

1 Introduction

To talk about global distributive justice today is, above all, to talk about two main questions. The first question relates to the *nature* of our distributive duties on a global scale. Can our distributive duties toward the global poor properly be described as duties of beneficence, or should they also be considered duties of justice? This question is not merely conceptual, but is also likely to have significant normative implications. Duties of justice are indeed broadly assumed to be more stringent than duties of beneficence – they are in particular regarded as enjoying a priority and an enforceability that duties of beneficence lack. The second question relates to the *extent* of our distributive duties on a global scale. Even if we admit that global poverty is not simply a matter of beneficence, but also of justice, this does not yet solve the question as to how far our duties of justice extend on a global scale. Would socioeconomic justice be realized in the world if all inhabitants of the planet had enough to lead a minimally decent life (i.e., if absolute poverty were eradicated) or does it also require a reduction of those socioeconomic inequalities that persist above this level of sufficiency (i.e., a reduction of relative poverty)? It is worth noting in this regard that duties of distributive justice are today typically identified with duties of egalitarian justice, on the understanding that they do not necessarily require that resources be distributed in an equal way, but rather that inequalities of resources be justified.

These questions are obviously absent from Kant's political thought. At the domestic level, the issue of socioeconomic inequality is addressed only to specify that the principle of '*equality* with every other as a *subject*' requires the implementation of a certain form of equality of opportunity, but is also compatible with the greatest inequality in wealth (TP 8: 291–4).¹ As for the issue of absolute poverty relief, it features in only one passage of the *Doctrine of right*, which grants the state the right to levy taxes in order to help its members satisfy their most necessary needs (MM 6: 326), but which also seems to contradict the view that Kant supports elsewhere, namely that right, unlike beneficence, has nothing to do with human need (MM 6: 230). At the international level, no mention is made of (re)distribution of resources, which is not surprising when we consider that the contemporary reflection on global distributive justice has for a great part been triggered by the emergence of unprecedented international economic institutions.

¹ Citations of *Groundwork of The metaphysics of morals* (G), *On the common saying: That may be correct in theory, but it is of no use in practice* (TP), *Toward perpetual peace* (TPP), and *The metaphysics of morals* (MM) (which includes the *Doctrine of right* and the *Doctrine of virtue*) will be to the translations by Mary J. Gregor (1996).

Must we conclude that global distributive justice has no place in a Kantian political theory? There are reasons to think otherwise, and this is what this Element will strive to show. A first thing to note is indeed that, just like the vast majority of contemporary global justice thinkers, Kant insists on the idea that our global duties are not merely a matter of philanthropy or ethics, but are also a matter of right or justice. And just like them, he attributes to right a certain priority and a certain force. To begin with, he makes it clear that an action can hardly be called beneficent if it involves the violation of rights or if it is performed against a background of deep socioeconomic injustices. He also emphasizes that, unlike duties of virtue (among which the duty of beneficence), duties of right are duties for which external lawgiving and coercion are possible. A second thing to note is that the duty of right Kant insists upon in the global sphere is the duty to enter a rightful condition – a condition which he also describes as a ‘condition of distributive justice’ (MM 6: 307). To be sure, the expression ‘distributive justice’ does not, for Kant, connote egalitarian socioeconomic concerns (as it does today), but refers to the presence of public laws securing what belongs to each. Nevertheless, by affirming the existence of a duty of right to submit to public laws in the global sphere, Kant also affirms the existence of a duty of right to reform these laws so as to accord them with the idea of the original contract, that is, to ensure that these laws could possibly be consented to by all those global actors that are subject to them.

This Element will insist on the socioeconomic potential of this double-faceted duty of right. Its main objective will be to show that even if Kant’s political thought does not tackle issues of global poverty and inequality head on, it nonetheless offers important conceptual and normative resources to think of our global socioeconomic duties. More precisely, it will argue that Kant’s political thought offers, first, the resources to acknowledge, besides a duty of beneficence to help people in need, a duty of right to assist states that are unable to fulfil the core functions of a state, and second, valuable hints at what just transnational trade relations and a just regulation of immigration should look like.

The argument will proceed in three steps. The first section will address the question of global poverty on the basis of Kant’s conception of the duty of beneficence. It will start by explicating the way in which Kant defines this duty as a duty of practical love and grounds it, on the one hand, in the impossibility of universalizing the maxim of indifference without contradiction, and on the other hand, in the absolute value of humanity as an end in itself. It will then delve into the forces and weaknesses of an approach to global poverty which takes Kant’s conception of the duty of beneficence as its point of departure. It will show that helping people in need, far from being optional, is for Kant a universal moral duty, which rests on the recognition of the greatness of each human being and which

has the potential to counter paternalistic abuses. As far as weaknesses are concerned, particular attention will be paid to the fact that Kant conceives of the duty of beneficence as a duty that is wide, non-enforceable, generative of status inequality, and especially, one whose fulfilment presupposes a baseline of justice. Concerning the latter point, Kant indeed makes the important claim that the inequalities of wealth that make beneficence both possible and necessary are ‘for the most part’ the result of the injustice of the government (MM 6: 454).

It is essentially to the elucidation of this claim that the second section will be devoted. Its aim will be to determine in which sense the introduction of wealth inequalities by the government can be considered unjust. The Kantian idea of the original contract will be of great importance in this undertaking. It is indeed by examining what kind of public laws could not possibly be consented to by free, equal, and independent citizens that two principles of domestic socio-economic justice will emerge. The first is a principle of formal equality of opportunity, which demands that no subject be prevented by formal obstacles from rising in the social hierarchy because of their social origin. The second principle is a redistributive principle, which requires rich members of society to contribute, through redistributive taxes, to maintaining the existence of those members of society who are unable to maintain themselves. The last subsection of the second section will make the transition from domestic to global distributive justice by raising the question of the circumstances of distributive justice. It will invoke Kant’s ‘postulate of public right’ to show that the Kantian circumstances of distributive justice obtain in the global sphere and enjoin us, first, to establish interstate and cosmopolitan public laws, and second, to continuously reform these laws so as to accord them with the idea of the original contract. The key question will then be to determine whether or not this accord involves the recognition of duties of right to combat certain forms of poverty and inequality in the global sphere.

This question will be at the heart of the third and last section. This section will start by clarifying the subject-matter of both interstate and cosmopolitan public right and by examining the complex nature of the Kantian duty to enter a rightful condition, which comprises both a conservative and an ideal dimension. The notion of ‘provisional right’ will be mobilized to show that the absence of a global coercive power does not exempt global actors from the duty to respect existing public laws and to reform these laws so as to bring them into conformity with the idea of the original contract or with rational right. Fulfilling this double-faceted duty is, on the contrary, the only way for them to demonstrate their willingness to enter a rightful condition beyond the state. The second part of the third section will examine the socioeconomic implications that the postulate of public right may have on a global scale by addressing

the following two questions: ‘Can rich states be said to have a duty of right to relieve global poverty?’ and ‘Can a global principle of formal equality of opportunity be invoked to condemn certain forms of global inequalities?’ It will argue that Kantian states can be regarded as having a duty of right to assist those states that are unable to fulfil the core functions of a state. It will also argue that Kant’s theory of cosmopolitan right offers valuable hints at what just transnational trade relations and a just regulation of immigration should look like. More specifically, it will show that it enjoins us, first, to fill the legal loopholes left by domestic and interstate public right; second, to devise global trade rules in such a way that they do not contradict the rights of all global actors involved (such as states’ capacity to determine themselves); and third, to devise immigration laws in such a way that no inhabitant of the earth is denied access to inhabitable land. The conclusion will bring us back to the limitations of a beneficence-based approach to global poverty and inequality, and will examine to what extent a justice-based approach is able to overcome them.

2 A Duty of Beneficence to Help People in Need

That Kant recognizes the existence of a moral duty to assist people in need is beyond any doubt. As he clearly states in *The metaphysics of morals* (1797), ‘To be beneficent, that is, to promote according to one’s means the happiness of others in need, without hoping for something in return, is everyone’s duty’ (MM 6: 453), or already twenty-two years earlier in the *Groundwork of The metaphysics of morals* (1785), ‘To be beneficent where one can is a duty’ (G 4: 398).

Kant conceives of the duty of assistance or the duty of beneficence as one of the three forms that the more encompassing duty of love to other human beings can take, the other two forms being the duty of gratitude and the duty of sympathy (MM 6: 452). The duty of love to other human beings is not limited to situations of distress, but calls each of us more broadly to promote the end that all other human beings naturally pursue, namely their happiness. The happiness or the well-being of others is thus described as an end that is at the same time a duty for everyone, that is, as an end that everyone ought to regard and to promote as their own end (MM 6: 388; MM 6: 393). As a duty to adopt an end that is also a duty for each, the duty of love, and with it the duty of beneficence, constitutes what Kant calls a ‘duty of virtue’ (MM 6: 383).

It is important to notice the active or practical character of the duty of love to other human beings. The fact that it implies the adoption of an end and hence an ‘internal act of the mind’ (MM 6: 239) does not mean that it is a purely internal duty. In other words, the duty of love does not simply demand that we wish the happiness of others, which basically costs us nothing. The love that we are

discussing here cannot be reduced to a wish, but concerns more fundamentally the maxim of actions, that is, the ‘*subjective* principle of action, a principle which the subject himself makes his rule (how he wills to act)’ (MM 6: 225). More particularly, the duty of love to other human beings must ‘be thought as the maxim of *benevolence* (practical love), which results in beneficence’ (MM 6: 449).² It consists in an active benevolence and, as such, constitutes an external duty, that is, a duty that obliges us to perform external actions or *to do* something in order to promote the well-being of others (MM 6: 450).

The love that is one’s duty to demonstrate is not a matter of feelings either: it is not a question of experiencing satisfaction at the sight of the happiness of others, which Kant identifies with a ‘*pathological* love’ (G 4: 399) or ‘*delight* in them’ (MM 6: 449; MM 6: 450). To be sure, as indicated, Kant also recognizes the existence of a duty of sympathy (which he also calls ‘duty of humanity’) and he conceives of it as a duty to cultivate our compassionate natural feelings and to actively take part in the fate of others, by, for instance, seeking the places where the poor are to be found (MM 6: 457). However, he also specifies that this duty is only ‘indirect’. It finds its *raison d’être* in the fact that compassionate natural feelings can sometimes help us do what the representation of duty does not succeed in making us do on its own. Put differently, we have no duty to experience this or that feeling *as such*, but we have the duty to cultivate certain feelings *as means* to facilitate the fulfilment of other duties, in this case our duty of ‘active and rational benevolence’ (MM 6: 456).

Let us now consider the way in which Kant grounds the duty of beneficence. We can distinguish between two justifications or derivations. The first, which tends to dominate *The metaphysics of morals*, but which is also found already in the *Groundwork*, lays the emphasis on the impossibility of universalizing the maxim of self-interest without contradiction (G 4: 423; MM 6: 393; MM 6: 451; MM 6: 453). Thus Kant tells us that each human being wishes to be helped and therefore to be loved by others when they find themselves in need, or put differently, each human being makes of their well-being an end for

² By identifying the duty of love with the duty of beneficence, Kant seems in this quote to refer to a broader conception of the duty of beneficence, which goes beyond the provision of assistance to people in need and literally consists in ‘doing good’ or promoting the well-being of others. By contrast, when he presents the three duties of love in a more detailed way, he explicitly associates the duty of beneficence to situations of need (MM 6: 452–3). The duties of gratitude and sympathy appear, for their part, as duties whose fulfilment encourages the promotion of the well-being of others and hence the fulfilment of the duty of beneficence in both the broad and narrow senses. To take the example of gratitude, Kant tells us that it is an “opportunity” for the recipients of assistance to “cultivate [their] love of human beings” (MM 6: 456), while its contrary (ingratitude) “stands love of human beings on its head, as it were, and degrades absence of love into an authorization to hate the one who loves” (MM 6: 459). The link between the duty of sympathy and the duty of love will be discussed a bit later in the text.

others. Yet, since a maxim cannot oblige unless it possesses the universality of a law, and hence, unless it also makes the well-being of others an end for everyone, each human being must also demonstrate a practical love of others and help them when they find themselves in need. The maxim of common interest is, as a consequence, a universal duty for human beings. By contrast, the maxim of self-interest is contrary to duty because its universalization would deprive us of the help we all need, which would make the maxim conflict with itself (MM 6: 453)

The *Groundwork* offers valuable clarifications as to the nature of this contradiction. Kant indeed argues that the maxim of indifference to the needs of others could admittedly be conceived as a universal law of nature – a world devoid of beneficence would not in any way prevent the human race from surviving – but it could not be willed as a universal law of nature. As he puts it, ‘a will that decided this would conflict with itself, since many cases could occur in which one would need the love and sympathy of others and in which, by such a law of nature arisen from his own will, he would rob himself of all hope of the assistance he wishes for himself’ (G 4: 423). The contradiction to be elucidated is thus a ‘contradiction in the will’, and in view of this passage, it may be tempting to interpret it in a prudential way. It may indeed seem that the reason we have a duty to adopt the maxim of beneficence is that a refusal to do so would ultimately run against our own interests. The maxim of indifference to the needs of others would be a bad strategy to satisfy our own needs. However, this kind of interpretation is excluded from a Kantian framework: the moral acceptability of a maxim would otherwise vary from one person to another, according to what they would accept for themselves given the particular situation in which they find themselves. Prudence could, for instance, lead a person who is extremely rich, who has little aversion for risk, and who is surrounded by extremely poor persons to will that the maxim of indifference to the needs of others becomes a universal law.³

This point acquires a particular resonance in the context of global poverty and inequality. The condition that is required for a prudential foundation of a global ‘duty’ of assistance is indeed that a global practice of assistance can be considered truly advantageous by all parties concerned. However, given the scale of existing global inequalities, it is doubtful that the global poorest will, in the foreseeable future, be in a position to assist the global richest, and therefore, that the latter will have more to gain by adopting the maxim of beneficence than

³ This is why the Silver Rule, ‘Do *not* do unto others as you would *not* have them do unto you’, cannot be regarded as providing a criterion for the moral acceptability of maxims. As Kant himself points out, many persons would indeed accept that others have no duty of beneficence toward them if they are also exempted from it (G 4: 430).

by adopting the maxim of indifference to the needs of others. As Brian Barry nicely illustrates, ‘even if the USA were hit in one year by a major earthquake, a serious drought, and several disastrous hurricanes, it could still pull through economically by borrowing or realizing foreign assets. The probability, in the lifetime of anyone now alive, that the USA will be asking Bangladesh for aid is so low as to mean that aid from the USA simply cannot be constructed as mutual aid’ (Barry 1989: 483). Under current circumstances, it would be imprudent for the global richest to adopt the maxim of beneficence since doing so would place them in the position of agents continuously providing assistance without ever receiving any assistance in return.

Another, more plausible interpretation of the contradiction in the will is in terms of what a human being could not possibly will *as a rational finite being*. As a *rational* being, every human being necessarily wills to attain certain ends. And since the idea of willing to attain an end comprises, in an analytical way, the idea of willing the means necessary to attain it, every human being also necessarily wills the means to attain their ends. But as a *finite* being, no human being can ever be sure that they will have the means to achieve their ends. They can, for instance, never have total control over their talents, their character traits, the resources available to them, and more generally, the way things are going. All these contingencies converge toward what Barbara Herman has called ‘the ubiquity (inescapability) of the possibility of needing help’ (Herman 1984: 584). The contradiction in the will here refers to the idea that a human being cannot will the maxim of indifference to hold as a universal law because, *as a rational finite being* who necessarily sets themselves ends they can never be sure to attain on their own, they cannot coherently will being systematically refused the help they need in order to attain their ends. According to Barbara Herman and Onora O’Neill, this interpretation takes us in fact to the limits or the preconditions of a human will, that is, to what a rational finite being must necessarily will if they are to will anything at all. To them, certain ends show up as ‘necessary ends’, that is, as ends that cannot be abandoned but must be realized if human beings are to remain rational, end-setting beings. Yet, as they go on to point out, human beings are also finite beings and can, as such, always end up in situations in which they need the help of others to realize the ends they cannot possibly forgo as rational beings. O’Neill talks in this regard of ‘the survival of [our] agency’ and more specifically, of ‘an awareness of the limitations of [our] own agency, on which, all [our] plans for action (including the futile – or perhaps self-deceiving – plan of self-sufficiency) are premised’ (O’Neill 1989: 348). She underlines the vulnerability of human beings and the fact that this vulnerability can result in their capacities to act being undercut and even destroyed (O’Neill 1989: 354). In the same vein, Herman frames her

argument around the notion of ‘true needs’, which she understands as those needs that cannot be left unsatisfied if a human being is to function or continue to function as a rational agent (Herman 1984: 586, 597). Underlying both accounts is the idea that a human being cannot will the maxim of indifference to hold as a universal law because they cannot coherently will being deprived of the help that may prove necessary to achieve their necessary ends.

The *Groundwork* also presents a second way of grounding or deriving the existence of the duty of beneficence, namely, from the requirement to ‘harmonize’ or to positively agree with humanity as an ‘end in itself’ (G 4: 430). ‘Humanity’, in this context, no longer refers to the human race or to the properties of human beings as members of a biological species, but to ‘rational nature’, that is, to the capacity to act according to rational principles (whether moral or not) (G 4: 412; G 4: 428–9) or the ‘capacity to set oneself an end – any end whatsoever’ (MM 6: 392). Kant places on humanity thus understood an absolute or unconditional value. He points out that, unlike the ends that we set ourselves as effects of our actions and that have value only insofar as we give them value (i.e., a relative value), the existence of humanity possesses in itself an absolute value, which limits the freedom of action of all human beings (G 4: 428; G 4: 430–1; G 4: 438). As he puts it, ‘the human being and in general every rational being *exists* as an end in itself, *not merely as a means* to be used by this or that will at its discretion’ (G 4: 428). Following Christine Korsgaard, we may relate the absolute value of humanity or rational nature to its ‘value-conferring status’: the ends I set myself as effects of my actions have value only insofar as I give them value, and I have reason to give them value only to the extent that I also value (at least implicitly) my rational nature as the instance that sets and confers value to them (Korsgaard 1996: 123). And since this is the way in which each rational being necessarily views their existence – namely, as the source of all value or as an end in itself – it is also an objective principle of action, which holds for all rational beings (G 4: 429).

When he applies these considerations to the question of beneficence, Kant tells us that even if humanity could very well subsist in a world in which everyone only refrained from encroaching on what belongs to another, this would only be ‘a negative and not a positive agreement with *humanity as an end in itself* unless everyone also tries, as far as he can, to further the ends of others. For, the ends of a subject who is an end in itself must as far as possible be also *my ends*, if that representation is to have its *full* effect in me’ (G 4: 430). A complete recognition of humanity or rational nature implies that we both negatively and positively respect it as an end in itself. On the one hand, we have the duty not to compromise its existence or the possibility of its exercise by using it as a mere means. This mainly excludes the use of deception and

coercion in our relations to others (Wood 2008: 87). On the other hand, we also have the duty to positively promote the happiness of others. It is indeed only by making the ends of others also our ends – that is, by helping them to pursue their own ends – that we come to fully appreciate the value of their rational nature as a self-existent and objectively valuable end. The underlying idea is that we cannot remain indifferent to the furtherance of the ends of others without also treating these ends as unworthy of consideration, and therefore, without lacking respect for the standing of others as ultimate sources of value.

2.1 Strengths of the Kantian Conception of the Duty of Beneficence

For those concerned about global poverty and inequality, the Kantian conception of the duty of beneficence offers important conceptual and normative resources. The first, which may seem obvious, but remains nonetheless important, is that it goes beyond the realm of supererogation. While assistance is often equated with simple generosity or a kind of moral extra which anyone is free to practice or not, Kant affirms its morally obligatory character. Those who adopt the maxim of beneficence are not going ‘beyond duty’. They are not doing something that is good, but that it would actually not be bad not to do. Those who adopt the maxim of beneficence fulfil their moral duty, and it would be morally blameworthy for them not to do so. Admittedly – and we will come back to this later – Kant recognizes that it is morally permissible to choose how to fulfil one’s duty of beneficence, and hence what specific actions of beneficence to perform. The duty of beneficence is said to be wide in that it does not indicate with any precision in what way and to what extent it ought to be fulfilled. Still, it is not morally permissible ‘to make exceptions to the maxim of actions’ (MM 6: 390) – that is, to impose on others the adoption of the maxim of beneficence, while allowing oneself to act on the maxim of indifference to the needs of others – since, as we have seen, a maxim cannot oblige unless it possesses the universality of a law. The transgression of wide duties becomes a vice when we ‘make it [our] principle not to comply with such duties’ (ibid.), as when, for example, we erect the principle of non-beneficence into our principle of action and refuse to make the happiness of others our own end.

In his groundbreaking article ‘Famine, Affluence, and Morality’, Peter Singer clearly highlights the urgency to revise our conceptual scheme and to regard assistance to those in extreme need as a matter of moral duty rather than as a matter of supererogation (Singer 1972: 235–6). It must be admitted that Singer’s conception of the duty of assistance is on several points irreconcilable with Kant’s – most notably because it makes it a duty to perform specific actions

of beneficence (such as giving money to charities), and not only to act on the maxim of beneficence, not to mention his utilitarian claim that ‘we ought to give until we reach the level of marginal utility – that is, the level at which, by giving more, I would cause as much suffering to myself or my dependents as I would relieve by my gift’ (Singer 1972: 241). But the point on which Singer agrees with Kant is that helping people in extreme need is neither optional nor merely good, but is everyone’s moral duty.

This leads us to a second aspect of the Kantian conception of the duty of beneficence which deserves to be emphasized, namely its universality: ‘the maxim of benevolence (practical love of human beings) is a duty of all human beings toward one another, whether or not one finds them worthy of love’ (MM 6: 450). Since the duty of beneficence is ultimately grounded in certain characteristics inherent to the very human condition, its scope can have no principled geographical, political, or cultural limitations. The practical love of human beings is a universal duty because human beings are all identical in respect of the features that prevent the maxim of non-beneficence from being universalized: they are all equally ‘rational beings with needs, united by nature in one dwelling place so that they can help one another’ (MM 6: 453). Certainly, it may be easier to respond to the needs of those who are geographically or emotionally closer. We may be in a better position to identify their true needs and to respond to them effectively. But what justifies our duty to help them in the first place is not our geographical or emotional proximity, but rather the impossibility for rational finite beings to will the maxim of non-beneficence to hold as a universal law, or to put in terms of the second derivation, what justifies the duty of beneficence is the recognition of the absolute value of humanity, and hence of every single human being.

A third strength of the Kantian conception of the duty of beneficence, which is brought into relief by the second derivation, is the emphasis it places on the greatness rather than the finitude of the poor. Admittedly, this claim calls for some nuance. It is true that there would be no occasion activating a duty of assistance if human beings were all invulnerable beings or beings without needs. It is also true that Kant’s first derivation of the duty of beneficence explicitly refers to the idea that ‘everyone who finds himself in need wishes to be helped by others’ (MM 6: 453) and that ‘many cases could occur in which one would need the love and sympathy of others’ (G 4: 423). However, the second derivation suggests that the duty of assistance is ultimately grounded not in the recognition of human finitude as such, but rather in the recognition of human dignity, that is, in the recognition that a human being is a rational being and possesses as such an unconditional value that must be respected and affirmed by everyone. Instead of being presented as passive victims, who are