. And given the Kantian duty to also treat one's self as an end, promoting the self-respect of compatriots secures the necessary autonomy for self-advancement in civil society, in ultimate pursuance of one's own humanity. This, I have asserted, gives compatriots sound moral reason for patriotic bias in discharging their duties of justice. Kantian duties of justice to the foreign poor are, as a matter of course, discharged via government and extend as far as voting for foreign policy that promotes the ends of foreigners and does not contribute to, or cause, a violation of the rights or the autonomy of the foreign poor. Having defined and ordered the Kantian duties in relation to compatriots, foreigners and oneself, there is nothing more demanded from the individual in domestic society who, having complied with these duties, has appropriately carried out Kant's conception of the moral law.

Above all else, I do not intend to create the perception in this essay that duties of justice generally owed to the poor is so simple a matter as to box into strictly defined paradigms, duties that categorically always demand a patriotic bias owed to the local poor in all situations of human life. As an example, I have not considered in this essay

the idea that distributive injustice can conceivably be either episodic or pervasive. A society may, through technological advance, provide rising income to the rich on the back of increasing numbers of unskilled labourers (thereby driving down average wages for the poor), and so creates a growing inequality between the rich and poor. This is pervasive distributive injustice that, to my mind, still allows for patriotic bias in duties, as the individual can only do his part in remedying this foreign injustice via his mandate to government to exert the necessary international pressure to alleviate the inequality referred to above. But when, say, specific events occur in a society – such as the suppression of democracy under military rule – at a significant cost to political justice such that it adversely impacts the situation of those already worse off, I think there is something to be said for compatriots in domestic society having a priority duty of justice to the foreign poor if only to try and reduce the risk that those circumstances become permanent. 'Emergency' duties in this example cannot be discharged via government only and demand that individuals utilise the means of global institutions such as Oxfam to assert respect for human rights on a global scale.

Lastly, I still regard the cosmopolitan viewpoint as a powerful challenge to patriotic bias. Indeed it must, in order to maintain the virtues of decency and concern in humanity, as well as instilling an all-important need for all human beings to make a concerted effort to obtain a collective view on how to achieve fair justice for all. While I regard patriotic bias to be the morally responsible way forward in the subject of duties of justice owed to the poor, it is nonetheless important to debate and constructively criticise such a proposition for the sake of moral clarity and conscience. It is only then can we truly regard ourselves as morally responsible enough to be alert to the needs of those less fortunate than ourselves.

BIBLIOGRAPHY

Arneson, Richard J. "Patriotic Ties and Global Justice", *The Journal of Ethics* (2005): 127-150.

Beitz, Charles R. *Political Theory and International Relations* (Princeton: Princeton University Press, 1979).

Begg. D, Fisher. S, Dornbusch. R, (eds), *Economics,* Third Edition (Berkshire: McGraw-Hill Book Company, 1991).

Goodin, Robert E. "What Is So Special About Our Fellow Countrymen?" *Ethics* 98 (1988) 663-686.

Income Tax Act 58 of 1962.

Kleingeld, Pauline "Kantian Patriotism", *Philosophy and Public Affairs* 29 (2000): 313-341.

Mason, Andrew "Special Obligations to Compatriots", *Ethics* 107 (1997): 427-447.

Miller, Richard W. "Beneficence, Duty and Distance", *Philosophy and Public Affairs* 32 (2004): 357-383.

Miller, Richard W. "Cosmopolitan Respect and Patriotic Concern", *Philosophy and Public Affairs* 27 (1998): 202-224.

Moellendorf, Darrel *Cosmopolitan Justice* (Oxford: Westview Press, 2002).

Pogge, Thomas W. *Realizing Rawls* (New York: Cornell University Press, 1989).

Rawls, John *A Theory of Justice* (Cambridge: Harvard University Press, 1971).

Rawls, John *The Law of Peoples* (Cambridge: Harvard University Press, 1999).

Rousseau, Jean-Jacques *On the Social Contract* (Translated by G.D.H. Cole, New York: Dover Publications, Inc, 2003).

Stiglitz, Joseph E. *Making Globalisation Work* (New York: W.W. Norton and Company, 2006).

Tait, Alan A. *Value Added Tax – International Practice and Problems* (Washington, D.C: International Monetary Fund, 1988).

Tan, Kok-Chor "Patriotic Obligations", *The Monist* 86 (2003): 434-453.

Third Interim Report of the Commission of Inquiry into Certain Aspects of the Tax Structure of South Africa (Pretoria: Government Printer, 1995).

Wellman, Christopher Heath "Relational Facts in Liberal Political Theory: Is there Magic in the Pronoun 'My'?" *Ethics* 110 (2000): 537-562.

Wood, Allen W. (ed) *Basic Writings of Kant* (New York: The Modern Library, 2001).