THOMAS POGGE

REAL WORLD JUSTICE

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ABSTRACT. Despite a high and growing global average income, billions of human beings are still condemned to lifelong severe poverty with all its attendant evils of low life expectancy, social exclusion, ill health, illiteracy, dependency, and effective enslavement. We citizens of the rich countries are conditioned to think of this problem as an occasion for assistance. Thanks in part to the rationalizations dispensed by our economists, most of us do not realize how deeply we are implicated, through the new global economic order our states have imposed, in this ongoing catastrophe. My sketch of how we are so implicated follows the argument of my book, *World Poverty and Human Rights*, but takes the form of a response to the book's critics.

KEY WORDS: causal explanation, development economics, global resources dividend, harm, human rights, inequality, justice, negative duties, world poverty, WTO

Can normative theories about global justice benefit from empirical theories? This is a rhetorical question – no one seriously argues that we should think about global justice in ignorance of the facts. And the question is also a bit tendentious, prodding us philosophers (heads in the clouds or buried in sand) to pay more attention to the real world as presented, most relevantly, by development economists.

I agree that many philosophers working on global justice know too little about the real world, but I also believe that we should absorb the theories delivered by economists with a great deal of caution. A prominent concept in economics is that of *homo economicus*, an individual who, single-mindedly and rationally, seeks optimally to satisfy his preferences. Such imaginary creatures are not good approximations of persons in the real world. But, as various studies have shown, they do approximate pretty well the kind of people we find in business schools and economics departments – people who cannot comprehend how it could possibly make sense to tip a waiter in a place one does not intend to revisit.

Insofar as they approximate the ideal type *homo economicus*, the work economists do – what they study and how they study it – will be driven by their career goals. These goals will rarely be served by propagating falsehoods and fallacies. But they will be served by propagating truths that are supportive, in preference to truths that are subversive, of the position and policies of those in power. While economists like to present themselves as disinterested scientists, they function today more typically as ideologists for our political and economic "elites" – much like most theologians did in an earlier age. For a nice illustration of this, just look at *The Economist* (March 11, 2004), which gives rather absurd arguments for the claims that global inequality is not increasing and that, in any case, global inequality and poverty are "not a question of justice." Or look at the work of development economists, from Amartya Sen to the Chicago School, which is overwhelmingly focused on relating the persistence of severe poverty to local causes – bad governance, sexist culture, geography, and much else – while leaving unstudied the huge impact of the global economic order on the incidence of poverty worldwide. Unfortunately, in this domain we cannot just learn and benefit from the theories of the experts. We must think for ourselves and, as best we can, become experts.

With this preamble, let me proceed to lay out the empirically informed view on global justice I have been defending. In an attempt to render this exercise interesting to those familiar with my work, I present my view in the form of a response to some of its critics.

1. The Central Claim

In a recent book,[1] I have claimed that we – the more advantaged citizens of the affluent countries – are actively responsible for most of the life-threatening poverty in the world. The book focuses on the 15 years since the end of the Cold War. In this period, billions of people have suffered greatly from poverty-related causes: from hunger and malnutrition, from child labor and trafficking, from lack of access to basic health care and safe drinking water, from lack of

[1] Thomas W. Pogge, *World Poverty and Human Rights: Cosmopolitan Responsibilities and Reforms* (Cambridge: Polity Press, 2002).

shelter, basic sanitation, electricity, and elementary education.[2] Some 18 million people have died prematurely each year from poverty-related causes, accounting for fully one third of all human deaths. This 15-year death toll of 270 million is considerably larger than the 200-million death toll from all the wars, civil wars, genocides and other government repression of the entire 20th century combined.[3]

[2] Among 6133 million human beings (2001), about 799 million are undernourished [UNDP, *Human Development Report 2003* (New York: Oxford University Press, 2003), p. 87]; 880 million have no access to basic medical care [UNDP, *Human Development Report 1999* (New York: Oxford University Press, 1999), p. 22]; 1000 million lack access to safe drinking water (UNDP, *Human Development Report 2003*, p. 9); 1000 million lack adequate shelter and 2000 million have no electricity [UNDP *Human Development Report 1998* (New York, Oxford University Press, 1998), p. 49]; 2400 million lack basic sanitation (UNDP: *Human Development Report 2003*, p. 9); and 876 million adults are illiterate (UNDP, *Human Development Report 2003*, p. 6). Some 250 million children (aged 5–14) do wage work outside their family, 8.4 million of them in the "unconditionally worst" forms of child labor, "defined as slavery, trafficking, debt bondage and other forms of forced labor, forced recruitment of children for use in armed conflict, prostitution and pornography, and illicit activities" [International Labour Organisation, *A Future without Child Labour* (Geneva: International Labor Office, 2002, www.ilo.org/public/english/standards/decl/publ/reports/report3.htm)]. Females and people of color are heavily overrepresented in all these horrifying statistics (UNDP, *Human Development Report 2003*, pp. 310–330).

[3] This includes World War Two (1939–45: 50 million), repression and mismanagement under Mao (1949–75: 46 million), Stalin's repression (1924–53: 20 million), World War One (1914–18: 16 million), the Russian Civil War (1917–22: 9 million), the devastation visited on Congo Free State (1886–1908: 5 million), the post-war expulsion of Germans from Eastern Europe (1945–47: 3 million), KMT repression (1928–37: 3 million), the Korean War (1950–53: 2.8 million), the Vietnam War (1960–75: 2.5 million), North Korean repression (since 1948: 2 million), the Biafra/Nigeria civil war (1966–70: 2 million), Pakistani repression in Bangla Desh (1971: 2 million), the Cambodia genocide (1975–78: 1.6 million), the civil war in the Sudan (since 1983: 1.5 million), the recent wars in the Congo (since 1998: 1.5 million), the Afghan wars (1979–2001: 1.4 million), the wars and civil wars in Rwanda and Burundi (1959–95: 1.2 million), the Armenian Genocide (1915–23: 1 million), the Mexican Revolution (1910–20: 1 million), the sanctions against Iraq (1990–2003: 1 million), the civil wars in Somalia (since 1991: 1 million), the Iran/Iraq war (1980–88: 0.9m), the partition of India (1947: 0.5 million), Suharto's coup in Indonesia (1965–66: 0.5 million), the civil war in Angola (1975–95: 0.5 million) and 259 other mega-death events of violence and repression. See http://users.erols.com/mwhite28/war-1900.htm for the figures and the relevant literature supporting them.

Some critics maintain that these problems are peanuts compared to the bad old days when a large majority of humankind was poor.[4] In 1820, they tell us, 75% of humankind were living below the World Bank's "$1/day" poverty line, while today this percentage is only 20%. (This poverty line is defined in terms of the purchasing power that a monthly income of $32.74 had in the year 1993.[5] In 2004, this line corresponds to the purchasing power of $500 *per year* in the United States.[6]) According to these critics, what is remarkable about world poverty is how very little of it there still is today.

I disagree. For one thing, it is quite inappropriate to use percentages for the comparison. The killing of a given number of people does not become morally less troubling the more world population increases. What matters morally is the *number* of people in extreme poverty. In 1820, this number was about 750 million (75% of about one billion).[7] In 1998, this number was nearly 1200 million.[8] Since 1820, the number of extremely poor people has thus increased by over 50%, while the number of people living below the World Bank's more reasonable "$2/day" poverty line has tripled.[9] Moreover, severe poverty was quite hard to avoid in 1820, because even the average purchasing power of incomes worldwide barely reached the World Bank's higher poverty line. Today, by contrast, the average purchasing power of incomes worldwide is well over 10 times that level, and severe poverty is entirely avoidable. We are not avoiding it only because of the fantastic increase in inequality.[10]

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[4] Notably Gerald Gaus, "Radio Interview on Pogge's *World Poverty and Human Rights*" on *Ideas and Issues* (WETS-FM), 19 January 2003 (www.etsu.edu/philos/radio/gaus-wphr.htm); and Mathias Risse, "Do We Harm the Global Poor?," presentation at *Author Meets Critics* session at the Eastern Division Meeting of the American Philosophical Association, 30 December 2003 (http://ksghome.harvard.edu/~.mrisse.academic.ksg/papers_Philosophy.htm).

[5] Shaohua Chen and Martin Ravallion: "How Did the World's Poorest Fare in the 1990s?," *Review of Income and Wealth* 47 (2001), p. 285.

[6] See www.bls.gov/cpi/home.htm.

[7] See www.census.gov/ipc/www/worldhis.html.

[8] Chen and Ravallion: "How Did the World's Poorest Fare in the 1990s?" p. 290; cf. www.worldbank.org/research/povmonitor for later figures.

[9] To 2812 million (Chen and Ravallion, "How Did the World's Poorest Fare in the 1990s?," p. 290); see www.worldbank.org/research/povmonitor.

[10] The ratio in average income between the fifth of the world's people living in the highest-income countries and the fifth living in the lowest income countries "was 74

My main claim is then that, by shaping and enforcing the social conditions that foreseeably and avoidably cause the monumental suffering of global poverty, we are *harming* the global poor – or, to put it more descriptively, we are active participants in the largest, though not the gravest, crime against humanity ever committed. Adolf Hitler and Joseph Stalin were vastly more evil than our political leaders, but in terms of killing and harming people they never came anywhere near causing 18 million deaths per year.

Most of my readers believe that this claim is obviously mistaken, if not preposterous. Perhaps for this reason, they pay little attention to the structure and details of the case I am building. Instead, they present various general conjectures about what my mistake may be. They suggest that I am making *conceptual* mistakes by re-labeling as harm what are really failures to aid and protect.[11] They suggest that I am *factually* wrong about the causal explanation of severe poverty or confused about the counterfactuals to which I compare the world as it is.[12] They suggest that I am *morally* wrong by presenting as minimal certain moral requirements that are actually excessively demanding.[13] These criticisms are worth addressing, and I will

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to 1 in 1997, up from 60 to 1 in 1990 and 30 to 1 in 1960. [Earlier] the income gap between the top and bottom countries increased from 3 to 1 in 1820 to 7 to 1 in 1870 to 11 to 1 in 1913" (UNDP: *Human Development Report 1999*, p. 3; see also p. 38). The trend is no more encouraging when one compares the incomes of households worldwide via purchasing power parities: Over a recent five-year period, "world inequality has increased ... from a Gini of 62.8 in 1988 to 66.0 in 1993. This represents an increase of 0.6 Gini points per year. This is a very fast increase, faster than the increase experienced by the United States and United Kingdom in the decade of the 1980's. ... The bottom 5% of the world grew poorer, as their real incomes decreased between 1988 and 1993 by 25%, while the richest quintile grew richer. It gained 12% in real terms, that is it grew more than twice as much as mean world income (5.7%)" [Branko Milanovic, "True World Income Distribution, 1988 and 1993: First Calculation Based on Household Surveys Alone," *The Economic Journal* 112 (2002), p. 88, see www.blackwellpublishers.co.uk/specialarticles/ecoj50673 pdf].

[11] Gaus: "Radio Interview on Pogge's *World Poverty and Human Rights*;" Alan Patten, "Remarks on Pogge's *World Poverty and Human Rights*" at Author Meets Critics session at the Eastern Division Meeting of the American Philosophical Association, 30 December 2003.

[12] Gaus, "Radio Interview on Pogge's *World Poverty and Human Rights*"; Debra Satz, "Comments on Pogge's *World Poverty and Human Rights*" at Author Meets Critics session at the Eastern Division Meeting of the American Philosophical Association, 30 December 2003.

[13] Patten, "Remarks on Pogge's *World Poverty and Human Rights*."

address many of them in the context of explaining the main lines of argument in the book.

2. Positive Duties

Before doing this, I should dispose of one misunderstanding. My book seeks to show how existing world poverty manifests a violation of our *negative* duties, our duties not to harm. To show this, I leave positive duties aside. I do not assert that there are no positive duties, or that such duties are feeble. Rather, I avoid claims about positive duties so as to make clear that my case does not depend on such claims. My focus is solely on duties not to harm as well as on duties to avert harms that one's own past conduct may cause in the future.

Duties of this last kind – to avert harms that one's past conduct may cause in the future – do not fit well into the conventional dichotomy of positive and negative duties. They are positive insofar as they require the agent to do something and also negative insofar as this requirement is continuous with the duty to avoid causing harm to others. One might call them intermediate duties, in recognition also of their intermediate stringency. My focus is exclusively on negative and intermediate duties, and thus on harm we are materially involved in causing rather than on all the harm people suffer.

This focus is motivated by the belief that negative and intermediate moral duties are more stringent than positive ones. For example, the duty not to assault people is more stringent than the duty to prevent such assaults by others. And, having assaulted another, the attacker has more reason to ensure that his victim's injuries are treated than a bystander would. Suggesting these views in the book, I do assume something about positive duties after all. But this is meant to be a very weak assumption, accepted not merely by libertarians but by pretty much all, except act-consequentialists. I do *not* assume that any negative or intermediate duty is more stringent than all positive duties. Rather, I assume that negative and intermediate duties are more stringent than positive duties *when what is at stake for all concerned is held constant.*[14] I go to some length to stress that I do *not* believe the absurdity some critics[15] have attributed to me: namely that *any* negative duty, including the duty to refrain from doing some

[14] Pogge, *World Poverty and Human Rights*, p. 132.

[15] Notably Satz, "Comments on Pogge's *World Poverty and Human Rights*."

small harm, is more stringent than *every* positive duty, including the duty to rescue thousands of children.[16]

Now if negative duties (not to harm) and intermediate duties (to avert harms that one's past conduct may cause in the future) are indeed more stringent than positive duties, then it could be misleading to appeal only to positive duties when duties of the other two kinds are also in play. Consider a corporation polluting a river with dire consequences for the health of many. One might ask this corporation, along with other businesses in the region, to help reduce that problem through donations toward purchasing pollution control equipment and toward paying for medical treatment of those sickened by the pollution. This sort of request may be politically opportune. But it also misleadingly suggests that the polluting corporation is morally in the same boat as the other potential donors: helping out for a good cause, pursuant to an imperfect positive duty of occasional charity. In fact, these two points are related. What makes such a plea in the positive-duty idiom politically opportune (when it is so) typically is precisely the misleading suggestion that its addressees have no negative and intermediate duties to forestall the harm they are being asked to help mitigate.

One may well think that being misleading is a very small price to pay for political success against the catastrophic problem of world poverty. But, for better or worse, it does not seem that we are actually facing this choice. The appeal to positive duties has been well presented by Peter Singer, Henry Shue, Peter Unger, and others.[17] If citizens in the affluent countries were minimally decent and humane, they would respond to these appeals and would do their bit to eradicate world poverty. If they did this, my argument would be of much less interest and importance, and I might not see the need to elaborate it at such length. As it is, I see it as my best chance to

[16] I repeatedly warn against this misunderstanding in formulations such as this: "I hope I have made clear enough that this is not presented as a strict, or lexical, hierarchy: It is generally acknowledged that a higher moral reason can be outweighed by a lower, if more is at stake in the latter" (Pogge, *World Poverty and Human Rights*, p. 240, note 207; see also p. 132 and p. 241, note 216).

[17] Peter Singer, "Famine, Affluence and Morality," *Philosophy and Public Affairs* 1 (1972), pp. 229–243; Henry Shue, *Basic Rights: Subsistence, Affluence, and U.S. Foreign Policy* (Princeton: Princeton University Press, 1980); and Peter Unger, *Living High and Letting Die: Our Illusion of Innocence* (Oxford, Oxford University Press, 1999).

contribute to ending or reducing the immense deprivations we affluent are now inflicting upon the global poor.

I also see my argument as essential to an accurate portrayal of how we affluent citizens of the rich countries are morally related to those deprivations. Yes, we are able to alleviate them, and, seeing how cheaply this can be done, we surely have positive duties to do so. But because we are also implicated, with many others, in shaping and enforcing the social institutions that produce these deprivations, and are moreover benefiting from the enormous inequalities these unjust institutions reproduce, we have much more stringent duties to seek to reform these social institutions and to do our fair share toward mitigating the harms they cause.

3. An Ecumenical Approach to Demonstrating Harm

Let us now look at the arguments of the book. The case I seek to build is broadly ecumenical. I am trying to convince not merely the adherents of some particular moral conception or theory – Lockeans or Rawlsians or libertarians or communitarians, for example. Rather, I am trying to convince the adherents of *all* the main views now alive in Western political thought. This ambition makes the task much harder, because I must defend my conclusion on multiple fronts, fielding parallel arguments that address and appeal to diverse and often mutually incompatible moral conceptions and beliefs.

This ecumenical strategy has been confusing to some who complain that I am unclear and inconsistent about the baseline relative to which the global poor are supposedly harmed by existing institutional arrangements.[18] They are right that I do not provide a single consistent such baseline. But they are wrong to see this as a flaw. If I want to convince readers with diverse ideas about morality and justice, then I must support my conclusions with diverse arguments. And these may have to appeal to diverse baselines. A state-of-nature baseline is relevant to a reader with Lockean or Nozickian views. But a Rawlsian will reject such a baseline, insisting that the existing distributional profile should be compared to the profiles achievable under alternative feasible institutional arrangements. To satisfy

[18] Notably Satz, "Comments on Pogge's *World Poverty and Human Rights*," and Patten, "Remarks on Pogge's *World Poverty and Human Rights*."

readers of both kinds, I need to give different arguments to them, each with a different baseline. This is more work, to be sure. But the pay-off is that my case cannot justifiably be dismissed as dependent on some partisan moral premises or theory which readers may feel free to reject.

The ecumenical strategy is broadest and most explicit in the final chapter, which argues for a global resources dividend (GRD). My first step there is to show that our world is pervaded by what, following Tom Nagel,[19] I call "radical inequality":

(1) The worse-off are very badly off in absolute terms.
(2) They are also very badly off in relative terms – very much worse-off than many others.
(3) The inequality is impervious: It is difficult or impossible for the worse-off substantially to improve their lot; and most of the better-off never experience life at the bottom for even a few months and have no vivid idea of what it is like to live in that way.
(4) The inequality is pervasive: It concerns not merely some aspects of life, such as the climate or access to natural beauty or high culture, but most aspects or all.
(5) The inequality is avoidable: The better-off can improve the circumstances of the worse-off without becoming badly off themselves.

I go on to assume that most of my readers demand more than the fact of radical inequality between us and the global poor as proof that we are *harming* them. I also assume that different readers differ on the question of what is missing. To satisfy more readers, I present *in parallel* three second steps of the argument, each of which shows in a different way that the existing radical inequality involves us in harming the global poor. All three strands of the argument lead to the conclusion that today's massive and severe poverty manifests a violation by the affluent of their negative duties: an immense crime in which we affluent citizens of the rich countries (as well as the political and economic "elites" of most poor countries) are implicated.

[19] Thomas Nagel, "Poverty and Food: Why Charity Is Not Enough," in Peter Brown and Henry Shue (eds.), *Food Policy: The Responsibility of the United States in the Life and Death Choices* (New York: The Free Press, 1977).

4. Engaging Historical Conceptions of Social Justice

In one strand of the argument I invoke the effects of a common and violent history. The present world is characterized not only by radical inequality as defined, but also by the fact that "the social starting positions of the worse-off and the better-off have emerged from a single historical process that was pervaded by massive grievous wrongs."[20] I invoke these historical facts specifically for readers who believe that it matters morally how radical inequality has evolved. Most of the existing international inequality in standards of living was built up in the colonial period when today's affluent countries ruled today's poor regions of the world: trading their people like cattle, destroying their political institutions and cultures, and taking their natural resources. In 1960, when the colonizers finally left, taking what they could and destroying much else, the inequality in *per capita* income between Europe and Africa had grown to 30:1, and vast inequalities existed also in education, health-care, infrastructure, and legal and political organization. These inequalities greatly disadvantaged Africans in their dealings with governments and corporations of the affluent countries. This disadvantage helps explain why the Europe/Africa inequality in *per capita* income has since risen to 40:1. But even if *per capita* income had, since 1960, increased a full percentage point more each year in Africa than in Europe, this inequality would still be 20:1 today and would be fully erased only early in the 24th century.

Readers attracted to historical-entitlement conceptions of justice disagree about the conditions an historical process must meet in order for it to justify gross inequalities in life chances. On this point, I can once more afford to be ecumenical. The relevant historical crimes were so horrendous, so diverse, and so consequential that no historical-entitlement conception could credibly support the conclusion that our common history was sufficiently benign to justify even the radical inequalities in starting positions we are witnessing today.

In short, then, upholding a radical inequality counts as harming the worse-off when the historical path on which this inequality arose is pervaded by grievous wrongs. "A morally deeply tarnished history must not be allowed to result in *radical* inequality."[21] This is the moral rationale behind Abraham Lincoln's 40-acres-and-a-mule

[20] Pogge, *World Poverty and Human Rights*, p. 203.

[21] Pogge, *World Poverty and Human Rights*, p. 203.

promise of 1863, which of course was quickly rescinded. And it is the rationale for saying that we are not entitled to the huge advantages we enjoy from birth over the global poor, given how these inequalities have been built up.

Some critics may seem to address this strand of the argument when they point out that the radical inequality between Europe and Africa might have come about even without colonialism.[22] Perhaps Europe could have "taken-off" even without slavery and stolen raw materials, and perhaps the resulting inequality would then have been equally great. In the absence of conclusive proof that, without the horrors of European conquest, severe poverty worldwide would be substantially less today, Risse suggests, we are entitled to keep and defend what we possess, even at the cost of millions of deaths each year (I wonder if he would make the same argument against the 40-acres-and-a-mule proposal).

As a response to the first strand of the argument, this complaint is irrelevant. The first strand addresses readers who believe that the *actual* history *is* relevant. These readers will say: "Yes, if things had transpired as in Risse's hypothetical, then the citizens of the affluent countries might not, by upholding the radical inequality, be harming the global poor. But this has no bearing on whether such upholding of radical inequality constitutes harm in the *actual* world with its *actual* history."

Still, Risse's complaint resonates with other readers who believe that it is permissible to uphold an economic distribution if merely it *could* have come about on a morally acceptable path. It is such readers that the second strand of my argument addresses. To be sure, *any* distribution, however skewed, *could* have been the outcome of a sequence of voluntary bets or gambles. Appeal to *such* a fictional history would "justify" *anything* and would thus be wholly implausible. John Locke does much better, holding that a fictional history can justify the status quo only if the changes in holdings and social rules it involves are ones that all participants could have rationally agreed to. He also holds that in a state of nature persons would be entitled to a proportional share of the world's natural resources. He thus makes the justice of any institutional order depend on whether

[22] Notably Risse, "Do We Harm the Global Poor?"

the worst-off under it are at least as well off as people would be in a Lockean state of nature with a proportional resource share.[23] Locke held, implausibly, that this condition was fulfilled in his time, claiming that "a King of a large fruitful territory [in the Americas] feeds, lodges, and is clad worse than a day Laborer in England."[24] I argue that this condition is *not* fulfilled for the global poor today who, living below even the day laborers in Locke's England, are coercively denied "enough and as good"[25] of the world's natural resources without having access to an equivalent substitute.

Readers inclined to a Lockean conception disagree about the relevant state-of-nature baseline that determines how bad the worst social starting positions imposed by a just social order may be. On this question I can once more be ecumenical. However one may want to imagine a state of nature among human beings on this planet, one could not realistically conceive it as producing an enduring poverty death toll of 18 million annually. Only a thoroughly organized state of civilization can sustain horrendous suffering on such a massive scale.

Catering to Lockeans, the second strand of my argument invokes the uncompensated exclusion of the worse-off from a proportional share of global resources: The present world is characterized not merely by radical inequality as defined, but also by the fact that "the better-off enjoy significant advantages in the use of a single natural resource base from whose benefits the worse-off are largely, and without compensation, excluded."[26] The better-off – we – are *harming* the worse-off insofar as the radical inequality we uphold excludes the global poor from a proportional share of the world's natural resources and any equivalent substitute.

The point I was making about Locke is quite similar to one Debra Satz puts forth in a tone of criticism. For Locke, she says, "property rights, however acquired, do not prevail in the face of desperate need" because "everyone has an original pre-appropriation claim-right to an adequate subsistence from the resources of the world."[27] This is correct, although the poor can really have a

[23] See Pogge, *World Poverty and Human Rights*, pp. 16, 137–139, and 202–203, for a fuller reading of Locke's argument.

[24] John Locke, "An Essay Concerning the True Original, Extent, and End of Civil Government" [1689], in Peter Laslett (ed.), *John Locke: Two Treatises of Government* (Cambridge: Cambridge University Press, 1960), §41, see §37.

[25] Locke, *Two Treatises of Government*, §27, §33.

[26] Pogge, *World Poverty and Human Rights*, p. 202.

[27] Satz, "Comments on Pogge's *World Poverty and Human Rights*," p. 16.

claim only to a proportional resources share, not to adequate subsistence, because there may simply not be enough to go around. But why does Satz speak in this context of a "*positive* 'property right' of the needy in the means of subsistence"?[28] What *are* positive as opposed to negative property rights? Does Satz want to say that we affluent have merely a positive duty toward the needy? This would suggest that our property rights do prevail after all – that our assets are ours though we ought to give away some. But Satz correctly presents Locke as rejecting this picture: We affluent have *no* rights to property, however acquired, in the face of the excluded. Rather, *they* have a right to what we hold. When we prevent them from exercising this right – when we deprive them of what is justly theirs – then we violate this original right of the poor and we harm them. In this way it is a violation of a *negative* duty to deprive others of "enough and as good" – either through unilateral appropriations or through institutional arrangements such as a radically inegalitarian property regime.[29]

Let me sum up the first two strands of the argument. These strands address readers for whom the justice of the present economic distribution or of present economic arrangements turns on their actual or imaginable history. I conclude that such conceptions of justice cannot justify the status quo. One may try to justify the coercively upheld radical inequality today by appeal to the historical process that *actually* led up to it. But this appeal fails because the actual historical process is massively pervaded by the most grievous wrongs. Alternatively, one may try to justify this coercively upheld radical inequality by appeal to some morally acceptable *fictional* historical process that *might* have led to it. On Locke's permissive version of this account, some small elite may appropriate all, or almost all, of the huge cooperative surplus produced by modern social organization. But such an elite must not enlarge its share even further by reducing the poor below the state-of-nature baseline so that this elite's share of the cooperative surplus is actually more than 100% and the share of the poor correspondingly less than zero. As it is, the citizens and governments of the affluent states are violating this negative duty when

[28] Satz, "Comments on Pogge's *World Poverty and Human Rights*," p. 16.

[29] This is argued at length in Pogge, *World Poverty and Human Rights*, Chapter 5.

we, in collaboration with the ruling cliques of many poor countries, coercively exclude the global poor from a proportional resource share and any equivalent substitute.

5. Engaging Broadly Consequentialist Conceptions of Social Justice

Most contemporary theorists of justice endorse neither of these historical views. Instead, they hold that an economic order and the economic distribution it shapes should be assessed by its foreseeable effects against the background of its feasible alternatives. Thus Rawls considers a domestic economic order to be just if it produces fair equality of opportunity across social classes and no feasible alternative to it would afford better prospects to the least advantaged.

The third strand of my argument addresses such broadly consequentialist conceptions which invoke the effects of shared social institutions. The present world is characterized not only by radical inequality as defined, but also by the following facts:

> There is a shared institutional order that is shaped by the better-off and imposed on the worse-off. This institutional order is implicated in the reproduction of radical inequality in that there is a feasible institutional alternative under which so severe and extensive poverty would not persist. The radical inequality cannot be traced to extra-social factors (such as genetic handicaps or natural disasters) which, as such, affect different human beings differentially.[30]

When these further facts obtain, so I claim, then the better-off – we – are *harming* the worse-off insofar as we are upholding a shared institutional order that is *unjust* by foreseeably and avoidably (re)producing radical inequality.

Now there are many different such broadly consequentialist conceptions of justice which judge an institutional order by comparing its distributional effects to those its feasible alternatives would have. These conceptions differ along three dimensions. They differ in how they characterize the relevant affected parties (groups, persons, time-slices of persons, etc.). They differ about the metric for assessing relevant effects (social primary goods, capabilities, welfare, etc.). And they differ about how to aggregate relevant effects across affected parties. Once again, my response to such diversity is ecumenical. I am trying to specify very minimal conditions of justice that are widely

[30] Pogge, *World Poverty and Human Rights*, p. 199.

accepted. Most broadly consequentialist theorists agree that a national economic order is unjust when it leaves social and economic human rights unfulfilled on a massive scale even while there is a feasible alternative order under which these human rights would be much better realized. Most theorists would demand more, of course. But I need no more for my purpose, because our global economic order does not even meet the very weak requirements that form the common core of the various broadly consequentialist theories of economic justice defended today.

Keeping in mind this background as well as the remarks on positive duties in Section 2, we can now address various misreadings of my account of human rights. I understand human rights, within the context of broadly consequentialist conceptions of justice, primarily as weighty moral claims on social institutions. An institutional order is human-rights violating when it foreseeably gives rise to greater insecurity in access to the objects of human rights (physical integrity, freedom of movement, adequate nutrition, etc.) than would be reasonably avoidable through an alternative feasible institutional design. Moral claims *on* social institutions are also, indirectly, moral claims *against* those who participate in designing and upholding these social institutions: Such agents, too, are violating human rights by imposing an institutional order under which access to the objects of human rights is foreseeably and avoidably insecure for some or all participants. I hold that most of the avoidable global underfulfillment of human rights today can be traced back to the design of the global institutional order: Had the avoidance of severe poverty been a priority in the redesign this order has undergone in the early 1990's, then most of that current global underfulfillment of human rights could have been averted.

Can an individual or collective agent violate human rights directly, for example through torture – irrespective of whether there is an institutional order and, if so, of whether this order is just or unjust? I have been reluctant to answer this question affirmatively because I believe that the common use of the expression "human rights" is restricted to crimes that are in some sense official in character. I have been criticized for this reluctance on the ground that it is surely no worse to participate in the imposition of an institutional scheme under which people get tortured than to torture people directly (holding constant what is at stake for the agents and their victims). I completely agree with this substantive point. My reluctance was based not on any

comparative moral judgment, but on common usage. Still, I do not object to calling ordinary crimes of torture, rape, etc., human rights violations. In any case, this terminological issue is irrelevant to my work, which is focused specifically on human rights violations committed by means of imposing institutional arrangements that foreseeably produce greater serious insecurity in access to the objects of human rights than would be reasonably avoidable.

Can an individual or collective agent violate human rights passively, by failing to protect people threatened by violence or starvation even when this could be done safely, easily, and at low cost? Human rights are in principle enforceable, so the answer can be affirmative only in cases where it is morally permissible for some other agent to use some coercive means to force the relevant individual or collective to protect the people under threat. In addition, the right to be protected must be general and important enough to qualify as (part of) a human right. Finally, there are two terminological issues to consider. As pointed out, I have been reluctant to apply the language of human rights to ordinary crimes such as a private citizen's refusal to toss a life preserver to a drowning swimmer. Moreover, with regard to passive failures to protect that are official in character, I have proposed that we classify them as *official disrespect* for human rights, but not as human rights *violations*, in order to recognize the moral significance of the passive/active distinction.

I adduce three reasons in support of my plea. One is common usage. The notion of a human rights violation has an active ring and is thus not a fitting label for someone's failure to protect others when she had no role in causing their urgent need for such protection.

It might seem desirable to stretch common usage so as to include certain failures to protect under this notion. But such a move might well be counterproductive with respect to that large number of human beings who – though they know about hunger and torture abroad and do not doubt that, with a bit of research, they could contribute to an effective protection effort – never do anything toward protecting foreigners in great distress.

Moreover, in the world as it is, we can make a more forceful appeal to these people without stretching language. Conceding that they are not human rights violators for passively ignoring even the most vital needs of others, we can still point out that nearly all of them are human rights violators through their uncompensated participation in the imposition of a global institutional order that, foreseeably and

avoidably, reproduces a huge excess in human rights underfulfillment. In our world, most of the avoidable underfulfillment of human rights would be avoided if the global institutional order imposed by the affluent countries (in collaboration with many political elites in the developing world) were not so grievously unjust.

It is hard to deny that reasonably privileged citizens of the rich democracies share some responsibility for the global institutional order which their governments are shaping and upholding. But one can question whether this order is human-rights violating. If it is not, then participation in its imposition cannot constitute a human-rights violation either.

I believe, and will argue in the next section, that the present global institutional order is human-rights violating in that the underfulfillment of human rights is foreseeably much greater under this order than it would be under various feasible modifications thereof. If this is true, then it follows that the existing global order is unjust by the lights of all broadly consequentialist conceptions of social justice that recognize human rights as minimal constraints on the justice of social institutions: this order is unjust by foreseeably giving rise to a greater underfulfillment of human rights than would be reasonably avoidable. Uncompensated participation in the imposition of this order can then be said to be *harming* those whose human rights remain unfulfilled by helping to impose upon them unjust social institutions that contribute to their predicament.

In most ordinary contexts, the word "harm" is understood in an historical sense – either diachronically (someone is harmed when she is rendered worse-off than she was at some earlier time) or subjunctively (someone is harmed when she is rendered worse-off than she would have been had some earlier arrangements continued undisturbed). As we have seen, the second strand of my argument, operating on Lockean terrain, conceives harm in this ordinary way and then conceives justice in terms of harm: Prevailing economic arrangements and the present economic distribution are shown to be unjust in virtue of the fact that they harm many by forcing them below any credible state-of-nature baseline. It is worth stressing, then, that the third strand of my argument, catering to broadly consequentialist conceptions of social justice, does not, *pace* Satz,[31] conceive justice and injustice in terms of an independently specified notion of harm. Rather, this third strand

[31] Satz, "Comments on Pogge's *World Poverty and Human Rights*."

relates the concepts of *harm* and *justice* in the opposite way, conceiving harm in terms of an independently specified conception of social justice. On my ecumenical response to broadly consequentialist conceptions of social justice, we are *harming* the global poor if and insofar as we collaborate in imposing *unjust* social institutions upon them; and social institutions are certainly unjust if and insofar as they foreseeably give rise to large-scale avoidable underfulfillment of human rights.

Moreover, *pace* Patten,[32] this third strand of my argument is not addressed to libertarians, who indeed reject any non-historical, broadly consequentialist assessment of social institutions. Libertarians are addressed by the first and, to some extent, by the second strand. To be sure, the third strand, like the two others, is meant to support the conclusion that the immense catastrophe of world poverty manifests not merely the affluents' failure to fulfill their positive duties, but also, and more importantly, their massive violation of their negative duties. But the moral significance of this conclusion can be appreciated far beyond the confines of the libertarian school. Nearly everyone in the affluent countries would agree that our moral duty not to contribute to the imposition of conditions of extreme poverty on people and our moral duty to help protect people from harm in whose production we are implicated in this way are each more stringent than our moral duty to help protect people from harm in whose production we are not materially involved.[33]

As I try to implement the third strand of my argument, specifically for a human right to basic necessities, it involves three main tasks. I seek to show that it is, among broadly consequentialist conceptions, a minimal and widely acceptable demand of justice on all national institutional schemes that these must be designed to avoid life-threatening poverty insofar as this is reasonably possible. I then seek to show that this demand of justice applies not merely to any domestic institutional arrangements, but to the global order as well. And I must then show, thirdly, that there are feasible alternatives to the existing global institutional order under which life-threatening poverty would be wholly or largely avoided.

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[32] Patten, "Remarks on Pogge's *World Poverty and Human Rights*."

[33] These comparisons, once again, hold constant the cost or opportunity cost of the required conduct to the duty bearers as well as the reduction in harm it brings to the beneficiaries.

Task one is easy. There simply is no broadly consequentialist conception of social justice in the field that purports to justify, within one national society, radical inequality of the kind the world at large displays today. To be sure, Patten is right to point out that some libertarians (Robert Nozick) do purport to justify such extreme inequalities. But they do this by appeal to historical conceptions of social justice; and I have sketched my response to such justifications in the preceding section.

Task two involves a highly complex argument to which I cannot possibly do justice here.[34] So let me here concentrate on Task three, on which my critics have focused most of their attention.

6. The Causal Role of the Global Institutional Order in the Reproduction of Severe Poverty

Many critics believe that I see the global institutional order as *the main* cause of world poverty. And they respond that, in light of the incompetence, corruption, and oppression prevalent in so many poor countries, this claim is simply not credible or, at the very least, unsupported by empirical evidence. They are wrong on both counts.

Let us begin with a quick general reflection on causes. In the simplest cases, multiple causes *add up* to produce an effect. Thus the smoke in a bar is the sum of the smoke released by all the smokers. In the case of world poverty, however, the relation among causes is more complex in at least two ways. One complexity is that the different causes of poverty, such as global institutional factors and national policies, influence one another's effects.[35] How harmful corrupt leaders in poor countries are, for example, is strongly influenced by whether the global order recognizes such leaders, on the basis of effective power alone, as entitled to sell us their country's resources, to borrow in its name, and to use the proceeds to buy the means of internal repression.

Given this special complexity, it is not correct to identify my assertion that *most* severe poverty worldwide was and is avoidable through global institutional reform with the claim that the existing global institutional order is *the main* cause of world poverty. My

[34] See Pogge, *World Poverty and Human Rights*, Chapter 4, and Thomas W. Pogge, "The Incoherence between Rawls's Theories of Justice," *Fordham Law Review* 72(5) (2004), pp. 1739–1759.

[35] Discussion of the other complexity begins six paragraphs down.

assertion is perfectly compatible with the claim (which I also endorse) that most severe poverty worldwide was and is avoidable through better national policies and better social institutions in the poor countries. To put it simplistically, the interaction between the two sets of causal factors is not so much additive as multiplicative. The worse each set of factors is, the more it also aggravates the marginal harmful impact of the other.

But if, as development economists like to stress, most severe poverty worldwide was and is avoidable through better national policies and better social institutions in the poor countries, does this not show that our global institutional order is morally acceptable as it is? Am I not, as Patten put it,[36] demanding too much from ourselves, given that the ruling elites in the poor countries could also eradicate much poverty?

Now it is true that many of these elites are incompetent, corrupt, and oppressive. Failing, as badly as we are and often worse, to honor their negative duties not to harm, they are indeed responsible for most severe poverty worldwide. But this is quite compatible with the advantaged citizens in the rich countries also being responsible for most severe poverty worldwide. For it is equally true that most such poverty was and is avoidable through a better global institutional order. Given this basic symmetry, we cannot accept Patten's judgment that *we* should not be required to stop *our* contribution until *they* are ready to stop *theirs*. If this were right, then it would be permissible for two parties together to bring about as much harm as they like, each of them pointing out that *it* has no obligation to stop so long as the other continues.

The situation is roughly analogous to that of two upstream factories releasing chemicals into a river. The chemicals of each factory would cause little harm by themselves. But the mixture of chemicals from both plants causes huge harm downstream. In this sort of case, we must not hold each factory owner responsible for only the small harm he would be causing if the other did not pollute. This would leave unaccounted-for most of the harm they produce together and would thus be quite implausible. In a case of this kind, provided each factory owner knows about the effluent released by the other and can foresee the harmful effects they together produce, each owner bears responsibility for his marginal contribution, that is, for as much of the harm as would be avoided if he alone were not discharging his chemicals. Each factory owner is then responsible for most of the harm they jointly produce.

[36] Patten, "Remarks on Pogge's *World Poverty and Human Rights*."

Despite this symmetry in my causal account, my critics nonetheless have a point when they accuse me of explanatory globalism[37] (in analogy to the explanatory nationalism of which I am accusing the majority of development economists[38]). This accusation is accurate in that I *focus* much more on global than on national factors. I do this, because these are the factors that my readers and I are morally responsible for and because, not unrelatedly, these factors are grossly neglected by development economists of all stripes, by the media, and by the citizens of the affluent countries for whom I am writing.

And I have another reason for paying more attention to the causal role of global factors in the reproduction of massive severe poverty. This further reason depends on the second special complexity I mentioned earlier, which is that the causes of world poverty also influence one another. As the global institutional order *is shaped* by the political leaders of the most powerful countries, who in turn are selected and shaped by their domestic institutional arrangements, so the global institutional order powerfully *shapes* the national regimes especially of the weaker countries as well as the composition, incentives, and opportunities of their ruling elites. For example, corrupt rule in poor countries is made much more likely by the fact that our global order accords such rulers, on the basis of effective power alone, the international resource and borrowing privileges just described.[39] These privileges provide strong incentives to potential predators (military officers, most frequently) to take power by force and compel even the most well-intentioned rulers, if they want to maintain their hold on power, to allow such potential putschists corruptly to divert state revenues. The global order thus exerts a strong influence upon the weaker and poorer countries, which makes them considerably more likely to have corrupt and oppressive national regimes. Not all of them will have such regimes, of course, but many of them will, as is well-illustrated by Nigeria and many other developing countries in which the resource sector accounts for a large fraction of GDP.[40] This

[37] This accusation is due to Patten: "Remarks on Pogge's *World Poverty and Human Rights*," though he uses the less fitting term "explanatory cosmopolitanism."

[38] See Pogge, *World Poverty and Human Rights*, Section 5.3.

[39] See Pogge, *World Poverty and Human Rights*, Sections 4.9, 6.3, 6.4.

[40] See Ricky Lam and Leonard Wantchekon, "Dictatorships as a Political Dutch Disease" (www.library.yale.edu/socsci/egcdp795.pdf); Leonard Wantchekon, "Why Do Resource Dependent Countries Have Authoritarian Governments?" (www.yale.edu/leitner/pdf/1999-11.pdf, 1999).

is one *more* reason to focus on global factors – especially on those that affect the quality of national regimes in the poorer countries.

Let us now look at the evidence I have for believing that severe poverty is largely avoidable through global institutional reforms. Because the effects of sweeping reforms are harder to assess, I discuss in some detail several small reforms and their likely effects. In the WTO negotiations, the affluent countries insisted on continued and asymmetrical protections of their markets through tariffs, quotas, anti-dumping duties, export credits, and subsidies to domestic producers, greatly impairing the export opportunities of even the very poorest countries. These protections cost developing countries hundreds of billions of dollars in lost export revenues.[41] Risse believes these protections will be phased out. Let us hope so. Still, these protections certainly account for a sizable fraction of the 270 million poverty deaths since 1989.

7. Moderate and Feasible Reforms of the Global Institutional Order

Are there other feasible reforms of the existing global order through which severe poverty could be largely or wholly avoided? The reform I discuss in most detail involves a small change in international property rights.[42] In accordance with Locke's inalienable right to a proportional share of the world's resources or some adequate equivalent, this change would set aside a small part of the value of any natural resources used for those who would otherwise be excluded from a proportional share. I show how this GRD could comfortably raise 1% of the global social product specifically for poverty eradication. And I outline how these funds could be spent so as to provide strong incentives toward better government in the developing countries.

The proposed GRD in the amount of 1% of the global product would currently raise about $320 billion annually, or 86 times what all affluent countries combined are now spending on basic social services in the developing world. What sort of impact would this money have? Consider health care. The WHO Commission on Macroeconomics and Health, chaired by Jeffrey Sachs, has put the

[41] See Pogge, *World Poverty and Human Rights*, Section IV.

[42] See Pogge, *World Poverty and Human Rights*, Chapter 8.

cost of providing basic medical care in the developing world at $62 billion annually and has estimated that this initiative alone would prevent about 8 million deaths from poverty-related causes each year.[43] Another $20 billion could go to incentivize research into the so-called neglected diseases which, because they affect mostly the poor, are grossly under-researched thus far: hepatitis, meningitis, dengue fever, leprosy, sleeping sickness, Chagas disease, river blindness, leishmaniasis, Buruli ulcer, lymphatic filariasis, bilharzia, malaria, tuberculosis, and pneumonia. There would be money to give every human being access to clean water and electricity. There would be money for free nutritious meals in schools that children could attend free of charge (thanks to the International Monetary Fund, many schools in developing countries are now charging attendance fees). There would be money to subsidize micro-lending which has been highly effective in recent decades even while charging interest rates of around 20%. And there would be money to relieve the crushing debt burden – often accumulated under wholly undemocratic regimes – that is weighing down many of the poorest countries.[44]

Critics have worried about domestic cooperation. But how many governments would refuse the offer to spend large amounts of money in their country? Consider India, which has about 30% of the world's poor and currently receives about $1.7 billion annually in all kinds of official development assistance from all rich countries combined. Under the reform, some 96 billion dollars of GRD funds could be

[43] *The Economist* (22 December 2001), pp. 82–83.

[44] An especially dramatic example of this perverse consequence of the international borrowing privilege is played out in Rwanda:

> Perhaps there was no better reflection of the world's shabby treatment of post-genocide Rwanda than the matter of the debt burden incurred by the Habyarimana government. The major source of the unpaid debt was the weapons the regime had purchased for the war against the RPF, which had then been turned against innocent Tutsi during the genocide. ... incredibly enough, the new government was deemed responsible for repaying to those multilateral and national lenders the debt accrued by its predecessors. The common-sense assumption that Rwanda deserved and could not recover without special treatment and, that the debt would have been wiped out more or less automatically, had no currency in the world of international finance. Instead of Rwanda receiving vast sums of money as reparations by those who had failed to stop the tragedy, it in fact owed those same sources a vast sum of money. [International Panel of Eminent Personalities, *Rwanda: The Preventable Genocide*, 7 July 2000 (www.visiontv.ca/RememberRwanda/Report.pdf), Sections 17.30 and 17.33].

spent there, greatly benefiting also India's pharmaceutical industry, its agricultural sector, its construction firms, its minimum wage level, its unemployment rate, and its tax intake. India's politicians would be extremely eager to cooperate in securing India's share of the GRD funds.

The GRD, though it re-channels money from the consumers of resources to the global poor, is not, pace Satz,[45] a form of aid. It does not take away some of what belongs to the affluent. Rather, it modifies conventional property rights so as to give legal effect to an inalienable moral right of the poor. For libertarians, this is the right not to be deprived of a decent start in life through a grievously unjust historical process. For Locke, this is the pre-institutional right not to be excluded, without equivalent substitute, from a proportional share of the world's resources. For broadly consequentialist theorists of justice, this is the right not to have imposed upon one an institutional order that is unjust by virtue of the fact that under this order, foreseeably and avoidably, many human beings cannot meet their most basic needs.

Alan Patten claims that mine is just an exercise in re-labeling. But by assuming that I must really be calling for aid and assistance, he is begging the question I raise. Our moral failure in the face of world poverty is a mere failure to aid only if we really are morally entitled to the huge advantages we enjoy, from birth, under present institutional arrangements. And this is exactly what I am denying – by appeal to how our advantages arose historically, by appeal to Locke's resource-share criterion, and by appeal to the massive life-threatening poverty to which the existing global institutional order foreseeably and avoidably exposes the majority of humankind.

Patten worries that if the rich countries were to implement my proposals, they and their citizens would be unfairly disadvantaged *vis-à-vis* the elites of many poor countries who would continue to refuse to shoulder their fair share of the cost of eradicating global poverty.[46] The details of the GRD proposal show that no country could avoid the levy on resource uses without incurring even greater surcharges on their exports (and possibly imports as well). Still, Patten is right that some politically privileged people in poor countries (and some economically privileged people in rich countries!) will

[45] Satz, "Comments on Pogge's *World Poverty and Human Rights*."

[46] Patten, "Remarks on Pogge's *World Poverty and Human Rights*."

manage to contribute less than their fair share to the eradication of world poverty. What is baffling is how Patten can deem this unfairness a sufficient reason to release us from our duty to contribute.

I suspect he is once more tacitly assuming here that our relevant duty is a duty to aid and that the literature on fair sharing of the burdens of positive duties is therefore relevant. Perhaps one may indeed refuse to contribute one's fair share to a morally urgent aid project on the ground that others similarly placed successfully avoid contributing theirs. But appealing to this thought again assumes what I dispute: that the status quo involves us in violating only *positive* duties toward the global poor. Once it is accepted that we are violating our negative and intermediate duties toward the poor, Patten's postulated permission seems absurd. One may not refuse to bear the opportunity cost of ceasing to harm others on the ground that others similarly placed continue their harming. Thus, in particular, we are not entitled to go on inflicting harm upon the global poor on the ground that others (preditorial elites in the poor countries) are also continuing. Likewise, we may stop some from harming third parties, and compel some to mitigate harms they have caused, even when we are unable so to stop and to compel all who do harm in a similar way. Thus, in particular, we are no more barred from setting up a GRD by the fact that some of the affluent would unfairly escape its effects than we are barred from setting up a criminal-justice system by the fact that some crimes and criminals are unfairly neither prevented, nor deterred, nor punished. Yes, some will get away with murder or with enriching themselves by starving the poor. But this sad fact neither permits us to join their ranks, nor forbids us to reduce such crimes as far as we can.

Centre for Applied Philosophy and Public Ethics
Australian National University
Canberra ACT 0200
Australia
E-mail: tp6@columbia.edu