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Global Distributive Justice After Rawls: A Modified Poggean Argument for How We Harm the World's Poorest

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GLOBAL DISTRIBUTIVE JUSTICE AFTER RAWLS: A MODIFIED POGGEAN ARGUMENT FOR HOW WE HARM THE WORLD'S POOREST

A DISSERTATION SUBMITTED TO
THE FACULTY OF THE GRADUATE SCHOOL
IN CANDIDACY FOR THE DEGREE OF
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PROGRAM IN PHILOSOPHY

BY
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CHICAGO, ILLINOIS
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PREFACE

In 2004, I entered Loyola’s doctoral program in philosophy. I had just completed my undergraduate work at Bradley University. Majoring in mathematics at Bradley, I soon discovered philosophy through my choice of electives and added it as a second major. The philosophy program at Bradley was small, with two dedicated professors. The first philosopher I fell in love with was Heidegger, and I decided to pursue graduate work in continental philosophy.

Considering myself a continental philosopher and Heideggerian, as a graduate student at Loyola I also pursued another side of philosophy out of personal interest: social and political. Living in Chicago, Race Theory struck me as being particularly interesting and important, and it was on Charles Mills’ *Blackness Visible* that I wrote my Master’s paper. When I finished my coursework, I began discussing a dissertation on Heidegger with one of my professors; when she left the department, I took a step back to reconsider what my doctoral project would be.

As a senior at Bradley University, I had taken a philosophy seminar on cosmopolitanism. In it, my professor posed the question of whether it was just to buy a can of cola (such as the one he always had in hand), when that dollar could provide life-saving support to a needy child. Thinking through this at the time, I concluded that justice and morality were relative terms, and that those with the money made the rules. That basic question, however, stuck with me; as I continued into my graduate studies, I couldn’t shake the feeling that the money I was living on could be better spent saving the lives of others. I
soon began considering other ways that my actions impacted those around me: the environmental impact of the meat I consumed, the consequences of the runoff from pesticides and fertilizers used to grow the food I ate, the conditions of the factories where my clothes were produced.

I did not connect my lifestyle changes to philosophy until I began reconsidering my dissertation topic: could an argument be made that justified, or even demanded, that we live our lives with an eye to our impacts on others? In my pursuit of this question I came across the work of Thomas Pogge. As I considered the ways that this basic argument could take shape—that we have obligations to live our lives differently because of the ways that we harm others—I narrowed the scope of my dissertation to be an analysis and reformulation of Pogge’s main argument from *World Poverty and Human Rights*. As my research continues, I turn to the other implications of negative-duty arguments: How do we harm others through actions that we consider to be commonplace? How do the affluent within our own society harm the worst off within it? Is it possible for individuals today to live without harming others, and what are the implications if it is not?
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INTRODUCTION

In December of 2004, a tsunami struck the coast of Indonesia and other nations, killing 230,000 people. The world responded quickly and generously, donating more than $11 billion.\(^1\) In January of 2010, a 7.0 magnitude earthquake struck Haiti, also killing 230,000.\(^2\) Less than a week later, the American Red Cross had collected $105 million in individual donations, $22 million of which came via their new ‘text to donate’ system.\(^3\) Eventually the international response to the earthquake totaled $10 billion in pledges and donations from governments and international organizations.\(^4\) In each of the weeks following the 2004 tsunami and 2010 earthquake, more people around the world died of (other) poverty-related causes than died as a result of either disaster. In the five years between the 2004 tsunami and the 2010 earthquake, some 90 million people died from poverty related causes. I am by no means suggesting that these events are not tragic, but their scale is miniscule in comparison to the horrors of world poverty, which kills some 50,000 people every day. Those dying in this way are human beings: they are individuals with families and aspirations. Many of them are children, and almost all of them could be saved.


The project that follows is about the nature of our obligations to the world’s worst off people: more specifically, it is an assessment of Thomas Pogge’s argument that we have substantial negative duties to the extremely impoverished. Pogge’s understanding of our duties in this area stands in marked contrast to most mainstream views. Some would say that we have no relationship to these people; their dying may be a tragedy, but it is the unfortunate result of an overpopulated world and is not anything that we can be held accountable for. Others would say that only the leaders of the nations in which the impoverished live might be responsible: they have developed national institutions that benefit themselves instead of their people, and they have forged a path of corruption instead of creating the structures necessary for success. Those who do ascribe us responsibility tend to focus on our positive duties to the worst off: when we hear news of an event of any sort that kills 50,000 people, we have a natural inclination to aid those who have survived.

Pogge makes a stronger claim: poverty is something that we contribute to. According to this view, each and every one of us is taking part in causing the deaths of 18 million people every year. If Pogge is correct about our relationship to the world’s worst off, we are no better than the perpetrators of the atrocities of history; we are participating in the deaths of millions.

Summary of Chapters

In the following chapters, I offer a close look at Pogge’s argument: first situating it with respect to John Rawls’s theory of justice (chapter one), and then with respect to Peter Singer’s view that obligations toward the worst off stem mainly from positive duties (chapter two). I then turn to Pogge’s World Poverty and Human Rights. Although I disagree with some aspects of his argument, I formulate and defend an alternative that preserves his original insight and intent. This way of proceeding focuses on three arguments that he presents to
justify our negative duties toward the poor (Three and Four). Finally, I conclude by assessing his Global Resource Dividend (GRD) as a response to the obligations defended (chapter five).

Chapter One: Rawls and the Limits of Justice

In the first chapter, I situate Pogge’s project with respect to his philosophical predecessor and teacher, John Rawls. This requires an explanation of Rawls’s view of justice at the national level, his understanding of the differences between justice in global and domestic contexts, and his take on justice at the international level. To this end, I give an overview of his theory of domestic justice as presented in “A Theory of Justice” and “Political Liberalism,” as well as his theory of global justice as expounded in “The Law of Peoples.” I argue that Rawls changes his approach to the issue of justice between these works. In domestic contexts he insists that individuals in the original position, from behind a veil of ignorance, agree on the principles of justice on which society should be organized; in the global context representatives of peoples (groups of persons similar to nations) agree on international rules of cooperation directly. This change leads to dramatically different results between the two contexts. Whereas in the domestic context Rawls is primarily concerned with mitigating the diverse effects of fortune, in the global context his primary concern is for respecting the sovereignty of nations. Pogge critiques this distinction as being largely the result of a misattribution of the causes of inequality between peoples to differences in domestic policies alone: global structures, just as much as domestic ones, are capable of determining the possibilities available to their participants.

Chapter Two: Singer and Our Obligations to the World’s Poorest

This chapter clarifies the key insight of Pogge’s argument—that we have substantial obligations to the worst off because we are harming them—by contrasting it with the views
of Peter Singer, who frames our obligations to the worst off in terms of what we could be doing to help. Although I turn to Singer’s philosophy as a representative of the positive-duty approach, and although I focus on Pogge’s emphasis on negative duties, each thinker also acknowledges the place of the other viewpoint: in explaining the reasons that we ought to help the worst off, Singer himself mentions some ways in which we are responsible for their plights. Pogge, conversely, explicitly states that he is not denying the existence of positive duties toward the impoverished. Another significant difference between the two thinkers is the level at which they focus their solution: while Singer focuses on individual moral action (hence the title of his recent book, “The Life You Can Save”), Pogge focuses on international law and policy.

When Pogge presents his argument, he explains it as having three parallel strands: three separate arguments that each purport to demonstrate that we, the affluent, are harming the world’s poorest people. These three approaches are based on (1) the origins of the starting positions of rich and poor nations today in a violent global history, (2) the exclusion of the worst off from the world’s natural resource pool, and (3) our imposition of a global institutional order that burdens the impoverished while benefitting the affluent. Despite Pogge’s stated intention of creating an argument of three strands (such that the conclusion holds as long as at least one of the strands is accepted), the argument that he actually offers and defends interweaves the three approaches into a single argument (such that the successful defense of every sub-argument is required for the conclusion to be upheld). I defend the strength of his initial intentions by offering a formulation of the argument that treats the three sub-arguments as parallel strands.
Chapter Three: Examining Pogge’s Argument: Part I

The first of the three approaches addressed is the ‘Shared Violent History’ approach. Pogge’s claim is that we, the affluent, are harming the worst off by maintaining the unjust consequences of the violent colonial history that has shaped today’s world. This argument is broadly intended to respond to thinkers who hold that our actual history is relevant to our assessment of the justice of the present situation. More narrowly, it responds to libertarian thinkers—who would claim that our positive duties to others are extremely minimal or even non-existent—on grounds they themselves accept: the affluent are upholding the results of past crimes whose victims were never given redress. Notably, this argument is not based on the notion that the severely impoverished people of the world are worse off than they would have been had the horrors of colonialism never taken place. Pogge takes pains to avoid counterfactual claims of this sort; his argument is simply that our current world order is unjustified because of its violent past.

A close examination of this line of thought, however, reveals that Pogge defines harm in a way that is inconsistent with the argument he offers. He suggests that harm—at least in this strand—be defined in an ‘ordinary historical sense,’ but he does not offer an explanation of how this understanding of harm shows that the people of affluent nations in today’s world are harming the world’s worst off. Analysis reveals this sense of harm to be inadequate to the task Pogge sets for himself. I propose to salvage Pogge’s line of thinking by introducing a new understanding of harm.

The second strand of the argument is based on the lack of access that the worst off have to the world’s pool of natural resources. This line of approach stems from the Lockean perspective that the world’s resource pool is—in the state of nature—something that all have a right to access. We are permitted to take from this common pool as long as doing so
does not deprive others of access to resources of the same amount and quality. This limitation, however, can be circumvented whenever an institution that deprives individuals of access to these common resources also compensates them in a way that could be acceptable to them. Pogge’s claim in this respect is that it is implausible that the 18 million individuals who die annually due to a lack of access to natural resources could rationally have agreed to such an arrangement. This argument is questionable, and is examined. As with the historical strand of the argument, Pogge does not adequately explain what sense of harm resource deprivation is supposed to entail.

Chapter Four: Examining Pogge’s Argument: Part II

The final strand of the argument offered by Pogge is based on the global institutions that tie our world together. Global organizations, agreements and laws are created by the leaders of affluent nations and imposed on the world’s people. They harm the worst off, according to Pogge, because they reproduce radical inequality despite the availability of alternatives that would end it. In Pogge’s formulation of the broader argument, this institution-based strand plays a central role, connecting the other two strands. Unlike the other strands, Pogge is quite clear about the definition of harm used in this approach: any institution that reproduces avoidable and life-threatening poverty is considered harmful because it violates commonly held characteristics of justice. The possibility of avoiding circular reasoning in clarifying such a conception of harm is questioned by Pogge’s critics. I argue that despite first appearances, reference to a conception of justice in the definition of harm is not circular and in fact may allow for a broadly accepted understanding of institutional harm.

Although Pogge’s institution-based argument stands up to scrutiny, I contend that interweaving this approach into the broader argument weakens its structure: it is more
suitable as an individual strand. Additionally, Pogge weakens the broad appeal of his argument by appealing to the concept of human rights. I re-formulate the argument without reference to human rights, focusing simply on the injustices of global institutions.

Having explored each of Pogge’s three sub-arguments, I then return to the broader argument. I clarify the inconsistencies between Pogge’s explicit and implicit formulations (viz., his indecision as to whether the argument requires the successful defense of all three sub-arguments to justify its conclusions).

One further addition I make to the argument is the introduction of environmental harms as a further justification for Pogge’s conclusion. Here I show that climate change and environmental degradation are particularly devastating for the worst off. Although I consider adding the environmental approach as a separate supporting argument, I argue that it is best used to enhance each of Pogge’s other three sub-arguments. Environmental harms can cause significant damage to the worst off (costing them as much as a quarter of their productivity), but this amounts to only a fraction of a percent of the GDPs of affluent nations; the strength of the three-stranded approach is that each of the sub-arguments can independently support a proposal for addressing the harms of world poverty that will amount to 1% of global product or more. When included as pieces of the other three strands, environmental harms can help to justify a more demanding solution in response to the argument as a whole.

Chapter Five: A Modest Proposal

Ultimately, Pogge’s work culminates in the Global Resource Dividend (GRD): a proposal designed to respond to the negative duties justified by his argument. Pogge, I contend, does not adequately defend the connection between the GRD and his argument.
Given the organization of the argument as three-stranded, the GRD must be justified as a response to each of the three sub-arguments taken separately.

Although I determine that Pogge’s proposal is justifiable on the bases of the three arguments he presents, I determine that it is not as demanding as it could be. Based on my defense and clarification of the three strands of the argument (as supplemented by my environmental assessment) I suggest ways to make Pogge’s proposal more fitting to the argument as a whole, and more robust in terms of demands placed on the affluent.

**Final Remarks**

Despite these problems, I agree with—and find support for—Pogge’s main insight: we have obligations to the world’s worst off not only because it would be good to help them, but because we are actively responsible for much of their impoverishment. We harm the poor through contributing to the degradation of the environment in ways that make it harder for them to feed themselves, by supporting international agreements that encourage the depletion of their national resources, by taking advantage of the advantages associated with the results of our common violent history, and by living lifestyles that deny the worst off a fair share of natural resources.
CHAPTER ONE

RAWLS AND THE LIMITS OF JUSTICE

Introduction

In his *A Theory of Justice*, John Rawls theorizes the ideal organization of liberal society through a thought experiment wherein the members of a society have all specific facts about themselves hidden behind a veil of ignorance, and are tasked with identifying principles of justice to govern the terms of their interaction with one another.\(^1\) For a theory of interaction between societies, Rawls reformulates this same idea in a new context, with the argumentation and result described in his *The Law of Peoples*. Here, Rawls makes a number of changes to his original theory, such that the representatives of peoples are now put behind an altered veil of ignorance, and tasked with arriving at just rules of cooperation between peoples.\(^2\) In changing contexts from the domestic to the global, Rawls makes several modifications to his original theory; at first these appear to be minor adjustments due to differences in the situation at hand, but on closer inspection it becomes clear that the changes he makes have substantial effects on the results of the hypothetical agreements achieved. Thomas Pogge undertakes an analysis of the difference between Rawls’s approaches in his article, “Do Rawls’s Two Theories of Justice Fit Together.” He reveals the extent of the changes that Rawls makes to his domestic theory in order to adapt it to the

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global context, and examines the degree to which these changes are unjustified. ³

With his theory of justice, Rawls creates a strong framework for developing the principles of justice in the domestic sphere: a framework that lends itself to a global extension. In formulating such an extension, however, Rawls’s approach takes a number of surprising turns and culminates in a global theory of justice that diverges wildly from what one might have expected, reading his domestic theory from *A Theory of Justice*. Perhaps most surprisingly, a closer look at the differences that arise between the two levels of his theory, combined with his endorsement of explanatory nationalism, reveals that the fundamental differences in the approaches of Pogge and Rawls on the issue of world poverty stem from some of the differences between Rawls’s domestic and global theories of justice.

**A Theory of Justice**

Because Rawls’s development of his global theory of justice—the law of peoples—is based on his method for developing the domestic principles of justice, a brief explanation of the original position with the veil of ignorance is in order. According to Rawls, the original position (with a veil of ignorance), as described in *A Theory of Justice* and clarified in *Political Liberalism* and *Justice as Fairness*, is the ideal model for determining the principles against which the organization of society should be measured.⁴ This is a hypothetical meeting where the members of society are to come to an agreement on the principles of just cooperation. These principles of justice are to be used as the foundation for the basic structures of society. As we all know, however, an actual meeting of the individual members of society

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would not be likely to result in a fair arrangement which could be supported by all as the conditions of a just society; this, of course, is where the veil of ignorance comes in. To prevent the wealthy from arguing that wealth is essential to a just society, to prevent those with authority from arguing that authority is best unchecked, to prevent the poor from arguing that all wealth should be redistributed, Rawls introduces the veil of ignorance to hide—in this hypothetical meeting—all knowledge of personal characteristics from its participants. Rawls writes,

> Among the essential features of this situation is that no one knows his place in society, his class position or social status, nor does any one know his fortune in the distribution of natural assets and abilities, his intelligence, strength, and the like. I shall even assume that the parties do not know their conceptions of the good or their special psychological propensities. The principles of justice are chosen behind a veil of ignorance.⁵

Together in this fair situation, where none know their place in the society which they are discussing, the terms of justice are to be agreed upon. The principles of justice are determined by the “choice which rational men would make in this hypothetical situation of equal liberty.”⁶ From this initial fair situation, not knowing who they are, what would the people agree upon as the principles of justice? Rawls claims that they would agree on two principles: first, since none would know their own position, each would want rights and duties to be spread equally amongst all. Since any might be the unlucky ones overburdened with the responsibilities of society, or underprotected by the rights of society, all would want these to be distributed evenly. Second, social and economic inequalities should only occur if they are to the advantage of those in society with the lowest expectations, and furthermore

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these inequalities must be associated with positions that have the potential to be attained by anyone with the talents and inclinations\textsuperscript{7}—for example, CEOs should only be able to increase their wealth if further income disparities benefit the economy in ways that result in the poorest sectors of society increasing their own wealth as well, and it must be possible for someone from any social position to secure the position.\textsuperscript{8} Rawls’s claim is that by imagining a rational meeting behind the veil of ignorance, we come to the conclusion that these principles would be agreed upon, and that these are the most rational principles of domestic justice.

In \textit{Political Liberalism}, Rawls takes a more practical approach to the issues of the organization of democratic society: namely, he turns his focus from the ideal to the legitimate.\textsuperscript{9} Although he still favors the difference principle as ideal for determining the justice of social institutions, he turns his focus from what would be best to what is necessary to satisfy the demands of public reason. In order for all members of a society to accept the system of cooperation as fair, some baseline for basic needs is required, but “the ‘difference principle’ is more demanding and is not.”\textsuperscript{10}

In his domestic theory, Rawls treats society as being a closed system—“persons enter

\textsuperscript{7} The first part of the second principle of justice is known as the difference principle, and the second part is a matter of equality of opportunity. Although Rawls always maintains that a second principle of justice including the difference principle is the \textit{ideal} principle for organizing liberal society, he eventually drops it as an essential element so long as there is some principle of opportunity and some social baseline guaranteeing the meeting of basic needs (Rawls, \textit{Political Liberalism}, 228-29). See next paragraph on his stance in \textit{Political Liberalism} for details.

\textsuperscript{8} Rawls, \textit{A Theory of Justice}, 14-15.


\textsuperscript{10} Rawls, \textit{Political Liberalism}, 229.
only by birth, and exit only by death.”11 This is notably an accurate description of the world as a whole, and not a description of any individual society on Earth—yet Rawls considers this to be the ideal method of organization for individual societies such as the US, and he explicitly rejects it as a method of global organization.12 Based on most of his writings in *A Theory of Justice*, one might expect Rawls to endorse a global principle of justice similar to the one he endorses at the national level, but instead he argues for a second-level original position that varies from the first in several important respects: the parties to the global original position are representatives of peoples rather than individual persons, the veil of ignorance is thinner (representatives, although unaware which peoples they represent, know whether the peoples they represent are liberal or decent), and the representation is selective (only liberal or decent peoples are represented).13 Furthermore, the participants of this second-level original position are charged with a different task: to find a set of rules to govern the relationship of liberal and decent peoples, rather than to agree on a public criterion of justice.14

These differences (which will be expanded on shortly) have significant consequences for the differences between projects like Pogge’s, which affirm global principles of redistributive justice, and projects like Rawls’s, which deny them. Most significantly, the shift from the three-tiered domestic original position (in which the parties meet, agree on a criterion of justice, and then use this criterion of justice to design or evaluate rules) to the

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11 Rawls, *The Law of Peoples*, 26. See also Rawls, *Political Liberalism*, 12. “...the basic structure is that of a closed society: that is, we are to regard it as self-contained and as having no relations with other societies.”


13 Pogge, “Do Rawls’s Two Theories of Justice Fit Together?,” 206, 221-22.

14 Pogge, “Do Rawls’s Two Theories of Justice Fit Together?,” 206, 213.
two-tiered global one (in which the parties of the original position select rules of interrelation directly)—resulting in the replacement of the difference principle at the national level with duties of assistance at the global level—means that, according to Rawls, while the impoverishment of the poor people of a liberal country is a violation of negative duties (requiring the creation of social and economic structures that disadvantage the worst off), the impoverishment of the poor abroad (when it is a violation of duties at all) is a violation of positive duties (failing to provide assistance). This is because at the national level justice is determined through the original position, which yields the difference principle (or, less ideally, another suitable principle guaranteeing a social minimum). Justice demands that “[social and economic inequalities] are to be to the greatest benefit of the least advantaged members of society,” so insofar as inequalities are not for the greatest benefit of the least advantaged, this principle of justice is violated. At the global level, Rawls rejects the three-tiered scheme used at the national level in favor of a two-tiered approach that avoids affirming a principle of distributive justice: rather than selecting a principle of justice, a set of rules are selected directly. As a result of this, what might have been a global principle of distributive justice is replaced with positive duties of assistance.

A Closer Look at Discrepancies between the Two Theories of Justice

That there is a difference in standards between justice at the national level and justice at the domestic level is a commonly held view, about which Pogge asks, “How can the

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16 Rawls also avoids defining an acceptable range of principles that could be compared to an ideal set. Despite any number of ways that justice could be defined at the domestic level, Rawls states two ideal principles of justice. In the second session he states outright the eight rules comprising the law of peoples, which are broad enough to include both liberal and decent peoples (see below for more on this difference). There can be different interpretations of these rules, but these eight rules are considered “superior to any others” (Rawls, *The Law of Peoples*, 41). In the global context, the ideal and the practical minimum are the same.
flagrant discrepancy between our minimal criteria of national and global economic justice be justified?¹⁷ There are three basic options: to dissolve the discrepancy, to reject the demand to justify the discrepancy, or to attempt to defend it. Rawls does not dissolve it; he maintains that there is a justifiable distinction between his domestic and global theories. He proposes the domestic original position as definitive of a theory of justice at the domestic level, and he proposes a distinct second session of the original position to define rules of global conduct.¹⁸ He not only thinks that the two sessions will come to different conclusions, but also defines the two sessions differently in terms of participants and task. Nor does Rawls refuse to defend the discrepancy—he believes that the differences between the first and second sessions are justified based on the differences in context between finding an ideal national order and an ideal global order. It is the third option—attempting to defend the discrepancy—which Rawls takes, but his justification is inadequate.

Pogge elucidates and challenges the differences that Rawls defends between his global and national theories in an aptly titled article, “Do Rawls’s Two Theories of Justice Fit Together?” His evaluation concludes that the discrepancies are not justified: of all the reasons that Rawls gives why a global order should be defined differently from the domestic order defined in *A Theory of Justice* and *Political Liberalism*, none of them adequately explains a difference between the national and global situation. In other words, while Rawls continues to support and defend an ideal theory of justice in one context (between a group of persons who comprise the population of a nation), he simultaneously gives reasons why this theory should not apply in another context (where the group of persons comprise the population of


the world), but without being able to show differences between these two groups which would account for different theories of justice being applied to each.

In describing the background conditions for the domestic session of the original position, Rawls specifies that the society in question “is a more or less self-sufficient association of persons,” and notes that these “persons are not indifferent as to how the greater benefits produced by their collaboration are distributed.” Rawls continues:

The conditions for the law of nations may require different principles arrived at in a somewhat different way. I shall be satisfied if it is possible to formulate a reasonable conception of justice for the basic structure of society conceived for the time being as a closed system isolated from other societies. The significance of this special case is obvious and needs no explanation.

For the sake of theoretical case, Rawls looks at the case where a society of persons is self-sufficient and closed off from other societies. This particular case is significant for Rawls, not because it represents the current situation of humanity on our shared, isolated, and self-sufficient planet (which it does), but because it can serve as a stand-in for the actual role of nations (which are neither self-sufficient nor isolated). Rawls is focusing on the domestic case here, so he sets the global case aside as potentially calling for different principles—and yet the situation he describes has greater accord with the global situation than it does the national. As a descriptor of the situation of our world as a whole, Rawls would not need these caveats.

When Rawls turns to the global case, he reconceptualizes the original position—

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making several changes to it in order for it to be appropriate to the global context. Even setting aside the fact that Rawls’s idealization of domestic society is in some ways a better fit with humanity globally, for Rawls to successfully argue for a different sort of original position on the global scale, he must identify the relevant differences between the two contexts that justify this distinction. According to Rawls, “Any differences are not in how the model of representation is used but in how it needs to be tailored given the agents modeled and the subject at hand.”

How do the agents and the subject differ in this second session of the original position? Rawls describes the second session as follows:

At the next level the idea of the original position is used again, but this time to extend a liberal conception to the Law of Peoples. As in the first instance, it is a model of representation, since it models what we would regard...as fair conditions under which the parties, this time the rational representatives of liberal peoples, are to specify the Law of Peoples.

In this passage, he clarifies two distinctions between the first and second sessions. The differences may be stated subtly, but their effects are substantial. The first is that the parties are no longer individuals. In the first session, individual persons are under a veil of ignorance, but they effectively stand in for themselves as persons in general. In the second session, the parties are ‘the rational representatives of liberal peoples.’ The reason for this switch from persons to peoples is rooted in the second distinction: the change in the task of the session, which is ‘to specify the Law of Peoples.’ At first this may sound like a minor switch—a simple change in scope from the national to the global—but it is actually much

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more significant than that: it’s a change from seeking the principles of justice (which are used in the determination of the rules of cooperation in any societal context) to seeking international rules of cooperation directly.

Because of the differences between the two sessions, Rawls must also recharacterize the veil of ignorance. Since the participants are representatives of peoples, rather than individual persons, the veil must be somewhat different. Rather than being ignorant of facts about themselves, they are ignorant of facts relevant to the peoples they represent: for example, what natural resources they control, or how advanced their infrastructure is. However, since this session is only amongst representatives of liberal peoples,24 they know that the peoples they represent are in a situation that is minimally favorable: “conditions obtain that make constitutional democracy possible.”25

Before we get into the problems that arise with the attempt to justify the differences between the two sessions, we should note what Rawls intends with this second session: rather than seeing the world as groups of individuals and attempting to determine the terms of cooperation between persons (as he does in the first session), he sees a world already defined by groups of peoples (who have developed the terms of cooperation between themselves) and attempts to determine the terms of cooperation for their relating to one another. The changes that Rawls makes in his characterization of the second session are not a failure at an attempt to apply the original position with veil of ignorance globally, but are rather a reconceptualization of an old process to take on a new goal.

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24 Actually Rawls envisions the second session as being held twice: once for liberal peoples, and once for nonliberal but ‘decent’ peoples. See the section ‘Decency’ below for more on this distinction. See also Rawls, The Law of Peoples, 64-70.

Rawls’s project faces two questions: first, is Rawls justified in his approach to this second session? In his adoption of this method to determine the international terms of cooperation, are the changes he makes (compared to his use of the original position to determine the domestic terms of cooperation) justifiable, or does he shape the end result by imposing changes without good reason? Whether or not his approach to this second-level original position is justifiable, we must also ask if a separate global session is justified at all. In other words, given what the first session accomplishes, and given Rawls’s defense of it, is there any reason to support a second-level original position rather than an expansion of the first-level original position to all of humanity? Are Rawls’s two theories of justice consistent, or does his work better lend itself to a single theory of justice?

Decency

Before getting into these questions, one more note should be made regarding Rawls’s approach to the original position in The Law of Peoples. Rawls envisions the second session being held twice: once between the representatives of liberal peoples, and once again between the representatives of ‘decent’ peoples. Decent peoples are peoples with a nonliberal understanding of justice whose society satisfies two criteria: first, that they recognize the independence of other societies and realize that they must only deal with them through non-military means that are compatible with other societies’ independence, and secondly that they hold a ‘common good’ conception of justice which secures human rights, imposes moral duties and obligations on all persons within the society, and is sincerely believed in by the judges and officials who administrate it (Rawls 1999b, 64-70). For the most part, the fact that Rawls requires two separate ‘second sessions’ is insignificant for the purpose of comparing Rawls’s domestic and international theories, insofar as both sessions
diverge from the first session in the same ways. Below, for the sake of comparing the domestic and global sessions, the second session of representatives of liberal peoples will be used as a stand-in for both second sessions.

The Second Session — His Own Devil’s Advocate

As stated above, there are several differences between the session of the original position that Rawls proposes at the domestic level and the second session that he proposes to determine the law of peoples: the representatives are different (representatives of peoples instead of persons), the veil is different (select information is allowed to penetrate it), the session is more selective (non-liberal and non-decent peoples are not represented at all), and the goal is different (to decide on a set of international rules rather than a public principle of justice). Rawls believes that these differences are justified. Pogge, however, is not convinced, and his analysis suggests that Rawls may be his own worst enemy.

Rawls thinks that the diverse application of the original position to his two different goals shows its “versatility” because it is “modifiable to fit the subject in question.” But as Pogge points out, “If the thought experiment of the original position can be bent in a variety of ways to deliver desired conclusions, then it becomes rather less remarkable that Rawls’s diverse considered judgments about social justice can be ‘derived’ through one or other variant of this thought experiment.” In other words, the ‘versatility’ that Rawls demonstrates by using the original position to argue for results as different as his domestic and global theories actually undermines his credibility—it begins to seem as though Rawls

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26 Rawls, The Law of Peoples, 40
27 Rawls, The Law of Peoples, 86
28 Pogge, “Do Rawls’s Two Theories of Justice Fit Together?,” 211
can use the original position to justify whatever he wants. To determine whether Rawls’s theory is powerfully flexible or dangerously malleable, an analysis of the differences between his two approaches is in order.

**Freeman’s Defense of Rawls**

Before turning to a direct analysis of the differences between the two approaches at hand, we turn to the defense of Rawls’s stance given by Sam Freeman. Based on Rawls’s approach in *A Theory of Justice*, Freeman argues that Rawls is correct to define the duty of assistance in the law of peoples differently from the principles of distributive justice at the national level. The difference between ‘humanitarian assistance’ and ‘distributive justice’ is appropriate because of the differences in the primacy of domestic and global institutions.

Freeman’s argument runs as follows: he first reminds us that distributive justice, according to the principles set forth in his domestic theory, is not an issue of the allocation of goods created in a distinct production process. Rather, distributive justice involves creating a system of societal institutions that allow for the creation, distribution and use of goods. Instead of being an addendum to the systems of society, distributive justice should be their product. For this to happen, a principle of distributive justice (for example, the difference principle) should be used to guide the design of these systems. (In other words, distributive justice should not be applied after the fact, but should instead be a product of a system designed on the basis of a principle of distributive justice.) These systems, as well as the principles that guide their creation, Freeman argues, are political products. This is the hinge in Freeman’s defense of Rawls. Because the principles that guide the creation of the systems and the institutions that result are created politically, it follows that the resulting distributive

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justice is also a political product. From the lack of a global political organization it then follows that there can be no global structure to parallel the societal structure that allows for distributive justice. Our global organization cannot support a political product in the same way that our domestic organization can. As a result, existing global institutions are not basic in the same way that domestic institutions are—they are secondary to the basic social institutions that exist among the peoples that form them. Therefore, the only global systems that can be developed will also be secondary, so distributive justice cannot exist at the global level.30

Freeman’s conclusion clearly fits with Rawls’s intuition that the foremost interest of peoples would be that they preserve their sovereignty. Any supranational institutions or structures that peoples support in the second session must be secondary to the basic institutions that each people have determined for themselves at the domestic level. Appropriately, however, Freeman’s argument doesn’t start from this conclusion, but rather explains reasons why this difference must exist. His argument is that global structures cannot be basic because they lack the political foundation that the formation of basic political structures requires.

This argument is based on a subtle shift between the actual and the possible. What is stated observationally is used as an indicator of what is feasible and desirable. Freeman writes:

…in the absence of a world state, there can be no global basic structure on a par with the basic structure of society. Indeed, there is nothing in global relations anywhere near to being comparable to a society’s basic structure of political, legal, property, and other economic institutions. Of course there is global cooperation and there are some global institutions, but

these are not *basic* institutions. Rather, global political, legal and economic arrangements are *secondary* institutions and practices.\(^{31}\)

From this observation that global cooperation does not *currently* compare to anything like a global state, and that global arrangements are *actually* secondary, he concludes that “Consequently the only feasible global basic structure that can exist is also secondary.”\(^{32}\) This argument demonstrates that the only global structures possible, given the present relation of domestic and global institutions, are those that are secondary to the basic structures of individual societies. In other words, this position is based on an acceptance of the current relationship between global and domestic institutions. This argument fails to address the fact that a global principle of distributive justice *could be* used to determine basic global structures if this relationship were different. Freeman notes that cosmopolitan critics of Rawls’s position often “greatly exaggerate” the “extent and powers of global institutions,”\(^{33}\) but he commits the opposite error of treating the current global political situation as though it has normative and hypothetical import. Cosmopolitan critics may misread how things currently *are*, but Freeman mistakes how things are for how they *should* or *could* be. One could easily imagine a set of international laws designed to govern the “contracts, property rights, powers, duties and liabilities”\(^{34}\) that Freeman notes are currently regulated by national laws. There could be an international minimal standard (a basic structure), upon which states could impose additional regulations as they see fit (secondary institutions).

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\(^{34}\) Freeman, “Distributive Justice and the Law of Peoples,” 246.
Even if Freeman overcomes this critique (for example, by demonstrating that it is the case that global institutions must be secondary, or by arguing that only the sort of relationship he describes between domestic and global institutions can fit the bill as a realistic utopia), he faces a second problem: none of this implies that no principle of distributive justice can apply at the global level. In other words, a principle could be used to design secondary structures that had a similar—although less primary—effect on shaping the distribution of wealth in the world. For example, a tax on certain types of exchanges between nations, or even within nations, might be developed in such a way that it not only redistributed wealth, but encouraged exchanges that naturally led to a more just distribution. The fact that global structures don’t override domestic structures doesn’t actually imply that distributive justice cannot be taken up by secondary global structures. These global structures could have the same formative effects on global distribution that domestic structures developed with an eye toward principles of justice have on the distribution within peoples without having to rival basic domestic structures.

For the sake of simplicity, imagine a world with only a handful of nations, all of which take a more or less similar approach to issues of domestic distributive justice: each has agreed that a social minimum must be guaranteed and enforces a small tax on all transactions in order to do so. These taxes keep the worst off in each society afloat and capable of utilizing their basic liberties. Within each society, then, distributive justice is a matter of the basic institutions (in this simple case, a small tax) upholding the principle of distributive justice agreed upon (in this case, that a social minimum must be guaranteed to all members). None of this precludes the superimposition of a global structure (one that is based on a global principle of distributive justice and which performs a similar function between
nations) over each of these nations. An additional small tax on all transactions, used to increase the well-being of whichever of these nations is worst off, would not contravene the primacy of domestic institutions, but could be a political institution based on a principle of distributive justice. In short, it does not follow from the secondary nature of global structures that distributive justice cannot be taken up at the global level.

Freeman’s characterization of the differences in Rawls’s approach in *A Theory of Justice*, *Political Liberalism*, and *The Law of Peoples* is relevant here as well. Freeman sees *A Theory of Justice* as a work seeking an ideal conception of justice and *Political Liberalism* as seeking to determine what sort of justice qualifies as legitimate within liberal society.

Where do the efforts that Rawls makes in *The Law of Peoples* fit into this spectrum? Freeman answers in response to one of Pogge’s critiques, “The problem with Pogge’s contention that the law of peoples does nothing to alleviate current global injustice is that, like so many criticisms of Rawls, it ignores the fact that the Law of Peoples is drawn up for the ideal case of well-ordered societies and peoples.” Rawls’s preferred version of the law of peoples, according to Freeman, is stated with a world of well-ordered societies in mind.

To assess this line of thought, we must ask ourselves whether Rawls’s law of peoples is indeed the ideal set of guidelines for this ideal situation. Suppose that we accept that the ideal world is made up of a community of well-ordered societies, each of which having their own basic institutions and needing regulation only with regard to their relationships with other societies. The same holes in the argument reappear when viewed from this angle. It still remains the case, as suggested above, that distributive justice could play a stronger role

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than Rawls suggests in the law of peoples. Even in the ideal world where all peoples are well-ordered, and even if we accept that a distributive principle of justice is not required, this says nothing about the possibility of a global difference principle (shaping global institutions so as to benefit the worst off peoples) as ideal.

Furthermore, it remains debatable as to whether such a world is in fact ideal. The fact that the world today does not have a global structure that rivals the primacy of domestic structures does not have any bearing on whether or not basic global structures would be preferable. If the law of peoples is provisional and practical, then a broad refutation of cosmopolitanism may be in order, but if the law of peoples is ideal, as Freeman suggests that Rawls means it to be, then it should not be based on what is currently feasible.

Peoples or Persons?

The first major difference between the first and second sessions of the original position is the location of value: at the domestic level Rawls takes the interests of the individual to be fundamental—groups of people (for example, associations, religious groups, and so on) are only relevant insofar as they have value for individual persons. At the international level the inverse is true: individual persons are taken to have absolutely no intrinsic value—instead, peoples are considered to be fundamental. Rawls writes,

In the first case we asked whether any departure from the baseline of equality would be agreed to provided that it is to the benefit of all citizens of society and, in particular, the least advantaged... With the Law of Peoples, however, persons are not under one but many governments, and the representatives of peoples will want to preserve the equality and independence of their own society.  

37 See also Pogge, “Do Rawls’s Two Theories of Justice Fit Together?,” 210-13.

This is a dramatic switch. At the domestic level the benefit of every individual is the key to
ideal justice as determined from the fair conditions of the original position. At the global
level it is the equality and independence of each society that is given highest importance. In
the ideal society no departure from equality is justified unless it is to the benefit of the least
advantaged, and yet in the ideal world extreme inequality could be justified if it helps to
preserve the independence of separate peoples. In the domestic context, the principle of
redress is put forth as a component of justice: “This is the principle that undeserved
inequalities call for redress; and since inequalities of birth and natural endowment are
undeserved, these inequalities are to be somehow compensated for,” and yet in the global
context, as Freeman explains, “luck egalitarianism is not Rawls’s position. Justice does not
require that we equalize or even neutralize the products of brute fortune (whether the
products of social or natural endowments or just brute bad luck). Instead, social justice
requires that society use these inevitable inequalities of chance so as to maximally benefit the
least advantaged members of society.” With the change in context, there is a switch from
recognition of the injustice of fortune to denial of it. This disanalogy is unjustified.

In the Law of Peoples, the duty of assistance is limited to a single rule: “Peoples have
a duty to assist other peoples living under unfavorable conditions that prevent their having a
just or decent political regime.” This is the entirety of the formal statement of the rule.
Rawls clarifies that “provisions will be included for mutual assistance among peoples in
times of famine and drought and, insofar as it is possible, provisions for ensuring that in all

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39 Rawls, A Theory of Justice, 100.
reasonable liberal (and decent) societies people’s basic needs are met.” What this boils down to is the following: aside from the emergencies of famine, peoples ought to assist one another only in the case that this assistance will either enable a people to become liberal (or decent) or remain liberal (or decent). If a people were inclined to organize itself into a liberal society, but a lack of resources prevented it from doing so, this duty would apply. It would also apply in the case that a people was organized as a decent society but a shortfall in resources threatened to result in a government collapse that would be replaced with a non-decent regime. These scenarios reflect the value of peoples in Rawls’s theory—the rules are created to ensure that peoples can be self-determining, and they consequently contribute to the well-being of the persons within these societies.

Rawls also stresses that this duty “is a principle of transition.” The intention is to bring more people into the state of being well ordered and once all societies are liberal or decent it no longer holds. However, Rawls did not address the possibility of long-term worsening of conditions within a society: for example, a society developing as its ecological situation is deteriorating. Rawls considers a case wherein two societies start out in a similar situation, but one adjusts so that its population remains level while the other has a continuously growing population. The society with the level population thus becomes increasingly wealthy per capita, eventually becoming twice as wealthy as the society with the

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growing population.\textsuperscript{45} Rawls here assumes that the wealth per capita of the growing society never drops below the baseline necessary to remain well ordered. It would be unacceptable, he claims, for the poor population planning of one society to be compensated for by the other society, which formed institutions that promoted its own well-being. Imagine, however, that the growth of the second society—perhaps in conjunction with something like the deteriorating ecological conditions suggested by Martin—reduces the standard of living of the persons within that society below the threshold necessary to remain well-ordered. If the duty of assistance applies but the autonomy of that society is respected and it is allowed to continue with its population growth, then the assistance won’t be transitional at all. If the duty of assistance does not apply, Rawls is faced with a world whose peoples may never be well-ordered.

Aid may also be called for, in Rawls’s view, in extreme cases where persons within societies that are not well-ordered have inadequate access to the means of subsistence. Rawls includes the right to life (“to the means of subsistence and security”\textsuperscript{46}) in his list of human rights, which he says “should be understood as universal rights… and have a political (moral) effect whether or not they are supported locally. That is, their political (moral) force extends to all societies, and they are binding on all peoples and societies, including outlaw states.”\textsuperscript{47} As far as the relation of the human right to subsistence to the duty of assistance, Rawls explains that intervention, and in extreme cases war, is “justified only in … grave

\textsuperscript{45} Rawls, \textit{The Law of Peoples} 117-18.

\textsuperscript{46} Rawls, \textit{The Law of Peoples}, 65.

\textsuperscript{47} Rawls, \textit{The Law of Peoples}, 79-80.
cases of intervention to protect human rights.”

In other words, in addition to the requirement to assist peoples whose lack of access to resources prevents them from becoming well-ordered, all people throughout the world—no matter the society that they are part of—also have a right to the means of subsistence: when this right is violated, intervention is justified.

This is an important extension to the duty of assistance, but it is notable that Rawls does not talk about this intervention on behalf of the right to subsistence as a duty, but rather as a type of action that is justified. That is to say, although well-ordered peoples are required to help one another in times of need, and required to help non-well-ordered people to reach the threshold after which they can become well-ordered, human rights intervention is simply allowed. The law of peoples requires that human rights be honored by all peoples, but it does not go so far as to call their enforcement a duty. It may be Rawls’s intention that this be taken as a duty, but if this is the case then the difference in the strength of the phrasing must be explained.

Rawls’s explanation of the duty of assistance suggests that there are two types of case in which it applies: peoples have the duty to assist one another in the case that this assistance will either enable another people either to become well-ordered or to remain well-ordered. As a result of this rule, the number of liberal and decent societies may increase, but never decrease due to a lack of assistance, “its aim is to help burdened societies to be able to manage their own affairs reasonably and rationally and eventually to become members of the Society of well-ordered Peoples.”

But there are other scenarios that are also of concern,

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which Rawls does not address with this rule: scenarios with arguable analogy to the world we live in. First, consider a world made up of liberal societies, most of which have only slightly more than they need to remain liberal, while a few have amassed an incredible amount of wealth. These few leverage their wealth in order to create and sustain economic arrangements that benefit themselves at the expense of poorer liberal societies. They increase their own wealth while continuously forcing poorer societies closer and closer to the minimum necessary to sustain their liberal organization. This may not be a dramatic problem—the world remains liberal and people’s basic needs are met—but it stands in sharp contrast with the principles of liberal justice that govern these individual societies and the persons therein. Were persons taken to be fundamental, a global difference principle would be arrived at in the same way that it is arrived at in the domestic context, with the result of justice requiring that inequalities between peoples of the world raise the expectations of those who are worst-off. This illustrates the distinction being made between placing value on persons and peoples: for Rawls, it does not matter if the worst-off persons within nations are made poorer for the benefit of others outside their society as long as the peoples of all liberal nations remain autonomous. Persons have no intrinsic value at this level—within a liberal nation, persons are a priority and the principles of justice apply, but across national boundaries the equality of persons is subjugated to the independence of peoples.

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50 This example could also be taken as a critique of the difference between the two-tiered and three-tiered approaches: if the three-tiered approach were used, it seems that Rawls would have to endorse a global difference principle between liberal and decent nations. This would require that inequalities between these nations be to the benefit of the nations with the worst starting expectations. See below for more on the distinction between the two- and three-tiered approaches.

51 I specify ‘outside their society’ here because if those in the lowest position in a society are made worse-off for the benefit of the wealthy within a society this would contravene the difference principle within that society.
Notably, Rawls’s defense of fair trade would also come into play in the scenario just described. Rawls writes:

Consider fair trade: suppose that liberal peoples assume that, when suitably regulated by a fair background framework, a free competitive market trading scheme is to everyone’s mutual advantage, at least in the longer run. A further assumption here is that the larger nations with the wealthier economies will not attempt to monopolize the market, or to conspire to form a cartel, or to act as an oligopoly. With these assumptions, and supposing as before that the veil of ignorance holds, so that no people knows whether its economy is large or small, all would agree to fair standards of trade to keep the market free and competitive.52

The status of this free trade agreement is unclear: it is determined from behind the veil of ignorance, but the result is separate from the eight rules that are supposed to determine the interrelations of well-ordered peoples. The idea behind the free trade agreement makes intuitive sense: given a fair starting position behind the veil of ignorance, free and equal nations would agree to trade with one another in ways that were likely to benefit all. Given this reasoning, however, this free trade agreement should be part of the law of peoples, rather than accessory to it. Additionally, despite its intuitive appeal, the conclusion—that all peoples would agree to fair trade standards for a competitive market—is based on hefty assumptions, which again conflict with the reasoning that Rawls offers in the domestic context. Within liberal societies, individuals assuming that a competitive market is to everyone’s advantage in the long run is not enough to guarantee that such a framework satisfies the demands of justice: such a structure must be measured against a principle of distributive justice. That wealthier individuals would not attempt to monopolize markets or form cartels would also not be left to assumptions, and the distributions that resulted from

these parts of the structure would also have to be compared to the principles of distributive justice that they were based on.\textsuperscript{53}

Even if we accept Rawls's account of fair trade agreements, it wouldn’t take much to alter the scenario above so that it still presented a problem. A free competitive market that is not held up to any standards of distributive justice could still result in vastly unequal and undeserved differences between peoples. Whether these inequities are the result of fortunes of natural resources or misfortunes of natural disasters (which according to the law of peoples would only be mediated if they threatened to bring a people below the resource threshold for well-orderedness), we could still easily imagine a world where a handful of fortunate nations became extremely prosperous, while free trade kept the remaining well-ordered nations just above water.

The second scenario regarding the duty of assistance which exposes the harm of this change in the location of value is the case where it is not clear that foreign aid will encourage poor peoples to organize themselves as liberal or decent. Imagine a world where there are a number of wealthy liberal and decent societies, but most of the world is impoverished to the point that a liberal democracy is impossible. Add to this, however, the constraint that the views of the populace or existing institutions (e.g., corrupt governments) of these impoverished nations are such that even if they had these extra resources, they would not organize themselves as liberal or decent societies (i.e., there are other limiting factors). In this case, there is no duty of assistance to these impoverished people—because the conditions of poverty are not preventing a liberal or just regime, the duty of assistance does

\textsuperscript{53}The problems with Rawls's explanation of agreements regarding free trade in part stem from his switch from the three-step process at the societal level to the two-step global process, see ‘Three-Layer Take’ below for more on this disanalogy.
not apply. In fact, this need not be suggested as merely a scenario—Rawls believes that “there is no society anywhere in the world—except for marginal cases—with resources so scarce that it could not, were it reasonably and rationally organized and governed, become well-ordered.”54 Given the fact that many societies in our world are not well-ordered, this implies that according to Rawls there are peoples for whom a lack of access to resources is not what is keeping them from liberally or decently organizing themselves. Neither the duty of assistance, the duty of respect for human rights, nor free trade provisions would require aid in this case. Because at the global level Rawls places value on peoples rather than persons, the autonomy of peoples comes before the subsistence rights of persons, no matter the extent of poverty. Intervention to protect human rights is permissible, and respect for human rights is required, but because the right to independence and self-determination for peoples comes first, persons who are starving to death—but part of peoples who are not rationally governed—have no claim against liberal peoples. Within liberal nations the worst-off must be cared for as a result of the principles of justice of the first session, but at the global level the worst-off who are not organized liberally are thrown to the wolves.

In discussing this difference, Rawls explains his belief that the domestic and global theories support the same principles: “In each instance, the aim is to realize and preserve just (or decent) institutions, and not simply to increase, much less to maximize indefinitely, the average level of wealth, or the wealth of any society or any particular class in society.”55 At the national level, the primary goal is not to increase the position of the lowest class in

54 Rawls, The Law of Peoples, 108. This quote comes from section 15.3 of The Law of Peoples where Rawls gives his statement and defense of what Pogge calls explanatory nationalism. This will be discussed further below in the section ‘People as Masters of Their Own Fates’

society, the primary goal is to enforce the principles of justice, which happen to require that any advance in the average wealth of a society be maximized for those in the lowest position. This is fair enough, but the difference in the definition of just institutions at the domestic and global levels must be justified.

Rawls's Defense of Differences between Domestic and Global Contexts

Rawls attempts to give such a justification, to which we now turn our attention. He gives three reasons why inequality between the rich and poor is a cause for concern at the domestic level: (1) inequality should be reduced to “relieve the suffering and hardships of the poor,” (2) a gap between the rich and poor “often leads to some citizens being stigmatized and treated as inferiors,” and (3) fairness at the domestic level calls for equality of opportunity.\(^{56}\)

Relieving Suffering and Hardships

While noting that inequality is a cause for concern at the domestic level because relieving inequality helps to reduce the hardships of the poor, Rawls also notes that equality of wealth is not required to meet this criterion: “In itself, it doesn’t matter how great the gap between rich and poor may be. What matters are the consequences.”\(^{57}\) The ‘consequences’ that he speaks of here refer to the ability of individuals to exercise their freedoms and live their own lives—liberal society must ensure that inequality does not prevent its citizens from doing this. As long as a minimal level of wealth is available to the poorest (allowing them to exercise their freedoms), the level of inequality does not matter. Rawls notes an analogy at the international level—the duty of assistance requires that nations make sure that other


nations are not prevented from becoming liberal or decent because of a lack of resources. In other words, with peoples as the principle parties to the second session, the requirement for inequality is only that peoples should have the resources to be self-determining.

There is a problem with Rawls’s analogy here: although all that is required for justice to be met at the domestic level is that all have the resources to exercise their rights, justice in the ideal sense calls for stronger principles. The overlapping consensus that practically defines the conception of justice in the domestic context may call for something as minimal as a baseline to ensure the meeting of basic needs, but it may also be as extensive as the difference principle with equality of opportunity. Justice minimally defined for liberal society is taken as the singular option for the law of peoples. Rawls emphasizes the analogy between the domestic and global situations here, but he does not explain the origin of this disanalogy. In comparing the domestic case with the situation of the ‘Society of Peoples’ Rawls writes, “once the duty of assistance is satisfied and all peoples have a working liberal or decent government, there is again no reason to narrow the gap between the average wealth of different peoples.” Whether we agree with this statement depends on whether something like the difference principle—or any principle of equality stronger than the domestic minimum required for legitimacy—ideally applies at the global scale.

Stigmatization of the Poor

The second reason—that a gap in wealth leads to the stigmatization of some members of society—also suffers from an unjustified disanalogy. Rawls writes that “conventions that establish ranks to be recognized socially by expressions of deference must

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be guarded against" because they unjustly do harm to individuals’ self-respect. He then turns around and says that the same would be true on the international scale only if the feelings of inferiority are justified, and clarifies that as long as the duty of assistance is fulfilled, “these feelings are unjustified.” Rawls fails to justify the disanalogy—why is it that domestically established ranks and socially required deference are unacceptable, while globally established ones are not? Why are the feelings of inferiority of individuals justified, while the feelings of inferiority of peoples are not? Rawls’s claim is that if a people is unsatisfied with its wealth, it can “continue to increase savings” or “borrow from other members of the Society of Peoples.” If the poor are stigmatized at the domestic level their feelings of inferiority are justified, but if poor peoples are stigmatized internationally they should increase their savings or borrow from other peoples. Just as telling a poor individual to save more or get a loan would fail to solve the problem of the stigmatization of the poor at the domestic level, so too does it fail at the global level.

**Fairness and Equality of Opportunity**

The third way that inequality comes into play at the domestic level is fairness in political process. Rawls’s belief is that there is a sense of fairness analogous to equality of opportunity at the global level, but as with the first two points, the question becomes not ‘what is the analogy?’ but ‘what is the disanalogy?’: what is it that causes the sense of fairness to be so different in these two spheres? In the domestic context, fairness of political process means fair elections and equality of political opportunity (including equality of background

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conditions—such as opportunity of education—enabling all citizens with the ability and the inclination to achieve political office to have equal chances): no impediments to political office beyond innate talent and proclivity should exist for some members of society but not others. Society must be structured such that those on either side of the gap have the same opportunity. If this idea were expanded globally, it would mean that anyone, anywhere in the world, should be able to have the same chance at achieving political office as anyone else (provided similar inclination and innate ability). Among other things, this would mean access to the same quality of education and the same political resources. Let us look to Rawls's analogous principle at the global level:

Basic fairness among peoples is given by their being represented equally in the second original position with its veil of ignorance. Thus the representatives of peoples will want to preserve the independence of their own society and its equality in relation to others... In addition, the parties will formulate guidelines for setting up cooperative organizations, and will agree to standards of fairness for trade as well as to certain provisions for mutual assistance.\(^6\)

There are two levels on which to question the analogy: the levels of persons and of peoples. Rawls analogy is based on a shift from the level of persons at the domestic to the level of peoples at the global: taking it as a given that the second session involves representatives of peoples instead of individuals, we can ask whether the two senses of fairness are analogous. The political fairness described here regarding the domestic level means equality of opportunity to take part in the political process, while the political fairness described here regarding the Society of Peoples refers to the preservation of the independence and equality of peoples. Peoples are not guaranteed an equal chance at a place in future global

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governance (something that would be analogous to fairness of political opportunity)\textsuperscript{64}—rather rules supposed to promote equality are decided on at the second session: instead of an equality of opportunity to influence global politics, peoples are given fairness in the form of rules that are supposed to enforce their equality, independence, and fair relations.

What would an analog of this look like at the individual level? It would mean a set of domestic rules which take equality of representation as given and as a result prioritize the independence of persons over their opportunity to represent themselves in government. Persons would not need to have access to the political process because rules would be in place which preserved fairness. This would clearly contravene Rawls’s principles of political liberty from the first session. While Rawls’s domestic case focuses on independence by requiring the opportunity for individuals to play a role in government, his international case focuses on independence by suggesting that rules would be agreed on that focus on the rights of peoples to self-govern. This switch in conceptions of the meaning of independence—which results in changes in the meaning of fairness between these two contexts—requires a justification that Rawls does not provide.

An Incomplete Veil

The second major difference between Rawls’s domestic and global conceptions of the original position is the difference in the density of the veil of ignorance. In the domestic case, the ignorance that individuals have about their own persons is nearly complete: no one knows their class position, social status, age or generation, natural assets or abilities (e.g., strength or intelligence). Even more, they do not know any details of their psychological

\textsuperscript{64} ‘Governance’ should be taken broadly here, since a global state is not required (and is rejected by Rawls as a possibility). In the world structured as Rawls envisions it, this ‘governance’ would refer more generally to the high-level political positions in the cooperatives formed by peoples.
makeup—their conception of the good, their life plan, the extent to which they are risk-
averse or optimistic. More interesting still is that “the parties do not know the particular
circumstances of their own society. That is, they do not know its economic or political
situation, or the level of civilization and culture it has been able to achieve.” What Rawls
realizes when he conceives of this veil of ignorance is that if the parties know any facts about
themselves as individuals, the fairness of the agreement achieved will be compromised. If an
individual knows they are healthy, they may be less supportive of the unhealthy; if an
individual knows they are part of a religious majority, they may be less supportive of the
rights of religious minorities; if an individual is old, they may be less supportive of initiatives
that only pay off in the future. These are not necessarily conscious decisions—the parties
involved may honestly attempt to be even-handed—but knowing one’s own position
jeopardizes one’s intellectual honesty.

Because Rawls realizes this in the domestic sphere, it is curious that he thins the veil
in the international sphere:

The parties are subject to a veil of ignorance properly adjusted for the case at hand: they do not know, for example, the size of the territory, or the population, or the relative strength of the people whose fundamental interests they represent. Though they do know that reasonably favorable conditions obtain that make constitutional democracy possible—since they know they represent liberal societies—they do not know the extent of their natural resources, or the level of their economic development, or other such information.

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Those parts that are analogous to the domestic case make sense—representatives of peoples do not know the particulars of the peoples they represent, such as their population, their resource endowment, or their economic development. But the disanalogy with the domestic case is stronger than it first appears, and as usual it requires justification that is not there. The key fact is that the parties to the second session know ‘that reasonably favorable conditions obtain that make constitutional democracy possible’; they know that their peoples are well-to-do enough that they can meet the basic demands of the individuals who make them up. This sets a minimum threshold for participation, meaning that the representatives involved, although ignorant of many factors that would result in biases in the agreements produced, can proceed by coming to agreements biased against those who do not qualify for participation. Coming up with an analogous exclusion at the domestic level that does not sound preposterous is difficult—imagine, for example, if the first session were conceived as a method to find rules governing the just relations of those who economically contribute to society, so the veil was thinned to allow people to know whether they were employed.

This distinction between the two sessions is closely linked with the next distinction to be discussed—the selective nature of Rawls’s second session. Because of this relation (to be explained below), we will now move on to the third distinction.

And Liberty and Justice for Some

The third difference between Rawls’s two sessions is only possible because of the difference just discussed—parties do not face complete ignorance about their position, so they are able to know that they represent liberal or decent peoples. At the domestic level the session is all-inclusive—due to the veil of ignorance, all parties are put in the position of possibly being one of the worst-off members of society. If the veil were not different at the
second session, the parties would not know if they represented liberal or decent peoples. This change drastically affects the result of the global original position.

Only one of the rules resulting from Rawls’s second session directly deals with distributive justice: the eighth and final rule, which requires that peoples share their wealth with other peoples when such aid would enable these other peoples to organize themselves liberally (or decently) when they otherwise could not, or when a liberal or decent people needs temporary aid in order to maintain its current organization as liberal or decent. As has already been noted, this rule says nothing about obligations to peoples who are resource-starved but do not have the inclination or ability to become liberal or decent. In other words, the one piece of information that the veil allows to pass through it (and which is also used to determine which representatives are party to the session) also ends up as a determining factor of a requirement of foreign aid: representatives are aware that the people they represent are minimally well-off, and this ‘decency-subsistence level’ becomes the threshold below which peoples who are inclined to be organized as liberal or decent must not fall. The representatives know one fact about the peoples they represent, and as though without bias, they are supposed to say ‘reflecting impartially, we see that any peoples who possesses this characteristic (which all of our peoples happen to share) ought to receive foreign aid from others when they have a shortfall in resources.’

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68 As noted above, aside from the duty of assistance there is also the sixth rule: the duty to honor human rights. This specifically includes “the right to life (to the means of subsistence and security)” (Rawls, The Law of Peoples, 65). Rawls says that his list of human rights should be understood as universal—that is, they should be taken as applying to all people (including members of outlaw states) and being binding on all peoples (including outlaw states). In extreme cases of human rights violations (ostensibly including violations of the right to subsistence) intervention may be called for. (See Rawls, The Law of Peoples, 79-81, 93-94 note 6).


70 “the aim is to realize and preserve just (or decent) institutions” Rawls, The Law of Peoples, 107.
As we can see, and as Rawls saw when writing *A Theory of Justice,* “If a knowledge of particulars is allowed, then the outcome is biased by arbitrary contingencies.” Applying this observation to the issue at hand, the question presents itself: if the representatives did not know whether they were liberal or decent (if the veil were thickened), and if all peoples were represented (if the second session were not selective), what would the duty of assistance look like?

To answer these questions, it is first important to understand the reasoning behind Rawls’s belief that the representatives of decent and liberal peoples would support such a limited duty of assistance. In general, Rawls does little to defend the eight principles that he declares. He discusses the ways of interpreting them in “place of the arguments for first principles in the domestic case,” but he does not defend their initial statement other than saying that “These familiar and largely traditional principles I take from the history and usages of international law and practice.” Rather than making an argument, he accepts what tradition hands down. Along the same lines, he claims that the representatives of peoples would also accept these rules: “the representatives of well-ordered peoples simply reflect on the advantages of these principles of equality among peoples and see no reason to depart from them or to propose alternatives.” Indeed, to speak to the issue at hand, the representatives of well-ordered people—with no veil of ignorance that hides from them the fact that they are well-ordered—would see the advantage in upholding this version of the duty of assistance. Rather than questioning the assumptions which support limiting the duty

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of assistance, self-interest amongst those who have enough allows for the denial of aid to those who are lacking.\textsuperscript{75}

What happens if we question the grounds for this duty of assistance? Pogge does just that, and he suspects that Rawls endorses this version of the independence of peoples because he subscribes to explanatory nationalism: if it is true that the key determining factor to any nation’s economic success is its internally determined political and social structure (that is, if it is true that a people’s economic success is not a matter of good or bad fortune), then it makes sense to uphold the rights of states to their own fortunes\textsuperscript{76}—and it would be likely that representatives of peoples would want to preserve the efforts of their peoples against others who might have less only as a result of a less productive work ethic.

**Peoples as Masters of their Own Fates**

Explanatory nationalism is the view that all of the most important determining factors in a nation’s economic success or failure are those which pertain to that nation alone—its social and political structure, the work ethic of its people, and so on. In an astonishing passage, Rawls explains his view:

\begin{quote}
...the political culture of a burdened society is all-important... I believe that the causes of the wealth of a people and the forms it takes lie in their political culture and in the religious, philosophical, and moral traditions that support the basic structure of their political and social institutions, as well as in the industriousness and cooperative talents of its members, all supported by their political virtues. I would further conjecture that there is no society anywhere in the world—except for marginal cases—with resources so
\end{quote}

\textsuperscript{75} Again, note that human rights intervention on behalf of those whose right to subsistence is not met is \textit{allowed} under the duty to respect human rights, but such intervention is not a duty in itself. See Rawls, \textit{The Law of Peoples}, 37, 65, 79-81.

\textsuperscript{76} Notably, this is not true if the second session is a session of persons rather than peoples, since whether or not the success of a people is arbitrary, the birth of any individual into any particular society is.
scarce that it could not, were it reasonably and rationally organized and governed, become well-ordered.77

By saying that nations’ success or failure is determined by social and political factors, what Rawls really means is that nations are self-determining; if its members organize themselves well and try hard, they can create a people that can succeed as a member of the world community. But if social and political structures almost single-handedly determine a nation’s position in the world, then we have a whole array of things which play little role: not the least of which are a nation’s natural resources and the role of supranational social and political structures. On the resource front, Rawls is very clear—he thinks that no nation is so limited in resources that they cannot succeed. He gives examples such as Japan—a successful nation of the world, but one having few natural resources—and Argentina—a resource-wealthy nation that faces difficulties. As far as global institutional structures are concerned, Rawls does not seem to think that they have much significance.

Regarding the duty of assistance, Rawls’s reasoning is easy to follow: if explanatory nationalism is true, then the world as a whole will benefit from a duty of assistance limited to extreme cases where there is a resource shortfall that prevents a nation from achieving what it would otherwise be capable of.78 If nations are primarily responsible for their own

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78 It still remains, however, that a global first session (which would be a session of representatives of persons, rather than peoples) of the original position would have drastically different results. Among other things, individuals not knowing where in the world they would be born would support some measure to ensure that hard-working politically motivated persons were not trapped in a life of poverty as a result of their lazy compatriots. Rawls thinks that we, on reflection, find it unacceptable to make up for the shortfalls of one peoples by taking from the hard-earned benefits of another; but do we not also find it unacceptable that individuals with the ability and the inclination to be part of a well-ordered society should be prevented from doing so by virtue of the group of peoples that they are born into? Should they not have opportunities open to them, even if this means taking some of that hard-earned wealth of other peoples?
success, then Rawls hopes to motivate them to succeed on their own—if they work hard, they keep the rewards; if they make no effort, they see no benefits.

Pogge describes explanatory nationalism as potentially “the most harmful dogma ever conceived.” He continues:

If it were explicitly formulated as an empirical assertion, explanatory nationalism would be incredible on its face. In our world (and in Rawls’s utopia), conventions and treaties are negotiated about trade, investments, loans, patents, copyrights, trademarks, double taxation, labor standards, environmental protection, use of seabed resources, and much else. How could it possibly be true that no feasible modifications of any or all of these elements of the global institutional order would appreciably affect what life is like in the poorer societies?

This stands in stark contrast to Rawls’s statement above: whereas Rawls gives a statement of the commonplace view of the self-determination of nations, Pogge points out its complete absurdity. How could it be the case that the global factors which affect and constrain the nations of the world neither affect nor could affect the positions and success of the world’s variety of peoples? This is not to say that domestic factors play no role—but it is clear that some nations greatly benefit from their relation to the rest of the world, while others face constant struggles.

The analogy with individual persons may be enlightening here: Pogge compares groups of peoples in the world with students in a classroom. Rawls observations amount to noting that because all of these students are in the same classroom, it must be up to the individual students to determine how well they do—the innate abilities of the students are not

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79 Pogge, “Do Rawls’s Two Theories of Justice Fit Together?,” 217.

80 Pogge, “Do Rawls’s Two Theories of Justice Fit Together?,” 217-18.

81 Pogge, “Do Rawls’s Two Theories of Justice Fit Together?,” 218-19.
analogous to the abilities and structures of peoples, while the classroom situation is analogous to global structures. Since all the students have the same global structures, it seems to follow that what determines how well a student does is individual to that student. But just because an individual student’s ability or inclination can enable them to do well in a particular environment, it does not mean that the environment doesn’t hamper them (or others) as well: perhaps the walls are thin, and some students are more susceptible to distraction by the sound of the teacher’s voice from the next room, or perhaps the teacher is sexist (subconsciously or otherwise) and the female students receive less encouragement or attention. The point is this: just because the atmospheric conditions are the same for all, it does not mean that they have an equal effect on all. If the issue is noise outside the classroom, one might suggest that a student’s ability to deal with noise indicates a larger skill set, and it is reasonable for that student to do better than others; with the issue of sexism the analogy becomes more poignant: some global factors may prevent a selection of perfectly capable and skilled participants from achieving their full potential.\textsuperscript{82}

In giving an example of a successful resource-poor nation such as Japan, Rawls reveals that he has been fooled by a common fallacy that people commit when thinking about this issue: just because \textit{any} country could have succeeded on the global stage regardless of the limits of their natural resources,\textsuperscript{83} it does not follow that \textit{all} countries could have succeeded. Just as in a classroom students might be competing with one another for the limited time of the teacher or limited available school supplies, on the global stage poor nations are sometimes competing with one another for trade agreements or loan

\textsuperscript{82} Pogge, “Do Rawls’s Two Theories of Justice Fit Together?,” 218-19.

\textsuperscript{83} That this is the case is obviously debatable, but granting that this is the case, that all countries could have succeeded still does not follow.
opportunities. One success story does not mean that those who create the global conditions are absolved from all responsibility for the stories of failure.\textsuperscript{84}

All of this serves to demonstrate that global factors actually can (and do) play a role in determining the successes and failures of individual nations. Pogge continues in his critique, noting that aside from global factors that play a direct role in determining the outcomes of nations, some global factors affect the successes of nations indirectly by influencing domestic factors.\textsuperscript{85} A nation may fail because of a persistent domestic culture of corruption, but this corrupt culture—and therefore any corrupt leaders that emerge from it to the detriment of the society—may be the result of a global atmosphere which encourages corruption in some nations.\textsuperscript{86}

Before getting back to the question of how the duty of assistance would differ if all peoples were represented from behind a complete veil of ignorance (instead of only those who are well-ordered), let’s fully bury the myth of explanatory nationalism by looking at one concrete example of how the global order shapes the opportunities of poor nations: “international resource, borrowing, treaty, and arms privileges.”\textsuperscript{87} As it currently stands, the international community recognizes whoever is in power in a nation as having all rights to that country’s resources: including the right to sell those resources on the international market and do as they see fit with the proceeds. The result of this is that anyone within a

\textsuperscript{84} Pogge, “Do Rawls’s Two Theories of Justice Fit Together?,” 219.

\textsuperscript{85} This is part of Pogge’s broader argument for the ways in which the best-off harm the worst-off—the ‘shared global institutions’ strand of his argument. This will be discussed in much more detail below in chapter four. Here it merely serves as a further counterpoint to the claims of explanatory nationalism.

\textsuperscript{86} Pogge, “Do Rawls’s Two Theories of Justice Fit Together?,” 219. This point (and similar ways in which the global order can affect domestic orders) is also discussed further below.

\textsuperscript{87} Pogge, “Do Rawls’s Two Theories of Justice Fit Together?,” 220.
nation with any saleable natural resource knows that if they can hold a successful coup, they can then sell the nation's resources in order to enrich themselves, and furthermore fund their own ability to stay in power through the sale of the nation's natural resources. They also earn the ability to take out loans and sign treaties in the name of the state—meaning that they can bind the present and future people of the nation whose power they have seized. The global order is shaped such that even in nations where domestic factors largely account for their failure, in at least some cases these domestic factors are themselves the result of global factors.88

A Fully Veiled Duty

Let us briefly consider what sort of duty of assistance would result if the representatives of peoples did not know whether the peoples they were representing were well-ordered. In his discussion of redistributive principles, Rawls looks at a case where two nations begin with the same size population and wealth as one another. One of these nations industrializes and increases its level of savings, the other has a stronger preference for leisure and does not. As the decades pass, the industrialized nation comes to have twice the wealth per capita compared to the unindustrialized nation, although both continue to maintain a level of wealth sufficient for supporting their well-ordered society. Rawls asks us to consider whether it would be appropriate to tax the wealthier nation in order to elevate the unchanged nation. His conclusion about such a redistribution is that it “seems unacceptable.”89 Many of us share Rawls intuition here: if one people wants to work hard to create wealth for itself, it should not be impeded by similar nations who choose against such

hard work.\textsuperscript{90} Rawls takes this as confirmation of his duty of assistance: “According to the duty of assistance there would be no tax, and that seems right.”\textsuperscript{91}

For the sake of argument, let us assume that we agree with Rawls in this particular case. It does not follow that Rawls’s preferred duty of assistance is acceptable in all similar cases. This time consider three nations: the first is liberal and has a high amount of wealth per capita, while the other two are not well-organized and are poor. The wealthy nation does not want to risk too much, so it decides to make a loan to only one of these other nations. The two nations compete for the loan, but ultimately it can only go to one of them. Decades later, both nations have become liberal—the nation that did not receive the loan barely has enough resources to keep its government from collapsing (but does have enough to remain well-ordered), the nation that received the loan has improved itself to a comfortable position, and the nation that made the loan still receives interest payments such that it has greatly increased its own wealth. Considering the ‘present’ situation of the three nations, Rawls’s duty of assistance requires nothing in this situation, yet it is not at all clear that the representatives of these people, not knowing which peoples they represented, would call this situation just. To use the type of reasoning that Rawls uses in \textit{A Theory of Justice}, we might speculate that behind the veil of ignorance, the representatives of these three peoples—each knowing that they might represent either of the worse-off nations—would likely support some scheme to allow for those still paying interest or those who never received a loan to somehow better their position.

\textsuperscript{90} Many of us would agree with Rawls that allowing one group to increase their productivity without sharing the benefits seems fair, but this does not mean that it has been demonstrated that this arrangement would be preferred for the two representatives of these peoples when they did not know which countries they represented. With two parties, neither knowing if they represent the hard-workers or the leisure-preferrers, it seems that some shift in wealth (but not an equalizing shift) might be agreed upon.

\textsuperscript{91} Rawls, \textit{The Law of Peoples}, 117.
Preliminary Conclusions

I will not pretend to be able to deliver a fully formulated duty of assistance, but from the hypothetical scenarios and analogies that I have discussed it should be clear that Rawls's version of the duty of assistance is incomplete as stated, and could not be justified in the veil of ignorance as he describes it. A complete duty of assistance must reflect the reality that domestic factors cannot fully explain the successes of nations. Also, the sixth duty, which calls for peoples to ‘honor human rights,’ must be strengthened, and Rawls’s understanding regarding fair trade agreements should be included in the original set of duties (perhaps as an amendment to the first duty, which calls for respect of the freedom and independence of peoples) instead of assuming that it would be enacted by those who hold economic power.

Here are the three relevant duties as originally suggested by Rawls:

1. People are free and independent, and their freedom and independence are to be respected by other peoples.

6. Peoples are to honor human rights.

8. Peoples have a duty to assist other peoples living under unfavorable conditions that prevent their having a just or decent political and social regime.\(^{92}\)

Including stronger provisions for fair trade, human rights, and assistance, the duties might look something like the following:

1. People are free and independent, and their freedom and independence are to be respected by other peoples. This respect includes a prohibition against a peoples’ leveraging their economic (or other) power in order to further increase power disparities with the peoples that they are dealing with.

\(^{92}\) Rawls, The Law of Peoples, 37. These numbers correspond with the list of eight rules given by Rawls.
6. Peoples are to honor and defend human rights, both domestically and abroad.

8. Peoples have a duty to assist other peoples living under unfavorable conditions that prevent their having a just or decent political and social regime, or otherwise prevent them from exercising their human rights, even in the case that this assistance will not prompt them to organize themselves as liberal or decent.

The addition to rule eight calls for assistance even when it will not result in the induction of more peoples into the society of well-ordered peoples. If the representatives at the second-level session do not know that they are liberal or decent, it becomes clear that a duty of assistance that is at least this stringent is required. The changes to rule one attempt to clarify the place of fair bargaining in the law of peoples. It addresses factors that would allow for the most powerful of liberal and decent societies to keep others just above the position below which the duty of assistance would come into play, but still abuse their power to increase disparities as much as possible. This rule could perhaps be formulated more broadly to require that any global agreements be formulated to benefit the peoples who are worst-off. This rule effectively calls for the recognition (and treatment) of human-made global factors which play a causal role in the development of nations. Rule six is strengthened to require that all persons have their human rights protected, rather than merely requiring their recognition. These rules are not supposed to be complete, and they are by no means perfect—but they are an improvement on the eight rules given by Rawls, and they begin to correct some of the harmful effects of the way he conceives of the second-level original position.

93 If one were taking a three-level approach to the law of peoples, as Rawls does in the first session, this more broadly construed principle would likely be one of the ideal principles of justice. For more on this difference between the two sessions, see below.
The Three Layer Take

Considering what Rawls believes the participants of his second session would agree upon, changes to rules one, six and eight were suggested above—but this takes for granted that Rawls was on the right track to begin with. For a moment let us ignore the rules that Rawls believes the representatives of peoples would agree upon, and consider what the outcome might be of a session of the original position with a full veil of ignorance, with the participants being all representatives of peoples. We would expect the outcome to be somewhat similar to the outcome of the first session, which yielded a domestic theory of justice. Instead of following this course, however, Rawls has “The parties in the second original position select among different formulations or interpretations of the eight principles of the Law of Peoples.”

As Pogge writes of this difference, “The structural disanalogy leads to important substantive differences.” In fact, it seems to be this difference which results in the drastically different framing of the issues of the relationship of liberal and decent peoples to the world’s worst off.

The two-tiered approach used by Rawls at the global level is less flexible than the three-tiered approach endorsed by him for the first session. The domestic session aims to clarify principles of justice, which are then used as the litmus test for any conceived rules. When trying to determine what the laws should be regarding compulsory military service, for example, the alternatives would have to be tested against the two principles of justice: are rights and duties distributed equally, and do any resulting inequalities also benefit the least well-off? By establishing the principles of justice (the second layer) through the first session

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95 Pogge, “Do Rawls’s Two Theories of Justice Fit Together?,” 214.
with the veil of ignorance, more concrete questions about particular laws (the third layer) are no longer left completely open to debatable hypothetical agreements. The rules that are most fitting with the principles of justice may change depending on existing empirical factors. Suppose that at one point in time it is the case that making all military service voluntary leads to the greatest fulfillment of the principles of justice by leaving opportunities and responsibilities only to those who want them, but then as times change the reality becomes that only the poor join the military because although it is dangerous it is the only option available to them. Because the rules have not been decided in advance, but are tested against the principles of justice, the laws that govern whether military service is voluntary will change with the progression of society.

The two-tier scheme that Rawls suggests for the second session allows much less flexibility. Rather than being charged with the task of finding acceptable principles of global justice, the second session seeks to find rules that would be agreed upon by the representatives. In other words, issues are decided in advance, and not set up to evolve with the progression of the world. It is conceivable, as Pogge points out, that there are reasons that the two-tiered approach is preferable at the global level, even though the three-tier approach is better for the domestic level. It could be the case that the possibility of faulty and self-serving rationalization means that an approach where the rules are predetermined—rather than an approach that is dependent on reasoning about their relationship to principles of justice—is more suitable for the second session; but as with the other differences between the first and second sessions, Rawls does not give us such a

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97 Pogge, “Do Rawls’s Two Theories of Justice Fit Together?,” 213.
reason, and he doesn’t defend any claims about the difference between the global and domestic contexts that would justify such a drastic difference.

**Principles of Justice and the Nature of Our Relationship to the Poor**

The differences in approach between Rawls’s two sessions of the original position lead to a change in the focus of justice in the two contexts. In the first session, the ideal principles of justice are based around the needs of individuals: what would they require and demand in order to have a just starting position from which to order their own lives? What social institutions would they—from behind the veil of ignorance—agree to participate in? Rawls’s answers point to a belief in the importance of the ways that domestic structures shape the options that we have in our lives: individuals must have the freedom to shape their own lives, and this freedom is only meaningful if it comes with actual opportunities. From behind the veil of ignorance, we would not agree to participate in a system where we might be born poor and never have any chance to change that. Ideal distributive justice does not require that we take from the rich and give to the poor to make them richer; it requires that we shape our economic and social institutions so that those born poor or rich have the same access to opportunities in the first place.

In the second session, the relationship between individual peoples is defined with a different focus in mind: the desire of each peoples to be self-determining. This could lead to a focus similar to that found in the first session if global structures were created to facilitate the ability of all peoples to have opportunities to shape their own futures. Instead, Rawls’s version of the second session focuses on the desires of peoples to be independent.

This change is largely motivated by Rawls’s belief in the primacy of the nation in the global context. If global structures and the fortune of nations were currently insignificant
enough that all nations had equal opportunity to succeed on the world stage based on their own efforts, then further global structures based on stronger principles of justice would not be required to guarantee peoples the capacity for self-determination. The analogy with the domestic context is stronger than Rawls realizes, however, and just as individual persons cannot always make up for unfair domestic structures and their personal misfortune through hard work, so too can peoples can find themselves in undeserved and helpless situations.

Rather than forming our global institutions around a principle of distributive justice, in the international context, according to Rawls, our relationship to the world’s worst-off is determined by the eight principles that are decided on at the second session. In particular, of course, this means that our relationship to the poor is defined primarily through the duty of assistance (with additional guidance coming from the duty of respect for human rights and restrictions regarding fair trade). But by defining our relationship in this way—as a duty to give aid in cases where peoples fall below some level—he is defining our relationship in terms of how we ought to help. In the domestic context, on the other hand, any relationship between the poor and the affluent of society must be tested directly against the principles of justice; any relationship between the two classes that contravenes the difference principle harms the worst-off insofar as it violates justice.

As Freeman notes, failing to fulfill the duty of assistance is still a violation of justice, just as failing any principles of justice would be in the domestic context. However, even though it is true that “Contrary to some critics, Rawls’s duty of assistance is not a charitable duty,”98 the two-tier structure at the second level makes the fulfillment of this duty much more active than the fulfillment of the principles of distributive justice at the domestic level.

At that level, once social and economic systems are set up according to the principles of justice, no action is required in order for those principles to continue to be fulfilled. At the level of the law of peoples, however, the duty of assistance is set up as a purely positive duty: provide aid to those who fall below a certain level. To some extent this is simply a matter of framing, but practically such differences can have significant effects. Especially if most peoples already hold Rawls’s own intuition of the primacy of peoples, having a duty that requires action for fulfillment will likely lead to ineffectiveness.

What’s the Difference?

Pogge’s description of the duties of the global affluent to the poor is more in line with Rawls’s account of domestic justice insofar as he defines duties of ‘assistance’ negatively. Rather than seeing the situation as one where wealthy nations are in a position to help poor nations get on the track to development, as Rawls does, Pogge identifies the situation as one in which the wealthy bear responsibility for current inequalities and the position of the worst-off. Pogge recognizes the role that global structures play in shaping the opportunities and futures of peoples, and his account of our obligations to the worst off focuses on our relation to these forces. As contributors to the situation, we have an obligation to account for the harm done and cease our injurious ways.

Rawls believes that the differences between his duty of assistance and a global egalitarian principle with a target, such as Pogge’s, could be very similar: “Depending on how the respective targets and cutoff points are defined, the principles could be much the same, with largely practical matters of taxation and administration to distinguish between them.”

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The cases where they differ, however, are significant. These would include the cases considered above, where aid to the worst-off would not be enough to encourage them to be well-ordered, as well as cases where inequalities between peoples result in imbalances in bargaining power, which further exacerbate discrepancies. But even considering a modified law of peoples—including the suggested amendments to the rules above—the difference between the two approaches have important practical differences. If peoples think of their obligations to other peoples as only positive obligations, and if this is based on a policy of explanatory nationalism such as Rawls endorses, then these duties are likely to be viewed as fairly weak in comparison to the obligations that a people feels towards its own members, or others to whom it sees some sort of negative duty.

Furthermore, when duties are defined positively, the cutoff point for fulfilling those duties will be defined accordingly. Thus, Rawls defines our obligations towards the world’s needy as duties to assist them “until they are either free and equal citizens of a reasonably liberal society or members of a decent hierarchical society.”\(^\text{101}\) For Pogge, on the other hand, the cutoff point is based on a negative conception of duties: as long as the affluent bear responsibility for the radically unequal positions of the worst-off, they have an obligation to help them in their need. It should be noted that this sword cuts both ways: just as defining a cutoff point in terms of positive duties may limit the liability that should be attributed to those causing harm, in the case that ceasing harm is not sufficient, defining the cutoff point in terms of negative duties may end harm but leave people in dire need. In a world where need far outpaced harm to the worst off, defining these duties positively might be necessary to end suffering; in our own world, where harm done by the best off to the worst off is quite

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extensive, defining a cutoff point in terms of negative duties makes sense. Practically, in a world where all treated both their positive and negative duties seriously the two approaches would be very similar; even in this case, however, they would not be the same. More importantly, in our actual world—where positive duties are often brushed aside as frivolous or optional—their outcomes could be dramatically different for the world’s people.
CHAPTER TWO

SINGER AND OUR OBLIGATIONS TO THE WORLD’S POOREST

Introduction

In his 1972 article “Famine, Affluence, and Morality,” Peter Singer drew an analogy between seeing a child drowning in a small pond and knowing that children across the world are dying from poverty-related causes. His simple argument was this: we would think it reprehensible to walk by a drowning child whom we could easily save, even if it meant ruining our new shoes and muddying our clothes, so we must also agree that it is wrong to let impoverished children die when we could save them by making a modest donation. More generally, he suggests that if we are capable of preventing something bad from happening (e.g., a child nearby drowning, or a child far away starving) without sacrificing something of comparable importance (a pair of shoes in the first case, or a few hundred dollars in the second), then we have a moral obligation to do so.¹

In 2009, after more than 30 years of feedback on this initial idea, Singer produced a book to develop it further. The Life You Can Save is the result of presenting his arguments and hearing the responses of his classes, lecture attendees, and interviewers.² Here is his restatement of his original scenario

On your way to work, you pass a small pond… As you get closer, you see that [there] is a very young child […] who is flailing about, unable to stay upright or walk out of the pond… No one else is around. The child is unable to keep


² Peter Singer, The Life You Can Save (New York: Random House, 2009), xi-xii.
his head above the water for more than a few seconds at a time. If you don’t wade in and pull him out, he seems likely to drown. Wading in is easy and safe, but you will ruin the new shoes you bought only a few days ago, and get your suit wet and muddy.3

His basic point is this: most people will agree that we have a moral obligation to wade in and save the child, despite the fact that we will have to sacrifice something ourselves, and since we are equally capable of saving the lives of children dying from poverty-related causes through similar sacrifices to ourselves, it would be wrong not to make efforts to save these children abroad.

When considering the merits of this argument, one must also consider Singer’s audience and goal. Rather than trying to bring leading ethicists to a point of agreement on what is right, or bring world leaders together in a joint effort, his aim is to speak to individual Americans and convince them that they should be giving more. As such, he focuses his efforts on this scenario, which speaks to individual people: any of us can imagine seeing a helpless child in danger of drowning and know that we would not just let them die.

Following up this scenario with the fact that 27,000 children under 5 die every day from poverty-related causes gives an immediate and sharp tug on the heartstrings.

In this vein, Singer continues to clarify the issue and describes what poverty means to those who experience it. Describing the experiences of individuals enduring poverty will speak to affluent Americans much more poignantly than statistics.4 These are people who are unable to feed their children, who cannot put their children into school (and when they

3 Singer, The Life You Can Save, 3.

4 During his introduction and introductory chapter, Singer does not make this method explicit. In chapter four, which covers the factors of human psychology that affect how much (and to whom) we give, he explains several reasons that people tend to not respond to the problems of world poverty. Applying this knowledge to his introduction of the problem to his readers, it becomes clear that he is using this psychology to help him make his case and hook his readers.
have managed to send them to school, must frequently pull them out to work), their roughly put together homes must be rebuilt after severe weather, and they have no access to law enforcement or security. Furthermore, in any emergency, the only access to money that these people have is through a local money lender, which means that they may never escape debt.5

What is it that Singer hopes to achieve by reaching individual Americans? “Most of us are absolutely certain that we wouldn’t hesitate to save a drowning child, and that we would do it at considerable cost to ourselves. Yet while thousands of children die each day, we spend money on things we take for granted and would hardly notice if they were not there.”6 Singer wants us, individuals, to give more money to poverty relief. We buy bottled water, soda, and coffee for dollars per drink, and we may not even think about it. We go out to eat, we buy unneeded clothes, we buy expensive cars and houses. If we were walking next to a pond while carrying hundreds of dollars of food, we wouldn’t hesitate to drop it into the water if it’s what we had to do to save a life—and yet we may easily choose to spend hundreds of dollars on a good dinner and drinks instead of sending that money to those who will die without it.

**Positive Duties**

Singer frames his approach in terms of positive duties: he is suggesting to individuals that they take more action. He implores the readers, “this is the right time to ask yourself: What ought I be doing to help?” He notes the excessive extravagance of the extremely

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7 Singer, *The Life You Can Save*, xiii.
wealthy, with their private planes and multimillion dollar yachts, but also the less obvious extravagance of the middle class. We are better off than our great-grandparents were, and we have luxuries that the Kings who lived centuries ago could never dream of. “As king of France, Louis XIV, the ‘Sun King,’ could afford to build the most magnificent palace Europe had ever seen, but he could not keep it cool in summer as effectively as most middle-class people in industrialized nations can keep their homes cool today.”

Given our relative affluence, and given the extreme poverty of most of the world, Singer thinks that we have an obligation to do more. People are suffering, and we are capable of helping.

In case some people don’t find his intuitive ‘drowning child’ analogy helpful, Singer introduces another approach; this time he lays out an argument explicitly, and its conclusion is that it is wrong not to donate to aid agencies. He has the same goal as the ‘drowning child’ analogy and the conclusion is still formed around positive duties, but the straightforward nature of his argument is compelling. Another scenario is introduced to set up the argument: you are driving your car down a deserted highway and you see a hiker bleeding alongside the road. The bleeding is severe enough that he will likely die if left alone, but if you drive him into town he will be ok. Singer adds to this that you have just reupholstered your car’s seats, and the blood will surely stain them. Is a human life worth sacrificing our upholstery? Singer thinks that most of us will agree that it is. If we would save the hiker, then “This suggests that when prompted to think in concrete terms, about real individuals, most of us consider it obligatory to lessen the serious suffering of innocent

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others, even at some cost (even a high cost) to ourselves.” He goes on to formalize the argument:

1. “Suffering and death from lack of food, shelter, and medical care are bad”
2. “If it is in your power to prevent something bad from happening, without sacrificing anything nearly as important, it is wrong not to do so”
3. “By donating to aid agencies, you can prevent suffering and death from lack of food, shelter, and medical care, without sacrificing anything nearly as important”
4. “Therefore, if you do not donate to aid agencies, you are doing something wrong”

It is a straightforward utilitarian argument formed around the issue of poverty: if we can stop bad things without causing ourselves a comparable amount of bad, then we ought to stop it; we can stop a great bad (individuals dying from poverty-related causes) without causing ourselves a comparable amount of bad (losing a portion of our earnings), so we ought to do so. Singer gives a brief defense of the premises, which he challenges the reader to deny.

First, that suffering and death from poverty-related causes are bad. He entreats the reader to think of a child dying of measles: a curable disease, yet one that kills children in poverty nonetheless. Can we say that the suffering and death of this child are not bad? He asks us to imagine that the child is our own and think about how helpless we would feel if we did not have the resources to take them to the hospital. Unless we completely devalue human experience, it is hard to deny that the misery caused by poverty is an incredible bad.

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11 Singer, *The Life You Can Save*, 16.
Singer suggests that the second premise is also difficult to reject, if for no other reason than that it is so vague: if you can prevent something bad from happening without sacrificing anything nearly as important, it is wrong not to. The vagueness leaves room for all sorts of cases where we might object to this premise while still being demanding in the sorts of cases we would think people have moral obligations. If we are forced to choose between saving our own child and an unknown child dying of measles, this argument holds no force against us: it is easily true that our own child’s life is at least ‘nearly as important’ as the unknown child’s life. On the other hand, if the $2 we spend on a cup of coffee could immunize a handful of children against a local disease such as malaria, it is easy to make the judgment that our coffee is not nearly as important as these children’s health.

When first presented in “Famine, Affluence, and Morality,” Singer offered a strong and a weak version of this second premise: “if it is in our power to prevent something bad from happening, without thereby sacrificing anything of comparable moral importance, we ought, morally, to do it,” and “if it is in our power to prevent something very bad from happening, without thereby sacrificing anything morally significant, we ought, morally, to do it.”12 The second, weaker version requires that we make sacrifices only to stop very bad things from happening, and only if we do not have to sacrifice anything morally significant. This would still require us to sacrifice our cup of coffee for the life of a child, but it would not require us to give up, for example, our entire life savings. The stronger version requires that we stop anything bad from happening unless it requires us to sacrifice something of comparable importance. This would require us to sacrifice not only our cup of coffee to save a life, but possibly also our daily lunch to feed a child hungrier than us. Singer’s recent

12 Singer, “Famine, Affluence, and Morality,” 231. emphasis mine.
version lies somewhere in the middle: requiring us to stop anything bad from happening, but with more flexibility in terms of when we are excused from action. We may have to sacrifice something significant, but only if it is not nearly as significant as the bad we are preventing.

Despite a superficial intuitive appeal, this second premise is frequently rejected. Singer responds to two common objections related to this premise: (1) that there is no universal moral code and everyone is entitled to follow their own beliefs, and (2) that we have each earned our own money, and so we should get to do what we want with it.\(^{13}\) Each of these statements, if true, would allow that even in the case that our $2 could save a life, it would be morally acceptable to purchase a cup of coffee instead. Again, Singer’s audience and goal should be kept in mind when considering his responses to these objections: his intention is not to present a philosophically complete rejection of ethical relativism, but rather to appeal to the moral intuitions of the average people whom he hopes to convince to give more. To convince those who raise the first objection, Singer responds with a counterexample of sorts: what if we walked into a room and our friend was torturing a cat by heating her paw on an electric grill?\(^{14}\) Do we acknowledge their right to follow their own beliefs, or do we object because they are acting cruelly for their own amusement?\(^{15}\) If we think that someone torturing a cat for fun should be stopped, then we are acknowledging that not all people are always entitled to follow all of their own beliefs.

Singer responds to the second objection by simply explaining the falsity of the view: it is just not the case that we are each responsible for our own wealth. He refers to Nobel

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\(^{13}\) Singer, *The Life You Can Save*, the first objection is dealt with on 25-26, the second from 26-28.


\(^{15}\) It is notable that Singer’s example involves a case where harm is being done (violating a negative duty) rather than a case where one is failing to do good (violating a positive duty). This is addressed below in the comparison between the approaches of Singer and Pogge.
Prize-winning economist Herbert Simon’s estimate that social capital—the institutions that surround us and enable us to live our lives as we do—accounts for 90% of the earnings of individuals in affluent nations. Banks, functioning branches of government, schools, transportation infrastructure, etc., all enable us to make significantly more money than we otherwise could, which means that we, as individuals, aren’t the primary reason we are so wealthy. Furthermore, Singer continues, even if we did have a right to spend our money as we pleased, this has no implications for what we ought to do: his second premise does not suggest that if anyone can prevent something bad from happening without sacrificing something nearly as important, they should be forced to.  

The third premise—that we can prevent suffering and death by donating to aid agencies—is also frequently challenged. The challenges vary in severity, from the claim that making charitable donations doesn’t do any good, to claims that donating to relief agencies actually causes harm. Singer responds to two critiques of the second sort. The first objection is that private philanthropy undermines political change. By giving token amounts of money, members of affluent countries feel as though they’re doing good, but at the same time they continue to take part in the institutional structures that are causing poverty in the first place. Singer’s response is straightforward: his basic argument is that we have responsibility to take action against the suffering and death that poverty causes, and this argument in itself does not necessarily require that we give money to charities that would provide immediate assistance such as food or water. If we are afraid that providing food for

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16 Again, this relates to the difference between Singer’s approach an Pogge’s: Singer is simply trying to convince individuals that they should give more. Since he is not arguing for taxation or any other mandatory aid process, the issue of an individual’s rights to their money is of little importance.

17 Singer, The Life You Can Save, 35-36.
the worst off will make them even worse off, because their plight will be lessened, then perhaps our effort and monies should be directed elsewhere. Singer cites Oxfam as an example of an organization that not only addresses immediate needs such as famine relief, but also advocates on behalf of the worst off. If sending food only soothes our souls, then we should be contributing more to promote lasting change.

The second objection in this vein is that sending food to the worst off harms them by causing food dependency. Singer’s response is the same: the conclusion of his argument is not that we should send food; it is that we should work to end suffering and death if it doesn’t require us to sacrifice anything equally important. If contributing to agencies that send food only causes a worsening outlook for future food production, then we ought to contribute toward the development of the ability of the impoverished to produce food for themselves. Again, Singer indicates Oxfam as an example of an organization that not only provides for the immediate relief of hunger, but also focuses on the development of future capabilities.

With this response in place, the critique becomes milder but still dangerous to Singer’s argument: can aid agencies do what he claims? Do our contributions actually result in a lessening of the suffering and death of the worst off? Although it would be a hard claim that every cent of every dollar given to foreign aid goes to improving the lives of the worst off, it is similarly hard to deny that the work of good aid agencies does have a positive impact on the worst-off. Singer gives several examples of diseases that threaten the lives of children in poverty despite known inexpensive cures. In one striking example, Singer notes

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that diarrhea kills 3 million people every year, yet they could be saved by rehydration therapy requiring only clean water, sugar, and salt.\textsuperscript{20} Still, there is a difference between knowing that a child’s life could be saved for $14\textsuperscript{21} and knowing that giving $14 to an organization will actually save a life. To address this concern, Singer introduces an organization founded in 2007 called GiveWell.\textsuperscript{22}

Some information about charities is easy to find and even required by law to be made available. If one wants to know the percentage of organizational funds spent on programs, one can go on a website such as Charity Navigator\textsuperscript{23} and determine it quite quickly. But if one wants to know how effective these funds are at accomplishing what they are intended for, the information may simply not exist. GiveWell\textsuperscript{24} was founded by two hedge fund employees with too much disposable income. They wanted to give some of this income to worthy causes, but wanted to know that they were making a sound investment. When they attempted to get information regarding efficacy from a variety of charities, they met a great deal of resistance. At first they thought they were being given the runaround, but they soon realized that the organizations simply didn’t have the information they sought. Their response was to found GiveWell, “a nonprofit dedicated to improving the

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\textsuperscript{19} Singer, \textit{The Life You Can Save}, Ch 6 “How Much Does It Cost to Save a Life, and How Can You Tell Which Charities Do It Best?”

\textsuperscript{20} Singer, \textit{The Life You Can Save}, 86.

\textsuperscript{21} Singer, \textit{The Life You Can Save}, 87, note 6.

\textsuperscript{22} On-line at GiveWell.org.

\textsuperscript{23} On-line at CharityNavigator.org.

\textsuperscript{24} This account of GiveWell’s founding and purpose comes from Singer, \textit{The Life You Can Save}, 81-93.
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transparency and effectiveness of charities.” Their method was to invite charities to supply them with information regarding their effectiveness with the carrot of $25,000 grants: the goal being to fund good programs while simultaneously encouraging charities to be transparent.

If you are looking for a wide variety of charities to choose from, GiveWell.net is not the place to go. As of June 2010, over 400 charities have submitted information, but only 11 have been given a rating of two or three stars (out of three possible), and only 5% receive even one star. Using their skills learned from years evaluating businesses, GiveWell’s founders evaluate the information provided and the value per dollar of the work done by charities. They recommend—and provide grants to—only those charities whom they have determined will actually save lives or substantially improve the wellbeing of the severely impoverished. Population Services International, for example, received 2 of 3 stars from GiveWell. PSI sells condoms to prevent the spread of HIV, bed nets to prevent malaria, and treatment for diarrhea. “GiveWell estimates that across the organization as a whole, PSI saves life for between $650 and $1,000 each. In addition, it prevents nonfatal malaria attacks, nonfatal sexually transmitted diseases, unwanted pregnancies, and nonfatal attacks of diarrhea.”

If one is not convinced that saving lives is worthwhile, they might consider Interplast instead of PSI. This organization, only receiving one star from GiveWell (but being noted as ‘best in class’), performs basic surgeries to repair deformities that would otherwise prevent

25 Singer, The Life You Can Save, 84.
people from finding jobs or receiving education. GiveWell’s estimate here is $500 to $1,500 to change a life with one of these procedures. If someone needing one of these procedures is unable to find work or education and would otherwise only be a drain on their community, a $1,000 donation to Interplast would surely help to relieve their suffering. In short, although the information on aid and development organizations is far from complete, enough of it has been compiled and assessed that we can be nearly certain that a donation to the right organization would prevent significant suffering or even death.

Finally, we come to Singer’s conclusion. What follows from the truth of these three premises? Combining premises 1 and 2 tells us that if we are able to prevent poverty-related suffering without sacrificing anything nearly as important, then it is wrong not to. Premise 3 tells us that donating to aid agencies allows us to prevent such suffering without sacrificing anything nearly as important. Therefore, there is at least one way which we are able to prevent this suffering without sacrificing anything nearly as important, so it is wrong not to prevent the suffering related to poverty. Although Singer’s specific conclusion—that we must donate to aid agencies—does not follow, it does follow that we must do something to prevent this suffering. Most will consider the option of donating to charities to be the best option, but it should be noted that if we are able to prevent this bad from happening in some other way, then the demands of the argument are fulfilled regardless.

What he is arguing for, then, is that we should take some sort of action: specifically, he hopes to motivate his readers to contribute to aid agencies. This is an argument that we have positive duties: a positive duty being a duty that requires action in order to fulfill.  

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\[29\] Singer, *The Life You Can Save*, 89.
This is distinguished from negative duties, which are duties to refrain from certain types of action—duties of non-interference, for example. Singer, at least with this argument, is not making any claims that his audience needs to stop any particular type of activity: this argument suggests that we should give more to save lives when the costs are negligible to us, not that we need to keep from doing any particular type of action.

This is not to say that Singer believes that our actions are innocuous. One of the common objections that he faces from readers is the simple claim that if we haven’t done anything to harm others, there’s no way we can owe them something. Singer calls this the philosophy of “You leave me alone, and I’ll leave you alone, and we’ll get along just fine.” He notes that taking this philosophy seriously would be much more extreme than people realize, and he responds to this objection not with a restatement or clarification of his argument—which appeals to a sort of utilitarian intuition that calls for an individual to trade something minor importance for a great gain for another—but by addressing it on its own grounds. In a world with almost seven billion people, “‘You leave me alone, and I’ll leave you alone’ has become almost impossible to live by.” Singer gives several examples of the sorts of international interconnections that make this philosophy of leaving one another alone untenable. Most broadly, he points out that anyone who contributes to climate change—in other words, just about anyone who lives in an industrialized nation—is implicated in harming those who suffer its effects. The majority of greenhouse gasses in

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30 For more on the distinctions between types of duty, see below. See also, Thomas Pogge, “Real World Justice,” *Journal of Ethics* 1 (2005): Sec. 2.


the atmosphere have come from the United States and Europe, and yet Africa—responsible for “less than 3 percent of the global emissions from burning fuel since 1900”\(^{34}\)—will suffer the adverse effects much more acutely. Already warm climates will grow warmer and receive less rainfall, with the result that those nations whose people are comprised mostly of subsistence farmers (Singer gives the example of Malawi, of whose population 90% are subsistence farmers\(^{35}\) will have an increasingly difficult time with agriculture. If you drive a car (or even use public transportation) you are contributing to the greenhouse gasses in the atmosphere, which harm the severely impoverished among others. Maintaining that we have no responsibilities to those we are leaving alone thus does not absolve us of anything.

All this being said, Singer remains focused on positive duties. He sees that our actions harm others, and he sees the interconnectedness of the globe, but his focus is not to convince us all that we ought to stop the harm that we are doing. He speaks to the issue of negative duties to the extent that it is necessary to convince his readers that they have obligations to those who are extremely impoverished, but rather than be mired in arguments about harm or the proper response to it, his focus remains on the fact that we could be saving lives and reducing suffering at low cost to ourselves.

A Matter of Focus

Singer does not deny that we have negative duties toward the poor, but his focus is on our ability to help them. Thomas Pogge takes the inverse approach: he does not deny that we have positive duties toward the poor, but his focus is on the fact that we harm them. Again, note that despite the fact that Singer acknowledges that some of our actions harm the

\(^{34}\) Singer, The Life You Can Save, 32.

\(^{35}\) Singer, The Life You Can Save, 32.
world’s worst off people, his focus remains on convincing individuals that they should help. He writes, for example, that his “aim is to convince you, the individual reader, that you can and should be doing a lot more to help the poor.” Practically speaking, in terms of demands made and outcomes sought, there would not be much difference between these two types of approach. If Singer and Pogge are both right that our actions contribute to the severe impoverishment of the world’s worst off, then, given the extent of poverty in the world today, a view that asks us to assist the impoverished will be asking us to provide at least as much aid as a view that calls for us to compensate for the harm done to those in extreme poverty.

The goals of the views are not the only issue, however. There is a significant difference between the ways that the two views motivate us. Consider the example that Singer gives to convince his readers that morality is not relative: he chooses a case where we walk in on our friend torturing a cat for fun, rather than an example, say, where our friend walks by a hungry-looking cat on the street without sharing his can of tuna. This is evidence that when he wants to appeal to a crowd regarding potentially controversial moral claims, Singer recognizes that cases where harm is involved are more convincing than cases where only a failure to help is at stake.

As has been noted, Singer takes on the ‘I leave you alone, you leave me alone’ approach to morality directly: not by presenting a striking argument to convince all readers that positive duties exist, but by giving several examples of ways in which all people are implicated in causing harm. His argument for positive duties is a convincing one, but to


speak to those with a libertarian bent, he takes the rhetorical move of meeting them on their
own grounds and providing examples of ways that they are failing to leave others alone.
This is not to suggest that positive duties do not exist or do not appeal to anyone, but rather
to note that there is a much broader class of people who accept the moral standard of not
causing harm to others.

A benefit to Singer’s approach, on the other hand, is that it continues to apply in a
world without harm, or to people who deny the evidence that the affluent are harming the
worst off. If an argument is based on the notion that harm to the extremely impoverished
implies a responsibility toward them, then as soon as the harm ceases to exist the argument
dries up. In such a world, where poverty remained a problem despite the entirely innocuous
actions of the well to do, Singer’s arguments would continue to hold all people up to a
higher standard. Similarly, in the case that the evidence for harm by the better off against
the worst off was tenuous or easily deniable, Singer’s approach would continue to encourage
many to continue to provide aid.

Pogge bases his approach on the idea that an argument founded on harm will appeal
to a much broader audience than an argument founded on altruism. Furthermore, the harm
we are causing to the worst off will generally be taken more seriously than our failure to help
them. Combined with the magnitude of poverty today, Pogge uses these ideas to form a
striking implication of the people of affluent nations today:

Few realize that severe poverty is an ongoing harm we inflict
upon the global poor. If more of us understood the true
magnitude of the problem of poverty and our causal involvement
in it, we might do what is necessary to end it. […] We
call it tragic that the basic human rights of so many remain
unfulfilled, and are willing to admit that we should do more
to help. But it is unthinkable to us that we are actively
responsible for this catastrophe. If we were, then we, civilized
and sophisticated denizens of the developed countries, would be guilty of the largest crime against humanity ever committed, the death toll of which exceeds... every three years, that of World War II, the concentration camps and gulags included.\(^{38}\)

The people of affluent nations are happy to admit the tragedy of extreme poverty, and will agree readily enough that it would be good to do more to relieve this, but it is the thought that we are causally connected to these deaths that cannot be ignored. If we contribute to the deaths of 18 million people a year, then we are not simply failing to help, but are guilty. “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.”\(^{39}\) Singer appeals to our good sides: once we recognize that people are dying and we could save them, we will want to do what we can. We are each able to recognize that we would be unwilling to watch a toddler drown when we could easily save her, and we can easily see the analogy to the world’s extremely impoverished. Yet most people are more than willing to simply ignore the ‘drowning toddlers’ that are out of earshot. Singer quotes someone stating this view as a general response to his argument: “Of course I do not want people to die, but I just feel generally unattached to them. I have no doubt that if I were to take a trip to places where people are starving then I might think differently, but as it stands now they are just too far removed.”\(^{40}\) This is an easy stance to take if we believe that people are dying in a world completely separate from our own, but it becomes difficult


\(^{39}\) Pogge, “Real World Justice,” 33.

\(^{40}\) Singer, *The Life You Can Save*, 40.
to ignore if the connection between our actions and the deaths of these millions can be made apparent. Once this is done, we are no longer potential heroes constantly standing on the side of the pond, but rather active Hitlers and Stalins, constantly giving the order to kill.

All of this depends on the convincingness of the argument made. A benefit of Singer’s approach is that the burden of proof is small: if it is true that it is good to save people who are dying, then all that must be shown is that life-threatening poverty exists and we are capable of saving some people from it. Essentially, all that must be demonstrated is that there is room for a good deed to be done. Pogge’s burden of proof is much larger: he must demonstrate not only the existence of poverty and its solutions, but also that we share causal responsibility for it.

Further Differences

Another difference in the approaches of these two thinkers is that while Singer focuses on individual action, Pogge pushes for broad reform at the governmental level. Once again, it is noteworthy that Singer does not deny the possibility of a governmental approach—but it is not his aim. “I’m not arguing against a governmental role in reducing global poverty. Whether governments should play such a role is simply a separate question from the argument I am making.”

Given the magnitude of the problem of extreme poverty, however, the systematic approach may be more appropriate. Singer’s solution—for individuals to donate a percentage of their earnings based on their income bracket—is easy for individuals to follow, but it has problems of its own. Among other things, it suffers from the psychological setbacks associated with our sense of fairness: as Singer phrases it,

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41 Singer, The Life You Can Save, 28.

“Nobody likes being the only one cleaning up while everyone else stands around.”

We are less likely to contribute a portion of our income to foreign aid if we suspect that others are not doing the same. It may be the case that this is not a good reason for individuals to refrain from giving, but it is a reason that individuals will hold back nonetheless. An institutional solution such as Pogge’s avoids this issue by raising the necessary funds as a tax and thereby ensuring that few individuals are able to avoid it.

There are also benefits to Singer’s approach that are not utilized by Pogge. Singer delves into the psychological effects that keep people from taking action, he responds to typical objections that people have to increase their giving, and he addresses tested methods for increasing individuals’ willingness to give. These are not reasons to favor his positive-duty approach, but they are considerations that would make a position like Pogge’s stronger. Despite the fact that the argument presented in the paragraph above supports Pogge’s approach over Singer’s, it is Singer whose research backs it up by delving into our psychological makeup. Applying facts about human psychology in addition to philosophical reasoning is likely necessary to the formation of an effective solution to the problem of world poverty.

### Three Kinds of Duty

Pogge distinguishes between three types of duty: positive, negative and intermediate. While negative duties are those of noninterference, and positive duties are active, intermediate duties are those that require our action in order to prevent harm that

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44 See chapter five for details on Pogge’s solution.

45 These are to be distinguished from positive and negative rights, which are not under discussion here. Although the categories of duty may be related to types of right, I am making no such claims.
would otherwise be caused by our past actions; I have a negative duty not to hit others with my car, and a positive duty to help pedestrians who have been hit by cars, but if I should accidentally strike a pedestrian with my car, I have an intermediate duty to see to it that they’re alright. This is not strictly a negative duty, because it requires action on my part (not just my noninterference), and it is not strictly a positive duty because it is a result of my having already interfered (if I don’t act, I cause harm). Pogge focuses his argument on negative and intermediate duties rather than positive ones. As he explains in a number of places, this is neither because he thinks that positive duties do not exist, nor because he thinks that all negative duties are stronger than all positive duties. It stems from a belief that negative duties in general are more stringent than positive duties (other things being equal). As Pogge phrases this, “negative and intermediate duties are more stringent than positive duties when what is at stake for all concerned is held constant.” For example, my duty not to steal from others is stronger than my duty to intervene in a mugging that I see taking place. Much more significant than Pogge’s (or our own) opinions on the relative strength of positive versus negative duties, is the wider agreement that exists about the significance of negative duties relative to positive ones—both in the philosophical and political communities as well as among the general public. From people who think that positive duties are just as strong as negative ones (e.g., act-utilitarians), to people who think that both exist but negative duties are stronger, to people who deny the existence of positive duties altogether (e.g., libertarians), we can find agreement on the existence and importance of negative duties. Whether they will agree on the particular duties that connect the world’s


47 Pogge, “Real World Justice,” 34.
best-off to the worst-off remains to be discussed, but by focusing on negative duties Pogge chooses an aspect of obligation that can be agreed on in principle. Pogge writes, “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.” Since all dominant strands of ethical thought can agree that we have obligations not to harm one another, Pogge uses this as his focus to make the argument that we are mistreating the world’s worst off.

Pogge addresses head-on the possibility of approaching world poverty from the angle of positive duties. He notes that it has been done well by a number of thinkers, including Peter Singer. He explains one reason for taking this different approach:

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

In other words, these arguments from positive duties might be effective if people were generally already inclined to do good, but given that the arguments from positive duties have already been made to no effect, the alternate approach—focusing on harm—becomes necessary. In addition to the issue of efficacy is that of accuracy; it may be politically expedient to focus on opportunities to help rather than instances of harm, but it is also misleading. Imagine an organization asking for donations for Iraqi reconstruction, and making no distinction between those nations that were active in its destruction and those

48 Pogge, “Real World Justice,” 34.

that weren’t. Treating all donations as acts of philanthropy would obscure the fact that the U.S. was the primary force behind the need for reconstruction in the first place. Because we are implicated in producing the deprivations of extreme poverty, our duties to relieve deprivations are stronger than they would be if we were able to end poverty but not causally connected to it. A positive duty approach obscures this, and is less effective as a result.

Ultimately, the weakness of Singer’s argument lies in the ‘should’ implied by its second premise and conclusion, or to stick to Singer’s wording, the ‘wrong’ indicated. The issue is that this wrong is perceived as being fairly insignificant relative to our ‘right’ to do as we please, so the ‘should’ is taken as being fairly weak. People may be willing to admit that it is wrong not to prevent something bad from happening when it could easily be prevented, and they will likely admit that they ‘should’ give to aid agencies to alleviate the suffering associated with world poverty, but they are much less willing to accept these claims as being so strong as to actually be morally binding. The moral requirement to give more to poverty relief is taken as being more on par with the duty to make the suggested donation when visiting a free museum than the duty not to push a toddler into a swimming pool.

The Argument from Harm

The efficacy of approaching the solution to world poverty by arguing that harm is done depends on whether a convincing argument can be made that this harm exists. That most people would find an argument that we are violating our negative duties more compelling than an argument that we should give more does not tell us anything about whether people will be convinced by any particular arguments that attempt to show this. If Pogge’s arguments fail to convince people that they are implicated in the extreme poverty of
the worst off, then Singer’s approach will remain the stronger simply by virtue of the fact that it actually speaks to people.

Pogge claims that ‘we,’ the people of affluent countries, are violating our negative duties by harming the world’s extremely impoverished in three different ways. He pursues these three lines of thought as strands of a broader argument that concludes with our obligations to the worst-off. He calls his approach ‘ecumenical,’ because he seeks to appeal to the adherents of “all the main views now alive in Western political thought.” He is not claiming that everyone will be convinced by each of the three strands, but rather has developed each of the three in response to general lines of justification that are offered by various sides of political thought. If the three strands work in parallel, then as long as one of the strands holds strong for a person from any particular school of political philosophy, then the argument as a whole will still stand. The three strands he develops are based on the violent history shared by the best and worst off of the world today, the domination of the world’s common resource pool by affluent nations, and the imposition of poverty-magnifying institutions onto the worst-off by the well-to-do. The idea behind each of these strategies is the same: to establish the violation of negative duties by demonstrating harm.

Rather than relying on readers’ humanity and appealing to the severity of poverty to motivate them to help, Pogge seeks to convince even the most skeptical reader that all people of affluent nations are actively contributing to the dire situation of the worst off. The three parallel strategies for demonstrating harm will be examined in Three and Four below.

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Pogge lays out his argument explicitly in a number of places. He formulates it in terms of radical inequality, which is defined by five elements: (1) In absolute terms, the worst-off are ‘very badly off.’ (2) In relative terms (compared to others) they are also very badly off. (3) The imperviousness of inequality: it is (nearly) impossible for the worst-off to improve their position substantially, and the best-off have no experience or idea of ‘life at the bottom.’ (4) The pervasiveness of inequality: the difference between the best and worst-offs cuts across all aspects of life. (5) “The inequality is avoidable: the better-off can improve the circumstances of the worse-off without becoming badly off themselves.” However, rather than claiming that radical inequality constitutes a violation of negative duties in itself, and rather than focusing on potential positive duties implied by such inequality, he suggests that additional conditions must be determined which, if satisfied, would demonstrate harm by the best-off against the extremely impoverished. He suggests three such conditions, which are three ways that we, the people of affluent nations, harm the worst off: the shared institutions imposed on the worst-off by the better-off, the uncompensated exclusion of the worst-off from a common resource pool, and our common violent history. These three conditions represent three separate approaches (which “exemplify distinct and competing political philosophies”), which come to form the three parallel strands of his final argument. Pogge suggests that we do not need to choose between these three strands of the argument, based on two theses: “First, all three approaches classify the existing radical inequality as unjust and its coercive maintenance as a violation of negative duty. Second, all


52 Pogge, “Eradicating Systemic Poverty,” 60.

three approaches can agree on the same feasible reform of the status quo as a major step toward justice.⁵¹⁴ The goal is to form a proposal that focuses on the eradication of global poverty that would garner the support of those who subscribe to any of the “dominant strands of western normative political thought.”⁵¹⁵

From this statement of Pogge’s argument and intentions, it seems as though the explicit statement of his argument would look something like the following:

1. Radical inequality (as defined by 1-5 above) exists.

2. If at least one of the (a) shared violent history, (b) exclusion from resources, or (c) shared global institutions theses holds, then the existence of radical inequality constitutes a violation of negative duties (harm).

3. A proposal exists, which would be agreeable to adherents of any of a-c, and would also alleviate radical inequality.

4. Most people (or alternately, the main voices in the discussion of ‘western normative political thought’) will support one of a-c.

5. Therefore a proposal exists, which, if enacted, would alleviate radical poverty and would also have a (philosophically) wide base of support.

In short, the idea is that most people will agree (or will be convinced) that we have negative duties toward the severely impoverished, based on one of the three strategies that Pogge pursues. As Pogge explains it, he “present[s] 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.\textsuperscript{56} According to this statement of the argument, the three strategies that Pogge pursues each explain how the affluent are implicated in a violation of negative duties by existent radical inequality. As long as we can come up with a solution that would respond to these negative duties and would be agreeable to someone who supports any of the three strands, we have a solution that will have a wide enough base of support that it could actually be enacted. For this argument to hold, one would have to demonstrate the existence of radical inequality, show that this inequality constitutes a violation of negative duties for conditions a-c, describe a proposal that is consistent with a-c and would end radical inequality, and show that the range covered by a, b, and c is broad enough to constitute a wide base of support.\textsuperscript{57}

The obligation from this sort of argument is intended to be similar in strength to other duties of non-interference: our actions—upholding the distribution that has resulted from our imperial past, participating in a global system that denies the poor access to the world’s common resource pool, and supporting a world order that magnifies existing inequalities in light of alternatives that would diminish them—are causing harm to the world’s worst off in the same way that robbing someone or bribing politicians cause harm. If Pogge succeeds in demonstrating that we cause harm to the world’s worst off in any of

\textsuperscript{56} Pogge, “Real World Justice,” 37.

\textsuperscript{57} It should also be noted (and will be discussed further below) that Pogge’s arguments have force even beyond the existence of ‘radical inequality.’ The focus on radical inequality has ecumenical benefits (by providing a somewhat more concrete starting point than inequality in general, and by creating a cut-off point at radical inequality’s end), but the argument could be formulated without it: each of the three strands of the argument seeks to demonstrate that existing conditions of the poorer nations of the world constitute a violation of negative duties. However, if a focus on radical inequality enables a wider base of support for a solution of some sort, then even those who recognize the force of the argument beyond the elimination of radical inequality will see that such a scheme is a step in the right direction.
these ways, then he succeeds in showing that we have substantial obligations to the worst off that can’t reasonably be ignored. Just as people would find it unacceptable for others to torture cats for their own amusement, they should also find it unacceptable to cause harm to the world’s worst off in any of these three ways. The fact that we do cause harm in these ways therefore places stringent demands on all of us.

When Pogge lays out his argument most explicitly, however, he does not lay it out as having three parallel strands. He outlines it as follows:58

1. If a social system is connected by a shared institutional order and characterized by radical inequality, then this order is prima facie unjust (and requires justification).

2. This justification would need to show either (a) that existing radical inequality came about through a fair historical process, (b) that the worst-off receive adequate benefit from the world’s resources, (c) that the inequality is a result of extra-social factors (e.g., natural disasters), or (d) there is no possible alternative order that would improve the position of the worst-off without offsetting these gains with ‘morally serious disadvantages’ to the better-off.

3. Condition 1 is met

4. Therefore our current order requires justification.

5. None of conditions 2a–d are met.

6. Therefore the existing global order cannot be justified.

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Contrary to what seems to be his position as stated in the paragraph above—that the three strategies that he uses are separate, parallel, strands of his argument—he here combines them into one such that refutation of any one of them serves to justify the existing global order and refute his conclusion. This counteracts the strength of forming the argument around harm: if the affluent are purportedly harming the worst off in three ways, then showing the falsity of one of those ways does nothing to justify the harms indicated by the other two sub-arguments. E.g., whether or not the historical process was benign, completely refuting the argument would still require a response to the ‘common resource pool’ and ‘shared global institutions’ strands. Additionally, he introduces the ‘shared global order’ thesis in the first step of his argument, rather than treating it as a strand on par with the ‘common violent history’ and ‘exclusion from a shared resource pool’ strategies. The justification option that he suggests would respond to the third strand of the argument—which should be a demonstration that our current global order does not harm the worst off in light of alternatives—is replaced with a significantly weaker alternative: to show that the inequality is a result of extra-social factors. For such a justification to refute the shared institutions strand of the argument, it should be stated more strongly, for example: ‘The justification would need to show that all inequalities are entirely the result of extra-social factors.’ Thus, his formalization of the argument substantially weakens it.

Getting back to the issue at hand and before proceeding to determine whether or not Pogge’s defense of the three strands of his argument can support the form that he suggests, let us take a look at how the approaches of his implicit and explicit arguments compare to one another and to Singer’s approach. As discussed earlier, the main difference in the approaches of Singer and Pogge lies in the magnitude of the ‘should’ that is found in their
arguments. Singer is arguing that we have positive duties, which although they call for a morally significant action—saving the lives of millions of people—are still only positive duties. As such, although many will take them seriously, there will be many more who will either deny their existence altogether or set them aside as supererogatory. Singer’s implicit argument makes claims of negative and intermediate duties—we harm the poor (or our past actions will lead to future harm of the poor) in the three ways stated in the three strands of the argument. The implication here is that we should stop this harm and compensate for harm done; the ‘should’ involved here is as strong as the harms committed. If one taking on this argument finds flaws in one strand, one will still find oneself compelled to act on the implications of the other two strands. If, for example, the argument from the common resource pool doesn’t stand up to scrutiny, one still must act to rectify the wrong being done by both upholding our imperial history and imposing an unjust global institutional order. If someone has been robbed, beaten and slandered, and I am the one responsible for robbing and beating them, my negative and intermediate duties toward them reflect the fact that I have robbed and beaten them—but not that they have been slandered by others.

This brings to light the strength of Pogge’s formulation of the argument: if all three ways that we harm the poor are adequately defended and agreed upon by the reader, then the magnitude of the implication is substantial. If the existing world order cannot be justified in any way, and if we are therefore responsible for the positions of the worst off through our upholding of a common violent history, our unilateral confiscation of the world’s resources, and our imposition of an unjust world order, then we have a strong obligation to the worst off with a very broad basis. If a woman is homeless because I defrauded her, defamed her, and took everything she owned, I am triply responsible for her
current situation. If she is homeless and I defrauded her, but she herself burned all of her possessions and another person defamed her, then although I have strong obligations to her due to the violation of my negative duties not to defraud her, my responsibility for her current situation is lessened. It should be noted, however, that Pogge does not expect every strand of his argument to be accepted by every thinker—his ‘ecumenical’ approach is based on the idea that different bases and justifications are required to convince proponents of different schools of thought. Although his explicit argument would be the strongest if successful, it is unlikely that such extreme success is possible.

What we have, then, appears to be a spectrum ranging from the ease of argument to the strength of conclusions; the easiest argument, put forth by Singer, has the most solid case for our obligations to the worst off, but its conclusions are weak enough that they will be overlooked or ignored by many people, if not most. The most difficult argument, the explicit argument put forth by Pogge, has an extremely damning and demanding conclusion, but the argument is also extremely vulnerable to attack. Pogge’s implicit argument lies somewhere in the middle: it is fairly difficult to refute because of its three-strand design, and yet its conclusions are strong because they are founded on the idea that the affluent are harming the worst off. Additionally, it should be noted that if Pogge’s explicit argument succeeds, then the conclusions of his implicit argument are as strong as those of his explicit one; the latter depends on all three strands being supported, but the former still supports the conclusion that we are responsible for whatever harm is done. If the people of affluent countries are agreed to cause harm to the worst off in all three ways, then either of Pogge’s arguments will still support the conclusion that we are responsible for enacting an alternate world order.
Radical Inequality Aside

The strength of Pogge’s approach comes from his focus on harm: people agree that causing suffering and death to others is beyond the limits of reasonable action. If it can be demonstrated that we participate in causing suffering and death, that is enough to show that we are doing wrong, and therefore are responsible for changing our actions or compensating the wronged for harm done. When Pogge formulates his argument (both in his implicit formulation and his explicit), he does so in terms of radical inequality. He does not claim that radical inequality demonstrates harm in itself, but rather claims that any global institutional order under which radical inequality exists must be justified—and the burden of proof lies on the defenders of said order. However, given the force and simplicity of his basic approach, the introduction of radical inequality adds an unnecessary complication and a premature cutoff to any solution. If the argument is formulated in terms of radical inequality, then the solution must be defined along such terms as well, with the result that ending radical inequality as Pogge defines it would mean that the requirements of the argument were met. However, since radical inequality could be ended without ending the harm done by the affluent to the worst off, adding radical inequality into the formulation of the argument prevents any solution from aiming at its full potential. This will be addressed more in chapter five, when Pogge’s proposal—the GRD—is evaluated. For now, I offer this alternative formulation of the implicit argument, which removes reference to radical inequality:


60 Pogge, World Poverty and Human Rights, 204.
1. The people of affluent nations significantly contribute to the causes of poverty in at least one of the following ways: (a) By upholding the results of a violent history shared with the worst off, (b) by excluding the worst off from a common resource pool, (c) by maintaining a global order that magnifies existing inequalities in light of alternatives that would not.

2. This poverty results in the suffering and death of the impoverished, and therefore constitutes harm.

3. A proposal exists which would substantially contribute to ending the suffering and death caused by poverty, and whose requirements do not exceed the responsibilities of the people of affluent nations which result from the harm done through any of 1a-c.

4. Most people will be convinced by the arguments supporting at least one of 1a-c.

5. Therefore, a proposal exists, which would substantially contribute to ending the suffering and death caused by extreme poverty, and which most people would be convinced was within the limits of appropriate responses for harm they are responsible for.

A Balanced Approach

None of this is to suggest that Singer’s approach is useless by any means. There is a simple power to the observation that people are dying and we, as individuals, could be doing more to stop it. For people who take positive duties seriously, this argument can be extremely motivating; also, it has the strength of not being tied to any complex arguments about the systemic harm being done to the worst off by the best off. However, although
there is truth to Singer’s observation that his simple voluntary giving scheme would raise
$510 billion and bring serious relief to the impoverished, for all the reasons he raises on
behalf of his objectors, people are also resistant to giving their personal assets. I hope that
individuals read his book and decide to contribute more to effective relief and development
agencies, but for a permanent solution to the problem of poverty and an end to its causes, a
world-wide organized effort is necessary. Such an effort may not be easy, and certainly
won’t be quick. Singer’s approach may be the fastest method of relieving the extreme
suffering of individuals now, but it must be combined with a long-term solution that seeks to
end the harms being done to the worst-off by the better off. For that, the cooperation of
the world is necessary.

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CHAPTER THREE

TWO WAYS WE HARM THE WORST OFF:

UPHOLDING THE UNJUST RESULTS OF OUR SHARED HISTORY

AND EXCLUSION FROM A COMMON RESOURCE POOL

Introduction

Having clarified the idea behind the form of Pogge’s argument, we must now turn to a defense of its premises. My preferred version of the argument (stated at the end of the previous chapter) and Pogge’s explicit formulation of the argument are substantially similar in terms of what must be demonstrated in order for their conclusions to hold, although there are important differences. The primary force of each relies on a defense of Pogge’s three strands, based on our shared violent history, our common resource pool, and our shared institutional order. In Pogge’s formulation of the argument, these strands are tied to a characterization of the current world order as ‘radically unequal.’ If the world is characterized by radical inequality, then a refutation of one of the three strands is required to justify our world order. If none of the strands can be refuted, then the affluent are shown to harm the worst off by upholding an unjustifiable institutional order. My own formulation (in line with Pogge’s implicit argument) ties the three strands of the argument to harm in a different way by noting that each independently implies that the affluent are harming the worst off by contributing to the suffering and death caused by poverty. Rather than a

1 This final claim requires that some alternative order exists that would not uphold radical inequality. The possibility of an alternative order will be discussed in chapter five. My own formulation of the argument similarly requires this.
refutation of a single strand serving as a justification of the present world order, each of the strands must be refuted individually to show that harm is not done in any sense.

**Defending the Argument from Harm**

The two formulations of the argument are largely similar, with the following key differences: Pogge’s formulation begins with (and is formed around) the idea of radical inequality. The force of the three strands, in his formulation, is that they refute the possible justifications of this inequality. My own formulation focuses on only a particular aspect of radical inequality: the suffering and death that results from poverty. For his argument to have force, radical inequality must be shown to exist, and all of the possible justifications must be refuted—which is to say that if any of the three strands is rejected, Pogge’s formulation no longer shows that radical inequality is unjustified. By focusing on the harm done, my formulation of the argument does not rely on something as specific as radical inequality, and by focusing on the strands as individual arguments demonstrating harm, each of the strands must individually be refuted to reject the idea that the better off are harming the worst off.

**Radical Inequality**

The first step in a defense of Pogge’s argument is to demonstrate the existence of radical inequality. Pogge, following Nagel, defines radical poverty according to five characteristics:

1. That the worst-off are “very badly off in absolute terms.”

2. That the worst-off are very badly off relative to others

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3. That this inequality is impervious: it is impossible (or nearly so) for the worst-off to improve their place, and the better-off never (or almost never) experience poverty as extreme as the poverty of the worst-off.

4. That the inequality is pervasive, that is, it covers all aspects of life for the worst-off. They are not denied one, or a few, aspects of higher quality life among many, but rather have no access to any aspect of life of the quality of the best-off.

5. That the inequality is avoidable: the best-off could substantially improve the situations of the worst-off “without thereby becoming badly off themselves.”

Although he frames his argument in terms of radical poverty, he describes poverty generally rather than in relation to these conditions for radical poverty in particular. In his demonstration of the existence of poverty he gives a good deal of evidence to back up the claim that radical inequality exists, but in his discussion of radical inequality gives no explicit defense of this claim, stating that “World poverty clearly exemplifies radical poverty as defined.” To most of us in the category of the better-off, many of these points are obvious, and Pogge addresses many of these conditions in his treatment of other aspects of his argument—but given that he frames his argument (in its explicit formulation) in terms of radical poverty defined in this specific way, a point by point demonstration of the existence of radical poverty is in order.

**Condition One: Poverty In Absolute Terms**

To categorize the worst-off as being badly impoverished in absolute rather than

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relative terms, a point must be set against which any person’s wealth could be measured. The solution is the idea of ‘purchasing power parity,’ which compares the relative purchasing power of different currencies within countries to buy the same goods and services. As of 2008, the gross national income purchasing power parity per capita in low income countries was $1355 annually (in 2010 dollars).\(^6\) Think what someone in the U.S. could afford on an annual income of $1355, and you’re thinking of what the average person in a low income country had to survive on in 2008. If you do the math, you’ll see that this comes out to $3.71 per day. Although it’s hard to imagine living on so little, this is still a great deal higher than the poverty line, set by the World Bank at $1.25 a day. In the least developed countries, 15% of all children die before the age of 5.\(^7\) There is no question that the worst off are doing very badly off in absolute terms.

**Condition Two: Poverty In Relative Terms**

Comparing the worst off to those who are better off, we can see that they are still doing very badly. To continue using some of the same markers just mentioned consider that the world average gross national income purchasing power parity per capita was $10,341 annually: this average, which includes the low income countries, is still more than 7 times their average. For high income countries the figure is $37,193 annually: 27 times the average of low income countries. Although the child mortality rate per 1,000 births was 153 in the least developed countries, it was only 7 in high income countries. The individuals of the least developed countries have a life expectancy averaging 54.5 years. That’s 25 years shorter than high income countries, and 14 years shorter than the world average. This

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means that the life expectancy for the world as a whole was 25% longer than for those in the least developed countries. Without a doubt, the worst off are doing very poorly off in relative terms.

**Condition Three: The Imperviousness of Poverty**

Demonstrating the absolute and relative poverty of the worst off was relatively straightforward: using objective measures, we can see how the worst off fare as a group and in relation to those who are better off. The question of the imperviousness of poverty is a question of mobility: is it possible for someone born into extreme poverty to improve their life? Despite these vast relative differences between the worst off and best off nations, only 5 million people migrate into developed nations every year.\(^8\) 5 million is only half a percent of all extremely impoverished people—and the 5 million figure also includes those who were not extremely impoverished, but simply all of those who moved from undeveloped nations to developed ones. As a percent of the population living on less than $2 a day, 5 million is less than .2%. Migration is a long shot for the worst off. Remaining within their countries, things don’t fare much better. Looking at the trend from 1981 to 2005, the percentages of people living below the $1.25 a day poverty line have decreased in most regions, but because of increasing populations, the total number of extremely impoverished people has remained the same. In South Asia, for example, the extreme poverty rate fell from 60% to 40%, but the total number of extremely poor people remained around 600 million. In Sub-Saharan Africa the number of extremely impoverished people almost doubled during this time (from 200 million to 380 million), despite the rate of poverty remaining around 50%. The picture

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is even worse for the higher $2 a day poverty line: in Eastern Europe and Central Asia, the $2 a day poverty rate actually increased. In Latin America, the Middle East, and North Africa the poverty rate declined but the number of poor stayed the same. In short: conditions within regions are barely improving, if at all, and migration to a more developed country is not an option for most. This poverty is impervious.

**Condition Four: The Pervasiveness of Inequality**

One rubric created to help objectively measure and track poverty is the Human Development Index, or HDI. A country’s HDI is an aggregate of three key factors in measuring development: life expectancy, education (a composite of enrollment levels and adult literacy), and income. It is represented as a number from 0 to 1. In 2007, the country with the highest HDI was Norway, at .971. The United States had an HDI of .956. Niger had the lowest HDI, at .340. In 2006, researchers noted that these numbers could be somewhat misleading, as they obscured the development gap within countries. For example, Burkina Faso had an overall HDI of .348, but its poorest quintile had an HDI of only .270. In other words, there are extreme differences in human development within countries as well as between countries. This indicates that the worst-off are facing hardships in all aspects of their lives: those in the poorest quintile are lacking in all three of the categories aggregated to determine the HDI. Aside from income and life expectancy, the least developed countries are suffering in other key areas as well: only 37% of the populations of

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least developed countries have access to improved sanitation, the infant and child mortality rates are 15%. Additionally, maternal mortality rates for the least developed countries are typically around 1%, and can reach higher than 2% (compared with rates around .01% in highly developed countries). The worst off are impoverished across the board, in ways that compound one another’s effects. The inequality is pervasive.

The fifth condition is that the inequality is avoidable. This will require a much more significant defense than I can give here. Chapter five will deal with Pogge’s proposal to alleviate this radical inequality, as well as my own suggestions. What is important to keep in mind is that all that Pogge’s argument requires is that there be some proposal such that if it were enacted this radical inequality would be avoided.

Onward in Pogge’s Argument: A Shared Institutional Order

Radical inequality having been demonstrated, Pogge’s argument can only move forward if it can also be demonstrated that our social system is connected by a shared institutional order. Given the interconnectedness of our world today, this is not a difficult claim to defend: the nations of the world not only relate to one another formally through such institutions as the United Nations and the WTO, but also more directly through political and market processes. These formal and informal exchanges combine to create a system of relations that covers the globe.

Finally, even if we agree that radical inequality exists and that our world is connected by a shared institutional order, the claim that such an order is prima facie unjust requires some defense. How does one demonstrate that a world order is prima facie unjust? Although ultimately any defense is an appeal to the reader’s intuition, using a method akin to

Pogge’s ecumenical approach to his argument in general—by looking at the issue from the perspectives of the dominant strands of political thought—may be the most reliable way of moving forward. In other words: will the claim that a world order characterized by radical inequality is prima facie unjust be affirmed by readers of diverse backgrounds? Perhaps the broadest appeal can be found in a combination of the first and fifth characteristics of radical inequality: radical poverty is so severe, in absolute terms, that thousands of people are dying every day, and yet this poverty is avoidable. This is something that the main conceptions of justice can minimally agree upon: avoidable human death on a massive scale is prima facie unjust.

The Heart of the Issue

Now that Pogge’s first step has been defended, we can move on to the real issue at hand: for both Pogge’s formulation and my own, the main part of the argument that must be defended is the three strands. For Pogge, these strands are offered as refutations of the various potential justifications for the radically unjust world order. For my own argument, they serve as individual arguments that our current world order is causing harm. Pogge formulates each of the three strands as responses to particular schools of thought in political philosophy today, but the ideas behind each of the strands can have a broader force than he gives them. Rather than tailoring the strand toward particular background assumptions, each of the three strands can be explored and expanded to respond to a variety of views.

Our Shared Violent History

The first of the three strategies that Pogge pursues to demonstrate the violation of the negative duties of the worst-off by the best-off is founded in the common violent history that has resulted in all of our starting places in this world. For Pogge, this argument is aimed
at those who claim that the extreme poverty that exists in the world today is acceptable because of the actual historical process that it has resulted from: e.g., the Europeans have come out on top as a result of their industrious nature, their superior culture, their intense work ethic, and their willingness to make sacrifices: and the world as a whole is better for it. If the world community has had its starting positions determined on the basis of a just historical process pervaded by the industriousness and hard work of some, and the laziness and lack of resourcefulness of others, then our actual history is no basis for claiming the violation of negative duties to the poor.

As a part of Pogge’s argument as explicitly formulated, this strand of the argument must only be defended as a rejection of a justification of our current world order; that is to say, no justification of our current world order can stand if it is based on claims that our shared world history is benign. It begins to become apparent why Pogge explicitly formulated his argument in a different way than he implicitly formulated it: to make the claim that our shared imperial history constitutes harm now is much more difficult than the claim that a harm-laced history cannot be used to justify a poverty-ridden world today. Yet Pogge attempts to defend these more difficult claims when writing on this topic: rather than simply arguing that our current world situation cannot be justified because “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,”13 which he does, he continues on to make the stronger claim that “upholding a radical inequality counts as harming the worse-off when the historical path on which this inequality arose is pervaded by grievous

13 Pogge, World Poverty and Human Rights, 209.
The first, weaker claim is the one that we would expect based on his formulation of the argument: it speaks to the rejection of a potential justification for our current world order. The second, stronger, claim is more in line with my formulation of the argument: it speaks to the notion that harm is caused through upholding the radical inequality that has resulted from historical crimes. Demonstrating the first of these claims only shows that one way that our current social starting positions might be justified fails—but our order could still be justified in other ways, which must each be rejected; demonstrating the second claim succeeds in affirming the broader conclusion that my formulation focuses on independently of the other strands of the argument—that the world’s affluent are harming the worst off.

Returning to the defense of the strand at hand, let us consider the possibility that it was the superior capabilities of the peoples of imperial nations that enabled them to excel during that era. It can easily be seen that regardless of any particular industriousness that historical Europe possessed, the position of people today is also the result of massive historical crimes perpetrated by colonizers against the colonized: “trading their people like cattle, destroying their political institutions and cultures, taking their lands and natural resources, and forcing products and customs upon them.” The list of crimes goes on. If a crooked business owner is extremely capable at making business decisions that result in vast profits, it does not change the fact that they are cheating their competitors and defrauding their clients—harm is still done. Whether or not imperial peoples were more talented than anyone else on the planet (and I am by no means suggesting that they were), their crimes remain influential in shaping the world today.


The historical fact of vast and diverse crimes, however, does not in itself establish the existence *today* of the violation of negative duties by the best-off against the worst-off—at least not without some supporting argumentation. It may be clear that at some point in history, one group of people harmed another, but what is the relation of a harm-ridden history to the people of the present world? To defend any claims of harm, a concept of harm must first be defined. In a continuing effort to be ecumenical, Pogge defines three conceptions of harm.

Defining Harm

In making the claim that the world’s better off are harming the worst off, we must examine what it means to cause harm. Pogge once again attempts to appeal to a diverse audience, and the three strands that he offers do not rely on the same definition of harm; just as thinkers of different stripes have different justifications for the current state of affairs, so too do different thinkers have varying understandings of what it means to cause harm. Pogge offers three notions of harm, although it should be noted that they do not each correspond to a separate strand of the argument.\(^{16}\) The first two senses of harm are historical; harm in these senses is relative to some actual or hypothetical state of things. This first sense of harm is diachronic: harm is determined relative to a historical baseline; that is, someone is harmed if they are made to be worse off now than they were at some point in the past. For example, if you are punched, you are harmed because you now suffer more pain than you did just a moment ago. The second sense (in which the comparison is with an alternate present, rather than the past) is subjunctive: someone is harmed if they are made to be worse off than they would have been if earlier conditions had not been disturbed. E.g.,

when my employer cancels an existing pension program I am harmed because I am made
worse off than I would have been if the agreement had continued uninterrupted.\footnote{Thomas Pogge, “Real World Justice,” \textit{Journal of Ethics} 1 (2005): 45-46; Pogge, “World Poverty and Human Rights,” 4-5.}

Harm from History

In discussing the harm that is done according to the ‘common violent history’ and
‘exclusion from the shared resource pool’ lines of approach of his argument, Pogge appeals
to these ‘ordinary historical’ senses of harm—the diachronic and the subjunctive.\footnote{Pogge, “World Poverty and Human Rights,” 4.}

Establishing that harm was done by those who were actually imperializing is straightforward
according to either of these definitions: diachronically, those who were the victims of
colonization were clearly rendered worse off than they had been previously. For many of
the victims, they themselves were killed, had their property seized, were made ill by the
introduction of new diseases, or worse. For others, these things happened to other
members of their community, and as a result their lives were directly impoverished.
Compared to before the arrival of the colonizers, their lives were made worse off.

Subjunctively, harm is equally apparent: prior to the arrival of the imperialists and the
beginning of these crimes, the relationship in place between the two groups was simply one
of non-interference. Separate people on separate continents had no interaction with one
another, and once this arrangement was disturbed people were rendered worse off than they
would have been had this disruption not occurred. Many of the individuals would have been
left alive, others would not have found themselves evicted from their land, or would not
have been separated from their families. Both diachronically and subjunctively, there is no
doubt that harm was done to the people of the time who were colonized by those who colonized them.

All this being said, it remains to be demonstrated that harm continues to be done by the well-to-do of today’s world against those who are now worst off. First of all, it must be stated that the present situation of the world today is a result of this historical process that was so pervaded by the violent crimes of colonization and imperialism. These crimes were not few and far between, and they were not the sort that had little effect on the state of the world: incredible amounts of people were killed or displaced, entire cultures were disrupted, and whole lines of descent were interrupted. Without a doubt, the world as we know it today was shaped by this common violent history. These crimes of the past have a strong causal connection to the world today: but in what sense can the upholding of today’s distribution be considered a violation of negative duties by the best-off? How does the fact of historical harm translate into continued harm by and against people today? Pogge’s claim is that this line of his argument is based on these ordinary, historical conceptions of harm: “we are behaving unjustly toward the global poor by imposing on them the lasting effects of historical crimes.” Whether or not this is the case, it is not as straightforwardly obvious as Pogge seems to think it is. The diachronic and subjunctive conceptions of historical harm state that we harm others if we either render them worse off than they were previously, or make them worse off than they would have been if we had not disturbed some previous arrangement. Can an argument be made that the well-to-do people of today are harming the worst-off in one of these two senses?

Here it may be helpful to consider the analogy with affirmative action. Just as the current global social order (including the division of wealth and corresponding privilege in the world) has largely resulted from a shared, violent colonial history, so too has the current state of race relations in the United States grown from its horrendous racial history. Although we cannot know what America would look like if the eras of slavery and Jim Crow had never happened, we can be sure that it would not look like it does now: our violent history has certainly influenced—and most likely in a profound way—the present state. The question, as it relates to the issue of poverty at hand, is this: does the atrocious racial history of the United States imply a harm done against African Americans by privileged whites today?

Pogge’s claim is that “upholding a radical inequality counts as harming the worse-off when the historical path on which this inequality arose is pervaded by grievous wrongs,” but he offers little by way of supporting argumentation. In what way could a history replete with wrongs be harm by people today? The key to interpreting this as a violation of negative or intermediate duties rather than positive ones is that what the best-off are doing is upholding this inequality. Pogge writes:

The thought is rather that we must not uphold extreme inequality in social starting positions when the allocation of these positions depends upon historical processes in which moral principles and legal rules were massively violated. A morally deeply tarnished history should not be allowed to result in radical inequality… If world history had transpired without colonization and enslavement, then there would perhaps now still be affluent people in Europe and poor ones in Africa… But these would be persons and populations quite different from those now actually living there. So we cannot tell starving Africans that they would be starving and we would be affluent even if the crimes of colonialism had never occurred. Without these

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crimes there would not be the actually existing radical inequality which consists in these persons being affluent and those being extremely poor.22

How are we to read this? Given Pogge’s explicit statements of his understanding of harm and duty, there are only a few possibilities. To understand in what sense Pogge is claiming that the best-off can be said to harm the worst-off as a result of their common history, we will have to look at all of them. As potential fodder for his arguments, Pogge explains harm in three senses, and duty in two. Since Pogge states that the common violent history strand of the argument uses an ordinary historical conception of harm,23 one of these two conceptions must be what he has in mind. However, he offers no explanation or detail as to how either of these senses of harm is supposed to demonstrate that our upholding of a distribution that has resulted from a common violent history constitutes harm done by the best off against the worst off.

For harm from a violent history to be done in the diachronic sense would first of all require that someone be made worse off than they were at some point in history. This doesn’t mean that people in the past were made worse off in the past, and it doesn’t mean demonstrating that people today are worse off than they would have been;24 diachronic harm means that individuals today have been made worse off than they were previously. Combining this with the two senses of duty that Pogge uses in his argument, this worsening must be caused either by others acting to make them worse (negative) or by failing to act to prevent their past actions from making them worse (intermediate). Since we are concerned with harm done to the people of the present, by the people of the present, it is difficult to


24 Counterfactual claims and the difficulties involved in discussing them will be discussed further below.
see how this understanding could demonstrate harm. If I am born in an affluent country
and you are born in an impoverished country, I have done nothing to affect you in any way,
let alone render you worse off than you were at some other point in time. If at any time I do
do something that makes you worse off than you had previously been, this is not a matter of
our violent history, but a matter of either a direct violation of negative or intermediate duties
or participation in an institution that violates negative or intermediate duties (and therefore
should fall into Pogge’s ‘shared global institutions’ strand of the argument). At least at first
glance, neither the diachronic-negative nor the diachronic-intermediate understanding can
support the finding of harm on the basis of historical crimes: upholding past injustices
cannot render someone worse off than they had previously been, it can only maintain an
unjust situation.

The subjunctive conception of harm faces similar problems. Combined with either
the negative or intermediate understanding of duty, this definition finds harm to exist
whenever our actions cause someone to become worse off than they would have been if
previous conditions have not been disturbed, or when one fails to act to correct their past
actions and this renders someone worse off than they would have been if conditions had
been left unchanged. As with the diachronic-negative and diachronic-intermediate
understandings, when thinking about harm done by present people in terms of a shared
violent history, demonstrating harm done would require a causal connection that relates
historical crimes to a connection between present affluent people and present poor people.
Insofar as I can be said to render someone worse off than they would have been if previous
conditions had gone on undisturbed, this is a matter of the present, not the violence of our
imperial past. By the time contemporary people enter the picture, subjunctively understood harm is no longer a matter of history—it’s a matter of the present.

A similar critique is made by Mathias Risse,\(^25\) who writes that “past injustice \textit{per se} hardly makes the existing order unjust. We need to show how past injustice leads to an ongoing injustice.”\(^26\) Rather than treating the ‘common violent history’ strand of the argument on its own, Risse thinks that it must be subsumed under the ‘shared institutions’ strand.\(^27\) But is this necessarily the case? Does this fissure between the past and the present really imply that none of the actions of the affluent today are a continuation of past harm? Can it make sense to call upholding a distribution that has resulted from historical crimes a contemporary harm, or will such harm always be assignable to shared institutions? The question of whether these two strands can be collapsed is this: can there ever be a case where upholding the distributive effects of a crime can be said to cause harm, but upholding the same distribution with benign roots could not be said to cause harm?

If the critique that there is no sense in which our common violent history implies a harm done today holds, it must be emphasized that it does not demonstrate that no harm is being done at all, but rather that the harm done today is strictly a matter of the present: unrelated to our violent history. Is this a position that we can reflectively endorse? Consider once again the parallel to the issue of race in the United States. Cass Sunstein has argued,
for example, that rather than treating antidiscrimination as a matter of compensatory justice, it would be better approached in terms of an anti-caste principle.\textsuperscript{28} The compensatory model—implied by the use of either historical conception of harm—aims to rectify past injustices by applying benefits and burdens to the parties involved so as to counteract the results of the particular harm at hand. In the case of either world poverty or discrimination against women and minorities, this model faces immediate difficulties because it relies on specific harms committed by and against particular individuals being identifiable. It fails to work in broader cases such as race in America or poverty worldwide because it “is based on notions of causation, injury, and restoration to the status quo ante that are well adapted to tort or contract settings, but singularly ill-suited to the problem of discrimination in the United States.”\textsuperscript{29} In neither case can we know what the situation would be if the harm had not taken place, and in neither case are we dealing with present individuals dealing harm to other individuals in a direct sense.

An anti-caste response would focus on protecting disadvantaged groups from unequal treatment. Instead of trying to compensate individuals based on how they would have fared without particular acts of discrimination, an anti-caste principle would attempt to correct for continuous structural disadvantages members of these groups face. E.g., rather than estimating the specific dollar amount that should be granted to a particular individual who received a harsh sentence in the courtroom because of her race, this principle would attempt to create a judicial system with checks against racial discrimination. The anti-caste response to racial discrimination does not face the problems of the compensatory justice


\textsuperscript{29} Sunstein, “Three Civil Rights Fallacies,” 763.
model, but neither does it respond to the historical crimes committed against those discriminated against. Similarly, the response to global poverty that focuses only on the current distribution of wealth and privilege ignores a significant shared world history. This forces a return to the question posed above: are there cases where a social order would be considered just if viewed from an ahistorical perspective, but unjust if viewed in its relevant historical context? This question is answered affirmatively if we consider to whom this strand of Pogge’s argument is supposed to speak: “readers who believe that it matters morally how radical inequality has evolved.” More specifically, Pogge has in mind libertarian thinkers such as Robert Nozick.

Nozick’s Libertarianism

As the strand of political thought known for its focus on resisting government interference in the lives and choices of individuals, libertarianism may be the least likely of the current forces in political theory to be brought on board by an argument such as Pogge’s. Pogge, however, thinks that his argument meets libertarianism on its own grounds and presents arguments for the obligations of the affluent to the world’s worst off that they will not be able to deny. As such, a brief review of Robert Nozick’s libertarianism is in order.

Nozick refers to his theory as the ‘Entitlement Theory,’ which in its most basic form simply states that “a distribution is just if everyone is entitled to the holdings they possess under the distribution.” Whether someone is entitled to their particular holdings depends on three subsidiary principles: the principle of justice in acquisition, the principle of justice in

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30 Pogge, “Real World Justice,” 38.

transfer, and the principle of rectification.\textsuperscript{32} Rather than concretely laying out the details of each of these principles, Nozick leaves them abstract and (for the most part) only hints at their particulars. The idea behind each is exactly what one might guess from the names: the principle of justice in acquisition defines what it means for one to come to possess something originally (as in from nature), the principle of justice in transfer defines how acquisitions can justly be exchanged between individuals, and the principle of rectification defines how violations of the first two principles can be corrected.

To briefly clarify these principles, imagine a shipwreck scenario where three people are stranded on an island. The island has plenty of fruit trees, but harvesting the fruit requires climbing the trees; the island has streams with plenty of fish, but catching the fish requires some ingenuity; the island has plenty of materials for creating shelters, but doing so requires some knowledge of construction. Conveniently, suppose that each of the three people is suited to a particular task. When they first find themselves on the island, each sets about doing what they are good at: the talented fisher catches herself some fish, while the talented tree climber climbs trees for fruit and the other builds herself a home. Since each is taking resources from a plentiful stockpile in nature, this would follow the principle of just acquisition.\textsuperscript{33} Soon, of course, the fisher realizes that she needs some shelter, the fruit-picker sees that he could use some protein, and the shelter-builder starts getting hungry. Each works out a trade with the others to obtain what they desire. The three enter into exchanges with one another uncoerced, and have therefore followed the principle of transfer. As long

\textsuperscript{32} Nozick, \textit{Anarchy, State, and Utopia}, 151-53.

\textsuperscript{33} Nozick explores some of the limits of just acquisition, and goes so far as to introduce a Lockeian proviso that serves as a limitation on the three principles of justice. This will come into play in the ‘common resource pool’ strand of Pogge’s argument, and will be discussed in more detail then.
as the situation continues on in this way, according to Nozick, each of the three is entitled to their holdings. If one of them stole from another—violating the principle of just transfer—then the principle of rectification would be required to compensate the one stolen from. After rectification is applied, then all would once again be entitled to their holdings.

Applying Nozick’s theory to the real world is obviously much more complicated, but the general aspect of it that Pogge is responding to is this: our actual history is relevant for how we judge the justice of our current distribution of holdings. Although libertarians may be quick to refute claims that we have obligations to the world’s worst off, they will still admit that we are not entitled to wealth that comes from violations of the principles of just acquisition and transfer. If the violent imperial history shared by the world is causally connected to the distribution of holdings around the globe today, then the affluent cannot be said to be entitled to the entirety of their wealth (unless some global act of rectification has taken place to once again make holdings justified).

34 Note, however, a la Sunstein, the compensatory justification model cannot give us particular guidelines regarding the benefits and burdens required for rectification. This solution is mentioned here only as a caveat: since no such rectification has taken place, the violence and harm in the causal chain is relevant from the libertarian standpoint.

Consider the following analogy. There are two neighboring farms in the countryside. One of the farms is extremely productive, while the other produces just enough for its tenants to get by, and only with a great deal of labor. Those who live on the first farm must work for their food, but ultimately they have a fair amount of leisure time and worry little about whether they will have enough at the end of the day. Those who live on the second farm must work long days just in order to feed themselves. Is it relevant whether there is a history of crime between the two farms? Nozick, and many others, would certainly say that it is. Imagine two possible histories: first, suppose that several generations ago the owners
of the wealthier farm destroyed the crops of the other farm and lent them the money to survive the year at a high interest rate—keeping them in debt to this day. Second, imagine instead that the two farms are separated by a wide canyon, and despite being neighbors the two farms have had practically no interaction over the decades. This demonstrates that it is not merely the justice of the institutions that is at stake when we consider historical crimes as they relate to the world today: for the two farms to have no interaction with one another today is harmless in the case that they have never interacted, but in the first scenario—wherein they share a common history—the wealthier farm ignoring the poorer farm’s needs maintains the effects of historical crimes.

Given that the actual history of a situation is relevant, in what sense does such upholding of the results of crimes count as harm? Despite the fact that history is relevant, there is still no connection between the actions of people today and the crimes of the past that allows for a characterization of such upholding as harm defined either diachronically or subjunctively; these definitions of harm can characterize actions of the past as harm, but they are inadequate for describing the present relationships of people as a result of past events. Considering the farm scenario, the current workers of the poor farm are not harmed diachronically because they are not worse off than they once were, since they were born into their current situation. The inhabitants of the wealthier farm are not harming those on the poorer farm subjunctively, because they have never been part of any agreement other than the current one of non-interference.

A Third Concept of Harm

Although neither historical conception of harm fits with this strand of the argument, it still remains that at least some thinkers will hold that harm is done by maintaining the
results of past crimes. If this strand of the argument is to succeed in demonstrating harm, a non-historical concept of harm must be introduced.\(^{35}\) Although it is not in conjunction with ‘common violent history’ argument, Pogge does introduce a third concept of harm when he takes on the ‘shared institutions’ argument, and this understanding differs significantly from the other two. Rather than relating justice to harm by saying that any actions are unjust which cause harm to others (as with the first two conceptions of harm), Pogge defines this third understanding of harm in terms of justice: harm is done whenever we impose unjust circumstances on others. Rather than an independent conception of harm, this understanding requires an independent conception of justice. Pogge does not posit any particular conception of justice to go along with this conception of harm, but suggests broadly that “social institutions are certainly unjust if and insofar as they foreseeably give rise to large-scale avoidable underfulfillment of human rights.”\(^{36}\)

This particular phrasing, including ‘social institutions’ and ‘human rights’ in the definition of justice, is clearly designed specifically for the ‘shared institutions’ strand of the argument (to be discussed in chapter four), but can this conception of harm—or something along the same lines—repair the ‘common violent history’ strand? The question becomes: is there a broad sense of justice according to which upholding the distribution that has resulted from a shared violent history can be called unjust? An analogical question might be this: is keeping stolen goods a violation of justice when compensation (whether in terms of

\(^{35}\) The language used here could be misleading, so a clarification is called for: although historical crimes are the basis for the present harm we are discussing, an ‘historical concept of harm’ refers to harm based on a comparison of present peoples to either some previous state that they were in (diachronic) or to some hypothetical present based on a point in their own history where some agreement was broken (subjunctive). Despite being non-historical, the following understanding of harm will define harm in a way that relates present people to historical crimes.

\(^{36}\) Pogge, “Real World Justice;” 46.
restoration or expectancy)\textsuperscript{37} for goods stolen is the difference between life and death? Discussing the world’s common violent history in this way would not rely on any counterfactual claims that the poor are worse off as a result of colonialism—only that the wealthy could relieve the suffering of the worst off today by ceasing to uphold the distribution that is the result of our shared violent past.

To establish whether upholding a distribution with a criminal history should be considered unjust, let us consider one more analogy. The Steele family and the Goode family are two households in a neighborhood, and they have similar backgrounds and wealth. The Steeles are dissatisfied with their income and decide to rob the Goode family to supplement their lifestyle. As time passes, both families return to normal and crime-free paths, although the story of the past crime remains a part of family lore for the Steeles. Additionally, as a result of this crime, the Steeles are presented with many more opportunities in life, and ultimately their descendants are significantly wealthier than the future Goodes. Eventually a member of the Goode family falls ill. The disease is treatable, but the medication is costly. Although the treatment is beyond the means of the Goode family, it is well within the means of the Steele family as a result of the wealth that they have been able to accumulate since their head start achieved by robbing the Goodes.

Firstly, it should be noted that the Steeles are not harming the Goodes according to either historical conception of harm. The Goodes of the present are not diachronically worse off than they were at any point in history, because neither family has harmed the other

\textsuperscript{37} This is more of a spectrum than an either/or. The most clear-cut case would be that in which simply restoring the value of the stolen goods would be enough to prevent serious suffering or death. On the other end would be the limits of what the value of the stolen goods could have reasonably become, had the original owner maintained possession. This latter value (analogous to expectancy in contract law)  would also have to include compensation for losses due to the absence of the stolen goods (for example, if interest accrued on debts that went unpaid because of the theft). To remain agreeable to the broadest audience, the focus of this sense of justice should be closer to the restorative end of the spectrum than to the limits of expectancy.
for generations. Neither does the subjunctive conception of harm work: no part of any agreement between the two families has changed within the last generation either. The use of intermediate duties also does not solve the problem: the present Steeles have done nothing in the past which will now cause harm (unless ‘not repaying the Goodes’ counts, in which case they are still doing this, so a negative duty would be being violated). If the failure of the Steeles to help the Goodes constitutes harm, it must somehow be a matter of the present, and the conception of harm involved must reflect the injustice done by virtue of causing suffering by upholding the consequences of past crimes.

This is where Pogge’s third conception of harm may help. He defines harm in terms of injustice, and although he clarifies injustice in terms of human rights deficiencies, this is only because he thinks that this definition will do everything needed for his third sub-argument (which will be addressed in chapter four): it will connect all of the conceptions of justice that he hopes to address with the shared institutions that he is trying to show cause harm. For Pogge, this sub-argument is aimed at those thinkers with “broadly consequentialist”\(^{38}\) conceptions of justice. Any broadly consequentialist theories of justice will count large-scale avoidable human rights deficits as unjust. For the purposes of the present ‘common violent history’ argument, we must define this conception of harm more broadly; we want to reference a wide class of theories of justice, and we want to do this by reference to the question of obligations based on past crimes. In other words, the question becomes: do all relevant conceptions of justice hold that it is unjust for people to suffer and die due to circumstances that have arisen through past crimes (although not crimes against

\(^{38}\) Pogge, “Real World Justice;” 46.
them) when this suffering could be avoided through the actions of those who are in a position (as a result of those same crimes) to stop it?

The benefit of Pogge’s use of the ‘broadly consequentialist’ qualifier concerning this conception of harm in his third strand is that he avoids the pitfall of having to argue that every existing conception of justice is compatible with his claims. The cost is that it refers to only a subset of political theories. As I have formulated this conception of harm for the ‘common violent history’ strand of the argument, each theory of justice would have to be addressed individually. Although that is an impossible task, it does seem that most conceptions of justice would count this as unjust. Considering Nozick’s libertarianism, for example, the Steeles in the scenario above would not be entitled to their holdings, because they were historically acquired through a violation of the principle of just transfer.39

Counterfactuals

Whether or not this strand can demonstrate harm as such, this attack is only problematic for Pogge’s implicit argument—it fails to take into account what Pogge is seeking to show with this strand as it fits in to his explicit argument. Although Pogge does believe that we harm the worst off by upholding this distribution that began in unjust origins (“upholding a radical inequality counts as harming the worse-off when the historical path on which this inequality arose is pervaded by grievous wrongs”)40 his explicit argument does not require that this be true; Pogge’s statement of the argument uses this strand only as a refutation of a possible justification of our current world order: rather than trying to show that past injustice necessarily makes the existing world order unjust, he attempts to show that

39 Note also that this conception of harm is compatible with either historical or procedural conceptions of justice. See note 41 in Chapter Four below.

40 Pogge, “Real World Justice,” 38.
our actual history cannot justify our current order. He uses this strand of the argument to combat claims that our current world order is justified because it has emerged from a benign historical process. We have shown that this strand fails to demonstrate harm by the best off against the worst off according to the two historical conceptions of harm that Pogge introduces, but does this strand successfully demonstrate that history cannot justify our situation today?

Those who argue that the present world order is justified by our actual history make the claim that the world as a whole—and in particular the worst off—is better off as a result of the colonial era. Mathias Risse is one who explores this question as he addresses whether Pogge succeeds in demonstrating that our global order harms the poor: Risse’s claim is that our order does not harm the poor, but in fact “can plausibly be credited with the considerable improvements in human well-being that have been achieved over the last 200 years.”\footnote{Risse, “Do We Owe the Global Poor Assistance or Rectification?,” 9.} This claim is based on historical benchmarks, and evaluating it in contrast to Pogge’s use of such benchmarks will help us to clarify what exactly Pogge is claiming, and how this is supposed to demonstrate harm.

The challenge of making claims comparing the world today with some time in history is in determining what exactly is being compared. The ‘improvements’ that Risse notes are based on historical comparisons of aggregates: “In 1820, 75 percent of the world population lived on less than $1 a day (appropriately adjusted). Today… globally, slightly more than 20 percent do. The share of people living on less than $1 a day fell from 42 percent in 1950 to 17 percent in 1992.”\footnote{Risse, “Do We Owe the Global Poor Assistance or Rectification?,” 10.} As a percent of total population, significantly
fewer people are impoverished today than were 200 years ago, when nearly everyone was. He notes that although it is true that income inequality has grown, so has per capita income in developing countries, and so has life expectancy and literacy. Rather than being astonished at how many live in poverty today, his claim is that we should be amazed at how few do.43

This speaks to the ‘common violent history’ strand of Pogge’s argument insofar as it suggests that the world has improved through this historical process: rather than finding fault with the world today, it suggests that it is justified based on where it has come from. There are two major problems with this analysis as a response to the ‘common violent history’ strand: first that the question is not whether people have improved their lot on average, but whether individuals are in better or worse situations. Second, although Pogge’s argument does rely on the fact that crimes were committed, it does not require that this violent history has resulted in a decline in the average well-being of any group of people: the question is rather “whether present citizens of the affluent countries, in collusion with the ruling elites of most poor countries, are harming the global poor.”44 Pogge’s claim is about the present: we are harming the global poor by continuing to impose on them the unjust effects of a common violent history.

These two points are closely related: the first emphasizes that Pogge’s focus is on the situations of currently impoverished people and whether they suffer harm currently as an effect of historic violence, while the second focuses on those who are currently causing harm through imposing the unjust consequences of a common violent history on others. Risse’s

43 Risse, “Do We Owe the Global Poor Assistance or Rectification?,” 11.

discussion of comparisons between the present and the distant past will ring alarm bells for anyone attentive to Pogge’s claims: our concern is with the duties of affluent people today. The other side of this concern is with the impoverished of today, and if harm has been done, it will be no consolation to harmed individuals that people in general are faring better. As Pogge writes of Risse’s aggregate statistics, “all this cannot lessen the complaint of those who avoidably suffer and die against those who confine them to a life in grinding poverty.”

When Risse refers to aggregates, he ignores the harm done to individuals and the valid claims that they have against those who are harming them: this is like denying that the victims of tainted food have been poisoned by indicating that food has become less tainted over the past ten years. Showing that the world has, on average, improved over the last 200 years does not show that no crimes were committed during this time, or that no harm was done.

Pogge also refers to aggregates, but not until he makes his case regarding the exclusion of the poor from a common resource pool. Regardless, these aggregates support the case that harm is being done to the worst-off as a result of the historic process that has led up to our starting points today. Rather than focusing on the decreasing percents of people afflicted by varying poverty-related effects as Risse does, Pogge looks at the increasing absolute numbers of people affected. Risse’s point is that we are improving the lot of the global poor ‘as a group,’ by decreasing the incidence of poverty as a percentage, but insofar as the people who are still impoverished are impoverished as a result of historical crimes (whether or not others who might have otherwise become impoverished have

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45 Pogge, “Severe Poverty As a Violation of Negative Duties,” 57.

46 See below for more on this strand of the argument.
benefitted), they are being harmed—and insofar as the number of people in this category grows, so does the number of legitimate claims against a global order that imposes the effects of this common history.

As already addressed, Pogge details three conceptions of harm—two utilizing a historical baseline, and the third defined in terms of an independent conception of justice. Risse also discusses and critiques three baselines against which one could measure harm—but these are not entirely in line with the three that Pogge utilizes. Risse begins with the diachronic baseline—comparing the situation in the world today with that of hundreds of years ago. He discusses what progress has taken place on the whole, but as mentioned above, this use of the diachronic baseline fails to evaluate whether harm is being done today by the best-off against the worst-off. His understanding of the baseline appears to be correct (measuring the situation now against the situation at some earlier point in time), but his use misses the point. Risse identifies ways in which the worst-off have become better off as a result of historical changes, but he doesn’t address the ways in which individuals have become worse off (and continue to be held worse-off) as a result of historical crimes. The error here may be that he doesn’t separate out parts of the historical process at all—rather than saying ‘there were some good things and some horrible things,’ he notes that progress has been made in some sense, and ignores the negative consequences that

47 Pogge, “Real World Justice,” 45-46; Pogge, “World Poverty and Human Rights,” 4-5; see ‘Harm from History' and ‘A Third Concept of Harm’ on harm in this chapter above for details.

48 Some sort of utilitarian argument might be made based on such a comparison: despite the harm done to a number of people, the world has improved significantly and is therefore justified. Pogge intends his ‘shared institutions’ strand of the argument to respond to those with a utilitarian bent, and so this objection will be addressed below.
otherwise exist.\textsuperscript{49}

Pogge’s counterexample to Risse’s use of the historical benchmark is a comparison between Jim Crow and antebellum America.\textsuperscript{50} Risse’s claim is that the world order is benefitting the worst-off compared to the historical benchmark of where we have come from in terms of aggregates—so mustn’t he also say that because the percentages of those enslaved and the incidence of violent crimes against blacks had been steadily decreasing, the social and economic order of the United States at this time was not harming African Americans? Risse acknowledges this critique: “So it may seem cynical to say that developing countries are not being harmed because they are better off than at an earlier stage of an ongoing oppressive relationship. Should we not assess whether harm has been done by asking what things would have been like had European supremacists never invaded the rest of the globe?”\textsuperscript{51} If we agree that harm cannot be measured against the position of people in the past, then perhaps we should speculate what the world might have been like if these supposed historic harms had never occurred.

To this end, Risse introduces the use of the counterfactual baseline. This benchmark, however, is distinct from the similar subjunctive baseline used by Pogge in the same way that Risse’s use of aggregates regarding the historic baseline (the percentage of people in poverty worldwide) differed from Pogge’s use of that baseline (the number of people in poverty). Rather than examining whether present people—through committing crimes or violating agreements—are rendering others worse off than they would have been

\textsuperscript{49} Risse, “Do We Owe the Global Poor Assistance or Rectification?,” 11-12.

\textsuperscript{50} Pogge, “Severe Poverty As a Violation of Negative Duties,” 57-58.

\textsuperscript{51} Risse, “Do We Owe the Global Poor Assistance or Rectification?,” 12.
if such actions had not been taken, Risse attempts the grander historical task of attempting to determine whether present people would be better off if past crimes had never happened. Once again, Risse is only attempting to determine the blame on people long deceased. Such a baseline is significantly more problematic because its answer is a matter of comparing facts with speculation, rather than a matter of comparing the expected outcomes of current agreements with the outcomes of those agreements being broken. In the end, counterfactuals are too problematic and contentious to be useful in any broad historical argument. Ultimately, we cannot know how our current world would differ if some historical fact were altered, and since it could have ended up any number of ways, appealing to counterfactual baselines loses its meaning.\(^5^2\) The difference between Pogge and Risse in this regard may be a difference in scale, rather than type, but the difference is significant nonetheless. Consider, for example, the difference between asking what transportation would be like today if cars had never been invented, and asking what my transportation would be like today if my car hadn’t been stolen this morning. Counterfactuals regarding what might have happened in the colonial era (or other points in history) cannot be meaningfully determined, but counterfactuals regarding present individuals are significantly more predictable.\(^5^3\)

The distinction between these types of questions is significant and relevant. One determines whether harm was committed historically, the other determines whether harm is being committed today. Risse is correct that speculating what the world might have looked


\(^5^3\) Counterfactuals concerning the recent history of individuals are dealt with regularly in contract law: the victim of a violated contract may be compensated not only in terms of how they compare to their situation before the contract, but also how they compare to what they would have had if the contract had never been violated.
like without colonialism is useless—not only because of the task’s impossibility, but also because it offers no philosophical benefit. Whether or not colonialism as a whole benefited or harmed the worst-off of today, this does not change the fact that crimes were committed in the past or the fact that people today continue to reproduce existing poverty in light of reasonable alternatives. Pogge’s project attempts to deal with the injustices of the present, rather than those of history: are we, the well-to-do, harming the world’s worst-off? Past injustices aside, we must seek to end current injustice.

Despite forming an argument founded on the crimes of the past, Pogge steers clear of some problems associated with arguments based on counterfactuals by directing the argument away from the claim that the poor of today are owed compensation as a direct result of past harms; this is not to say that the world’s poorest are not owed anything, but rather that the compensation is not merely due because of the past: it is owed as a result of the actions of present people. His claim is not, for example, that the worst off people of today have the imperialized people of yesterday as ancestors. Although such a claim may be true of some people, and is required by some versions of arguments that call for compensation for past injustices, it is certainly not true of all extremely impoverished people today. By framing the argument as a matter of upholding a distribution that has resulted from a harm-ridden past, Pogge sidesteps the issue of ancestry.

Conclusion of the First Strand

The starting positions of the people of the world today are the direct result of our

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54 “The present circumstances of the global poor are significantly shaped by a dramatic period of conquest and colonization… This is not to say (or to deny) that affluent descendants of those who took part in these crimes bear some special restitutive responsibility toward impoverished descendants of those who were victims of these crimes.” Pogge, *World Poverty and Human Rights*, 209.

shared history. In particular, the colonial era directly affected the vast majority of the world’s people. Furthermore, this shared world history was extremely violent. For those who are born into affluent countries today to maintain and uphold this distribution against those who are born into worse circumstances constitutes harm: not in either of the historical senses which Pogge suggests, but in his third sense of harm that defines harm in terms of justice. Upholding a global distribution that has resulted from a crime-ridden past and results in avoidable suffering and death is unjust.

**Exclusion from a Shared Resource Pool**

For those who deny that our actual history holds any relevance, the answer may be Pogge’s second strand. This strategy is based on possible fictional histories rather than our actual history. The harm demonstrated in this strand is based on the fact that the world’s wealthiest people consume the vast majority of the world’s natural resources without compensating the world’s worst off. This unilateral acquisition would be justified, defenders of the current distribution might say, if it could have arisen in a justifiable manner: since we cannot show that the current global distribution could not have arisen without the horrors of the imperial era, we cannot condemn the people of the present based on an unchangeable past. The question then becomes: what conditions must apply for the unilateral acquisition of the world’s natural resources by the wealthy to be justified?

Not just any fictional history can justify the world’s present situation; a history characterized by a global gambling scheme that determined the world’s future, for example,

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57 Natural resources should be taken to include all variety of components of nature that are useful to human beings today: including not only minerals, animals and plants, but also, for example, clean air and water, arable and habitable land.
could theoretically ‘justify’ anything. 58 There must be some limits on the present world which reflect the reasonableness of the fictional histories that could have led to it. The baseline that the current world is measured against is here conceived in terms of a Lockean idea of ‘as much and as good’: in the state of nature, each person has a proportional right to the world’s natural resource pool; “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.” 59 The unilateral appropriation of the world’s resources is unjustified in that it disrupts a system wherein all have access to the resources around them; insofar as I take more than would be mine proportionally, I am taking from someone else. However, rather than insisting that each person should be allowed only what they could have in the state of nature, Pogge follows Locke in this strand of his argument and recognizes that through society a state of affairs can arise such that one can end up with more without thereby reducing the resources of others (through ‘equivalent substitutes’). As Pogge explains Locke, “the rules of human coexistence may be changed only if all can rationally consent to the alteration, that is, only if everyone will be better off under the new rules than anyone would be under the old.” 60 An unequal distribution is still just so long as by taking more than one would have in a state of nature, one does not thereby reduce the positions of others to having less than they would be afforded in the state of nature without a rationally acceptable substitute.

59 Pogge, “Real World Justice,” 40.
60 Pogge, World Poverty and Human Rights, 209.
It is worth mentioning that Nozick also appeals to Locke in the development of his Entitlement Theory. Similarly to Pogge, Nozick focuses on the question of “whether appropriation of an unowned object worsens the situation of others.”\textsuperscript{61} Nozick uses this Lockean proviso to moderate his principles of acquisition and transfer. One person cannot justly attain the world’s supply of fresh water, for example, because doing so would render the rest of the world worse off. Similarly, a conglomerate that controls the world’s fresh water supply cannot act together to drive up the price of water at the expense of others without violating these principles. In short, Nozick recognizes this broad limitation of straightforward acquisition and transfer: if people procure resources to the degree that they are worsening the positions of others, they can no longer be said to have those resources justly.

The question that immediately arises, then, is whether the current state of affairs should be characterized as a violation of such duties or our current arrangement would be rationally preferable as a step up from the state of nature. What this comes down to has little to do with the situations of the best-off (since surely they are materially better off than they would be in the state of nature), but rather must be based on the positions of the worst off relative to the state of nature baseline. As the argument presents itself, the apparent next step would be to attempt an estimate of the state-of-nature baseline against which our worst-off should be compared, but this is not the step that Pogge takes in clarifying his case, noting the difficulty of establishing such a baseline.\textsuperscript{62} Is this a counterfactual baseline, defined by what the situation of the world would be if we had never left the state of nature? Is it a

\textsuperscript{61} Nozick, \textit{Anarchy, State, and Utopia}, 175.

\textsuperscript{62} Pogge, “Real World Justice,” 3; Pogge, “World Poverty and Human Rights,” 40.
baseline defined by the hypothetical scenario where we leave society and return to the state of nature today?

At his broadest—and what he takes to be his most ecumenical—rather than trying to define the individual limits of the state of nature, Pogge turns to aggregates to make his claim. He notes that “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,” or that “one could not realistically conceive it as involving suffering and early deaths on the scale we are witnessing today.” We cannot justify our current distribution based on a fictional history: the fact that thousands of people are dying every day from lack of access to natural resources means that those in the worst off positions around the world could not rationally have agreed to this distribution.

Claims of this sort notably deviate from this line of argument as stated up to this point: this Lockean strand of thought bases its claims on the idea that each person is entitled to some share of the world’s resources and that we are violating our negative duties to others when we infringe on their shares of resources in our own appropriation. Suggesting that there is widespread death and suffering as a result of poverty supports the claim that we are violating those duties associated with the Lockean proviso only if we include the additional step that compares the state of nature baseline on an individual level with the amount of resources available to those individuals who are suffering and dying as a result of impoverishment today.

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64 Pogge, “Real World Justice,” 3.
Do the world’s worst-off today have access to their state-of-nature share of the world’s resources? The most frequently quoted figures reflect the disparity in spending between the best off and worst off nations: the third of the planet’s population who reside in low-income countries account for around 3% of global spending, while the 1 billion residents of high-income countries account for more than 80%.\(^{65}\) As stark a picture as this presents, however, it does not necessarily directly correlate to the degree to which the residents of affluent nations consume more than their share of the world’s resources (although it certainly provides an indication to that extent). The productive capacity of the world is constantly increasing, so the global product is always growing. The fact that the consumption of the wealthy accounts for an ever higher percentage of this product doesn’t necessarily imply that the share of the poor is decreasing. Looking at our resource consumption paints a clearer picture. Table 1, on the following page, gives the annual resource consumption per capita for a number of key resources by region.\(^{66}\) In these resources, the consumption of the developed world outpaces the consumption of the developing world per capita by a factor between 2.7 and 11.3, with all but two measures greater than a factor of 8. The figures for U.S. consumption are particularly striking, outpacing the gas and diesel consumption of the developing world by a factor of 30, and by a factor of 10 on most other measures. In 2004, the U.S. was responsible for a third of global consumption, despite accounting for less than 5% of the world’s population.\(^{67}\)

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\(^{67}\) “Ask Earth Trends.”
course gas, electricity, meat, and paper are not naturally occurring resources. These are stated rather as proxies for resources more broadly: for the minerals and metals required for the creation of power plants and coal-mining equipment, for the land, water, and grains consumed in meat production, and for the forests destroyed for the production of paper.

Pogge does investigate this line of thought, but for the most part he abandons it in favor of aggregates such as mentioned above. Where he does forge ahead to determine the Lockean state of nature baseline, he does so largely on the basis of Locke’s own (questionable) assumptions, but also along the lines of Locke’s argument, which ultimately

Table 1. Global Resource Consumption

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supports Pogge’s own thesis. In the Lockean state of nature, each person has a right to a proportional share of the world’s resources, and as mentioned above, insofar as one takes more than their share without the consent of others, one is violating their negative rights by taking what belongs to them. However, this ‘Lockean proviso,’ as Nozick calls it, it not an absolute rule, and can be set aside in the case that all involved can rationally agree to an unequal distribution. When will it be rational for a person to agree that others can have more than they can? In the case that by making this agreement one will have more than they would otherwise. In other words, “it may be possible for human beings to create and uphold social institutions that both permit disproportional unilateral appropriation and render all participants economically better off than people would be in a state of nature.”

This gives us the ‘second-order Lockean proviso,’ that “human beings may create and enforce economic institutions that permit disproportionate unilateral appropriation – provided everyone rationally consents to [them].” An example of such an institution—according to Locke—is the introduction of money, whereby all are made better off at the expense of the condition of leaving as much and as good.

For the introduction of currency to count as such an institution—that is, one that can legitimately disrupt the ‘as much and as good’ proviso—it must be the case that the arrangement that follows its introduction could be rationally agreed to by all of those in the

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69 Pogge, *World Poverty and Human Rights*, 143.

70 Pogge, *World Poverty and Human Rights*, 143.

71 Locke’s proviso is similar in some regards to Rawls’s difference principle at the domestic level. For Rawls, inequality is permissible when it benefits the least advantaged within society (for a more detailed account of this, refer back to chapter one). Any institutions that failed to meet this basic check would similarly fail to meet Locke’s rationality proviso, since it would be irrational for the worst off within a society to give up goods of their own without compensation in order to benefit the better off.
state of nature: but what specifically does this mean? Pogge explains that in Locke’s example, he compares the position of the ‘day-laborer’ in England to that of a ‘King in the Americas.’ Locke’s belief is that the day-laborer (presumably as a symbol of the worse off of England) fares better than the king (the best off of the ‘state of nature’), and certainly—if this were true—it would be sufficient proof that the introduction of money was beneficial and could be rationally agreed to by all. This reasoning presents a few errors, however. Firstly, it is questionable that the day-laborer of England was actually representative of the worst-off in Locke’s time. Surely there were those without work within England, as well as those under the thumb of the British Empire elsewhere. Secondly, even if we grant that the day-laborer is the worst-off class of people participating in such an institution, the assertion that they fare better than the best off in Native American (or other non-industrial groups) is questionable at best. Thirdly, it hardly seems consistent to count a ‘King in the Americas’ as representative of the state of nature: the state of nature, as Locke describes it, is characterized by the fact that each has an equal claim on the world’s natural resources, so long as one leaves as much and as good for others—if a King in the Americas is claiming so many available resources that others around them are worse off, then they are no longer part of the state of nature.

However, it is this last error in Locke’s reasoning that lends itself to the redemption of his line of thought. As Pogge explains, “it might be said that a Lockean account really supports a less restrictive baseline, because it could be rational to consent to social institutions that make everyone merely better off than persons in such a state of nature.

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72 Pogge, *World Poverty and Human Rights*, 144.
would be *on average*.134 I would further clarify that in a true state of nature, the deviance from this average would be relatively low, since each must leave as much and as good for others. If everyone in the state of nature is taking an equal share of natural resources, and everyone is doing just as well (or poorly) as everyone else, then all members of the state of nature will be able to agree to any institution that would raise them all above this common level: not the relatively high level of a ‘King in the Americas,’ but the relatively basic level of everyone in the community in the state of nature.

The baseline against which the new order must be compared is the *average* in the state of nature, but the comparison must be made against the positions of *each individual* after the introduction of the new institution. “Locke’s reasoning thus leads to the demand that any social order must not merely increase economic aggregates or the average standard of living, but must also distribute this gain so as to afford everyone access to an economic position that is superior to what persons, at least on average, would have in a Lockean state of nature.”135 Why? Couldn’t all agree to make a rational decision that would boost them, on average, above the state of nature baseline, but would still leave a few of them below it? The problem with such an explanation is that it theorizes a justification for our current situation based on an agreement that never existed, and thus any individuals who find themselves below this baseline can justifiably claim that they never made such an agreement and are therefore being harmed—that is, having their natural share of the world’s resources denied them. Any comparisons being made between the states of the members of the hypothetical

134 Pogge, *World Poverty and Human Rights*, 144.

135 Pogge, *World Poverty and Human Rights*, 144.
state of nature and the actual post-institution community must therefore be between the average in the state of nature and the individual in the institution.

Attempting to figure what the state of nature baseline might actually look like in terms of resources per capita is notoriously difficult. When Locke makes his comparison between the day laborer and the King in the Americas, he makes a number of assumptions about the circumstances that exist: that industry and technology are absent (and that populations are therefore limited as a result), but that people “would have access to sufficient food, clean water, clothing, and shelter.”\(^{75}\) If this is the case, then clearly the institutions that exist today do not satisfy the second-order Lockean proviso: many individuals today have little access to food, no clean water, limited access to clothing, and insufficient shelter. Any of these individuals can therefore claim that their negatively defined rights are being violated—someone is taking what belongs to them, and severely impoverishing them as a result.

But who can actually be said to be harming them, and in what sense? Since this harm is founded in the idea that there is a natural pre-existing agreement between all people in the state of nature, the most likely candidate is harm in the subjunctive sense: one person harms another by rendering them worse off than they would have been if some previous arrangement had gone unchanged. Intermediate duties exist whenever one finds oneself in a situation where one’s past actions will cause this subjunctive harm unless one intervenes, and negative duties exist whenever one’s actions will cause this harm directly. The least well-off of today’s world are harmed in the subjunctive sense whenever others cause them to be worse off than they would have been if the state of nature had gone unchanged. Insofar as

\(^{75}\) Pogge, *World Poverty and Human Rights*, 144.
changes to the state of nature—perpetuated by those who partake in the global institutions that have replaced it—cause some people to have less than their state-of-nature share of the world’s resources, those people have suffered harm.

The question of who is causing this harm still remains to be addressed. After all, the force of Pogge’s case is that he is able to provide reasoning for each member of the community of the best-off to think that they are violating their negative duties towards the poor. We have identified who is harmed (those who have less than any plausible state-of-nature baseline would grant them), and we have identified the means of harm (the institutions that they are born into—institutions that they could never rationally agree to): looking at the connection of the best-off to the worst-off in light of these institutions will clear who the harmers are. Insofar as anyone has more than they would have in the state of nature as a result of any of the institutions that render some worse-off than they would be in the state of nature, those who have more are taking it at the expense of those who have less. By participating in these institutions we uphold and maintain them, imposing them on those who are harmed by them.

As noted above, when Pogge clarifies this line of thought he frequently returns to claims about the number of people who die from or are affected by poverty, rather than the amounts of resources that these individuals have access to.⁷⁶ Now we have clarified the missing link in reasoning between Pogge’s claims about the number of people harmed and who is responsible for this harm. What is relevant is not how many people are dying from poverty-related causes today, but rather that each of those who dies is worse-off than the average in the state of nature. These deaths attest to is the severity of the inequalities

between the state-of-nature and today. That these deaths could not have resulted from the state of nature does not mean that we should compare the number of deaths before and after the state of nature to determine harm, it means that those who are dying today as a result of poverty-related causes are worse off than the average would be if the state of nature had never been disrupted. Additionally, the fact that the well-to-do are significantly better off than they would have been in the state-of-nature indicates that they are benefitting at the expense of the worst-off. Because this is an agreement that the worst-off could not rationally agree to, this is a harm—a violation of negative or intermediate subjunctive duties—done to the worst-off by the better-off.
CHAPTER FOUR

TWO WAYS WE HARM THE WORST OFF:
OUR GLOBAL INSTITUTIONS AND ENVIRONMENTAL DAMAGES

Shared Global Institutions

The third and final parallel strand of the argument stands out from the others. In Pogge’s own explicit statement of the argument, this ‘parallel strand’ is instead treated as the crux of his claims. It is easy to see why. The common violent history line of approach does not (and cannot) focus on the crimes of individuals against others—it focuses on the ways in which we benefit from the crimes of history and continue to enforce their effects on the worst-off through the institutions that we take part in. The common resource pool strategy similarly resorts to dealing with institutions rather than individuals: we override the hypothetical agreement of the state of nature by creating replacement institutions that deny the worst-off access to the resources they need to survive. The entire argument, after all, is about the question of institutions: how is it that the best-off members of the world community relate to the worst-off? For the most part, these two groups do not interact directly, but only through their shared institutions.

The institutional strand of the argument also can exist independently from and parallel to the other argument stands. The force of the strategy is this: we, the best-off, form the existing world order and force it onto the worst-off. The world order that we are enforcing is furthermore one that, instead of working to decrease and correct the divide between the well-to-do and the impoverished, works to increase and magnify existing
differences. The claim is this: we harm the world’s worst-off insofar as we continue to impose an unjust world order—one that contributes to inequalities rather than fighting them—rather than adopting a reasonable alternative. We persist in imposing a harmful world order, instead of one that would avoid life-threatening poverty without causing the well-to-do any comparable harm.

In addition to the radical inequality that exists in the present world, Pogge indicates the following characteristics of our world to support his claim of a violation of negative duty:

[1] There is a shared institutional order that is shaped by the better-off and imposed on the worse-off. [2] This institutional order is implicated in the reproduction of radical inequality in that there is a feasible institutional alternative under which such severe and extensive poverty would not persist. [3] 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.¹

Pogge’s claim is that if these points hold, the conclusion is that “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.”² The first step in defending this strand of the argument, then, is to back up these claims.³

The first point is really comprised of two parts: first, there is a shared global institutional order (that is, a set of rules, a network, agreements, regulations, and so on) that governs relations between virtually all the world’s peoples. Second, this institutional order is created, shaped and controlled by the better-off and forced onto the worse-off. There is plenty of evidence for the first claim: consider international treaties, governing bodies such


as the UN, the IMF, the World Bank, or the World Trade Organization. Consider other economic structures that exist independently from these bodies: in a country such as the US, a great deal of our material goods are produced elsewhere—for example, our clothes, our electronics, our cars, and our food. This has clear implications about the structures that must be in place across the globe. What people in one nation do can have dramatic effects on the people of other nations: “investments, loans, trade, bribes, military aid, sex tourism, culture exports, and much else.” As Pogge points out, what we choose to buy can determine whether people in the poorest nations can find the work they need in order to feed themselves and their families.

But all of this is only evidence that a global order exists: it is the case that what we do impacts people around the world, but the moral implications of the side-effects of our everyday actions remain vague. Therefore, in addition to this, Pogge makes the claim that we, the better-off, are in control of this world order and are imposing it on the worse-off. As those with the upper hand both economically and militarily, wealthy nations are the ones who have the power to make and break deals, to enforce the terms of explicit and implicit agreements, and ultimately to set the terms of global institutions.

The second point is also comprised of two parts: first, that this global order is reproducing radical inequality, and second that there are alternative institutional orders that would not sustain such severe poverty to such an extreme degree. It is important to note what the first part of this point is not saying: it is not saying that the global order is the only cause of poverty across the world. It does not even say that the global order is the primary

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producer of radical inequality. The claim that it makes should be taken as straightforwardly as it is given: the global order contributes to the reproduction of radical inequality.

That the existing world order reproduces radical inequality may seem obvious at first, but on closer inspection we see that it is not so readily apparent. Although it is true both that a global world order exists and is imposed by the better-off onto the worse-off, it might be questioned whether this global order reproduces radical inequality. The main opposing camps claim that it is not the global order that explains existing poverty in the world, but rather national institutions and structures: for example, that it is not the financial institutions of the wealthy (who make loans to totalitarian regimes), but the regimes themselves (who borrow great sums of money in the name of the nations they rule) who are indebting the poorest countries indefinitely.5 Or that it is not the governments of the powerful countries (who set a precedent of dealing with military leaders of countries whose democratically elected leaders have been overthrown), but those governments themselves (who, having seized power, now ‘represent’ their people) who are to blame for the lack of representation of the people and the unstable nature of the government. There is a great diversity in national institutions, which in many cases clearly corresponds to differences in degrees of inequality between nations; in light of this, many conclude that it must be the national institutions that best explain differences in the wealth of nations. In response to this possibility, Pogge draws an analogy with the causal role of atmospheric oxygen in the outbreak of a fire to draw attention to our “cognitive tendency to overlook the causal significance of stable background factors.”6 Fires happen: when we look for their cause, we

5 See Pogge, World Poverty and Human Rights, section 6.3.

6 Pogge, World Poverty and Human Rights, 206.
generally ignore a significant one—the fact of the existence of abundant amounts of oxygen in the atmosphere. That other causes exist—the presence of dynamite, or gasoline, or fireworks—does not change the fact that the fire can only spread because of the existence of the oxygen in the atmosphere.

These other causes, however, do change our perception (and the legal perception\(^7\)) of who is liable for any harm done. We understand a gallon of gasoline and a match to be causally significant in a fire in a way that atmospheric oxygen is not; this is because although oxygen is a necessary condition for a fire, we take it to be an ordinary background condition. How apt is the analogy of a fire to the issue of world poverty? The analogy has a weakness in that atmospheric oxygen occurs naturally as a background condition, and is not something regarding which we would (or could) assign responsibility. By drawing an analogy between atmospheric oxygen and the global structures that reinforce poverty, Pogge appears to be conflating conditions with causes.

That said, we cannot take for granted that what we assume to be background conditions are actually not causally significant. In the case of world poverty, this is of course exactly what Pogge is arguing: what we believe to be a background condition is actually something that we participate in and enforce. Because we support the structures that oppress the world’s worst off, they are not merely background conditions, but are causally significant. A more apt analogy mentioned by Pogge compares the structures that enforce poverty to headwinds.\(^8\) Some winds are naturally occurring background conditions, but if

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the political and economic structures that we support have the foreseeable effect of producing continuous, strong headwinds against the progress of the impoverished, they are no longer simply background conditions.

The second part of this point (that alternative orders exist that would not reproduce radical inequality to such an extreme degree) will also be discussed more fully later: its defense is the explication of a functioning alternative order. Many have been suggested, and all have been met with resistance and skepticism. Pogge’s proposal of the Global Resource Dividend, whether or not it is the best possibility for fulfilling the duties outlined by his argument, indicates an alternative order that would not reproduce radical inequality to the degree that our current order does. This possibility, along with others, will be discussed in detail in chapter five.

The argument for the third point of Pogge’s institutional argument is fairly straightforward—the positions of the worst-off cannot be traced to extra-social factors, because if the global order favored them to the degree that it favored us, they “would be just as able and likely to lead healthy, happy, and productive lives.”9 There is no better evidence of this than the people of the US. People from every corner of the Earth are able to thrive, regardless of genetic make-up, and in spite of the natural disasters endemic to North America. Anyone given the opportunities available to the better-off of the world would be able to far outpace the limitations of the severe poverty that afflicts the worst-off. In other words, something besides these extra-social factors must exist to cause the massive discrepancies in well-being that we see in the world today.

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9 Pogge, *World Poverty and Human Rights*, 207.
Together, these three points form the factual basis for the third strand of Pogge’s argument, but the moral basis requires further support: on what grounds can a global institutional order that sustains radical inequality (in light of feasible alternatives that would not) be said to violate negative duties? He here utilizes the third conception of harm discussed in chapter three above, which defines harm in terms of justice: a global order is causing harm to the world’s worst-off, Pogge claims, insofar as this order is unjust. This strand of the argument is aimed at those who are ‘broadly consequentialist,’ and the conception of justice that he appeals to here is therefore similarly consequentialist.\textsuperscript{10} To remain in line with the ecumenical nature of the rest of the project, Pogge aims to use as broad a consequentialist notion of justice as possible: rather than choosing one notion to the exclusion of others, he attempts to outline a simple conception of justice that will appeal to any thinker who is ‘broadly consequentialist.’

To clarify the conception of justice and harm used, and to defend this third strand of the argument, Pogge argues (to a greater or lesser extent) for three supporting points which—if true—support the claim that we are harming the global poor through our participation in the current shared world order. Pogge’s three supporting claims are as follows:

[1] 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… [2] that this demand of justice applies not merely to any domestic institutional arrangements, but to the global order as well. And … [3] that there are feasible alternatives

to the existing global institutional order under which life-threatening poverty would be wholly or largely avoided.\textsuperscript{11}

The third claim here is a repetition of part of the second point above, and is only included again here to fill out the argument: we can only be responsible for a violation of justice if an alternative were possible by which no violation would occur.

The first and second claims are new—provided as premises to his moral argument.

The first claim is a minimal description of consequentialist justice. These concepts of justice may vary across several dimensions: whether they characterize those affected as individuals or groups, and whether these are taken across time or at particular points in time; how they measure the well-being of these people (whether it is in terms of “social primary goods, capabilities, welfare, etc.”\textsuperscript{12}); and how they combine these effects for assessment (e.g., whether they use an average or measure against equality).\textsuperscript{13} Pogge’s claim is that on any of these dimensions any national scheme that fails to avoid life-threatening poverty that could reasonably be avoided is unjust. That is, at least on the national level, “an economic order is unjust when it… foreseeably and avoidably gives rise to massive and severe human rights deficits.”\textsuperscript{14} The second point expands this conception of justice from the national to the global scale.

The Supposed Difference in Justice between National and Global Economic Orders

The basic question that must be explored in order to fill the logical gap between the definition of justice at the national level and Pogge’s attempt at a similar definition at the

\textsuperscript{11} Pogge, “Real World Justice,” 46.
\textsuperscript{12} Pogge, “Real World Justice,” 46.
\textsuperscript{13} Pogge, “World Poverty and Human Rights,” 4.
\textsuperscript{14} Pogge, “World Poverty and Human Rights,” 4.
global level is whether there are any justifiable grounds on which we should distinguish between the moral claims that people can have on the national economic order (and the corresponding responsibilities for those who impose it) and the global economic order (and the corresponding responsibilities for those who impose it).\textsuperscript{15} The importance of this step is based on a commonly presumed difference between the two, which is based on the strength of the ties of solidarity between the members of a nation. These ties “generate special moral claims and burdens, and our responsibilities toward fellow citizens and family members may then greatly exceed, and weaken, our responsibilities toward outsiders.”\textsuperscript{16} The question that remains to be answered, taking the appropriate Poggean angle on it, is of the moral limits on the types of economic orders that one may impose on others in light of a strong bond of solidarity with a smaller group. Pogge compares two in particular, to bring to light common assumptions about the differences in the justice of global and national economic orders: what constraints exist on global orders that can be imposed on others by those with strong national solidarity, and what constraints exist on national orders that can be imposed on others by those with strong familial solidarity?\textsuperscript{17}

Pogge’s claim is that our own global order, despite being considered just by most members of the better-off nations, “does not meet two important minimal requirements we place on any national economic order.”\textsuperscript{18} The first requirement that Pogge indicates is that “social rules should be liable to peaceful change by any large majority of those on whom

\begin{itemize}
\item \textsuperscript{15} See Pogge, \textit{World Poverty and Human Rights}, ch. 4. See also Ch. 1 above for the discussion of this difference as it relates to Rawls.
\item \textsuperscript{16} Pogge, \textit{World Poverty and Human Rights}, 101.
\item \textsuperscript{17} Pogge, \textit{World Poverty and Human Rights}, 101.
\item \textsuperscript{18} Pogge, \textit{World Poverty and Human Rights}, 101.
\end{itemize}
they are imposed.”¹⁹ When nations are controlled by a powerful few who maintain their strength through coercive means (e.g., substantial police forces or economic dominance), we are quick to label them as unjust if they are unaccountable to those who are governed by them. Most will agree that a national order is unjust if there is no mechanism by which the people can affect the rules. This requirement does not imply that all will agree that the majority of any population should have the ability to change the rules as they see fit; rather, it states that if a large proportion of the people on whom the rules are imposed desire change, then it should be possible for them to do so peacefully. Taking note of what sorts of states this would allow for is almost as helpful as taking note of what states this would not allow for: a dictatorship of any sort that ignored the needs of its people would be considered unjust, but one that responded to the needs of its population and changed unpopular laws would be considered just. A democratic state that represented each of the segments of its population fairly would be considered just, but a democratic state with a substantial minority that suffered under the tyranny of the majority would not be.

The second requirement of consequentialist justice at the national level is that “avoidable life-threatening poverty must be avoided. Insofar as it is reasonably possible, an economic order must be shaped to produce an economic distribution such that its participants can meet their most basic standard needs.”²⁰ In other words, a national order is considered unjust when it leaves people severely impoverished when they need not be. If a nation’s economic order is such that it favors the wealthy (or the politically or militarily


powerful) to the extent that others are dying of hunger, then it is unjust insofar as the order could be replaced with one wherein its people could meet their basic needs.

By clarifying some facts about our current global order, Pogge makes it apparent that our global order doesn’t satisfy these minimal demands.\textsuperscript{21} With something like 15\% of the world’s population living below the extreme poverty line (roughly $1 a day), and 40\% of the world’s population below a “less scanty poverty line”\textsuperscript{22} of roughly $2 a day (and on average—as of 2007—about as much as could be purchased in a typical rich country for $666 a year), a large proportion of the world’s people do not have their basic needs met.\textsuperscript{23} Pogge outlines the effects of this distribution: in the global population, it is estimated that 13\% are undernourished, 16\% do not have adequate shelter, 17\% have no access to safe water, and 41\% lack adequate sanitation.\textsuperscript{24} Pogge further points out that these figures are biased toward a rosier picture than is actually the case, as they account only for the living: life expectancy in the least developed countries 25 years shorter than in high income countries.\textsuperscript{25}

These figures on absolute poverty give us an idea of the inability of large portions of the world’s population to meet their basic needs; figures on inequality give us an idea of the possibility of a distribution that could correct this. 81\% of the global product is consumed by the citizens of the high-income countries, whose populations make up only 15\% of the

\textsuperscript{21} Pogge, \textit{World Poverty and Human Rights}, 4.3.

\textsuperscript{22} Pogge, \textit{World Poverty and Human Rights}, 103.

\textsuperscript{23} Pogge, \textit{World Poverty and Human Rights}, 103.

\textsuperscript{24} Pogge, \textit{World Poverty and Human Rights}, 103

world population.\textsuperscript{26} The bottom 15\% of the global population, on the other hand, consume only .2\% of the global product.\textsuperscript{27}

Furthermore, these figures only reflect global product—not existing wealth. As of 2000, the richest 1\% of the world’s adults possessed 39.9\% of global wealth, while the poorest 50\% of the world’s adults possessed only 1.1\%.\textsuperscript{28} Existing trends in poverty suggest the gap between the rich and poor is growing: from 1984 to 2004, in high-income countries the increase in consumption rose by more than 55\% in real terms, while in the bottom 10\% of the population it rose by only 32.6\%.\textsuperscript{29} This may sound roughly comparable until you realize how vastly 55\% of the consumption of the high-income countries compares to 33\% of the consumption of the bottom 10\% of the world’s population. The gap grows increasingly wider.

In itself, of course, the fact that our global order doesn’t meet these minimal demands of justice doesn’t bridge the gap between their existence and the claim that our global order is unjust. To make this step, we must examine whether our common nationalist intuitions are rationally based or not. Pogge attacks this problem by asking us to imagine a fictional country that has a national economic order that is comparable to our global economic order. Such a country would have roughly the same purchasing power parity per capita of Brazil (roughly $8,000 or $9,000 per year), but would have many times the income

\textsuperscript{26} Pogge, “World Poverty and Human Rights,” 1.

\textsuperscript{27} Pogge, \textit{World Poverty and Human Rights}, 105.

\textsuperscript{28} Pogge, \textit{World Poverty and Human Rights}, 105.

\textsuperscript{29} Pogge, \textit{World Poverty and Human Rights}, 106.
inequality (despite having one of the highest quintile inequality ratios in the world, Brazil’s 21.8 would pale in comparison to the global quintile income inequality ratio).  

The first reason that might be given to justify such a national distribution is that the majority does not support a more egalitarian economic order. Given that nearly half of the world’s population is living on less than $2 a day, this seems unlikely, but even if the majority did not support a more egalitarian order, the existence of life-denying poverty would be a violation of the second condition of justice: reasonably-avoidable poverty is being produced, and this is unjust whether or not it could be (or is) approved through democratic procedure.

Clearly if a country within our world were ordered as the globe is today, we would consider it to be incredibly unjust. In general, Pogge claims, the adherents of such double standards provide no argument for their acceptance: “They are often dogmatically taken for granted, perhaps with a general appeal to ‘our moral convictions’ or a general argument for dogmatic contextualism.” The key to defending a discrepancy of economic standards must lie in finding differences between national and global contexts—something that Pogge claims proponents of such double standards fail to do when they merely emphasize the reasons for strong standards when discussing the national context and weak standards when reasoning regarding the global order. Pogge responds to what he sees as a dogmatic

30 Pogge, *World Poverty and Human Rights*, 106, 280 (note 121), 284 (note 147). The fifth of the world’s population living in the wealthiest countries compared to the fifth living in the poorest countries was 74 to 1 in 1997. Two salient points might be mentioned here: first, that income inequality has only grown since then. The second is that the populations of these countries in the top and bottom fifth include both the poor and the wealthy, so this ratio is likely to be considerably more modest than a straightforward quintile inequality ratio for the world.

31 Pogge names this hypothetical nation ‘Subbrazil,’ and after some modifications, ‘Sub-Subbrazil.’ For his discussion of this issue, see Pogge, *World Poverty and Human Rights*, sec. 4.4.


assertion of double standards by locating the burden of proof on the side of those who would defend the discrepancy. There are two reasons why this placement of the burden is sound. The first is logical: that one cannot possibly refute all possible justifications in support of a double-standard. Anyone who wishes to uphold a double-standard has the straightforward task of identifying such a standard and explaining the reasoning behind it. This is a plausible task, and therefore the shifting of the burden of proof in this way makes sense. The second reason is moral: because our imposition of a double standard harms the poor, we must justify it. As Pogge writes, “we owe the global poor an account of why we take ourselves to be entitled to impose on them a global economic order in violation of the minimal moral constraints we ourselves place on the imposition of any national economic order.” We agree that such an order is a violation of justice concerning those who are our compatriots (or who are the compatriots of others imposing an order on them), and yet we impose such a global order on the worst-off of the world.

Demonstrating Harm from the Global Institutional Order

To summarize the argument from the imposed institutional order: Our world is characterized by a shared institutional order, which is shaped by the better-off and imposed on the worse-off. This order reproduces and creates radical inequality and severe poverty, which cannot be causally explained by extra-social factors. Furthermore, it is a demand of broadly consequentialist understandings of justice that economic orders be designed to avoid life-threatening poverty wherever possible. Some claim that this is a demand of national justice but not global justice, but the burden of proof for this claim rests on those who

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would deny resources to those around them who suffer. In conclusion, if there is an alternative order that would not result in such extensive poverty, justice demands that we adopt it.\textsuperscript{36}

All that remains to conclude the discussion of this branch of the argument (aside from the discussion of possible alternative orders) is to clarify further the sense of harm to which this argument appeals. Whereas in the other strands of the argument Pogge refers to the ‘ordinary historical’ senses of harm with little further explanation, in this strand of the argument he specifically defines harm in terms of injustice.\textsuperscript{37} Rather than attempting to specify one meaning of justice that all readers will agree to, Pogge intends this branch of the argument to speak to those who share a ‘broadly consequentialist’ approach, and limits his definition of justice accordingly.\textsuperscript{38} He claims that the institutional order that we are imposing on the world’s worst-off “is definitely unjust [in this sense] if and insofar as it foreseeably perpetuates large-scale human rights deficits that would be reasonably avoidable through feasible institutional modifications.”\textsuperscript{39} Among other essential human rights, the current world order that the better-off are imposing on the worse-off violates the right to life by prematurely ending millions of lives. By imposing such an order when an alternative exists, we are violating our negative duties toward the worst-off.

\textsuperscript{36}Pogge, \textit{World Poverty and Human Rights}, 205; Pogge, “Real World Justice,” 46.

\textsuperscript{37}Notably, my analysis in Chapter Three showed that these historical senses of harm are inadequate for dealing with the common violent history strand of the argument, and to salvage that strand I introduced a definition of harm in terms of injustice (refer back to ‘harm from history’ in Chapter Three for details). On Pogge’s view, however, the shared institutions strand is unique in its appeal to harm defined in terms of justice.

\textsuperscript{38}Pogge, “Real World Justice,” 42, 46. Note that ‘broadly consequentialist’ is meant to include all conceptions of justice that assess an order based on the distribution that results from it (rather than the history of that order). E.g., Pogge would consider Rawlsians to be ‘broadly consequentialist.’ This is addressed further in the following paragraph.

\textsuperscript{39}Pogge, “World Poverty and Human Rights,” 5.
This strand of the argument is meant to respond to all those who “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.” This would clearly include strict consequentialists, but Pogge also intends for it to include others, such as Rawlsians, who count a social order unjust if it denies equality of opportunity for those with the lowest expectations within society. If millions of people are dying every year when an alternative social order could keep them alive, any Rawlsian conception of justice would be violated. Furthermore, although Pogge does not use it in this way, this argument also responds to any others whose conceptions of justice include provisions for human rights. If a theory of justice holds that a deprivation of human life is unjust, then demonstrating that an alternative order will deprive fewer people of human life will suffice to show that the current order harms those who are dying in this sense.

Although it might seem that such a definition of justice would necessarily be circular, by considering an example we can see that this is not the case. Consider Rawls’s domestic theory: the justice of a given set of laws is based on how it stands up to the principles of justice, which have been justified purely procedurally. In this example, the question of justice essentially becomes a question of whether people are being treated impartially (in accordance with the constraints of the veil of ignorance). What is significant is that this standard has not been determined based on a separate notion of harm but on a shared idea of how we would each prefer to be treated; Rawls’s theory can therefore serve as an example of procedural justice defined independently of a preconceived notion of harm.

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40 Pogge, “Real World Justice,” 42.
It should be mentioned that this strand of the argument also works with the historical conceptions of harm; whenever the world order changes in such a way as to render the worst-off even worse off, or whenever our current world order makes individuals worse off than they were at some previous point in time, harm is done in a historical sense; for example, if the global order results in the overthrow of a democratic government by a dictator who knows that he will be able to sell the nation’s resources and take the profits himself. Similarly, institutional harm can be done in the subjunctive sense whenever the global order changes in such a way that it causes people to be worse off than they would have been if the order had continued unchanged; for example, if new tariffs or trade barriers are erected that adversely affect subsistence farmers. In general, however, Pogge’s use of the justice-based conception of harm has the greatest force for this strand because it demonstrates that harm is done to all people who suffer from human rights deficits.

Can Harm Be Defined in Terms of Justice?

This strand of the argument is not without its critics. In particular, because defining harm in terms of justice allows the possibility of anything being construed as harm that violates some conception of justice, Pogge opens himself up to the attack that his definition of harm is too broad to be meaningful. Alan Patten explores this criticism within a broader critique of Pogge’s ecumenical approach. He argues that a proposal that receives widespread

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41 More broadly, a sense of harm can be based on any sense of justice and remain non-circular. If a sense of justice is not based on any reference to harm, then harm defined in terms of this procedural justice is clearly non-circular (as in the Rawlsian example just given). Otherwise, suppose a conception of justice is defined by violation of a sense of harm H1; i.e., an action or institution is considered unjust whenever it causes harm (in the sense of H1). A new definition of harm can then be defined on the basis of this conception of justice, i.e., an individual is harmed (in the sense of H2) whenever this sense of justice is violated. Although this harm is defined in terms of harm, it not circular: the sense of harm H2 is defined in terms of an independent sense of harm H1. As long as H1 minimally counts life-threatening poverty as harmful, the derivative definition of harm H2 is sufficient for the demands of the shared institutions argument. Defining harm in this way has a much wider scope than Pogge’s own formulation, as it is based on whatever conception of justice is already accepted by the reader.
support (i.e., one that is founded on negative-duties that can be widely agreed upon) cannot also be robust enough to relieve the worst-off of their impoverishment. Patten presents this as a two-horned dilemma:

Either his normative principle is, as he claims, reasonably minimal, but is, his claims to the contrary notwithstanding, unlikely to generate obligations that, if acted upon, would come close to eradicating global poverty; Or his normative principle does generate a strong and extensive set of obligations to the global poor, but is not nearly so minimal or plausible as he maintains. He is, in effect, deriving a fairly maximalist conclusion from a fairly maximalist normative premise.  

Pogge’s claim is that his normative principle is minimal; he attempts to keep it minimal by framing it in terms of a violation of negative duties by the best-off against the worst-off. Patten's claim is that such a minimal argument cannot justify the alleviation of poverty that Pogge calls for.

Patten challenges the sufficiency of a justice-based conception of harm by questioning the baseline involved; i.e., against what measure is an institutional order said to be just or unjust? Patten sees two options, with each corresponding to one horn of the dilemma introduced above: the baseline can be procedural (by comparison to some minimal set of fair laws and institutions), or substantive (by comparison to the outcomes obtained). The procedural baseline will make minimal normative demands, but addressing the corresponding harms will not eradicate world poverty. The substantive baseline will lead to the end of poverty, but its demands cannot remain minimal. 

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42 Alan Patten, “Should We Stop Thinking about Poverty in Terms of Helping the Poor?,” *Ethics and International Affairs* 19, no. 1 (2005): 20.

43 Patten, “Should We Stop Thinking about Poverty in Terms of Helping the Poor?,” 22.
Patten’s claim is that if we define justice procedurally (“with a plausible and fairly minimal account of harm”\textsuperscript{44}) we are left with weak requirements for improving the lot of the worst-off: we could meet some minimal set of requirements for just laws while still leaving millions severely impoverished. On the other hand, defining justice substantively leaves us defining harm strictly in terms of whether poverty persists (and therefore would fail to be minimal in the sense that Pogge seeks).

Pogge’s reply to the first horn of the objection is brief. Patten’s focus is on the example of the WTO, and Pogge meets him there: “Patten correctly reports that I find the WTO treaty unjust on account of the special exemption and privileges the rich countries managed to enshrine in it. Yet, when I point out a flaw in a novel, I am not suggesting that any novel without this flaw is flawless.”\textsuperscript{45} Patten reads Pogge’s minimalist normative claims as suggesting that the only condition for justice is evenhandedness and a lack of exemptions of the sort that the WTO enforces to the detriment of poorer nations. Pogge’s counter is simply that this is not necessarily all that is required. Pogge wants to claim that a global order would be unjust if it were “minimally fair, in the sense of treating its persons equally, and nonetheless foreseeably reproduce[d] avoidable human rights deficits on a massive scale.”\textsuperscript{46} In other words, Pogge is opting for a substantive baseline, founding his approach on normatively minimal, but nonetheless demanding grounds. To make the case for this, Pogge elaborates on his understanding of harm as defined relative to human rights deficits.

\textsuperscript{44} Patten, “Should We Stop Thinking about Poverty in Terms of Helping the Poor?,” 22.

\textsuperscript{45} Thomas Pogge, “Severe Poverty As a Violation of Negative Duties,” \textit{Ethics and International Affairs} 19, no. 1 (2005): 60.

\textsuperscript{46} Pogge, “Severe Poverty As a Violation of Negative Duties,” 60.
Patten critiques Pogge’s claim of being minimal by suggesting that “in almost any situation in which an affluent person is connected with a badly off person, the affluent person will count as ‘harming’ the badly off person, so long as there is some institutional scheme the affluent person could bring to bear that alleviates the suffering of the badly off.”\(^{47}\) Pogge’s responds to this critique by requiring other factors that connect the affluent to the worst-off. According to Pogge, it’s not only that the well-to-do are ‘connected’ with the badly off and could alleviate their suffering, it’s that they contribute to imposing an “institutional order that foreseeably produces avoidable human rights deficits.”\(^{48}\) Not just any association between the best-off and worst-off constitutes a violation of negative duties there must also be harm done in the sense of an imposition of a rights-denying order. Pogge further clarifies this rights-based approach:

My standard of social justice entails not, then, an open-ended duty to help the badly off, but a much narrower duty that is tightly limited in range (to persons subject to an institutional order you cooperate in imposing), in subject matter (to the avoidance of human rights deficits), and in demandingness (to compensation for your share of that part of the human rights deficit that is reasonably avoidable through an alternative institutional design).\(^{49}\)

To fully answer whether Patten’s criticism holds, we must assess if it is the case that Pogge can define ‘harm’ as stated above, limit the scope of his claims as he does here, and still remain consistent with the rest of his stated project. Patten is right that there are two competing forces at play here: on the one hand Pogge is trying to remain minimal with his

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\(^{47}\) Patten, “Should We Stop Thinking about Poverty in Terms of Helping the Poor?,” 26-27.

\(^{48}\) Pogge, “Severe Poverty As a Violation of Negative Duties,” 61.

\(^{49}\) Pogge, “Severe Poverty As a Violation of Negative Duties,” 61.
normative claims, and on the other hand he is trying to use these claims to justify demanding changes to the institutional order.

To support and clarify this point, let’s address the three dimensions that Pogge specifies in order to differentiate his own approach from the ‘open-ended duty’ that he is accused of supporting. He names range, subject matter, and demandingness as ways in which his project limits the obligations connecting the best and worst off. If successful, these dimensions will clarify the classes of “harmed” and “harmer.” Range is fairly straightforward—only those people can have been harmed who have been (and are) subjected to the order that the affluent impose. This may at first seem to limit the scope of his project severely: anyone who is not subject to the imposed order is not a candidate for harm in this sense. But this is not so, for anyone who is involved with any country’s foreign trade, economy, international governance, and military struggles falls within this range. Furthermore, anyone who interacts with them is also subjected to this order: anyone who participates in a local economy which is linked to the global economy, anyone who labors for foreign corporations (and anyone they have commerce with), anyone who must abide by laws that result from international or global pressures, and so on. The reach of the global order is practically universal.

The dimension of subject matter suggests different problems: Pogge’s claim is that the scope of his proposal is limited to the avoidance of human rights deficits, but can he limit it in this way without resorting to question-begging definitions of human rights and still give it the force that he attempts to give it? Pogge argues for defining a human right as a claim that individuals have on social institutions for something; e.g., a human right to the means of subsistence means a right that all individuals have against institutions that would
limit their access to the food necessary for survival. By defining human rights in this institutional way, Pogge intends to tie the underfulfillment of human rights to those individuals who participate in sustaining the orders that cause the violations.  

Pogge writes:

A commitment to human rights involves one in recognizing that human persons with a past or potential future ability to engage in moral conversation and practice have certain basic needs, and that these needs give rise to weighty moral demands. The object of each of these basic human needs is the object of a human right. Recognizing these basic needs as giving rise to human rights involves a commitment to oppose official disrespect of these needs on the part of one’s own society (and other comparable social systems in which one is a participant).

By introducing the concept of ‘official disrespect’ he means to get at that feature of human rights underfulfillment that distinguishes it from rights violations at the individual level: for example, between one individual stealing from another (which we would presumably call a violation of negative rights, but not a human rights violation) and a government seizing the property of individuals: what distinguishes between human rights underfulfillment and the violations of other rights is the fact that human rights are only violated institutionally.

When Pogge limits his project’s scope along the dimension of subject matter by only addressing human rights underfulfillment, this specifies that his proposal only seeks to address those violations of negative duties that exist at the institutional level, and only with regards to the objects of human rights. In other words, this is just a further limitation of that already addressed along the dimension of range: Pogge’s conception of justice implies that

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51 Pogge, *World Poverty and Human Rights*, 64.

52 Pogge, *World Poverty and Human Rights*, 63.
we have a duty to help those who are subject to an institutional order that we participate in imposing only when this order enforces official disrespect for their basic needs.

The final dimension of social justice is demandingness: we only have a negative duty to aid the poor to the extent that (1) we are responsible for the production of these human rights deficits, and (2) this is avoidable through some reasonable alternative institution. This limit is straightforward. In most cases the worst-off and the best-off are co-contributors to the extreme poverty that the worst-off find themselves in. Even though it is not the case that the best-off are responsible for this poverty and the resultant human rights deficits in its entirety, it is still the case that the institutions enforced by the best-off contribute to, produce, and reproduce the poverty of the worst-off. Where alternative orders exist that would not contribute to these human rights deficits in this way, justice demands that we adopt an alternative.

For the purposes of Pogge’s proposal, very little is needed to support his claims that human rights violations exist; world poverty is so extensive and severe that Pogge can choose to focus on only a small portion—the most undisputable—of human rights violations: namely the violation of the right to the means of subsistence and the right to life. Any institutional order that is imposed on others, officially enforces their undernourishment or death, and is avoidable, fits within the limitations placed on the dimensions of range, subject matter and demandingness.

Patten’s conclusion—that Pogge’s conception of harm is so broad that any wealthy person in a position to help a poor person counts as harming them—misses the force of this strand of the argument by failing to note the importance of the relationship between the
worst off and the best off which is brought to light by evaluating the justice of the international order.

Inconsistency

Notably, Pogge’s explicit formulation of his argument is inconsistent with his approach to the third strand: this strand is designed to only appeal to those who are part of ‘broadly consequentialist’ schools of thought, and yet he formulates his argument in such a way that a refutation of any of the three strands allows for a potential justification of the established order. Since his explicit statement of the argument only requires that one of the strands be refuted, those who hold conceptions of justice that aren’t ‘broadly consequentialist’ aren’t addressed by the third strand and can therefore make claim that the current world order is justified, escaping Pogge’s argument.

This inconsistency is not limited to the third strand of his argument, but rather points to a broader inconsistency within his approach: he develops each of the three strands as responses to particular justifications of the status quo, but he then re-assembles his argument such that a refutation of any of the three lines of thought serves as a refutation of the argument as a whole. Rather than the three parallel strands he originally suggests, they serve as three legs: all three are necessary for the argument to stand. His implicit argument notwithstanding, Pogge’s defense of the three strands of the argument are tailored toward defending the explicit argument; viz., he argues against three particular justifications of the status quo, such that each justification must be refuted for his conclusion to stand. Basing the argument on refuting justifications in this way leaves the argument open to further attack as well; any new justification offered for the established order will require a new refutation by Pogge.
Of the three strands, the third is the strongest example of this inconsistency because it is the strand most clearly geared toward a specific school of thought. Pogge does not make any broad claims about the nature of justice and the injustice of the shared institutional order in general, but rather restricts his argument to ‘broadly consequentialist’ conceptions of justice. His treatments of the other strands also rely on the explicit formulation of the argument rather than the implicit one. As we saw, the conceptions of harm that he appeals to in his defense of the first strand are sufficient for demonstrating that our current world order cannot be justified on the basis of history, but they are insufficient for making the stronger claim that the current world order constitutes harm as a result of this history. Similar problems arise with the second strand, which is geared toward those who hold a Lockean view of justice: rather than demonstrating harm directly in terms of the better off denying access to the world’s resources, Pogge takes the specific approach of arguing that the worst off are not receiving adequate benefit from the world’s resources.

Each of Pogge’s sub-arguments becomes an integral refutation of three different potential justifications for the status quo. This structure commits him to defending his argument as though it is a response to all possible justifications, which changes his approach from being three-stranded (when one strand breaks, two others remain) to three-legged (when one leg breaks, the stool tips over). The reformulation of the implicit argument offered at the end of chapter two overcomes this structural problem by forming the argument around harm\(^{53}\) (rather than refutations of justifications of the world order): the

\(^{53}\) A restatement of this argument is given on the following page.
rejection of one argument demonstrating harm has no bearing on whether or not the other strands demonstrate harm.\[^{54}\]

**Convergence Theory**

Rather than treating the three strands of the argument as counters to three distinct apologies for the existing world order, the argument could be more strongly structured by focusing on each of the three strands as functionally independent arguments, each indicating that the better off harm the worst off. This would preserve Pogge’s stated intention of using the strands “in parallel,”\[^{55}\] with any of them able to make the connection between poverty and its possible solutions (which will be discussed in chapter five). The conclusion of such an argument would be that we should enact a proposal to end the harm done by the best off to the worst off. As stated at the end of chapter two, my preferred version of the argument is as follows:

1. The people of affluent nations significantly contribute to the causes of poverty in at least one of the following ways: (a) By upholding the results of a violent history shared with the worst off, (b) by excluding the worst off from a common resource pool, or (c) by maintaining a global order that magnifies existing inequalities in light of alternatives that would not.

2. This poverty, caused by (a)-(c), results in the suffering and death of the impoverished, and therefore constitutes harm.

\[^{54}\] Pogge’s explicit formulation of the argument suggests that any justification of the current world order would serve to respond to all of the ways that the affluent are harming the worst off: e.g., that demonstrating that the historical process was benign (thus refuting the ‘common violent history’ sub-argument) would somehow demonstrate that no harm is being done by our shared global institutions (or that this harm is somehow justified). However, each of Pogge’s sub-arguments demonstrates harm along independent lines, and showing that one sub-argument fails still leaves two independent arguments that the affluent are harming the worst off.

3. A proposal exists which would substantially contribute to ending the suffering and death caused by poverty, and whose requirements do not exceed the responsibilities of the people of affluent nations which result from the harm done through any of 1a-c.

4. Most people will be convinced by the arguments supporting at least one of 1a-c.

5. Therefore, a proposal exists which would substantially contribute to ending the suffering and death caused by extreme poverty, and which most people would be convinced was within the limits of appropriate responses for harm they are responsible for.

Based on this formulation of the argument, the proposal sought must contribute to ending the suffering and death caused by poverty in ways consistent with the harms indicated by all three strands (that is, each of 1a-c). Unless the harms of each of the three strands are of exactly the same magnitude, and affect exactly the same populations, the extent of the solution will depend on the intersection of the magnitudes and affected populations of each of them. Looking at the differences in the harms done according to each of the three strands, we can create a triple Venn diagram: each circle representing the harms done according to one of the strands (see Figure 1 on the following page).

An argument structured to depend on the success of all three strands (e.g., Pogge’s explicit argument), if successful, would support a solution that aimed to correct all of the harms (both the lightly and darkly shaded areas) in Figure 1. Such a solution would fulfill all of the responsibilities of the best off to the worst off according to each of the three sub-arguments, but would also depend on the acceptance by all of all three sub-arguments.
An ecumenical argument (such as Pogge’s implicit argument and my formulation of the argument) would aim to correct only the harms indicated by the intersection of the three circles (the darkly shaded area). This ecumenical limit would be considered within reason by anyone who is convinced by just one of the three strands, including only those responsibilities that are most undeniable. As long as each thinker accepts at least one strand of the argument, a proposal to end poverty that restricts its effects to ending these harms would garner a base of support at the widest level possible. To be consistent with Pogge’s ecumenical aims, and to take seriously the difficulty of convincing the better off that they have serious obligations to prevent the poverty-related death and suffering of the worst off, the ideal proposal to end poverty will limit its effects to the harms found in this intersection. If such a solution—minimal though it may be—could lead to the end of extreme poverty, as Pogge believes his proposal of the Global Resources Dividend could, then its enactment would be a vast improvement over our status quo.
Environmental Harm

In addition to the three ways we harm the worst off that Pogge addresses, we also harm the world’s worst off through environmental harm: the world’s wealthiest nations are actively participating in climate change, a process which increases inequalities between the rich and poor. There is a growing body of literature that discusses the variety of ways in which climate change impacts the world around us, and more specifically how it impacts the world’s poor in particular. The climate change caused by the best-off harms the worst-off in the most straightforward sense: the actions of the affluent make the poor worse off. This harm should be taken into account to strengthen the Poggean argument.

The forces behind climate change will come as no surprise to most of us. Much of the current focus on climate change is on the global warming that results from the buildup of greenhouse gases and air-born particles that are released by the fuel we burn in our cars and other transportation, our power plants, our livestock, our industrial processes, our leaking refrigerators, our aerosol cans and so on. Furthermore, we know about some of the self-compounding elements of climate change: the damage done to ice sheets that in itself will lead to a warmer Earth, the intentional destruction of forests that will lead to erosion and unintended deforestation, warmer seas that will lead to the release of gases formerly trapped on the ocean floor.\(^{56}\) If it were the case that the damage done from climate change were spread evenly across the globe, the well-off would be responsible for making the worst-off worse off, but the truth has even stronger implications: the worst-off suffer the effects of climate change more severely than the affluent. There are four basic reasons why: they tend to live in regions more vulnerable to climate change, they have fewer resources with which

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to cope with climate change, they are more dependent on agriculture (one of the industries most affected by climate change) and natural weather patterns, and the difficulties they suffer as a result of climate change compound other poverty-related difficulties that they face.

The Regions Most Likely to be Affected by Climate Change

The two types of ecological zone most likely to experience climate change to its fullest are ‘low-elevation coastal zones’ and ‘drylands.’

Low-elevation coastal zones are exactly what they sound like: regions bordering the ocean and close to sea level, which as a result are susceptible both to increases in the sea level and increases in the number of severe storms such as hurricanes and typhoons. Substantial portions of the urban population of India, China and the rest of Asia (including Viet Nam, Bangladesh, and Indonesia) are in this type of region.

In China, for example, more than one in four people in cities of one million or more are living in low-elevation coastal zones. In these zones, storm surges not only result in immediate flood damage, but also have the potential to contaminate groundwater and wells, which prevents farmers from being able to irrigate their crops.

Although low-elevation coastal zones are the regions we hear the most about in relation to climate zones—for example, in the aftermath of the 2004 tsunami—drylands constitute a much larger problem. Drylands experience both low levels of precipitation and erratic precipitation to such an extreme degree that they frequently receive their entire

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58 See below (‘The Worst Off Lack the Resources to Cope with These Changes) for the reasons that urban areas face particular difficulties.

59 Balk et al., “Mapping Urban Settlements and the Risks of Climate Change in Africa, Asia and South America,” 90.

60 Balk et al., “Mapping Urban Settlements and the Risks of Climate Change in Africa, Asia and South America,” 88.
expected annual rainfall in a few intense (and highly erosive) storms. They experience frequent water deficiency and heat waves. Drylands account for 41% of the Earth’s land area, 72% of which is in developing countries. In fact, 90% of the 2 billion people who live in drylands are in developing countries. As climate changes, these regions are expected to face higher temperatures and more severe water shortages. Some regions are forecast to have increased precipitation—meaning more damaging storms—but any gains in water supply are expected to be offset by the increased temperatures. More than half of the urban residents of Africa and India, and 30% of the urban people of China, reside in drylands.\(^6\)

The Worst-Off Lack the Resources to Cope with These Changes

Certainly, affluent countries also have people living in low-elevation coastal zones and drylands, but the effects of climate change pose specific risks to impoverished peoples living in these zones because they are less-well equipped to cope with the resulting changes (frequently lacking both public infrastructure and personal means).\(^6\) Ability to cope with the difficulties of these regions is more significant than the problems presented by the regions and climate change themselves: e.g., consider that although there is no correlation between water scarcity in a nation and water access for the people of that nation, water access was found to have a high correlation with per capita income.\(^6\) In other words, whether a person has access to water has more to do how rich they are than how prevalent water is where they live.

\(^6\) Balk et al., “Mapping Urban Settlements and the Risks of Climate Change in Africa, Asia and South America,” 81-82.

\(^6\) Balk et al., “Mapping Urban Settlements and the Risks of Climate Change in Africa, Asia and South America,” 85-86.
The urban poor are the most susceptible group, as they not only lack sufficient public infrastructure, but also face special hazards as a result of living in an urban setting: lack of public green spaces and parks, highly dense (and less protective) housing accommodations, and overdeveloped marshlands result in impermeable surfaces that prevent drainage. Combined with rudimentary sewer systems, flooding becomes extremely dangerous, resulting in feces and other hazardous waste (such as chemicals and heavy metals from industrial processes) being exposed and seeping into wells. This means a higher risk of water-borne respiratory and skin diseases (including cholera, typhoid and diarrhea). Because flooding is a problem for drylands (receiving their annual rainfall entirely in intense storms) as well as low-elevation coastal zones, these problems are common to a high percentage of the world’s worst-off.64

Impoverished women face particular difficulty in many cases. They tend to have more limited access to resources—because they are responsible for a greater amount of unpaid labor—and more responsibility for family members unable to care for themselves—such as the elderly and children. Furthermore (and this is closely related to the section below on the compounding nature of these effects), women find themselves more strapped for resources as climate changes: clean water and fuel require longer travels, and children and the elderly become more likely to require additional care due to increased disease, other hazards, and food scarcity. All of this contributes to their particular difficulty in obtaining the resources to respond to the problems brought on by climate change.65

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64 Balk et al., “Mapping Urban Settlements and the Risks of Climate Change in Africa, Asia and South America,” 82-83.

Poorer Nations and Individuals Depend More on Agriculture

As noted in chapter two, significantly higher percentages of people in developing nations are subsistence farmers, and higher percentages of the GDP of developing countries are accounted for by agriculture.\(^66\) This means that even if climate change were expected to impact all regions of the world equally, the problems brought about would be experienced more acutely by the worst off.\(^67\) Furthermore, the most likely outcome of climate change will be to tip agricultural production in favor of those regions that are already the best fed, and tip production against those who already have less.

Countries that are in temperate regions are currently operating below the optimum temperature for agricultural production, but countries in tropical regions are operating above the optimum temperature. As countries in tropical zones—including much of Africa—undergo warming due to climate change, they will experience more difficulty meeting their food needs. Countries that currently experience cooler climates—especially those in the mid-high latitudes such as the United States and much of Europe—are actually forecast to gain agricultural productivity from an increase in temperature.\(^68\) Clearly this has dangerous results for the worst off: developing countries not only have a greater dependence on agriculture (it making up a higher percentage of their GDP and being the profession of a higher percentage of their people), but are also more likely to experience temperature increases from global warming as harmful effects.


\(^68\) Mendelsohn, Dinar and Williams, “The Distributional Impact of Climate Change on Rich and Poor Countries,” 167.
The Compounding Nature of the Factors of Poverty

The multiple harms and effects that result from climate change do not merely add to one another, but are mutually exacerbating; in addition, they are compounded by other hardships of poverty. Consider two of the points discussed above: the worst-off are more likely to be found in the climate regions that will be affected the most adversely and they depend more on agriculture compared to other regions. Each of these makes the other worse: those living in the countries that depend most heavily on agriculture will experience declines in agriculture most sharply—it will mean a greater percent reduction in their GDP, and a higher percentage of people directly affected. Since these people are also in the climatic zones most likely to be adversely affected, climate changes will affect their agriculture industry more severely than the agriculture in countries that experience cooler climates.

Many other factors also have compounding effects. Consider that in low-income countries children make up around 50% of the population, with children under five typically making up between 10% and 20% of the population. As noted in number above, children are both less able to care for themselves and more susceptible to the health problems associated with poverty which are increased by environmental changes, for example infection from contaminated water sources. In particular, this leads to women—who are typically responsible for children in these societies—having reduced resources to take care of themselves and to improve their own chances for the future. In cases where environmental changes make conditions so bad that women are inclined to move, children (especially those experiencing health problems) have reduced their mobility. These factors result in
historically higher death rates among children, the elderly and women in extreme weather events among the poor.\textsuperscript{69}

As climate change reduces the amount of precipitation and changes patterns of rainfall, it is the impoverished that are most likely to face clean water shortages. This leaves the worst off facing increasing incidence of infections relating to climate change, including meningitis, cholera and rift valley fever.\textsuperscript{70} Combined with the food scarcity brought on by climate change, it decreases the ability of these populations to deal with future problems: “Children who become ill, malnourished, injured or psychologically affected by disasters, famines, displacement or deepening poverty will increase the challenges faced by their families and communities.”\textsuperscript{71} Child malnutrition and disease can lead to permanent stunting, leaving children less productive over their entire lifetime, which in turn leaves families and communities with even fewer resources with which to deal with the adverse affects of climate change and poverty.

The problem of stunting itself is also compounded by other factors of poverty: if the children of a well-fed region experience a sudden reduction in food, children who are temporarily underfed will be able to return to normal levels of development once food levels return to normal. When children who are already poorly nourished experience such an event, they are likely to never fully recover.\textsuperscript{72} In other words, in countries where resources

\textsuperscript{69} Bartlett 2009, 133-34, 137.

\textsuperscript{70} Sari Kovats and Simon Lloyd, “Population, Climate and Health,” in Population Dynamics and Climate Change, edited by Jose Miguel Guzman et al. (UNFPA and IIED, 2009), 166-71.

\textsuperscript{71} Bartlett 2009, 135.

\textsuperscript{72} Bartlett 2009, 137.
are already lacking, present shortages in food will lead to greater future shortages—further increasing vulnerability.

One study even found climate change to be correlated with violent conflicts in Africa. Since crop yields in Sub-Saharan Africa are sensitive to temperature shifts as little as half a degree Celsius, the researchers speculated that food shortages were the connection. For each degree Celsius, staple crop production decreased by 10%-30%, and the number of violent civil war conflicts increased by 4.5%. The researchers further found that benefits from economic growth and democratization were not likely to be sufficient to overcome the negative effects of climate change. Aside from triggering violent outbreaks, climate change can also exacerbate existing conflicts, for example, by forcing women to travel further for water and fuel and thus exposing themselves and their children to the risks of kidnapping and sexual violence.

An Increasingly Harsh World, For Some

Global climate change, both in the form of gradual changes in weather patterns and in increases in extreme weather events, results in an astounding number of hardships for the population. It should be noted that contrary claims also exist. A further study by other researchers critiqued these claims by taking a different understanding of civil war conflicts and by looking at data after 2002 (which is the most recent data used by the Burke study). Rather than focusing on incidents that resulted in a certain number of deaths, they focused on the years in which a conflict broke out separately from the incidence of violence more generally. They also looked at climate change in two ways: both in terms of change from previous years, and in terms of deviation from long-term trends. Their data revealed that conflict tended to be concentrated in warmer countries, but they found democratization and economic development to be more significant than climate change. They also acknowledged that their discussion was focused on immediate conflicts resulting from heat rather than addressing the long-term implications on stability of prolonged economic underperformance. See Halvard Buhag, “Climate not to Blame for African Civil Wars,” Proceedings of the National Academy of Sciences 107, no. 38 (2010): 16477-82.

Engelman, State of World Population 2009, 47.
people least equipped to deal with them. The world’s poor face increased scarcity of food due to lessening crop yields, depleted clean water sources due to urban flooding and seawater contamination, increases in the number of infections and other health problems for children and the elderly, and greater damage to their homes and infrastructure. These problems combine with the fact that the world’s climatic zones most likely to be negatively affected by climate change are home to a large percentage of the worst off. The people who depend the most on subsistence farming, and who have the fewest resources to deal with crises, are facing an increasing number of hardships that further reduce their likelihood of survival and further reduce what little they have.

Those with the most resources with which to cope with the effects of climate change, on the other hand, may actually gain from the climate change process. Using historical data and trends to forecast the likely economic effects of climate change, Mendelsohn et al. predicted the outcome of climate change on the GDP of the world’s population by quartile.77 Using a variety of models ranging from optimistic (a change of only 2.5 degrees Celsius by 2100) to severe (5.2 degrees Celsius by 2100), they found that it was the poor who were expected to suffer the most. This held true even in models that ignored the differences of climate change by region, and in models that assumed all countries started with the same climate (although of course the harms to the poor were significantly less in these cases).78 As a whole, the global GDP is forecast to vary as a result of climate change by only plus or minus .1%, and yet for the poorest quartile the most optimistic model predicts a

77 Mendelsohn, Dinar and Williams, “The Distributional Impact of Climate Change on Rich and Poor Countries,” 162-65.

78 Mendelsohn, Dinar and Williams, “The Distributional Impact of Climate Change on Rich and Poor Countries,” 162.
.2% loss. Only one of the models predicts a loss of GDP for the wealthiest quartile as a result of climate change: a loss of only .1%. In all other models, the wealthiest quartile is expected to gain GDP as a result of climate change. The most severe prediction for the poorest quartile, on the other hand, is a loss of 23.8% of their GDP. The researchers conclude that “Overall, the poor will suffer the bulk of the damages from climate change, whereas the richest countries will likely benefit.”

Are the Affluent Also Victims?

Even if the wealthiest quartile does experience an overall gain in productivity from climate change, it will still be likely that some affluent nations—or at the very least, some individuals of affluent nations—will suffer as a result of climate change. Given that developing nations also contribute to the causes of climate change, such as greenhouse gas emissions, can one not argue that the affluent are also victims? We may be harming the worst off, but are they not also harming us? Even though climate change will negatively affect the poor more than the rich, this fact need not be accepted to show that the well-off have a duty toward the poor: we must stop harming whether or not others are harming us. Even if it were the case that all people contributed to climate change equally and all corners of the Earth experienced the same changes, it would still remain true that the poor are less capable of dealing with these changes, and as a result that they suffer more harm from them.

As we have seen, however, this is not the case. The causes of climate change are not evenly dispersed. Consider the maps in Figure 2 below; in the top map the sizes of the

79 Mendelsohn, Dinar and Williams, “The Distributional Impact of Climate Change on Rich and Poor Countries,” 167–68.

80 Mendelsohn, Dinar and Williams, “The Distributional Impact of Climate Change on Rich and Poor Countries,” 173.
nations have been altered to reflect their carbon emissions, and in the bottom map the sizes have been altered to reflect estimated per capita mortality from late 20th century climate change.  

Figure 2. World Maps with Nations Scaled to Reflect Carbon Emissions and per Capita Mortality from Climate Change

In the top map, the U.S. and Europe are swollen, while Africa has been all but swallowed up. The bottom map, on the other hand, features primarily Africa and India, and North America looks more like an archipelago than a continent of its own.

The Fourth Strand

Given the existence of the environmental harm committed by the best off against the worst off, the question that must now be addressed is how this fits into the broader Poggean argument. On the one hand it could be treated as an extension of the ‘shared institutions,’ ‘common violent history,’ and ‘resource pool’ strands. On the other hand it does not entirely fit into any of these. As a new sub-argument, i.e. a fourth strand, it would

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81 Engelman, State of World Population 2009, 43.
occupy a space left open by the other three strands. While considering this latter possibility, we must bear in mind that ultimately all of the strands are interconnected in their effects. We uphold the harms from our common violent history through our shared institutions, but these institutions are also the outgrowth of this history. These institutions, and also the other effects of our common violent history, deny the poor access to the world’s resources. Similarly, denying the poor access to natural resources upholds the unjust results of our common violent history. However, despite the intertwining and mutual support of these three strands, they each demonstrate harm based on independent reasoning.

The environmental harms that we commit could easily be overcome through improved global institutions in the same way that the harms resulting from any of these strands could be, but this does not imply that these institutions are the sole cause. Long before we were aware of the existence of greenhouse gases or the extent of the possibility of human caused climate change, the U.S. and Europe were pumping particles into the atmosphere and contributing to what would become a climate change problem. In other words, before the global institutional regulation of climate change factors was even a possibility, the nations responsible for most of the historic harm were already unilaterally contributing to and exacerbating the problem. Without the global institutions that tie our world together, the harms caused by climate change would still exist and call for rectification. Thus, independently of the other three strands, an environmental sub-argument substantiates negative duties to worst off.

**Convergence Theory Revisited**

Before introducing the environmental sub-argument, we concluded that to be supported by Pogge’s broader argument, any proposal for rectifying the harm done to the
worst off should be limited to rectifying those harms designated by all three strands (i.e., the intersection of the Venn diagram depicted in Figure 1 above). This solution wouldn’t attempt to fill all of our responsibilities, but rather would focus on creating a solution compatible with all of the sub-arguments. The strength of such a proposal is that it is supported by three separate arguments, but its weakness is that it only calls for as much change as is called for by the weakest of the three.

If we add the environmental argument as an independent strand, the challenge confronting the defender of the status quo increases; they would have to refute four arguments instead of three. However, the cost of compensating the poor for environmental harms will be less than the cost of compensating them for harms designated by the other sub-arguments. Thus, the intersection of the harms designated by all four sub-arguments would be smaller than the intersection of the harms designated by the original three sub-arguments alone. Figure 3 (on the following page) depicts the intersection of the harms designated by the original three strands (the rounded triangle from the center of the triple Venn diagram in Figure 1 above) with the harms designated by the environmental strand (the smaller circle). The light gray area thus shows the harms designated by all four sub-arguments. This area represents the harms most difficult to deny but, as the diagram depicts, is smaller than the area designated by the intersection of the original three sub-arguments alone. I.e., the cost of making the argument harder to refute in this way is that its conclusion would be weakened.

Alternatively, we could use the environmental argument as an enhancement of the other strands; the aspects of environmental harm that are institutionally based could be used
Figure 3. The Intersection of the Convergence of the Harms Described by the Three Original Sub-arguments with the Harms Described by the Environmental Argument

Harms Designated by the Environmental Argument

Intersection of the Harms Designated by Pogge’s Three Sub-arguments

to make a stronger argument from our shared institutional order, the damages that have resulted from historical actions could be addressed to broaden the ‘common violent history’ strand, and the environmental damages that further decrease the pool of global resources to the worst off could be taken as an augmentation of the ‘resource pool’ strand. Consider Figure 4, depicting the change from the original Venn diagram (depicted above in Figure 1) as the harms described by the three sub-arguments are augmented with related environmental harms. The harms described by each sub-argument increases (indicated by bigger circles), as does the intersection of the three circles (indicated by the enlarged darkly-shaded middle section). This strategy would result in a broadening of the conclusion supported by the three-strand convergence theory; i.e., it would support a solution that appealed to adherents of any of the three strands, which would also be more demanding
than the intersection of the harms of the three strands without augmentation from the environmental harms.\textsuperscript{82}

Figure 4. Changes to the Intersection of the Harms Described by the Three Sub-arguments as Environmental Harms are Included

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\textsuperscript{82} The specific impact of this augmentation of the argument on Pogge's GRD will be addressed in 'The GRD, the Environment, and the Convergence Theory,' in Chapter Five. That section also further addresses the connection of environmental damages to each of the three strands. Although my reformulation of the Poggean argument does not need to be altered to take this change into account, it should be noted that its first premise (that the people of affluent nations significantly contribute to the causes of poverty in at least one of the following ways: (a) By upholding the results of a violent history shared with the worst off, (b) by excluding the worst off from a common resource pool, or (c) by maintaining a global order that magnifies existing inequalities in light of alternatives that would not) is specifically intended to include the ways that climate change and environmental degradation contribute to each of a-c.
CHAPTER FIVE

A MODEST PROPOSAL

In this chapter, we turn to the examination of Pogge’s proposal for ending world poverty: the Global Resources Dividend, or GRD. Devised to both have minimal impact on the affluent and end world poverty, the GRD is a response to the negative duties that arise from our exclusion of the worst off from the common resource pool, our upholding of the results of a violent world history, and our participation in imposing shared global institutions that harm the worst off. Because the GRD is based on the argument analyzed and defended up to this point, let us first briefly review the work done in the preceding four chapters.

In chapter one, Pogge’s project is situated with respect to his philosophical predecessor and teacher, John Rawls. Pogge offers a critique of Rawls’s change in approach between his treatment of justice at the domestic and international levels. Specifically, Rawls frames inequality differently between domestic and global contexts: domestically, the ideal principles of justice demand a high degree of equality, and inequality constitutes a violation of justice; at the international level, emphasis is placed on the sovereignty of peoples instead of equality between them, and the alleviation of inequality is framed as a positive duty of assistance. Pogge suggests that this distinction is largely the result of Rawls’s mistaken belief that inequality between peoples is solely the result of differences in domestic policies and unrelated to global factors. This critique becomes the basis of Pogge’s approach in *World Poverty and Human Rights*, where he argues that the people of affluent nations are responsible
for the poverty of the worst off because we contribute to it (in part through the effects that the global institutional order has on impoverished peoples).

Pogge’s framing of our obligations to the worst off as negative duties is further clarified in chapter two, where his approach is distinguished from the more common view that our obligations to the worst off are founded in positive duties. Peter Singer offers an extensive argument that we should do more to help the extremely impoverished, which I explore as a foil to Pogge’s argument that we have duties based on the ways that we harm them. Rather than being competing views, the approaches of Singer and Pogge are complementary; each explores a different side of the obligations that the well-to-do have toward the worst off. In the second part of chapter two I introduce Pogge’s argument, which is based on three ways that he claims the affluent harm the worst off: by upholding the results of a violent history, by excluding the poor from access to the world’s pool of natural resources, and by imposing a burdensome global institutional order on the worst off. I argue that there are significant differences between Pogge’s stated intention of developing an ecumenical argument based on three strands (such that the conclusion holds as long as at least one of the strands is accepted) and his actual argument, which requires the success of each of the strands. I offer my own formulation of the argument based on the ecumenical three strand approach.

In chapters three and four, I analyze the three strands defended by Pogge. I find gaps in his reasoning, but determine that each strand can support the conclusion that we have obligations to the worst off based on the ways that we harm them. The first strand of the argument maintains that the affluent harm the worst off by upholding the results of an unjust historical process. Rather than arguing that the impoverished are worse off than they
would have been without this history, this strand simply argues that the vast differences between the starting positions of people in the world today cannot be justified by an appeal to history. My analysis shows that Pogge’s understanding of the harm implicated in this strand is inconsistent with the argument he offers: maintaining the results of our common violent history neither makes the worst off of today worse off than they were at some previous point in time, nor renders them worse off than they would have been had some previous circumstances gone undisturbed. I showed that this line of thought could be saved by the introduction of a third conception of harm, defined in terms of justice.

The second strand of the argument stems from the Lockean perspective that the world’s natural resource pool is something that all have a right to access, and focuses on the poor’s lack of access. Taking resources beyond the point that enough and as good are left for others amounts to taking resources from them. This limitation can be overcome only in the case that an institution that deprives individuals of access to the common resource pool also compensates them in a way that they could rationally agree to. However, given the extent of poverty and the scale of resource consumption by the best off, Pogge argues that it is implausible that the global poor could rationally agree to our current arrangement. Although Pogge does not adequately explain the sense of harm that this line of thought is supposed to entail, I show how the affluent harm the worst off (in what Pogge calls the ‘ordinary historical sense’) by denying them access to the natural resource pool.

Pogge’s third strand of the argument is based on the global institutions imposed on the worst off by the nations in power. By reproducing radical inequality despite the availability of alternatives that would mitigate it, these institutions harm the worst off. Unlike the previous strands, Pogge is very specific about the conception of harm necessary
for this line of thought to work: he defines institutions as harmful when they reproduce avoidable and life-threatening poverty, violating commonly held principles of justice. Pogge’s critics suggest that defining harm in terms of justice in this way involves circular reasoning, but I defended the possibility of such an understanding. I also argue, however, that Pogge’s interweaving of this strand into the broader argument weakens its structure, thereby reaffirming my preference for an ecumenical, three-stranded formulation of the argument.

Finally, I introduce a fourth way in which the affluent harm the worst off: through contributing to the degradation of the environment and causing climate change. I suggest that each of the three previous arguments offered by Pogge can be strengthened by connecting them to the environmental strand. I explore the risks that climate change poses to the worst off, including not only the damage done to them directly, but also the ways that the world’s poorest are particularly susceptible to environmental degradation.

A Modest Proposal

After our obligations to the worst off through his three approaches (discussed in detail in chapters three and four), Pogge fills in the final piece of his argument by formulating what he calls a moderate (or modest) proposal.1 Looking to the three strands of his argument, his Global Resources Dividend, or GRD, is devised as a reasonable and plausible plan to bring about the end of radical inequality. Its moderate nature serves a dual purpose; on the one hand it plugs a hole in his moral reasoning, since part of his argument relies on the possibility of bringing the worst off out of their extreme poverty without

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causing comparable harm to ourselves; on the other hand it serves the more basic purpose
of showing the possibility of the moral obligation that he is clarifying throughout his work—
in order for us to have an obligation to bring about an end to radical inequality, the
obligation must be realistically satisfiable, and given the power structure of the world today,
no solution that is extremely demanding of the best off has any chance of making it through
the political gauntlet into the realm of practice. A plan that shows the technical possibility of
ending radical inequality at minimal cost to the best off helps to clarify such a solution as a
practical possibility and a moral responsibility.

This being said, it must also be asked whether the end of radical inequality is enough.
The argument under discussion has clarified that the best off are harming the worst off
through a variety of ways, and the form of Pogge’s argument to the contrary, this harm does
not rely on the existence of radical inequality; i.e., we would have an obligation to rectify
these harms even if radical inequality did not result. The affluent are responsible for making
contributions to the suffering and death of millions every year, and just as we have a
responsibility to end radical inequality (as Pogge’s formulation of the argument suggests), we
have a responsibility to end our contribution to this suffering more generally (as my own
preferred formulation suggests). Although Pogge’s moderate proposal may be enough to
end radical inequality, a stronger solution—and perhaps a solution of a different form—may
be required to bring an end to the variety of harms that the best off are inflicting on the
worst off.

This chapter continues with an explanation of Pogge’s proposal and moves on to its
justification according to the argument outlined in the preceding chapters. This is followed
by a number of critiques of the proposal and then suggestions for a proposal that would be
both more consistent with the argument defended in the previous chapters, and more robust.

The Global Resources Dividend

At its most basic, the GRD is a tax on resource extraction with the express goal of raising funds for the alleviation of world poverty. Pogge suggests that only a relatively small percentage of gross world product (GWP), if spent in the right places and with the right controls, would be required to make a substantial impact on world poverty within only a few years. In fact, he suggests that the most that would be needed is 1%, and that this ‘high’ figure would only be necessary at the start; after initial problems of poverty are solved, a significantly smaller percentage of global product would be necessary to continue to keep poverty suppressed. As of 2009, 1% of GWP was roughly $580 billion, almost five times the Official Development Aid during this time (and of this, only a small percentage was actually spent on helping the worst off with basic necessities: around 7% in 2005). In 2005, Pogge noted that 1% of global product (then $320 billion) would be enough to provide basic medical care, clean water, electricity, and free meals in free schools for the worst off; there would still be money left over for the subsidization of micro-lending, and for research grants to spur on the finding of cures for common diseases affecting the impoverished.

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4 “Home Aid Statistics,” accessed Nov 30 2010, [http://www.oecd.org/document/11/0,3343,en_2649_34447_44981579_1_1_1_1,00.html](http://www.oecd.org/document/11/0,3343,en_2649_34447_44981579_1_1_1_1,00.html).

5 Pogge, *World Poverty and Human Rights*, 213.

The plan is formulated around resource consumption because, as Pogge explains, the arguments of the ‘common violent history’ and ‘shared global institutions’ approaches “would support almost any reform that would improve the circumstances of the global poor.” Being based on the idea that the world’s worst off have a natural right to access to the world’s resources (and if not access, then compensation for what they are denied) the Lockean argument suggests that the obligations of the better off are strongly correlated with their resource consumption in comparison with the lack of access of the poor to the resource pool. In short, the more resources consumed by a people, the higher their responsibility for denying those resources to others; if a group consumes few resources by no choice of their own, they have a claim to compensation commensurate with the extent of the denial they face. The GRD satisfies this requirement by placing a tax on resource extraction and designating funds—based largely on per capita GDP—to target nations’ poorest populations; thus, those who consume the most resources will bear the largest portion of the bill, and those who have access to the least (measured by their ability to buy and control resources) will receive the most.

Pogge notes that this is not meant to be considered as aid, but rather should be seen as a modification of property rights to enshrine legal support for the moral right that all

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9 Pogge, “Eradicating Systemic Poverty,” 66. ‘Resources’ is broadly meant to mean both natural resources such as oil or clean water, as well as land or air used for the disposal of pollutants.
11 The particulars of how GRD funds should be distributed will be discussed in more detail below. Although per capita GDP is the basis, it cannot be the sole factor for pragmatic considerations: there must be disincentives to intentionally lower GDP as well as incentives for nations to reduce poverty.
people have to access to a share of the world’s resources. From the standpoint of the other two strands, the GRD can also be defended as an extension of rights, rather than as the enforcement of aid: he is clear that it does not rely on the acceptance of the world’s resources as “the common heritage of humankind.” He explains the justification from the other perspectives: “For libertarians, this is the right not to be deprived of a decent start in life through a grievously unjust historical process… 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 humans cannot meet their most basic needs.” This is a return to Pogge’s initial emphasis: viewing a solution to world poverty as aid weakens the responsibility rightfully placed on the best off—the solution should rather be seen as an enforcement of the long-neglected right of the worst off to not be harmed.

To fulfill the logical requirement of his argument, a solution to world poverty must be possible. To this end, Pogge defends his proposal as realistically feasible—that is, conceivable that it could be adopted in the actual world. One aspect of this feasibility has already been addressed: the GRD can be supported by any of the three approaches given to support the claim of negative duties, meaning that it is possible for it to gain a wide base of philosophical and political support. This requirement is also fulfilled in part by keeping the

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12 Pogge, “Real World Justice,” 52. Significantly, this modification of property rights is not a replacement of these rights: Pogge emphasizes that his proposal will leave nations in control of the natural resources within their borders (Pogge, “A Global Resources Dividend,” 510). More than anything, this ‘modification’ is a shift in emphasis to focus on the property rights of the worst off.


14 Pogge, “Real World Justice,” 52.
proposal reasonably close to our current world order.\textsuperscript{15} The proposal must furthermore be practicable, i.e. its adoption must be politically sustainable.\textsuperscript{16} A solution, for example, that required continual political will to be sustained would not be likely to have a permanent effect. A solution that required a massive collection and redistribution of resources and the widespread displacement of peoples, for example, would not only be impractical, but would also be unfeasible and impracticable. This would make it implausible to the point that it would no longer serve as evidence that a solution is possible.

It is along these lines that Pogge develops the GRD and designates the upper bound to the dividend as 1\% of GWP; in fact, he notes that a mere two thirds of a percent of 2005 GWP would have reached his target of $300 billion.\textsuperscript{17} Keeping the impact on economies around the globe as low as possible is essential to making the proposal agreeable to world leaders. However, for the proposal to be appealing, it must also be effective: signing up for what amounts to a voluntary tax will not be an easy sell to the most affluent if they do not believe that they will see results.

Pogge defends the claim that such a small percent will be enough to keep the forces of poverty at bay by appealing to the fact that these inequalities have built up over time. There are centrifugal tendencies built into our global economic structure, allowing the rich to get richer and making the poor poorer, but he claims that these forces are not as strong as they seem.\textsuperscript{18} Today’s income disparity is not the result of a spinning hurricane, forcing the poor down and flinging the rich higher into the atmosphere, but rather of mild but

\textsuperscript{15} Pogge, “Eradicating Systemic Poverty,” 59-60.
\textsuperscript{17} Pogge, \textit{World Poverty and Human Rights}, 210.
\textsuperscript{18} Pogge, “Eradicating Systemic Poverty,” 66.
consistent headwinds, always pushing back against any progress the worst-off might make.\textsuperscript{19} Initially, Pogge proposes, 1\% of GWP would be enough to eradicate the most damaging and immediate impacts of poverty. After this has been accomplished, an even smaller GRD could be set up as a permanent counter to the centrifugal forces and headwinds that remain.\textsuperscript{20}

If Pogge is right that such a small dividend would be enough to end poverty, it only remains to be shown that a structure could be set up to raise these funds with minimal impact on the current world order. At first glance, this may seem like a trivial task: levying a 1\% tax is a fairly straightforward proposal. The difficulty comes from figuring a way to do this that is politically possible: “if it is to help reduce severe poverty, the proposal must be convincing not only to academics, but also to the people in governments and international organizations who are practically involved in poverty eradication efforts.”\textsuperscript{21} With this in mind, Pogge offers several criteria for a practicable plan: its application must be straightforward, making it easy to determine how much is owed by each nation; administrative costs should be kept to a minimum, to keep objections of wasted resources in check; it should have a minimal influence on the costs of basic goods, so as to avoid creating new headwinds against the worst off; it should focus on resources whose extraction and use are particularly important for environmental reasons, to take the considerations of future generations into effect.\textsuperscript{22}

\textsuperscript{19} Pogge, \textit{World Poverty and Human Rights}, 168, 257; “The Price of a Cure?”


\textsuperscript{21} Pogge, “Eradicating Systemic Poverty,” 59.

Structuring the Solution

Pogge notes that his recommendations are not the final word for how the GRD could best be set up. His proposal steps past the details in order to prescribe general rules for determining the particulars (much in the same way that Rawls’s principles of justice are meant to guide the formation of the rules governing liberal society). “Rules for the disbursement of GRD funds are to be designed so as to optimize their contribution to the stated goal in the long run. The effort to formulate such rules must draw upon the expertise of economists and international lawyers. And it may be necessary to redesign the GRD in the light of practical experience.”23 This disclaimer being given, Pogge defends his criteria as follows.

To be acceptable and sustainable, the dividend should be as straightforward as possible. If the process fails to be transparent or is overly complicated it will seem unfair, which may cause nations to refuse participation because others are not being held accountable. Even if the dividend is being applied equitably, distrust between nations will undermine cooperation without transparency.24 To this end, resources whose extraction is difficult to monitor should be avoided. As an example of a resource that would be a suitable target for the dividend, Pogge looks to oil: structures which monitor its production and sales are already in place, and adding a per-barrel tax would effectively target its consumption.25

To prevent the objections to participation on the grounds that the GRD is wasteful, and to keep the costs of the dividend from rising unnecessarily, administrative costs should


be kept to a minimum. This goes hand in hand with the previous criteria of straightforwardness: rather than requiring a complicated system of collection, disbursement, and monitoring, structures should be set up to keep the flow of resources as simple—and cost-effective—as possible. To begin, Pogge suggests a cost-effective method of ensuring participation: in place of requiring some sort of enforcement agency, he suggests that participating nations be called on to impose taxes on trade with non-participating nations.26 Since imports and exports typically make up at least 10% of a nation’s economy, a significant tax on goods to and from non-participating nations would make participation the economical choice. Among participating nations, the collection of dividend fees should be entirely within their control. Again, in place of some sort of extra-national system, this would allow for these nations to maintain sovereignty and to find their own preferred and most-effective means of raising the funds.

Structures could also be designed to encourage the best use of funds on the side of impoverished nations. Rather than relying on overly large top-down international organizations, the GRD should be set up to induce effective use of funds within the worst-off nations while leaving control of funds up to those nations themselves as much as possible. This would be done by rewarding effective use of funds toward poverty reduction with more funds: instead of determining disbursement based on the level of poverty in a country—which could have the perverse effect of encouraging national leaders to promote poverty in order to secure more funds—Pogge suggests that dividends should be awarded based on per capita income, with nations with similar levels of average income receiving higher amounts of funds for more effective poverty reduction. In this way, leaders of

impoverished countries who used funds ineffectively would correspondingly lose access to those funds. At the extreme end of this are cases where this incentive would fail entirely: leaders who did not use the funds for their intended purposes would lose control of those funds. In these situations, the incentives would be passed on to United Nations agencies or NGOs: those who demonstrated the most effective use of funds in nations whose leaders proved incapable of spending the funds in appropriate ways would receive the most funds. The plan, in effect, is to create “a peaceful international competition in effective poverty eradication.”

Pogge is aware that a system so designed would not have a perfect and immediate effect, but it would put into place a sustained force encouraging the development of ever more effective ways to allocate funds.

The GRD should also be developed to have a minimal effect on the price of basic necessities by exempting resources used for the improvement of the lives of the worst off, such as water used for human consumption and land used for growing dietary staples. This should have the effect of keeping the poor from bearing the brunt of the GRD. Because the worst off control such a small portion of the world’s resources, and because such a high percentage of their income is used for basic needs, this will have the impact of keeping the bulk of the costs of the GRD focused on those who use the most non-essential goods. To the extent that they use resources that are taxed as part of the dividend, the worst off will incur costs, but as beneficiaries of the dividend they will be significantly better off overall.

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The focus on resources that have particularly high impact on the environment or are non-renewable, and on pollutants that are particularly harmful or long-lasting, is designed to prevent temporary solutions that will lead to greater hardships for the worst off in the future. After all, a structural solution that eases poverty now to the detriment of the future poor will only lead to greater costs. Pogge furthermore suggests that determining the GRD in this way will have the added benefit of securing commitments to environmental goals that have otherwise proved difficult to achieve consensus on.30

Another consideration made by Pogge is that of political sustainability: for a system to be realistic it must be the case that, once implemented, it will not require constant political will to sustain it. The GRD, as stated, fits this goal by pulling the entire international community into one poverty-fighting structure. Due to the imposition of the non-participation tariffs mentioned above (imposed on any who fail to pay their share into the GRD), nations will not require continual recommitment to participation. Furthermore, by focusing on resources that are particularly harmful to the environment, and by exempting resources used to meet basic needs, the GRD will naturally shift its costs and benefits in line with the development of nations. As a poverty-inflicted nation gradually becomes better off, consuming more non-basic goods and controlling a higher percentage of the world’s resources, that nation will—without requiring any changes to the structures in place—have a corresponding increase in payments and decrease in disbursements received. In other

30 Pogge, “A Global Resources Dividend,” 513. Notably, this restraint offered by Pogge fits with my addition to his argument that we harm the worst off through causing environmental change, but is unjustified by his own moral argument. Adding an environmental emphasis to Pogge’s three approaches makes structuring the GRD with an eye to preventing environmental harms consistent with the argument.
words, the GRD, as a structure, will not require continual readjustment, and therefore will
not offer continual opportunities for breaking down in political negotiations. 31

Small Change

Although Pogge recognizes the difficulty of propelling the world’s nations to take a
step and implement a solution such as the GRD, he attempts to formulate his solution such
that as long as the European Union and the United States take the initial step, the rest of the
world will follow: enough international trade is with these two groups that his import and
export tax on those who don’t comply would compel them to join in on the proposal. As
more nations join, an even higher percentage of the globe’s trade will be done with those
who participate in the proposal, thus compelling an ever higher number of nations to join
ranks. 32 For any of this to come into play, however, the United States and European Union
must first agree to participate. If this is to happen, the proposal cannot seem like too
dramatic of a departure from the current world order.

Pogge thinks that his proposal fits this bill by remaining close to the current world
order in key ways. Perhaps the most significant is the fact that his proposal allows for states
to remain entirely sovereign. If states refuse to pay into the GRD, they will have their
imports and exports taxed, and if the governments of poor states misuse and mishandle
funds, they will be denied the opportunity to control those funds themselves, but neither of
these facts denies the ability of these governments to rule as they see fit. Furthermore, any
affluent government with sanctions imposed, or any government of a poor nation with


outside organizations distributing funds within, can regain total control by agreeing to pay
the GRD in the first case or by using GRD funds for their intended purpose in the second.

Additionally, even while recognizing that the worst off have some claim to
compensation for the natural resources that they are denied access too, the program—by
leaving the method of raising of GRD funds up to the discretion of individual nations—
leaves governments in control of the natural resources within their borders. According to
Pogge’s proposal, the stake that the poor have in these resources “confers no right to
participate in decisions about whether or how natural resources are to be used; therefore it
does not interfere with national control over resources or eminent domain.”33 Every nation
retains the rights it currently has regarding the extraction and use of natural resources, but
the GRD denies ‘full libertarian property rights’ insofar as any decision by nations to use
these resources is accompanied by a payment into the dividend.

Returning to the example of oil, Pogge suggests, most recently, a $3 per barrel tax:
this would raise around 30% of the GRD target, while raising the price of petroleum
products by roughly 7 cents per gallon. Countries controlling oil would not be forced to
extract it and pay this tax, but if they chose to extract it and make use of it—either by using
it themselves or by selling it—they would be required to share some of the benefits with
those who have no access. Thus, without drastically affecting property rights, state
sovereignty, or the prices of goods, the funds required to end poverty could be raised.34


34 Pogge, World Poverty and Human Rights, 211-12.
The Connection of the GRD to the Poggean Argument

With the above considerations, Pogge attempts to walk the fine line between a solution so weak that it fails to help the worst off and a proposal so robust that it precludes the possibility of the world’s nations signing on. To determine whether his ‘moderate proposal’ does everything that he hopes to accomplish with it, we must return to the argument behind it. Recall that although Pogge formulates his solution around the ‘common resource pool’ argument, he thinks that the GRD would take “what all three approaches would recognize as a major step toward justice.”

The proposal’s consistency with the resource-based approach has been noted above: in line with the idea that the affluent owe the worst off compensation for the resources that they are denied access to, the dividend redirects a fragment of these resources’ worth from those who extract them to those who have the least access to them. We now turn to the question of the support of the GRD by the other strands.

The GRD and Our Common Violent History

As discussed in chapter three, the common violent history strand of the argument speaks to the right of individuals not to be deprived of a decent start in life through an unjust historical process. Those who suffer and are dying as the result of this violent history are being harmed. As the analysis in chapter three revealed, conceptions of harm relying on comparisons to past points in history or alternative theoretical presents are inadequate to demonstrate the violation of negative duties against the worst off today. A new definition of harm was formulated, based on Pogge’s third conception of harm, which he proposes in dealing with the shared institutions strand of the argument. This understanding of harm is

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defined in terms of justice, and based on the idea that it is unjust for people—due to circumstances that have arisen through past crimes (even when the crimes were not against them)—to suffer and die when it could be avoided through the actions of those who, as a result of those same crimes, are in a position to stop this suffering and death. Taking this formulation of the argument, the historical line of thought can be seen to support the GRD as long as it can be demonstrated that the transfer of resources brought about would be a shift from those who reap the benefits of an advantageous starting point to those who suffer as a result of their historically unjustified circumstances.

The difficulty with this line of thinking is that the proposed GRD would transfer wealth from all of the largest consumers of resources to all of those who have the least access. For this transfer of resources to be justified, the results of the common violent history must be connected to both the advantaged and disadvantaged of today’s world. That the starting positions of all of the world’s peoples are tied to this violent history may sound far-fetched at first glance, but the connection can be made as follows: even someone rich with new money—or someone only moderately wealthy who has achieved this by working hard (e.g., an immigrant who is now in the American middle class)—owes their advantage in large part to a system that only exists as a result of this violent history. Without the overall affluence of their societies—which are directly tied to our common violent history through the roles of Europe and the United States—they could not have achieved such status. Whether or not a wealthy individual today is a genetic descendent of those who committed the atrocities of our history, they are an economic and social beneficiary. Thus, with only one degree of separation, any who find themselves consumers in today’s world are directly tied to the unjust history that led us here. In the same vein, any who are now in the position
of the worst off are disadvantaged by the poverty surrounding them: they lack access to social safety nets and basic public services. Because these people are born into this situation through the result of an unjust historical process, they too are the victims of injustice.

The transfer of wealth is in the right direction, but it must still be shown that the reform offered by this proposal is commensurate with the harms demonstrated by this strand: according to the argument from our common violent history, should those who consume the most be required to pay the most? Are the worst off necessarily those who have suffered the most as a result of this history? The answer is twofold. Firstly, no direct tie between individuals and the historical process is required: even someone who has benefitted directly, but also come into their wealth through their own means (e.g., the descendant of a slave owner who is also a successful scientist), has benefitted from substantial societal opportunities. Aside from being born into illicitly obtained wealth, they benefit from being born into a world of opportunity rather than a world of pain and suffering. In short, the world is closely interconnected, and the positions of relative advantage and disadvantage in which we find ourselves are tied to the positions of our communities and our associates. Those who now consume the most are thus indirect beneficiaries of our common violent history. The second part of the answer addresses the imperfect justice of the GRD:

[W]e 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. 36

To point out that some of the wealthy who have benefitted from our common violent history are paying more than others who have benefitted more directly or more substantially (or similarly to point out that some of the impoverished are benefitting less than others who have suffered more substantially as a result of our common violent history) speaks to the impossibility of a perfectly just proposal; however, an imperfect solution is more just than no solution at all. As long as the changes brought about by the GRD respond to a subset of the harms described by the historical line of the argument, abiding by the proposal is a way of ceasing harm. Failing to adopt any such measure, therefore, would mean continuing to cause harm. In other words, whether or not they are paying exactly the right amount, adopting the GRD would result in the fulfillment of negative duties. The GRD is not a perfect solution, but the lack of a perfect solution is not a reasonable excuse to take no steps at all.

The GRD and Our Shared Global Institutions

The connection of the ‘shared global institutions’ strand of the argument to the GRD proceeds in much the same way. This strand focuses on the injustices of our current global order: the structures currently being imposed on the world—formed by the affluent—act to magnify human rights deficits when reasonable alternatives could alleviate them. Most of the world’s worst off are directly affected by the international order through trade policies, subsidies, military decisions, contract law, trademark law, or other political structures. Just as those who suffer from extreme poverty find themselves in a world brought about through a violent history, so too do they find themselves in a world that has been shaped by the decisions of the affluent. Similarly, those peoples who are not directly affected by these global structures still find themselves greatly affected by them: economic,
social, cultural and political forces connect local groups, connect nations, and ultimately connect the world. To the extent that these structures result in a deprivation of the means of subsistence or other human rights deficits—even when these structures are not the sole causes of these deficiencies—those who impose the structures have an obligation to work toward alternatives.

The people of affluent countries are tied to these structures without personally being involved in their creation in the same way that poor people are tied to them even when they are not being directly harmed. We maintain these structures, and benefit from them, through our participation in the current system: we participate in our nations’ economies and political processes in ways that support these structures, and as such we bear responsibility for the harms that they cause.37 The GRD thus supports reform that shifts the structure of the world order away from reproducing poverty and toward combating it. As with the ‘common violent history’ strand of the argument, this is a good fit, but not a perfect one: wealth, consumption and power are strongly correlated, but it is certainly true that not everyone who upholds the system to the same degree will be required to pay the same amount by the GRD. However, just as with the ‘violent history’ strand above, whether or not the justice dispensed by the GRD is perfect, it offers an end to some harms being committed and is therefore preferable to taking no action at all.

37 See also Iris Marion Young, “Responsibility and Global Labor Justice,” The Journal of Political Philosophy 12, no. 4 (2004): 265-388. Young suggests that the responsibilities that individuals have by virtue of partaking in institutions over which they have no control can be described through the use of her concept of ‘political responsibility.’ She offers this as an alternative to the liability model, which relies on the attribution of blame to isolate those directly responsible for harms done. Although Young largely applies this to individuals (saying that political responsibility requires each of us to take it up in ways determined by our own particular circumstances), she also notes that it describes the connections that Pogge is drawing between the people of affluent nations (as a group) and the worst off: our responsibility is based on the institutional connections we have to the impoverished.
The GRD, the Environment, and the Convergence Theory

Although Pogge does not use an environmental strand in his formulation, determining whether the GRD is consistent with an environmental strand is necessary to demonstrate that the GRD is consistent with my formulation of the argument. As discussed in chapter four, the actions of the world’s people are having a substantial effect on the world’s climate patterns and environment. Although these changes are the result of the actions of all the world’s people taken in tandem, it is the affluent who have the largest effect on climate change, and the worst off who bear the brunt of the costs (with many models even forecasting a net gain for wealthy nations as a group). Given the extremely complex nature of the systems involved, with environmental changes adversely affecting and interacting with a range of areas from agriculture to national stability, it is difficult to estimate the damage done (and the damage that will be done). Estimates vary wildly, but even the most optimistic models predict a net loss in production for the poor.  

For the environmental line to be used as a forth strand of the argument, it would have to demonstrate harm significant enough to support a GRD of 1% of GWP (the amount required to initially end extreme poverty). Although the most impoverished nations are predicted to suffer losses of as much as nearly a quarter of their GDPs, recall that the 1% of GWP suggested by Pogge amounts to an 82% increase in the average annual income of those below the doubled poverty line. In other words, the world’s worst off have so little compared to the rest of the world that even the most pessimistic predictions of

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38 Mendelsohn, Dinar and Williams, “The Distributional Impact of Climate Change on Rich and Poor Countries,” 167-68, 173.

environmental damage (costing the worst off 23.8% of their GDPs) could be compensated for with only a fraction of the target of 1% of GWP. Therefore, despite the fact that the environmental strand could stand independently of the other three lines of thought from a strictly logical perspective—strengthening the argument in terms of irrefutability—using it as such would limit the monetary amount justified by the argument as a whole. Because the compensation required to correct environmental damages is significantly less than what is justified by the harms clarified in the common violent history, shared resource pool, and global institutions strands of the argument (and because the magnitude of the GRD is defined by the least demanding of the approaches), the introduction of the environmental approach as an independent strand would limit the strength of the GRD.

This being said, the environmental addition to Pogge’s argument still stands to strengthen it, albeit not as a strand independent of the other three: each of the lines of thought used by Pogge can be augmented with an appeal to environmental harms inflicted on the worst off by the better off. From the ‘common resource pool’ perspective, environmental changes that reduce the livelihoods of the worst off decrease their access to the world’s resources, thus entitling them to greater compensation by those who continue to use more (or who use an even greater amount due to beneficial effects of climate change); environmental damages further increase the gap between the control of resources of the best and worst off. The ‘shared global institutions’ strand can be augmented by indicating both the global institutions that currently increase climate change to the detriment of the worst off—such as trade laws encouraging deforestation and economies encouraging the

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40 Mendelsohn, Dinar and Williams, “The Distributional Impact of Climate Change on Rich and Poor Countries,” 167-68.

41 See Chapter Four, Figure 3 and surrounding text for details.
production of unsustainable levels of waste—and the lack of effort to reduce climate change in light of feasible alternatives—such as the continued inability of the world’s affluent nations to agree on caps for greenhouse gas emissions. The connection between environmental damages and the ‘violent history’ strand may be the least obvious, but recall that the harm from the strand is ultimately about the injustice of the starting positions that the extremely impoverished are born into. Climate change further increases this injustice: the ‘violent history’ strand is initially conceived to focus on the wide scale of horrendous crimes of colonialism, but as changes brought on by the better off degrade the environmental conditions of impoverished communities, the same argument can be applied to our more recent history. Due to the location of the world’s worst-off communities in regions that are particularly susceptible to the changing climate, those born into poverty face increasingly harsh environments. That the present distribution of wealth cannot be justified by an appeal to history is due in part to the environmental harms continually being perpetuated against the worst off. By augmenting the shared institutions, common resource pool, and violent history approaches of Pogge’s argument with an appeal to environmental harms—rather than using this approach as an additional strand—the argument as a whole can support an even greater obligation than Pogge proposes.

All Together Now

Taking the three distinct approaches together supports the implementation of the GRD: although of course there will be imperfections in the exact costs to individuals and peoples relative to their obligations, and although the worst off will not receive full

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42 Refer back to chapter four for details on the difficulties faced by the worst off living in drylands and low-elevation coastal zones.

43 See Figure 4 from Chapter Four for a graphic depiction of this approach.
compensation for the harms done to them, the GRD, assuming that it can function roughly as Pogge has explained it, serves as a reasonable alternative to the current institutional order, and is supported by the three approaches of his argument. For the same reasons, this proposal is consistent with the modified argument that I have set forth in the previous chapters: as long as everyone accepts at least one of the strands of the argument, we can agree that the GRD is a step in the right direction and does not overstep its focus on negative duties.

Despite the support of the GRD by the argument of the previous chapters, there remain significant problems with the proposal. The results of implementing the GRD would be imperfectly just, and alternative proposals could provide a closer fit. The ideal proposal would take a stronger step toward ending world poverty while keeping closer to the conclusions of the three strands of the argument.

**Objections to the GRD**

Objections to Pogge's proposal fall into three broad categories: that the GRD is politically implausible and therefore could not be enacted; that even if the GRD were enacted, it would not have the intended effects; that even if the GRD had the intended effects, it would fail to respond to the moral requirements demanded by the argument. These are not unrelated claims: the greater the demands a proposal would place on the affluent, the less acceptable they will find it, but the lower the demands, the less likely it will be to relieve harms against the worst off. Additionally, a proposal must be sufficiently beneficial to the worst-off to be considered worth pursuing: there is little value in placing minimal demands on the affluent if the results are unlikely to bring significant change. A feasible proposal must therefore have a good chance of benefiting the worst-off to a high
degree, while at the same time not costing the best-off so much that it would have a substantial (and therefore unagreeable) effect on their way of life.

The Moral Relevance of Political Plausibility

Pogge goes to some lengths to defend the GRD as realistic. He considers, for example, that a ‘modest proposal’ is more likely to succeed than a robust one, and the basis for the form of his argument is that it will achieve a wide base of support.\(^44\) Furthermore, he develops the GRD with attention to its feasibility and practicability.\(^45\) He also gives prudential reasons for ending world poverty: for example, that improving the starting positions of the worst off will have beneficial consequences for our own security.\(^46\) However, even while focusing on the importance of a proposal actually being practicable, he notes that a lack of political willingness to cooperate does not amount to an excuse from action.

These considerations appear to be largely pragmatic: despite the fact that Poggean arguments could justify remedies amounting to more than the 1% of GWP proposed by the GRD, he maintains this relatively small amount as his upper bound. This decision is in line with a curiosity about his argument mentioned earlier: that it is formulated with respect to radical inequality. Given that his arguments are designed to demonstrate harm, the radicality of the inequality that separates the harmed from the harming is of little relevance. The appeal to radical inequality is used to shift the burden of proof to those who support the status quo: systems characterized by radical inequality are prima facie unjust, and thus require

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\(^46\) Pogge, “Eradicating Systemic Poverty,” 70.
justification. Centering the argument around radical inequality limits the magnitude of the compensation justified in the GRD: rather than compensating for the full extent of institutional harm, it merely eliminates that part of it characterized by radical inequality. The ideal target (a world where the poverty of the worst off is not increased by the affluent) gives way to a more practical target (the end of radical inequality) in the hope that the implementation of some solution will be more likely as a result.47

The development of his proposal with an eye to the practical serves as a preemptive move against those who defend the status quo on the basis of the difficulty of changing the world order. The proposal takes pains to keep its impact on the affluent minimal while having life-changing effects for the worst off. Furthermore, Pogge minimizes the required political will by structuring the proposal so that it will, once implemented, sustain itself.

Following the Money

Central to the GRD are its claims about the revenue streams that would be created by its implementation; namely, that money would transfer from those committing harm to those harmed. But would the created flow of funds reflect the conclusions of Pogge’s argument? As has been noted, although the wealthy consume the bulk of the world’s resources, the poor consume resources as well. Additionally, not all wealthy nations are resource-rich, and not all resource-rich nations are wealthy. In introducing the GRD, Pogge predicts that the bulk of the costs of the dividend will ultimately be passed on to the end

47 The question of when it is appropriate for the normative to give way to the practical is beyond the scope of this paper. The purpose of Pogge’s proposal is to show that a serious step that we can all agree to can be taken to combat world poverty. Because he keeps his aims minimal, he does not need to push the limits of his argument. This being said, the severity of the duties being violated by the affluent cannot be ignored, and the possibility of a more robust proposal based on Poggean arguments is worth exploring.
consumers of extracted resources: those who consume the most will thus pay the most. 48

Dirk Haubrich, in a challenge to the fittingness of Pogge’s solution with the problem, questions this assumption. He speculates that even in the most-likely scenario, the world’s nations would not all instantly agree to adopt the GRD at once. 49 The significant result of this, he claims, would be that complying nations would be economically competing with non-compliers, i.e., those not paying the tax on resource extraction. To remain competitive with non-compliers, those companies that secured their resources through GRD-participating nations would have to either absorb the costs themselves or use their clout to shift the burdens of the dividend back onto those extracting the resources. Having the most economic clout, affluent countries would be able to shift the costs of the GRD back to the poorest nations. Affluent nations add the most value to resources in production processes, and thus it is the non-affluent resource-rich nations who would end up bearing the brunt of the costs. 50

In the scenario envisioned by Pogge, the US and EU would agree to adopt the GRD, and the rest of the world would quickly follow suit. In this scenario, wherein all who extract resources agree to pay the dividend, the price of resources rises uniformly: because none of


50 Tim Hayward, “Global Justice and the Distribution of Natural Resources,” Political Studies 54 (2006): 320-21. Hayward also considers it doubtful that costs of a resource-extraction dividend would be largely passed on to the consumers of the products they become. He notes that this is a particular concern because the costs of extracting resources, as a percent of a nation’s economy, are significantly lower in wealthy countries, which have the means to transform acquired resources in ways that add much more value, than in poor countries, which lack the capacity to add further value. The implication is that poor nations would feel the burden of the GRD much more acutely than wealthy nations. However, given that the GRD would not target resources used to meet basic needs, this burden would only affect the burden on poor nations extracting and selling non-essential resources. Resource-rich poor nations would feel these costs more acutely than resource-rich wealthy nations, but under the GRD, the poorest people within those resource-rich nations would still be beneficiaries.
the nations extracting resources would be able to undercut the competition by avoiding
payment of the tax, suppliers would not have to absorb the costs of the GRD to remain
competitive. Ultimately, this means that the costs of the dividend would be passed on to
the world’s biggest consumers of resources, which are also the world’s wealthiest nations. This would result in a shift in wealth, Haubrich notes, from the resource-poor wealthy
nations to the resource-rich poor nations. Haubrich depicts these revenue streams
graphically in the chart on the following page.

The first scenario shows the transfer of funds from quadrants 2 and 4: those who
possess the resources will bear the costs of the GRD, being unable to forward these on to
consumers. What Haubrich does not point out, however, is that in addition to bearing the
costs, those countries in quadrant 4 would also be recipients of funds: it is at least
conceivable that they would be net beneficiaries. Furthermore, given that the GRD aims to
lift individuals, not nations, out of poverty, the fact that a nation is paying into the fund
doesn’t imply that the nation’s poorest people are not receiving funds: consider a nation
where the resources are being extracted and sold for the personal gain of a dictator; in this
case, the rulers would have their incomes taxed, while the poor would benefit from GRD

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52 Haubrich, “Global Distributive Justice and the Taxation of Natural Resources,” 60. Specifically, Haubrich
notes that the 20 largest consumers of world resources are identical to the 20 wealthiest countries in the world
measured in any number of ways: in real terms or purchasing power parity, per capita or total.

53 Haubrich, “Global Distributive Justice and the Taxation of Natural Resources,” 59. In this chart, each of the
quadrants represents a category of countries, divided according to whether they are resource-rich or resource-
poor and wealthy or not. Scenario 1 (the set of arrows moving from the right side to the left) represents the
case where the costs are borne by the extractors: the tax creates a shift in funds from those nations which are
resource-rich to those nations which are resource-poor. Scenario 2 (the set of arrows moving from top to
bottom) represents the case that Pogge envisions, where the consumers bear the brunt of the costs: this creates
a shift in wealth from those nations that are affluent to those that are poor. The nations labeling each quadrant
are given only as examples of nations that would be found in these categories.
Another problem with Haubrich’s first scenario is who he lists as the recipients of the transfer: nations in quadrants 1 and 3. Certainly, claiming that those in the third quadrant receive funds is justifiable—these are people who have neither access to resources nor the wealth to buy them. The placement of those nations in the first quadrant on the receiving end of these revenue streams is questionable: being wealthy, the GRD would certainly not give them funds directly, and although they would not be paying much into the fund (not controlling many resources themselves) they would not be financially benefitting in any direct way. The second scenario is pictured correctly: those nations that consume the most pay the bulk of the costs, and those nations that have the most need receive the most funds—regardless of access to resources.

Despite the flaws in Haubrich’s projection of the revenue flows for the two scenarios, this conceptualization can help us to assess the desirability of these flows from a moral standpoint and, Haubrich to the contrary, both scenarios—where the tax is shifted to the end consumer, and where it is borne by those extracting resources—are morally justified.
by the GRD, with the second scenario being more desirable than the first. Haubrich’s
dispute, in short, is that the first scenario creates a burden commensurate with a nation’s
natural resource base, regardless of its wealth (with the result that it violates wealth-
egalitarian goals), while the second scenario creates a burden commensurate with a nation’s
wealth, regardless of its natural resource base (thus violating resource egalitarian goals).
Haubrich to the contrary, the preferability of either of these scenarios to our current world
order can be seen by once again considering that we are responding to the demands of
negative duties; although it is true that the first scenario is harder on the nations in quadrant
2 than quadrant 1, and that the second scenario is more beneficial to those in quadrant 2
than quadrant 1, no morally objectionable transfers result from either scenario, while both
respond to some existing negative duties by compensating people with little access to natural
resources. This being said, the second scenario is preferable because the bulk of the
transfers are aimed at helping the poorest people, those falling into quadrants three and four.

Good Intentions

Even if the revenue streams of the GRD are created in exactly the way that Pogge
anticipates, it could also be the case that a proposal that only raises 1% of gross world
product would simply not be enough. Perhaps the centrifugal tendencies of our world
order, making the rich wealthier and the poor poorer, are too great to overcome with such a
small percentage of world revenue, or perhaps the disbursement of the GRD would
unavoidably inflate the price of staples. This could mean that a higher percentage of GWP
must be raised to end world poverty, or it could mean that ending poverty would require
that the structures that shape our global economy be altered. Non-monetary changes could
be required as well: compensating for harm done is not the same as ceasing the harm.
Pogge argues that the centrifugal tendencies inherent in our world structures could be overcome with relatively minor corrections.\textsuperscript{54} His claim is that radical poverty “demonstrates the power of long-term compounding more than powerful centrifugal tendencies of our global market system.”\textsuperscript{55} At first glance, it seems that he is making a very basic logical error by concluding that only a small amount of revenue is needed to overcome poverty simply because the scale of poverty can be broken down into smaller pieces that have accumulated over time. However, his claim is not that minimal forces are required to overcome the poverty that has been built up throughout history, but rather that minimal forces may be required to keep poverty in check, once “inequality has been eradicated… in the context of a fair and open global market system.”\textsuperscript{56} In other words, he thinks a fraction of a percent of world product would be sufficient to keep inequality from spinning out of control, but only in the specific context of a system that is more balanced than the one we have now, and only in a world where extreme poverty has already been done away with.

These are significant stipulations. Pogge’s proposal lacks a satisfactory answer as to how our current system could be changed to render it ‘fair and open.’ Certainly, if institutional changes are required to end harms against the world’s poorest, they would have to be included in the proposed GRD. Merely stipulating that our global markets be rendered fair and open is unlikely to suffice in this regard. If Pogge’s proposal to end poverty requires


\textsuperscript{55} Pogge, \textit{World Poverty and Human Rights}, 211.

\textsuperscript{56} Pogge, \textit{World Poverty and Human Rights}, 211.
the development of fair and open markets—or other necessary systemic changes—they must be built into the proposal.\footnote{This is not to suggest that fair and open markets are necessarily part of the solution. David Schweickart (see David Schweickart, “Global Poverty: Alternative Perspectives on What We Should Do—and Why,” \textit{Journal of Philosophy} 39, no. 4 (2008), 479-82) argues that a capitalist economic order necessarily reproduces global poverty, and that a solution such as the GRD would fail to address major systemic issues. Although I think that an end to extreme poverty could co-exist with a capitalist world market, I agree that Pogge's GRD severely underestimates the ability of the global order to absorb changes and maintain the status quo. This is why an ability to adapt must likewise be included in a revised GRD.}

Even granting that our system could be rendered fair and open, it is still questionable whether such a small percent of global product would truly be enough to keep the centrifugal forces in check.\footnote{Tim Hayward, “Thomas Pogge's Global Resources Dividend: A Critique and an Alternative,” \textit{Journal of Moral Philosophy} 2, no. 3 (2005): 327-28.} Those who consume the most resources also have the capability to earn the most from those resources (having greater means of adding value). As long as the proposal is only redistributing a percentage of resources consumed, or of global world product, it will remain possible for a nation to exploit differences in wealth to the point that others are denied their access to a fair share of the world’s resources, denied a fair starting position, or denied a world free from poverty-maintaining global institutions.

Another problem with the GRD is that it fails to fulfill the negative duties that the Poggean argument clarifies. In short: if we are harming the world’s worst off, we have an obligation to stop harming them and not merely to compensate them for it. According to Tim Hayward, this problem is worse than it looks for Pogge because the GRD is based on a compensatory model. Indeed, if Hayward is right that Pogge’s solution is compensatory in nature, then it relies on harms being done.\footnote{Tim Hayward, “On the Nature of Our Debt to the Global Poor.” \textit{Journal of Social Philosophy} 39, no. 1 (2008): 1-6.} Compensation ties individuals to particular
harms: if individuals don’t keep harming one another then there is no longer anything to compensate for.

However, as noted above in chapter three, Pogge’s account does not require the compensatory model in this sense. Rather than conceiving of the payments of the GRD as compensating for past harms, the funds can rather be viewed as mitigating present harms. That is, the shift in funds can be seen as lessening the extent to which the worst off are born into an unjust starting position, the extent to which they are denied access to a common resource pool, or the extent to which our global institutions reproduce severe poverty. This connection can be made for the same reasons that tie each of the three strands to the GRD as discussed at the beginning of this chapter: ultimately, the harms of the three strands can be boiled down to a common denominator: the denial of the ability to control the resources necessary for survival. The GRD can then be viewed as remedial: through modest reform of our global structures, the worst off gain an ability to control a greater proportion of the world’s resources, therefore mitigating the injustices of a shared violent history and the effects of global institutions that exacerbate the differences in income and the suffering of the worst off. In the same way that a shift of funds from the best off to the worst off does not have to be seen as aid, it also does not have to be viewed as compensation: it can be viewed as a simple reduction of injustice.

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60 Hayward’s solution (Hayward, “Thomas Pogge’s Global Resources Dividend,” 324-32; Hayward, “On the Nature of Our Debt to the Global Poor,” 14-17) is to conceive of the differences of lifestyles of the affluent and the worst off in terms of ecological space. The best off consume resources to an extent that deprives the worst off of access (resources again construed broadly to mean natural resources such as oil and minerals, but also arable land and water, including the space consumed by the release of pollutants). Thus, the affluent are taking ecological space that rightfully belongs to the worst off. (Hayward, “On the Nature of Our Debt to the Global Poor,” 15). Although this conception can function as a model of the obligations of the affluent to the worst off, it does not offer the benefits over Pogge’s model that Hayward believes it does. The Poggean dividend-based model essentially functions in the same way, using wealth as a proxy for ecological space (wealth representing the ability of the best off to acquire, consume, and dispose of resources).
Ecumenical Systemic Change

Although some of the harms implicated in each of Pogge’s three sub-arguments can be reduced to depriving the worst off of resources, not all of them can. In particular, the shared global institutions strand points to additional ways that the affluent harm the worst off. However, in order to build a broad base of support, such as Pogge seeks for the GRD, we must show that these institutional harms can also be linked to a deprivation of resources and the results of our common violent history. Without these connections, an objector would only be required to refute the shared institutions strand to defeat the proposal, rather than needing to respond to all three approaches. As mentioned above, Pogge hints at and suggests changes to the global order that should be made to allow the GRD to be successful at relieving the poverty of the worst off, but he refrains from including these changes in the proposal itself. At first glance, it appears that the ecumenical goals of the argument restrict more robust proposals, but a closer analysis reveals that at least some institutional changes are supported by all three strands and could thus be included in an ecumenical solution.

By way of example, let us consider one way that the current global institutional order harms the worst off—international borrowing and resource privileges—and how Pogge’s three sub-arguments can converge to support change. International agreements are currently set up such that “Any group controlling a preponderance of the means of coercion within a country is internationally recognized as the legitimate government of this country’s

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61 There could be arguments for some harms that could be developed independently of the broader argument for comprehensive global reform: i.e., standalone arguments that particular aspects of our global order harm the worst off by the better-off. For the purposes of the proposal related to the preceding argument, however, the solution is limited by harms indicated by all three of the strands. See, for example, Chapter 9 of World Poverty and Human Rights, where Pogge makes a case for changing global pharmaceutical institutions to alleviate the global burden of disease.

62 See Pogge, World Poverty and Human Rights, chs 4 and 6.
Thus, any group or individual that is able to seize power is recognized as gaining borrowing and resource privileges on behalf of the nation. This incentivizes the overthrow of legitimate governments by those with military power: if they can seize control, they can sell the natural resources of the nation in order to gain the wealth needed to maintain control, and they can borrow against the nation in order to increase their power over it. By granting this power, the international community allows military elites to do much more (and much longer lasting) harm than they could do if they were not treated as a legitimate representative of the nation. When they are ousted, the nation may very well be saddled with debt and no longer have the legal right to extract its own natural resources (as the legal ruler of the nation has the authority to sell not only the resources themselves, but also the right to extraction). \(^{64}\)

As Pogge notes, “Our global institutional order greatly encourages the undemocratic acquisition and exercise of political power in especially the resource-rich developing countries.” \(^{65}\) The connection of this example to the ‘shared institutions’ strand of the argument is thus quite clear: these institutions, agreed upon and enforced by the affluent nations of the world, make the worst off worse off compared to reasonable alternatives that would deny recognition (and perhaps sanction) dictators and leaders of coups. By any reasonable account of justice, encouraging a corrupt military leader to overthrow a legitimate government for personal gain—and then supporting them in indebting their nation to no benefit to its people—is unjust, and therefore causes harm.

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\(^{63}\) Pogge, *World Poverty and Human Rights*, 118.

\(^{64}\) Pogge, *World Poverty and Human Rights*, 118-21.

This aspect of the institutional order can also be tied to the strand of the argument focused on the exclusion of the poor from the common resource pool, because it results in the worst off having even fewer resources while those who have seized power (and their trading partners) gain access to even more. In short, encouraging hostile takeovers of governments and encouraging the wasting of resources outside of national borders for the benefit of the wealthy of a nation further decreases the access that the worst off have to the world’s resources.

Pogge’s ‘violent history’ sub-argument also supports changing our world order. According to this strand, people are harmed when they suffer and die because they have been deprived of a fair starting point through the maintenance—by the affluent peoples of the world—of the results of historical crimes. In particular, Pogge has in mind the crimes of the colonial era, but the argument can function in the same way for other crimes, including those that are much more recent. Furthermore, our global institutions are implicated in the unjust starting positions of the worst off because these institutions compound and magnify the results of historical crimes. Consider, for example, a people that is extremely poor. The historical process that brought them to this point cannot justify their condition: their ancestors were enslaved, their culture was destroyed, or their place in the world was

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66 More generally, we might note that the ‘common resource pool’ sub-argument will support changing any aspects of the institutional order that further deprive the worst off of resources.

67 Note that the GRD does respond to this in an indirect way: redirecting some of the world’s wealth back to the worst off increases their ability to access the world’s resources even while still allowing them to be deprived of access in other ways. Changing the institutional order is simply a more direct way of responding to these harms.

68 Taken in conjunction with the other two strands, the common violent history strand could be expanded even further: the harms indicated by the ‘common resource pool’ and ‘shared institutions’ strands of the argument, if left uncorrected, soon become matters contributing to the unjust starting positions of the present. However, because the argument is structured to function as three independent strands, this connection between the strands offers no improvement.
dramatically affected by harms against others in their communities. If, today, they were well off—capable of feeding themselves and possessing the resources needed to partake favorably in the global market—then perhaps a military takeover of their government would not prevent them from continuing to be able to sustain themselves. However, due to their poverty, the overthrow of their government will have much more dire consequences: the structures that they rely on to simply stay alive might suddenly disappear. When their nation’s resources are seized to be sold on the world market, they will be unable to feed themselves; when their government starts to squeeze them for taxes because it has been borrowing exorbitant amounts of money, they will not be able to continue to sustain themselves.\(^69\) In sum, the Poggean argument presented here supports not only the redistribution of wealth from the affluent to the worst off, but also changes to the world order that would end harms still being perpetrated.

**Toward a New Proposal**

The complete development of an expanded proposal is beyond the scope of this work, but the present analysis of Pogge’s proposal has revealed several qualities that such a proposal should have:

1. Closer attention to revenue streams: the desiderata for collecting funds. Along the lines of Haubrich’s critique above, closer attention should be paid to the revenue streams that will be generated by the proposal. The GRD attempts to redistribute

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\(^69\) Consider the 2011 revolutions in Northern Africa and the Middle East. The people of these countries have been under the rule of dictators for decades; dictators who could retain this control because of the wealth they could secure for themselves by selling oil on the world market, and because of the support they received from nations such as the United States. Before the revolts began, a substantial proportion of these people relied on government subsidized bread to meet their basic needs. Although a civil war would be catastrophic for the people of any nation, significantly more harm will be done to the poor of these nations because of the vulnerability they were born into, which is partly a result of the international order. Their unjust starting positions will exacerbate the harms done by a world order that has kept such dictators in power.
resources from those who consume the most to those who are able to consume the least. To fit as closely as possible with the given argument, the proposal should attempt to raise funds from each nation commensurate with that nation’s consumption of resources per capita. Focusing on particular resources that are easy to monitor—such as oil—could effectively raise the funds needed for the GRD, but such targeting would amount to a tax on particular types of consumption and not on others. A tax on each nation’s consumption per capita would fit more closely with the argument. This should be based on an aggregate of a variety of natural resources (including clean land, air and water) that are representative of non-essential resource consumption (we can call this the Non-Essential Resource Consumption per capita, or NERC). The NERC should be designed for easy comparison between nations.

2. The desiderata for distributing funds. This should also be based, at least in part, on the NERC. However, as Pogge suggests in the GRD, it should also reward the effective use of resources in alleviating poverty. Nations with low resource consumption and low poverty rates should be rewarded with more funds to help combat remaining poverty. Nations with high poverty rates despite high resource consumption per capita, or despite high income disparities between the best and worst off, should have control of their funds given to NGOs or other agencies.

70 Pogge suggests that targeting the extraction of easily monitored resources would have the benefit of ensuring all participants that others were paying their fair share (Pogge, World Poverty and Human Rights, 212), but does not address the fact that these participants may object to the fairness of targeting those particular resources.

71 Rather than defining it by net consumption per capita, for example, it could be defined in terms of per capita consumption as a percentage of the global resource pool.

72 Consider Kenya, Colombia and China: the $2 a day poverty gap (the average amount that people have below the $2 a day poverty line) in Kenya (2005) was around 15%, while in China and Colombia (2006) it was around 12%. Yet the income per capita in Colombia ($4,990) and China ($3,650) is many times greater than in Kenya.
3. Level of Correctional Redistribution. Pogge suggests 1% as the maximal percent of GWP that would be necessary to correct the problems of poverty already in place, and claims that a significantly smaller amount, given a fairer institutional order, would be required to correct for centrifugal market forces. This minimal amount is certainly justified according to the convergence theory, given a) the extent to which the starting positions of the worst off are unjust as a result of our shared history, b) the massive imbalance in consumption of the world’s resources by the best off, c) the variety of ways that the global institutional order exacerbates and creates poverty, and d) the ways that environmental harms contribute to and expand each of these harms. The figure of 1% would not significantly burden the affluent, and may be enough to alleviate radical inequality. 

Extensive empirical research would be required to determine the maximum figure justified by the convergence theory; focusing on the eradication of radical inequality allows Pogge to aim at a goal that is well below what might otherwise be justified and provides an agreeable target. Altering the argument to focus on the suffering and death that result from poverty gives the same advantages while substantiating a higher target. Although the necessary empirical research is beyond the scope of this project, the argument can reasonably be expected to support more than the maximal figure suggested by Pogge. Pogge suggests a maximal figure of .67%, “correspond[ing] roughly to the aggregate consumption shortfall that prevents 2,533 million human beings from...”

(§760). This suggests that further resources would be likely to do more good per capita in Kenya, and that the domestic structures of Colombia and China are ineffective at combating poverty. “Countries and Economies,” accessed Feb 2011, http://data.worldbank.org/country.

73 See more on the ‘cutoff point’ below.
escaping severe poverty.” However, this amount represents only the purchasing power equivalent of a yearly budget of $4,512 for a family of four in the U.S., and would leave average per capita consumption of individuals in affluent countries with 70 times that of the worst off. Given the suffering and inequality that would continue even if this proposal were enacted, a more substantial proposal is justified. Structures should be built into the proposal to measure and adjust the target amount to be collected; given the complexities and unpredictability of the global institutional order, 1% of GWP may prove to be insufficient to end severe poverty. E.g., even the most effective use of funds directed at improving the lives of the worst off could result in increases in food prices that lowered the impact of redistribution per dollar. Rather than choosing a target in terms of a percent of GWP, an effective proposal should base its target on the desired goal: as long as the worst off continue to lack nourishment, and as long as the affluent continue to consume massively higher amounts of resources per capita, the target of the proposal should gradually increase. Pogge’s suggested .67% of GWP could be an acceptable starting point, but only if this figure can be adjusted upward as necessary.

4. Cutoff Point. In Pogge’s GRD, the cutoff point for the global redistribution of wealth is the alleviation of radical inequality. This would be a step in the right direction, but given the poverty that would remain—and the resulting suffering and death that would continue—after this goal were reached, it would be ineffective as a response to the negative duties that the best off have to the worst off. As long as

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75 Pogge, *World Poverty and Human Rights*, 211. 306 note 333.
malnutrition, dehydration, curable diseases, and lack of access to basic sanitation and medical services persist, a proposal that responds to our negative duties should continue to remain in force.

5. Systemic Changes. Pogge suggests that corrections must be made to our institutional order to combat the forces that keep the poor from being able to sustain themselves. However, as noted above, he does not build these suggestions into the GRD. To fully respond to the argument he presents, an effective proposal would include changes to the world order, as well as provisions for further modifications as necessary. (Perhaps worst off peoples should elect representatives to a board responsible for interpreting and implementing the GRD. A democratic, global political structure might prevent affluent nations from keeping global structures rigged in their favor.)

Conclusion

The Global Resources Dividend satisfies the requirement of being an ecumenically agreeable first step toward ending world poverty, but improvements could bring it into closer alignment with the negative duties of the affluent. Although Pogge does not explore the problems of connecting the GRD to the three strands, we have shown, at the very least, that it is justified by them. He formulates the GRD in such a way that it is both minimal in cost to the affluent and effective at relieving the suffering of the worst off. However, the proposal is so modest that it fails to fulfill all of the negative duties outlined in the argument. Given the extent of the harms and corresponding negative duties outlined in the argument presented in Three and Four, a more robust proposal is called for. Such a proposal would pay closer attention to the revenue streams created and focus on keeping these in line with
the convergence of the three strands of the argument; it would also contain provisions for readjusting the amount of funds to be raised, and for altering the global institutional order to be less harmful to the worst off (such as efforts to combat climate change and modifications to resource and lending privileges). A proposal along the lines of the GRD that also responded to these points would be fairer, more effective at relieving poverty, and therefore more in keeping with our negative duties toward the world’s worst-off peoples.
CONCLUSION

The difference in the standard of living between the best and worst off of our planet is astounding. While the world's wealthiest own private jets and multimillion-dollar homes, the world's poorest struggle to feed themselves; they die of diseases that could be prevented or cured at little cost; they risk their lives in perilous border crossings for a chance to secure a better future for themselves and their families. What, if anything, do we owe them?

In 1861, John Stuart Mill defended utilitarianism against the charge that it would be so demanding that it would require each of us to forfeit much of our own happiness for the sake of reducing suffering in others:

> The multiplication of happiness is, according to the utilitarian ethics, the object of virtue: the occasions on which any person (except one in a thousand) has it in his power to do this on an extended scale—in other words, to be a public benefactor—are but exceptional; and on these occasions alone is he called on to consider public utility; in every other case, private utility, the interest or happiness of some few persons, is all he has to attend to.¹

Today, we can no longer claim that this is the case: any one of us, with a little research and a visit to a webpage, can save lives. We may try to soothe our consciences by blaming others for the plight of the impoverished, but, as my analysis has shown, this rationalization does not stand up to scrutiny.

Even if we bore no responsibility for global poverty, we would still have a positive duty to aid those in distress. Donating a dollar a day could double someone’s income; the

cost of our annual cell phone or cable bill could feed several families. Yet the simple fact that people are dying does not motivate us into collective action. Pogge’s key insight from *World Poverty and Human Rights* addresses this failing by showing how we are complicit in the impoverishment of the worst off: the results of our common violent history leave the affluent born into a world of opportunity while the impoverished are consigned to a life of struggle; the scale of consumption by the affluent denies the worst off the resources needed to sustain themselves; the affluent partake in a global economy that cripples the domestic markets of the worst off; our energy-hungry lifestyles drive climate change that harms those who lack the resources to cope with it. For these reasons, our duty goes beyond an ethic of aid and must embrace a politics of change.
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