

Freedom from Poverty as a Human Right

Who Owes What to the Very Poor?

Edited by

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To Alan Gewirth 1912–2004

Severe Poverty as a Human Rights Violation

*Thomas Pogge**

Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care. (UDHR, Article 25)

Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized. (UDHR, Article 28; see Article 22)

Freedom from severe poverty is among the most important human interests. We are physical beings who need access to safe food and water, clothing, shelter, and basic medical care in order to live well—indeed, in order to live at all.

Very poor people lack secure access to sufficient quantities of these basic necessities. This sentence presupposes a narrow, absolute, and somewhat vague definition of severe poverty which suffices for this essay. Even on such a narrow definition, which corresponds roughly to the World Bank's '\$2 per day' benchmark, nearly half of all human beings alive today are living in severe poverty, with many of them falling far below the threshold.

Specifically, 2,735 (out of 6,150) million human beings are reported to have lived on less than \$2 per day in 2001.¹ This international poverty line is defined in terms of monthly consumption expenditure that has the same purchasing power as \$65.48 had in the United States in 1993 (Chen and Ravallion 2004: 147). By this standard, US residents would have been counted as poor only if their consumption expenditure for all of 2001 had been below \$963 (www.bls.gov/cpi/home.htm).

Only one-ninth to one-third of this amount is deemed necessary to reach this poverty line in poor countries—on the ground that their currencies have much greater purchasing power than their exchange rates to the US dollar would suggest. Thus, annual per capita consumption expenditure of \$240 (at market exchange rates) was generally deemed sufficient to reach the \$2 per day standard in 2001.

* I am deeply grateful to the students, teachers, and practitioners who have helped shape the view here presented. If it were not part of a joint effort involving many wonderful people on five continents, my work would be pointless and unsustainable.

¹ According to Chen and Ravallion (2004: 153) who have managed the World Bank's income poverty assessments for nearly two decades. They also report that 1089 million human beings were then living on less than \$1 per day (*ibid.*).

Those who lived below \$2 per day fell 42% below this benchmark on average² and thus had annual consumption expenditure of roughly \$139 (at market exchange rates) on average. These 44% of humankind thus accounted for only 1.2% of the 2001 global product (which was \$31,500 billion—World Bank 2003a: 235).³ With 0.9% more, all could have lived above \$2 per day. In 2001, the high-income countries accounted for 81% of the world's aggregate income and 15.6% of its population (ibid., cf. n. 27 below).

It is likely that the World Bank significantly understates the extent of global poverty when it uses purchasing power parities (PPPs) to translate its international poverty lines into other currencies. Such PPPs average international price ratios across all commodities, weighting each commodity by its share in international consumption expenditure. The poor countries tend to afford the greatest price advantages for services and other 'nontradables'. These price advantages inflate the assessed purchasing power of the local currency. But they mean little to the local poor who do and must concentrate their scarce funds on a narrow set of 'tradables', mainly basic foodstuffs—which are cheaper in the poor countries, but not as much cheaper as PPPs suggest. The number of people whose monthly consumption expenditure affords less access specifically to basic necessities than \$65.48 afforded in the United States in 1993 is likely to be far in excess of the World Bank's official poverty counts.⁴

Even if this conjecture is correct, it remains true that the global poverty problem is tiny in economic terms. If it were larger by one-third than the official statistics imply, the aggregate global poverty gap in 2001 would still have been a mere 1.2% of the global product.

Much smaller than commonly assumed in economic terms, the global poverty problem is also vastly larger than most assume in human terms. It is estimated that 850 million human beings are chronically undernourished, over 1,000 million lack access to safe water and 2,600 million lack access to basic sanitation (UNDP 2005: 24). About 2,000 million lack access to essential medicines (www.fic.nih.gov/about/plan/exec_summary.htm). Some 1,000 million have no adequate shelter and 2,000 million lack electricity (UNDP 1998: 49). Some 781 million adults are illiterate (www.uis.unesco.org) and 250 million children between 5 and 14 do wage work outside their household—often under harsh or cruel conditions: as soldiers, prostitutes, or domestic servants, or in agriculture, construction, textile, or carpet production.⁵ Roughly one-third of all human

² Chen and Ravallion (2004: 152 and 158), dividing the poverty gap index by the headcount index. Those who lived below \$1 per day on average fell 28.4% short of this lower benchmark (ibid.) and thus had annual consumption expenditure of roughly \$86 (at market exchange rates) on average.

³ The 1,089 million persons below \$1 per day accounted for about 18% of humankind and 0.3% of the global product.

⁴ See Pogge (2004a), and Reddy and Pogge (2007) for detailed discussion and estimates of the errors involved.

⁵ The UN International Labor Organization (ILO) reports that 'some 250 million children between the ages of 5 and 14 are working in developing countries—120 million full time, 130 million part time' (www.ilo.org/public/english/standards/ipecc/simpoc/stats/4stt.htm). Of these, 170.5 million children are involved in hazardous work and 8.4 million in the 'unconditionally worst' forms of child labor,

deaths, 18 million annually or 50,000 each day, are due to poverty-related causes, easily preventable through better nutrition, safe drinking water and sewage systems, cheap rehydration packs, vaccines, antibiotics, and other medicines.⁶ People of color, females, and the very young are heavily overrepresented among the global poor, and hence also among those suffering the staggering effects of severe poverty.⁷

Despite the undisputed great importance of such basic necessities for human life, there is no agreement on whether human beings have a *right*, or *human right*, to such necessities. To address this disagreement, one must distinguish between the legal and the moral question. Supranational, national, and subnational systems of law create various human rights. The content of these rights and of any corresponding legal obligations and burdens depends on the legislative, judicial, and executive bodies that maintain and interpret the laws in question. In the aftermath of World War II, it has come to be widely acknowledged that there are also moral human rights, whose validity is independent of any and all governmental bodies. In their case, in fact, the dependence is thought to run the other way: Only if they respect moral human rights do governmental bodies have legitimacy, that is, the capacity to create moral obligations to comply with, and the moral authority to enforce, their laws and orders.

Human rights of both kinds can coexist in harmony. Whoever cares about moral human rights will grant that laws can greatly facilitate their realization. And human rights lawyers can acknowledge that the legal rights and obligations they draft and interpret are meant to give effect to pre-existing moral rights. In fact, this acknowledgment seems implicit in the common phrase 'internationally recognized human rights'. It is clearly expressed in the Preamble of the Universal Declaration of Human Rights (UDHR), which presents this *Declaration* as stating moral human rights that exist independently of itself. This acknowledgment bears stressing because the distinction between moral and legal human rights is rarely drawn clearly. Many are therefore inclined to believe that our human rights are whatever governments declare them to be. This may be true of legal human rights. But it is false, as these governments have themselves acknowledged, of moral human rights. Governments may have views on what moral human rights there are—their endorsement of the UDHR expresses one such view. But even all governments together cannot legislate such rights out of existence.

which involve slavery, forced or bonded labor, forced recruitment for use in armed conflict, forced prostitution or pornography, or the production or trafficking of illegal drugs (ILO 2002: 9, 11, 17, 18).

⁶ In 2002, there were about fifty-seven million human deaths. The main causes highly correlated with poverty were (with death tolls in thousands): diarrhea (1,798) and malnutrition (485), perinatal (2,462) and maternal conditions (510), childhood diseases (1,124—mainly measles), tuberculosis (1,566), malaria (1,272), meningitis (173), hepatitis (157), tropical diseases (129), respiratory infections (3,963—mainly pneumonia), HIV/AIDS (2,777) and sexually transmitted diseases (180) (WHO 2004: 120–5).

⁷ Children under 5 account for about 60% or 10.6 million of the annual death toll from poverty-related causes (UNICEF 2005: inside front cover). The overrepresentation of females is documented in UNDP (2003: 310–30), UNRISD (2005), and Social Watch (2005).

In this essay, I am concerned exclusively with whether and under what conditions severe poverty violates human rights in the moral sense. For this to be possible at all, there must be some human right to basic necessities. The fundamental importance of basic necessities for any human life supports the claim that there is such a human right. But this claim is controversial nonetheless.

Those who contest it often argue as follows: Because rights entail duties, rights to basic necessities can be plausible only if the correlative duties are plausible as well. But it is not plausible to postulate such correlative duties. It is not plausible to hold everyone responsible for supplying basic necessities to all other human beings who need them. Nearly all of us affluent do much less than we might do toward helping persons in life-threatening poverty. Perhaps some of us do too little. But it is not seriously wrong, morally, to spend some of one's income on movie tickets and birthday presents, even when this money could be used to protect people elsewhere from starvation. It is surely unacceptable to describe people who do this as human rights violators. Hence there is no human right to basic necessities.

Arguments of this sort make two persuasive points: that rights are plausible only if the duties correlative to them are plausible as well; and that open-ended duties to supply basic necessities to any other human beings who need them is not plausible. The argument fails nonetheless because of two interrelated mistakes.

The first mistake is to assume we already know what the right in question is a right *to*. We know, of course, that we are discussing a right to basic necessities. But rights are addressed to agents and are in the final analysis rights to particular conduct (actions and/or omissions). And the brief description—'right to basic necessities'—does not specify what claims the holder of such a right has on the conduct of which other agents. This lack of specificity is shared by other human rights. Thus, consider an uncontroversial human right, such as the right to freedom from torture. Again, its brief description does not tell us what this right binds other agents to do or not to do. Presumably it obligates them not to engage in certain conduct that inflicts severe pain on others. But does it also obligate them to prevent such conduct by others (domestically, and also worldwide) or to help make such conduct illegal (under domestic and/or international law)?

The second, related mistake involves a false inference. It is true that human rights to basic necessities, on *some* specifications of them, entail implausible duties. It follows that we should reject human rights to basic necessities *so understood*. But the argument draws a stronger conclusion, namely that there is *no* (plausible specification of any) human right to basic necessities. This stronger conclusion is unwarranted, because there may be other formulations of such a human right that do not entail the duties shown to be implausible.

This is not a merely theoretical possibility. We can surely think of real-world cases where severe poverty involves the violation of a stringent moral duty. Think of a brutal monarch or dictator who, in order to improve his finances, decrees a tax that requires farmers to surrender half their produce to the state for export. As he could easily have foreseen, many of his subjects starve to death as a consequence of reduced domestic food supply and increased food prices. It is perfectly plausible

to say that his conduct violates a stringent moral duty to these people. We can then find a plausible general formulation of this duty and specify a human right to basic necessities correlative to it—as a suitably qualified right not to be treated in ways that will foreseeably and avoidably deprive one of one's livelihood. So specified, the right does not entail the implausible duties considered earlier.

The main lesson from these introductory remarks is that it is inadvisable to begin with a debate about the pros and cons of accepting a human right to basic necessities. This question is too crude by assuming we already understand what the content of such a right would be. Instead, we should first think about the various dimensions in which such rights can be differently specified. Diverse specifications of human rights differ in what claims the right-holder has on the conduct of others. By examining which such claims and correlative duties are plausible, we can try to specify human rights so that they protect persons from severe poverty as far as possible without making unreasonable demands on others.

The debate about subsistence rights is often conceived and conducted as one that is about whether any such rights exist at all. But this is a misconception. Even conservatives and libertarians, who typically present themselves as rejecting subsistence rights, will recognize as human rights violations some state policies that foreseeably and avoidably produce life-threatening poverty—the tax decreed by the ruler in my hypothetical, for example, or Stalin's policies during 1930–3, which caused some 7–10 million famine deaths among peasants, mostly in the Ukraine, whom he considered enemies of his regime.

The debate is better framed, then, as one about the *range* of a human right to basic necessities. What moral claims does such a right give its holders against other agents? What correlative duties does it impose upon others? Under what conditions does severe poverty manifest a human rights violation, and which agents are then responsible for such violation? In response to these questions, conservatives and libertarians advocate a tight range. They hold that severe poverty typically manifests no human rights violation, that historically the human right to basic necessities (as they want to specify it) has been violated only rarely. Others assert a broader range for such rights. Let us try to make some progress toward resolving such disagreement.

1.1. FACTORS IN THE CAUSAL EXPLANATION OF SEVERE POVERTY

It is hard to imagine a case of torture that does not involve a violation of the human right not to be tortured. When human beings are tortured, there are torturers as well as, often, additional agents who order, authorize, facilitate, monitor, or allow the ordeal. Clearly, severe poverty is different. A person or group may encounter life-threatening poverty that no other agents have causally contributed to and no one can alleviate. The relevant analogue to torture is then not poverty, but rather a certain kind of impoverishment that other agents are causally and morally

responsible for. To clarify this idea, we must discuss the possible causes of poverty and then identify the cases in which agents culpably play a causal role. There are various ways in which agents may be causally related to the severe poverty of others. Let me paradigmatically examine three types of such relations.

1.1.1. Causes of Type One: Acts (Interactional Harms)

A straightforward case of interactional harm is one where persons act in such a way that they foreseeably and avoidably deprive others of their livelihood. People living upstream pollute the river, thereby poisoning the fish on which people downstream depend for nourishment or income. One might deem this a clear-cut human rights violation, provided the people upstream can foresee the likely effects of their conduct and have a reasonable alternative (so their own survival does not require their pollution of the river).

Straightforward cases of this sort are rare in the modern age. Severe poverty in our world typically involves many cooperating causes. This complicates the picture. Even if it can be shown that some particular act caused starvation, the agent can point to other causally relevant factors without which her act would not have had this terrible effect. Thus, a supporter of the pre-2003 UN sanctions against Iraq could point out that some of the massive deprivations they caused could have been avoided had Saddam Hussein not expended much of the state's remaining wealth on palaces and the military. Similarly, Hussein could say that his expenditures would have caused no deprivations but for the sanctions.

Often the cooperating causes include not merely acts by other agents, but also the rules under which these agents operate. A bank repossesses a bankrupt farm, leaving the family who owned it destitute and homeless. Bank officials may excuse their conduct by blaming the resulting poverty on the bankruptcy laws, which permit creditors to take everything. If we do not take full advantage of the law, they may add, we cannot compete with other banks and thus would eventually go bankrupt ourselves.

The presence of many cooperating causes makes it harder to assign responsibility in another way as well: by reducing *visibility*, that is, the ability of agents to foresee the remoter effects of what they do. It is a commonplace that we now live in a heavily interdependent world in which the effects of one agent's conduct can reverberate around the globe. This is true not merely of the conduct of a few influential governments, corporations, agencies, and individuals. It holds for all those affluent enough significantly to participate in market transactions: as shoppers or investors, for example, or as employers or employees. Many of our daily economic decisions affect the livelihoods of other people: of salespeople, waiters, storeowners, or of managers and shareholders of corporations whose products we buy. These effects may be negligible, for the most part. But the impact of our economic transactions does not stop there, because these transactions also influence the *decisions* of storeowners, managers, etc., in ways that affect the livelihoods of yet further people. Our tastes and preferences as consumers influence

which coffees, fruits, flowers, toys, T-shirts, or computers are imported in what quantities and where tourist destinations are developed abroad. Such decisions in turn affect employment opportunities in poor countries and thus can have a profound impact on the livelihoods of families there. Given the extreme vulnerability of many poor people abroad, a change in fashions in an affluent country can easily save hundreds of lives by providing desperately needed employment and can just as easily kill hundreds of children prematurely by throwing their parents out of work. In fact, it can have both effects simultaneously by shifting demand from one poor-country factory to another.

It is impossible to know which of our decisions have such effects on people in the poor countries, and what their effects are exactly. This is unknowable because, as they reverberate around the globe, the effects of my economic decisions intermingle with the effects of billions of decisions made by others, and it is impossible to try to disentangle, even *ex post*, the impact of *my* decision from this vast traffic by trying to figure out how things would have gone had I acted differently. This is impossible, because my decisions have their impact, in very large part, by affecting the later situations of other agents and the decisions they will then make (which in turn influence the situations and decisions of yet further agents, and so on). These indirect effects are not only too numerous to trace. They are also, in most cases, impossible to estimate, because one cannot deduce from what persons did in the situations they actually encountered what they would have done in the different situations they would have encountered had I acted differently.

It is highly likely that any affluent person has been involved in ordinary market transactions that have caused deaths or saved lives. This is not a comfortable reflection. We may be tempted to banish it quickly with the thought that, over time, the numbers of deaths caused and lives saved by one's ordinary market transactions probably tend to net out to zero: It comes out in the wash, as they say. But this thought cannot give much comfort when we think of those we affect as individual human beings rather than as some vast homogeneous mass. Insofar as we understand it, and feel it, the reflection remains disturbing and gives us moral reason to work for a world in which there are not hundreds of millions living on the brink of an early death from starvation or easily curable diseases.

But this reflection cannot give us moral reason to make our ordinary economic decisions in such a way as to avoid aggravating anyone's severe poverty. Endorsing this aim is pointless because we cannot possibly live up to it. In the present world it is completely beyond the capacity of affluent individuals to shape their economic conduct so as to avoid causing any poverty deaths in the poor countries. Adopting this aim could produce feelings of guilt and anxiety in us, but it could not possibly achieve its point: It could not ensure that our ordinary economic transactions cause no severe deprivations in poor countries.

In the present world, even the most important remoter effects of our conduct can often not be known—even afterwards, let alone in advance. This pervasive feature of modern economic systems shifts attention from the responsibilities of individual agents to that of other causal factors affording sufficient visibility. Among these may be larger, collective agents who have superior informational

capacities and often make decisions closer to the impact of harm—multinational corporations, for instance, who operate manufacturing or resource extraction facilities in poor countries. An executive of such a corporation can find out whether pollution from its plants is causing disease, for example, or whether the wages paid to those making its products are inadequate or how vulnerable they are in the event of dismissal. The fact that such executives often do not bother to find out does not render the impact of their decisions any less foreseeable.

Suppose a corporation running a mining operation in a poor country pipes its toxic wastes into a nearby river, causing predictable severe harms downstream where people depend on this river for water and food. This would seem to be a clear-cut violation of the human right to basic necessities. Somewhat less clear-cut is the case of a corporate decision that foreseeably causes unemployment, with dire consequences, among very poor people. Thus, a corporation may close a factory to shift production to an even cheaper location, for instance, or it may buy up land while evicting existing sharecroppers. These cases are more difficult, because the corporate decision may seem like a mere omission: The corporation is not harming people, it is merely withdrawing a benefit. And the same may be said about a corporation that pays its workers so little as to render their lives vulnerable to even minor emergencies. Here too it may seem that the corporation is benefiting (surely not harming) these workers by giving them an employment option they would otherwise lack.

Yet, the larger context in which the fired workers, the evicted sharecroppers and the underpaid workers are placed may be marred by dire scarcity or grievous injustice. And this affects the moral assessment of corporate conduct. Even if there is nothing wrong with employing, on extremely ungenerous terms, someone who has other reasonable options, it may be seriously wrong so to employ someone who, because of her religion, sex, skin color, or nationality cannot find another job. By paying such a person half of what persons of different faith or sex or color or nationality get paid for the same work, the corporation would be taking advantage of an injustice. It is unclear whether such corporate conduct amounts to a human rights violation. But we may hope to get clearer about this question by examining how this notion is related to omissions and to social institutions.

1.1.2. 'Causes' of Type Two: Omissions (Interactional Failures to Alleviate)

Cases of this type were already mentioned briefly. Here some agents can act so as to alleviate severe poverty that they had no role in creating or maintaining.

Many reject a moral duty to help in such cases as absurd. If there were such a duty, would not affluent persons be required to give most of their incomes for poverty eradication efforts in the poor countries? This requirement conflicts with moral convictions that are widely shared—among those who would be subject to the requirement. However, their special position with respect to the purported duty should cast doubt on the reliability of their moral intuitions. They may well

have a far more vivid sense of the burden such a requirement would impose upon themselves than they have of the much greater burdens of hunger and disease it would alleviate.

Moreover, the rejection as sketched commits the mistake exposed above (p. 14), by presenting the options in stark binary terms. Even if it is true that agents are not morally required to relieve *all* life-threatening poverty they can alleviate, they may still be morally required to relieve *some*. There are two obvious ways of limiting the demandingness of such a duty. It may be tied to some special relationship between those in severe poverty and those in a position to ease their plight. The duty may, for instance, apply only to relatives, neighbors, compatriots, or those who, immediately confronted with severe poverty, are salient in comparison to others also able to help. The demandingness of a duty of alleviation might also be limited by requiring only that one do one's fair share toward poverty alleviation (Murphy 2000). This limit works not by limiting the class of poor people one must help, but by limiting how much one must do in total.

Obviously, limits of both kinds can be combined. Thus one might say that a human right to basic necessities gives each human being in severe poverty a claim against only her more affluent relatives who must each do their fair share toward protecting her from severe poverty.

Still, even such a limited moral requirement may seem problematic. If you have relatives who are very poor through no fault of yours, and if you do nothing to relieve their severe poverty even while you have the ability to do so, can you really then be condemned as a *violin* of their human rights? Most affluent people believe that the answer is no. They hold that one is not a human rights violator merely for failing to help or protect someone whose human rights are unfulfilled or threatened. One violates human rights only if one deprives others of the objects of their human rights or actively renders their access to these objects insecure. Someone who merely fails to protect others' secure access to the objects of their human rights is not, for this reason alone, a human rights violator.

The issue is contested. Many—including some authors in this volume—argue that human rights do impose such duties to protect and to aid. Henry Shue (1996a), though he uses the language of 'basic rights', is an important early example of this view, as is David Luban, who writes: 'A human right, then, will be a right whose beneficiaries are all humans and whose obligors are all humans in a position to effect the right' (Luban 1985: 209).

I have considerable sympathies with both sides of this controversy. My *moral* sympathies lie with those who are appalled by how the vast majority of affluent people ignore the massive underfulfillment of human rights in the present world—even when they do not doubt that they can prevent terrible deprivations at low cost to themselves. I agree that such disregard is morally impermissible and profoundly wrong. Yet, my *intellectual* sympathies lie with those who hold that an agent's failure at low cost to protect and to rescue others from extreme deprivation, however morally appalling, is not a human rights violation.

Much of this persistent disagreement can possibly be explained, and perhaps narrowed, by distinguishing clearly two different ways in which a human right may

entail a duty. The first way is direct, by correlativity: *B*'s duty not to participate in torturing *A* is correlative to, and in this way entailed by, *A*'s right not to be tortured. Here any violation of the duty is *ipso facto* a violation of the right. The second way is indirect, by presupposition: Any plausible rationale for a human right not to be tortured implies a moral duty to protect people from torture when one can do so at negligible risk or cost to oneself and others. There may well be duties that are entailed by human rights only in the second way: If torture is so horrible that one must not engage in it even when a great deal is at stake, then it is hard to deny that one ought to save a person from torture when one can do so at small cost. If this inference is indeed undeniable, then the human right entails the moral duty. But this entailment does not show that the duty is *correlative* to the human right, that any violation of the duty is also a violation of the right.

The distinction just drawn is important on the plausible assumption that any human rights violation may *in principle* be prevented by force—which means that some (not necessarily all) agents are morally permitted to use force to prevent the violation provided this can be done without disproportional harm to the would-be violator or others. Thus, if failures to prevent torture when one could prevent it at negligible risk or cost are themselves human rights violations, then it is in principle permissible to force people to prevent torture under such conditions. And likewise for failures to aid the starving. Some embrace this conclusion and applaud, for example, theft from the affluent for the relief of severe poverty (Unger 1996). But many reject this conclusion; and it is important to show them that this rejection is consistent with recognizing stringent moral duties, entailed by human rights, whose violation does not constitute a human rights violation.

To reach widely sharable conclusions about when severe poverty decidedly *is* a human rights violation, let me focus exclusively then on *negative duties* correlative to human rights: duties not to harm others in certain specific ways. This focus is consistent with affirming (or denying) that human rights also entail stringent moral duties to help and protect and with affirming or denying the in-principle enforceability of such positive duties. But my focus places these issues outside the scope of the present essay.

It is instructive, I think, to examine severe poverty in the world today under this restrictive assumption. Such an examination highlights the minimal constraints one's conduct must uncontroversially meet if it is not to be human rights violating. That these constraints are negative duties means that they require only omissions, not acts, and that they can be violated only by acts, not by omissions. Agents must refrain from (actively) causing others' human rights to be unfulfilled.

The distinction between acts and omissions is notoriously hard to make precise. An agent can behave (move her body) in many different ways, and it is hard to sort all these different possible courses of conduct into those that constitute passive omissions with regard to a certain situation and those that constitute active interference. Suppose Bob is in danger of drowning far out at sea. Jill is nearby with her boat. She sees Bob struggling in the water, but sails away. There are different ways of describing this case. On one description, Jill fails to rescue Bob and her conduct thus constitutes an omission. On another description, Jill does

not remain passive, but rather actively sails the boat out of Bob's reach. Those who find the first description morally significant can say that Jill did not harm Bob because he would have died even if Jill had not been on the scene at all. Jill need therefore not be mentioned in a causal account of Bob's death. Those who see the second description as the morally significant one can say that Jill harmed Bob because he would not have died had she not sailed her boat away from him. So Jill's conduct does play a causal role in Bob's death.

How can one resolve such disputes about what might be called the appropriate *passivity baseline*? For determining which course of conduct by one agent is to count as 'remaining passive' with respect to another's predicament, can we rely on how the latter would have fared in the absence of the former? To understand this idea, we must first decide how to 'slice' the relevant agent's conduct in the time dimension. Let me illustrate this point with another case. Suppose drought is destroying your garden while you are on vacation. Your neighbor could easily water your plants, but she does nothing. Before you left, she had agreed to look after your garden during your absence (as you had looked after hers on earlier occasions). One might say that what your neighbor is responsible for is a mere omission—had she been absent from the scene, your plants would still have died. But this view depends on selecting a certain short period of her conduct for examination. Selecting instead a larger time frame that extends backward in time, we could say that she actively brought about the damage through a complex course of conduct in which she first agreed to look after your garden, causing you to rely on her, and then failed to act as agreed. Had she not been 'on the scene' in this more expansive sense, then you would have stayed home or asked someone else for this favor and, either way, your garden would have survived.⁸

This question of time frame is highly relevant to severe poverty in the poor countries. Taking a very narrow time frame, it may seem that the relation of the affluent countries and their citizens to poverty abroad is one of potential helpers who can at most be accused of failing sufficiently to alleviate severe poverty, thereby violating a merely positive duty. Taking a larger time frame, it appears that the rich countries played a significant causal role in the recent perpetuation of severe poverty by working hard to persuade and entice the political elites of the poor countries to accept the rather lopsided terms of WTO globalization. An even larger time frame would bring colonialism, slavery and genocide into the picture. Such a very large time frame is often rejected as obviously absurd: How can we hold the present citizens of affluent countries responsible for crimes these countries committed fifty-plus years ago? Surely, we do not inherit our ancestors' sins! But the same people who make this argument strangely see no problem in their inheriting the fruits of those sins. They feel quite entitled to possess and defend the wealth their ancestors acquired fifty-plus years ago through these very crimes committed against foreigners. Many societies owe the very land they occupy and all its natural resources to genocidal conquest.

⁸ See Bennett (1995) for much more detailed discussion of such considerations.

The different ways of specifying time frames and of distinguishing acts and omissions show, one might say, that there is a conventional element in the causal explanations we give. When a toddler drowns in a shallow pond, our reports would certainly mention in an explanatory vein the presence of adults nearby who did nothing to help. When street children starve in a poor slum, our reports (if this gets reported at all) would probably not mention that the tourists in the nearby hotel regard these children as a pest and ignore their entreaties. Insofar as the conventional element in the causal explanations we give is thus informed by our moral expectations, there is the danger of circularity: We morally expect adults to help toddlers in trouble, therefore we regard the adult bystanders as a causally relevant factor in the toddler's death, and therefore we hold the adults responsible for this death. We do not morally expect tourists to help street children, therefore we do not regard the tourists as a causally relevant factor in the children's hunger, and therefore we do not hold those tourists responsible for starvation deaths among these children. What looked like a moral distinction based on an empirical one turns out to be a self-validating moral prejudice.

We have caught a glimpse of how difficult it is to make precise the intuitive distinction between acts and omissions, between positive and negative duties, in a way that is morally unbiased and thus widely acceptable to persons with different views about human rights and correlative duties. One might conclude from this difficulty that no moral weight should be placed on the distinction. On such a view, conduct should be assessed by its relative impact alone: If you behaved in a way that foreseeably led to a person's death even while you could have behaved in another way that would not have led to her death, then you are morally responsible for this death regardless of how active or passive, socially expected or unexpected, your actual and hypothetical alternative conduct may have been.

But this conclusion—defended by act-utilitarians and act-consequentialists more generally—is hard to accept. An affluent person who, in order to save \$80, fails to respond to an invitation to sponsor a child in Mali with the predictable result that this child dies—such a person is not morally on a par with an affluent person who kills a child for a \$80 benefit. As Wittgenstein remarked (1976: §556), 'the fact that the border between two countries is in dispute does not put the citizenship of all their inhabitants in question'. Similarly, the fact that we cannot draw an *exact* line between acts and omissions, between positive and negative duties, does not mean that we cannot apply this distinction to *any* piece of human conduct. In most cases, agreement on how to apply the distinction can be achieved in a way that sustains the near-universal conviction that detrimental relative impact of our acts is morally more significant than equally detrimental relative impact of our omissions.

Given this shared conviction, there may be significant advantages to conceiving human rights violations narrowly as breaches of negative duties. Doing so makes applications of the label more widely acceptable and also focuses attention more sharply on the kinds of misconduct it is most urgent to end. The insistence that an affluent person, in virtue of disregarding positive duties to feed, save and rescue persons caught in life-threatening poverty through no fault of their own, may be a

violation of their human rights leads many to dismiss out of hand a human right to basic necessities. In fact, many who are eager to reject such a right without much thought *want* to see it formulated in this way.

Of course, a narrow conception of human rights violations brings a corresponding disadvantage: it affords less protection to the poor and oppressed. We cannot assess how big a disadvantage this is in the real world, however, without examining more closely to what extent the actual underfulfillment of human rights is due to violations of correlative negative duties, and which conduct by which agents constitutes violations of these negative duties.

Concluding this subsection, let us consider the objection that my cautions are overdone. It is widely accepted, after all, that a person's human rights impose positive duties on her government—and thereby, mediately, on her fellow citizens, who must give political and economic support to the governmental protection of human rights. It is widely accepted that citizens' human right to physical integrity gives them a moral claim against their government to operate an effective criminal justice system that prevents and deters assaults. Therefore, the objection concludes, by leaving human rights-based positive duties aside, I am conceding a point that is not seriously contested, even by most libertarians.

My response takes shape throughout the remainder of this essay. But let me offer a brief preview. Human rights are indeed widely understood as giving persons a moral claim to protective action by their government; and I certainly do not want to compromise this understanding. But why is this moral claim thought to be limited to each person's own state? What are we to make of the fact that human rights are not understood as giving persons similar moral claims against foreign governments and foreign citizens, who may be in a much better position, financially, to help underwrite a poor country's criminal justice system?

One response would hold that this common view is simply mistaken: Correctly understood, human rights do give their bearers moral claims against all human agents able to help fulfill the right. This response leads right back into the persistent disagreement discussed above which I am here trying to circumvent.

Another explanation holds that we have here a conventional division of labor built into our understanding of human rights: The positive duties correlative to human rights will be discharged more efficiently if the bearers of these duties focus their efforts within their own country. But this explanation is doubly implausible. It is plainly untrue that the fulfillment of human rights is efficiently promoted when those whose human rights are most massively and severely underfulfilled, the poor people in poor countries, are isolated from those best able to protect them. Moreover, this explanation leaves out what most would regard as highly relevant to citizens' moral claims to be protected by their government: the fact that this government subjects them to the coercive authority of its rules.

This last point suggests what I think is the best explanation: A government's positive obligation to protect the human rights of those it rules is best understood as entailed by a negative duty in much the same way as your neighbor's positive obligation to water your garden. Your moral right imposes a general

negative duty on all other agents that they not make a commitment to you and then fail to honor it. Those who make no commitment to you fulfill this duty trivially. But the neighbor who made the commitment fulfills this negative duty only if she then acts as agreed. Likewise, a person's human rights impose a general negative duty on all other human agents that they not participate in imposing upon her an institutional order under which, foreseeably and avoidably, she lacks secure access to some of the objects of her human rights. Those who do not so participate fulfill this duty trivially. But those who do participate in imposing an institutional order upon her fulfill this negative duty only if they see to it that the rules they help impose afford those on whom they are imposed secure access to the objects of their human rights, insofar as this is reasonably possible.⁹

One may think that there is a significant difference between the two cases: Your neighbor consents to a task and thus to specific positive obligations. But those who participate in imposing an institutional order may not want, nor believe that they ought, to safeguard the human rights of those subjected to this order. In response, this difference is less deep than it appears. For your neighbor may neither want to, nor believe that she ought to, live up to her verbal commitment. Thus, to explain that her commitment binds her, we must invoke a moral principle whose authority and content are independent of her consent.

To dispel the doubt fully, let me present another parallel case where the feature of explicit consent is lacking. We believe that your ownership rights impose a general negative duty on all others not to use your property without permission. However, we also recognize certain emergency exceptions: I may use your car when I need it to rush someone to the hospital and I may break into your hut to save myself from a blizzard. But, when I use your property without permission in such emergency situations, I have a positive moral obligation to compensate you (for your gasoline and taxi expenses, or for any damage I caused to your hut). Fully spelled out, your ownership rights thus impose a general negative duty on all others not to use your property without permission except in emergency situations with full compensation. Those who never use your property without permission fulfill this duty trivially. But for those who, in an emergency, do use your property without permission, the negative duty entails a positive obligation whose content is independent of their consent: They must do their best to ensure that you are fully compensated (Pogge 2005c: 68–9).

I believe that, in analogy to such compensation, human rights should be understood as giving rise to minimal moral claims against those who participate in imposing social institutions. Human agents may participate in imposing social institutions only if they are also willing to help ensure that the human rights

⁹ The last subclause indicates this qualification: Imposing an institutional order under which a human rights deficit foreseeably persists may not violate negative duties when a human rights deficit of this magnitude is either unavoidable or avoidable only at great cost in terms of culture, say, or the natural environment.

of those subjected to these institutions are fulfilled insofar as this is reasonably possible.¹⁰

1.1.3. Causes of Type Three: Social Institutions

Subsections 1.1.1 and 1.1.2 point to the great and increasing importance of social institutions. The discussion of omissions suggests that a very important source of positive obligations with regard to severe poverty in the modern world is our negative duty not to participate in the imposition of social institutions under which some avoidably lack secure access to the objects of their economic human rights. Our discussion of acts suggests that among the causal factors that are relevant to the incidence of severe poverty and afford good visibility, institutional factors are the most important.

The visibility afforded by institutional factors—by the rules governing economic interaction, most notably—is different, however, from the visibility enjoyed by corporations (as discussed above). When a government raises tax rates, for instance, the relative impact of this decision on the incidence of poverty and unemployment a year later may be predictable, at least roughly. ('Relative impact' here means the difference between what the incidence of unemployment *will be* at time *t* and what it *would have been* at *t* had the government not raised tax rates.) But it is not predictable which particular persons will suffer unemployment at *t* while they would have been employed at *t* if tax rates had been left unchanged. Even at *t* and thereafter it will still be unknowable who among the unemployed at *t* would be employed at *t* if tax rates had been left unchanged.

This kind of ignorance is problematic in the court room. It may be known that the people living around a polluting factory have a five times greater chance of dying prematurely from cancer than people in general and yet impossible to demonstrate of any particular cancer death that it was caused by (would not have occurred in the absence of) the pollution.

From a moral standpoint, however, this ignorance is not problematic. Even if it is unknown *which* deaths were caused by the polluting factory, it may be known roughly *how many*. And this suffices for moral assessment. Recall the rules Stalin imposed on the USSR economy in 1930–3. Even if one cannot say with certainty of any of the children, women, and men who died during this period that he or she would have survived had Stalin not imposed his noxious economic structure, it is evident nonetheless that there would have been some 7–10 million fewer deaths under feasible alternative economic institutions. It is known that Stalin's policies caused *excess poverty* and *excess mortality* from poverty-related causes, and these excesses can be quantified—albeit roughly, to be sure. This suffices for the judgment that Stalin's policies killed 7–10 million people.

¹⁰ See Pogge (2002a: ch. 2, 2002b) for more detail. While I see human rights as the weightiest moral constraints on the imposition of an institutional order, I leave open here whether there are other such constraints and, if so, what they are. Different conceptions of social justice will differ on these points.

In the modern world, the rules governing economic transactions—both nationally and internationally—are the most important causal determinants of the incidence and depth of poverty. They are most important because of their great impact on the economic distribution within the jurisdiction to which they apply. Thus, even relatively minor variations in a country's laws about tax rates, labor relations, social security, and access to health care and education can have a much greater impact on poverty there than even large changes in consumer habits or in the policies of a major corporation. This point applies to the global institutional order as well. Even small changes in the rules governing international trade, lending, investment, resource use, or intellectual property can have a huge impact on the global incidence of life-threatening poverty.

Another reason why rules governing economic transactions are the most important causal determinants of the incidence and depth of poverty in the modern world derives from their greater visibility. To be sure, like the conduct of individual and collective agents, rule changes can have unintended and even unforeseeable effects. But with rules it is much easier to diagnose such effects and to make corrections. Assessing adjustments of the rules within some particular jurisdiction is relatively straightforward. One can try to estimate how a rise in the minimum wage, say, has affected the unemployment rate and per capita income in the bottom quintile. (Of course, there are other things happening in the economy besides the change in the minimum wage, so the exercise is complex and imprecise. Still, exercises of this sort can be done, and *are* done, sufficiently well in many countries.) It is more difficult, by contrast, to assess the relative impact of variations in the conduct of individual or collective agents. Such an assessment can be confined to the persons immediately affected—for example, to the employees of a corporation or to the inhabitants of a town in which an aid agency is running a project. But such a confined assessment is vulnerable to the charge of ignoring indirect effects upon outsiders. For example, when an aid agency distributes food in an impoverished town, dramatically improving the health of the townspeople, it can be claimed that the importation of free food reduces food prices in the larger region, thereby impoverishing peasants and reducing the incentives to grow food. In response to such a charge, one can try to assess the impact of the aid project upon the nutritional situation of the whole country over a period of five years, say. But within this larger frame, the aid project is a small factor whose effects are hard to discern against the background noise of many other causal factors.

A further reason why rules governing economic transactions are the most important causal determinants of the incidence and depth of poverty in the modern world is because morally successful rules are so much easier to sustain than morally successful conduct. This is so, because individual and collective agents are under continuous counter-moral pressures not merely from their ordinary self-interested concerns, but also from their competitive situation as well as from considerations of fairness. These phenomena are illustrated by the case of competing corporations, each of which may judge that it cannot afford to pass up immoral opportunities to take advantage of its employees and

customers because such unilateral self-restraint would place it at an unfair competitive disadvantage vis-à-vis its less scrupulous competitors. Domestically, this sort of problem can be solved through changes in the legal rules that require all corporations, on pain of substantial penalties, to observe common standards in their treatment of customers and employees. Corporations are often willing to support such legislation (to improve the image of their industry, perhaps) even while they are unwilling to risk their competitive position through unilateral good conduct.

Similar considerations apply in the international arena, where corporations and governments compete economically. Given their concern not to fall behind in this competition and not to be unfairly handicapped through unilateral moral efforts and restraints, it is perhaps not surprising (though still appalling) that individuals, corporations, and governments have been so reluctant to make meaningful efforts toward eradicating global poverty. Most affluent countries have never gone anywhere near devoting 0.7% of their GNI to official development assistance (ODA)—a goal the UN adopted decades ago as a target to be reached by 1975. In fact, ODA shrank throughout the prosperous 1990s, from 0.33% in 1990 to 0.22% in 2000.¹¹ In the aftermath of the invasions of Afghanistan and Iraq, ODA is back to 0.33% in 2005,¹² but only about one-tenth of this \$106 billion in ODA is spent on 'basic social services': basic education, primary health care (including reproductive health and population programs), nutrition programs, and safe water and sanitation as well as the institutional capacity for delivering these services.¹³

Again, it is possible that affluent governments and corporations could bring themselves to act much better by adopting legal norms that apply to them all and thereby relieve each of the fear that its own good conduct will unfairly disadvantage it and cause it to lose ground against its competitors. Successful efforts to reduce poverty within states exemplify this model of structural reform rather than individual moral effort. To be sure, this thought is not new, and governments have been very reluctant to commit themselves, even in joint mutuality, to serious global anti-poverty measures. Their solemn promise to halve global poverty by

¹¹ See UNDP (2002: 202). The United States led the decline by reducing its ODA from 0.21 to 0.10% of GNP in a time of great prosperity culminating in enormous budget surpluses (*ibid.*).

¹² US ODA was 0.22% in 2005—much of that going to occupied Afghanistan and Iraq and to General Musharraf's Pakistan (www.oecd.org/document/40/0,2340,en_2649_33721_36418344_1_1_1_1,00.html).

¹³ See millenniumindicators.un.org/unsd/mdg/SeriesDetail.aspx?srid=592&crd=. Official spending on poverty avoidance is complemented by \$7 billion in annual donations from individuals and corporations worldwide (UNDP 2003: 290). The vast majority of ODA is spent for the benefit of agents more capable of reciprocation, as is well expressed in this statement recently removed from the USAID's main website: 'The principal beneficiary of America's foreign assistance programs has always been the United States. Close to 80 percent of the US Agency for International Development's (USAID's) contracts and grants go directly to American firms. Foreign assistance programs have helped create major markets for agricultural goods, created new markets for American industrial exports and meant hundreds of thousands of jobs for Americans'.

2015 has been reiterated—in cleverly weakened formulations¹⁴—but has yet to result in serious implementation efforts.

This discouraging historical evidence suggests that improvements in the global institutional order are difficult to achieve and difficult to sustain. However, this fact does not undermine my hypothesis that such structural improvements are *easier* to achieve and much *easier* to sustain than equally significant unilateral improvements in the conduct of individual and collective agents. We know how much money individuals, corporations, and the governments of the affluent countries are now willing to set aside for global poverty eradication: about \$18 billion annually (n. 13). This amount is very small in comparison to the harms inflicted on the global poor by evident injustices in the present global order (to be discussed in section 1.2). It is very small also in comparison to what would be required for substantial progress: The amount needed in the first few years of a serious offensive against poverty is closer to \$320 billion annually.¹⁵ It is not realistic to hope that we can achieve such a 18-fold increase in available funds through a moral change of heart of the relevant agents: affluent individuals, corporations, and governments. It is *more* realistic—though admittedly still rather unrealistic—to seek substantial progress on the poverty front through institutional reforms that make the global order less burdensome on the global poor. Accepting such reforms, affluent countries would bear some opportunity costs of making the international trade, lending, investment, and intellectual-property regimes fairer to the global poor as well as some costs of compensating for harms done—for example by helping to fund basic health facilities, vaccination programs, basic schooling, school lunches, safe water and sewage systems, basic housing, power plants and networks, banks and microlending, road, rail, and communication links where these do not yet exist. If such a reform program is to gain and maintain the support of the citizens and governments of affluent countries, it must distribute such costs and opportunity costs fairly among them in a reliable and

¹⁴ At the World Food Summit in Rome, organized by the FAO in November 1996, the 186 participating governments agreed to ‘pledge our political will and our common and national commitment to achieving food security for all and to an on-going effort to eradicate hunger in all countries, with an immediate [!] view to reducing the *number* of undernourished people to half their present level no later than 2015’ (*Rome Declaration*, my emphasis). The *UN Millennium Declaration* proclaimed in September of 2000 commits states ‘to halve, by the year 2015, the *proportion* of the world’s people whose income is less than one dollar a day and the proportion of people who suffer from hunger’ (my emphasis). While the old formulation aimed for a 50% reduction in the number of extremely poor people between 1996 and 2015, the new formulation—taking advantage of the 45% increase projected for 1990–2015 in the population of the poorer countries and a large 1990–2000 poverty reduction in China—aims for only a 19% reduction in this number between 1996 and 2015. See Pogge (2004a) for fuller analysis.

¹⁵ See Pogge (2002a: ch. 8), basing this ballpark figure on the aggregate poverty gap relative to the World Bank’s higher \$2 per day poverty line. Amazingly, \$320 billion is only 0.71% of the global product or 0.90% of the combined GNIs of the affluent countries (World Bank 2006: 289)—considerably less than annual US military spending (\$466 billion in 2004) or the annual ‘peace dividend’ the high-income countries are still reaping from the end of the Cold War (c. \$724 billion, cf. n. 42). Bearing its fair share of such a serious offensive against global poverty would be cheaper for the US than its current occupations of Iraq and Afghanistan.

transparent way, assuring them that their competitive position will not be eroded through others’ noncompliance.

The path of global institutional reform is far more realistic and sustainable for three obvious reasons. First, the costs and opportunity costs each affluent citizen imposes on herself by supporting structural reform is extremely small relative to the contribution this reform makes to avoiding severe poverty. The reform lowers your family’s standard of living by \$900 annually, say, while improving by \$300 annually the standard of living of hundreds of millions of poor families. By contrast, a unilateral donation in the same amount would lower your family’s standard of living by \$900 annually while improving by \$300 annually the standard of living of only three poor families. Given such payoffs, rational agents with some moral concern for the avoidance of severe poverty will be far more willing to support structural reform than to sustain donations.¹⁶ Second, structural reform assures citizens that costs and opportunity costs are fairly shared among the more affluent, as discussed. And third, structural reform, once in place, need not be repeated, year after year, through painful personal decisions. Continual alleviation of poverty leads to fatigue, aversion, even contempt. It requires affluent citizens to rally to the cause again and again while knowing full well that most others similarly situated contribute nothing or very little, that their own contributions are legally optional and that, no matter how much they give, they could for just a little more always save yet further children from sickness or starvation. Today, such fatigue, aversion and contempt are widespread attitudes among citizens and officials of affluent countries toward the ‘aid’ they dispense and its recipients.

For these reasons, I believe that the idea of severe poverty as a human rights violation should be focused, first and foremost, on social institutions—on each country’s institutional order and also, and especially, on the global institutional order as well. Emphasizing this point is not meant to discourage efforts to work out what claims poor people have, in virtue of their social and economic human rights, *directly* against individual and collective agents. It is merely meant to explain why I am concentrating on the different project of working out what claims poor people have, in virtue of their social and economic human rights, on social institutions imposed upon them and thus *indirectly* against the individual and collective agents upholding these social institutions. In working on this project, I take inspiration from the Universal Declaration of Human Rights (UDHR), which does not merely postulate social and economic human rights—

Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care (Article 25)—

but also emphasizes the relevance of such social and economic human rights to the design of the national and global institutional order:

Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized (Article 28; see Article 22).

¹⁶ I owe full appreciation of the importance of this point to a discussion with Derek Parfit.

My hypothesis is that any institutional order that foreseeably produces a reasonably avoidable excess of severe poverty and of mortality from poverty-related causes manifests a human rights violation on the part of those who participate in imposing this order. In the present world, this hypothesis has important implications especially for the global institutional order and for the national institutional schemes of most countries in which severe poverty persists. In what follows, I focus on the first of these cases, on the present global institutional order, partly to complement the work of development economists who have concentrated too one-sidedly on how national institutional schemes foreseeably produce and aggravate severe poverty.

1.2. HOW FEATURES OF THE PRESENT GLOBAL ORDER CAUSE MASSIVE SEVERE POVERTY

Each day, some 50,000 human beings—mostly children, mostly female, and mostly people of color—die from starvation, diarrhea, pneumonia, tuberculosis, malaria, measles, perinatal, and maternal conditions and other poverty-related causes. This continuous global death toll matches that of the December 2004 tsunami every few days, and it matches, every three years, the entire death toll of World War II, concentration camps and gulags included.

I believe that most of this annual death toll and of the much larger poverty problem it epitomizes are avoidable through minor modifications in the global order that would entail at most slight reductions in the incomes of the affluent. Such reforms have been blocked by the governments of the affluent countries, which are ruthlessly advancing their own interests and those of their corporations and citizens, designing and imposing a global institutional order that, continually and foreseeably, produces vast excesses of severe poverty and premature poverty deaths.

There are three main strategies for denying this charge. One can deny that variations in the design of the global order have any significant impact on the evolution of severe poverty worldwide. Failing this, one can claim that the present global order is optimal or close to optimal in terms of poverty avoidance. And, should this strategy fail as well, one can still contend that the present global order, insofar as it is suboptimal in terms of poverty avoidance, is not *causing* severe poverty but merely failing to alleviate such poverty (caused by other factors) as much as it might. I will discuss these three strategies in this sequence.

1.2.1. The Purely Domestic Poverty Thesis

Those who wish to deny that variations in the design of the global institutional order have a significant impact on the evolution of severe poverty explain such poverty by reference to national or local factors alone. John Rawls is a prominent

example. He claims that, when societies fail to thrive, 'the problem is commonly the nature of the public political culture and the religious and philosophical traditions that underlie its institutions. The great social evils in poorer societies are likely to be oppressive government and corrupt elites'.¹⁷ '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. . . . The political culture of a burdened society is all-important . . . Crucial also is the country's population policy' (Rawls 1999b: 108). Accordingly, Rawls holds that our moral responsibility with regard to severe poverty abroad can be fully described as a 'duty of assistance' (ibid. 37–8, 106–20).

It is well to recall briefly that existing peoples have arrived at their present levels of social, economic, and cultural development through a historical process that was pervaded by enslavement, colonialism, even genocide. Though these monumental crimes are now past, their legacy of great inequalities would be unacceptable even if peoples were now masters of their own development. In response, it is often said that colonialism is too long ago to help explain poverty and radical inequality today. But consider the 30:1 gap in per capita income in 1960, when Europe released Africa from the colonial yoke. Even if Africa had consistently enjoyed growth in per capita income one full percentage point above Europe's, this gap ratio would still be 19:1 today. At this rate, Africa would be catching up with Europe in 2302.

Consider also how such a huge economic gap entails inequalities in the competence and bargaining power that Africans and Europeans can bring to bear in negotiations about the terms of their interactions. Relations structured under so unequal conditions are likely to be more beneficial to the stronger party and thus tend to reinforce the initial economic inequality. This phenomenon surely plays some role in explaining why the gap in per capita income has actually widened to over 40:1, showing that, since decolonization, average annual growth in per capita income was much lower in Africa than in Europe.¹⁸ Rawls (implausibly) finds such entrenched economic inequality morally acceptable when it originates in earlier choices freely made within each people. But his justification is irrelevant to this world, where our enormous economic advantage is deeply tainted by how it accumulated over the course of *one* historical process that has devastated the societies and cultures of four continents.

Let us leave aside the continuing legacies of historical crimes and focus on the empirical view that, at least in the post-colonial era which brought impressive

¹⁷ Rawls (1993b: 77)—echoing Michael Walzer: 'it is not the sign for some collective derangement or radical incapacity for a political community to produce an authoritarian regime. Indeed, the history, culture, and religion of the community may be such that authoritarian regimes come, as it were, naturally, reflecting a widely shared world view or way of life' (Walzer 1980a: 224–5).

¹⁸ Data from the World Bank's WDI database (devdata.worldbank.org/dataonline). In 2005, annual GNI per capita was \$745 in sub-Saharan Africa versus \$35,131 in the high-income countries (World Bank 2006: 289)—at 47:1 ratio.

growth in global per capita income, the causes of the *persistence* of severe poverty, and hence the key to its eradication, lie within the poor countries themselves.

Many find this view compelling in light of the great variation in how the former colonies have evolved over the past forty years. Some of them have done very well in economic growth and poverty reduction while others exhibit worsening poverty and declining per capita incomes. Is it not obvious that such strongly divergent national trajectories must be due to differing *domestic* causal factors in the countries concerned? And is it not clear, then, that the persistence of severe poverty is due to local causes?

However oft-repeated and well-received, this reasoning is fallacious. When national economic trajectories diverge, then there must indeed be local (country-specific) factors at work that explain the divergence. But it does not follow that global factors play no role. Consider this parallel: There are great variations in the performance of my students, which must be due to local (student-specific) factors. But it does not follow that these factors fully explain the performance of my class. Clearly, 'global' factors—including the teacher, reading materials, teaching times, classroom, libraries, etc.—also play an important role. They can greatly influence the overall progress of a class—and even the distribution of this progress, as when a racist or sexist teacher impedes the learning of his black or female students.

Exposure of the popular fallacy does not yet settle the issue. Dramatic divergences in national poverty trajectories do not prove that global institutional factors exert no powerful influence on the evolution of severe poverty worldwide. But is there such an influence? It is hard to doubt that there is. In the modern world, the traffic of international and even intranational economic transactions is profoundly shaped by an elaborate system of treaties and conventions about trade, investments, loans, patents, copyrights, trademarks, double taxation, labor standards, environmental protection, use of seabed resources, and much else. These different aspects of the present global institutional order realize highly specific design decisions within a vast space of alternative design possibilities. It is incredible on its face that all these alternative ways of structuring the world economy would have produced the same evolution in the overall incidence and geographical distribution of severe poverty worldwide.

And yet this is the conclusion one may easily come to when one studies what the experts write about poverty. Across several academic disciplines, there is a vast literature analyzing the causal roles of local factors, such as climate, natural environment, resources, food habits, diseases, history, religion, culture, social institutions, economic policies, leadership personalities, and much else.¹⁹ Advice dispensed by development economists and others is also overwhelmingly focused on the design of national economic institutions and policies while taking the global institutional context as a given. Thus, libertarian economists of the 'freshwater' school (so dubbed because its leading lights have taught in Chicago)

¹⁹ Some widely read recent contributions are Landes (1998), Diamond (1999), Harrison and Huntington (2001), and Sachs (2005). But there are hundreds more.

argue that a country's best way to expel human misery is economic growth and its best way to achieve economic growth is to foster free enterprise with a minimum in taxes, regulations, and red tape. A competing school of thought, represented by Amartya Sen, contends that poverty persists because poor countries have *too little* government: public schools, hospitals, and infrastructure. Sen's favorite poster child is the Indian state of Kerala where leftist governments have given priority to fulfilling basic needs and have thereby achieved more for that population's health, education, and life expectancy than the governments of other, more affluent Indian states. These hot and worthwhile debates about appropriate economic policies and social institutions for the poor countries crowd out any inquiry into the causal role that the rules of our globalized world economy may play in the persistence of severe poverty.

This research bias among social scientists is surely partly due to bad reasons: They, and their readers, are overly impressed by dramatic international divergences in economic performance; and they, like their compatriots, feel emotionally more comfortable (and careerwise more confident) with work that traces the persistence of severe poverty abroad back to national and local causes abroad rather than to global institutional arrangements their own governments are involved in designing and upholding. But there is also a good methodological reason for the research bias toward national and local causes: There being only this one world to observe, it is hard to obtain solid evidence about how the overall incidence of poverty would have evolved differently if this or that global factor had been different. By contrast, evidence about the effects of national and local factors can be gleaned from simultaneous observation of many poor countries that differ in their natural environment, history, culture, political and economic system, and government policies.

For various good and bad reasons, economists pay little attention to how the design of the global institutional order influences the evolution of severe poverty worldwide. As a consequence, we have little evidence about the relative impact of the various features of the global order. Such lack of evidence of impact is often perceived as evidence of lack of impact. But this inference is, of course, fallacious. And evidence is not, in any case, completely lacking. As will be shown, there is enough evidence to support at least rough judgments about the causal role of global institutional factors in the persistence of severe poverty. This matter is further discussed in 1.2.2 and 1.2.3.3.

1.2.2. The Panglossian View of the Present Global Order

Once it is accepted that how we structure the world economy makes a difference to the evolution of poverty worldwide, it becomes interesting to examine the present global institutional order in regard to its relative impact on severe poverty. Here it is often claimed that we live, in this regard, in the best of all possible worlds: that the present global order is optimal or nearly optimal in terms of poverty avoidance.

A commonsensical way of doubting this claim might develop a counterhypothesis in four steps: First, the interest in avoiding severe poverty is not the only interest to which those who negotiate the design of particular aspects of the global institutional order are sensitive. Any such negotiators are likely to be sensitive also to the interest of their home government in its domestic political success and, partly as a consequence of this, sensitive to their compatriots' interest in economic prosperity. Second, at least with negotiators for the more affluent states, these 'nationalist' interests are not (to put it mildly) perfectly aligned with the interest in global poverty avoidance. In negotiations about the design of the global order, particular decisions that are best for the governments, corporations, or citizens of the affluent countries are not always best in terms of avoiding severe poverty elsewhere. Third, when faced with such conflicts, negotiators for the affluent states generally (are instructed to) give precedence to the interests of their own country's government, corporations, and citizens over the interests of the global poor. Fourth, the affluent states enjoy great advantages in bargaining power and expertise. With only 15.7% of the world's population, the high-income countries have 79% of the world's income (World Bank 2006: 289) and can therefore exact a high price for access to their gigantic markets. Their advantages in bargaining power and expertise enable the affluent states and their negotiators to deflect the design of the global order from what would be best for poverty avoidance toward a better accommodation of the interests of the governments, corporations, and citizens of the affluent countries. These four steps lead to the commonsensical counterhypothesis: We should expect that the design of the global institutional order reflects the shared interests of the governments, corporations, and citizens of the affluent countries more than the interest in global poverty avoidance, insofar as these interests conflict.

There is a great deal of evidence that this counterhypothesis is true. Let me offer, for instance, this quote from *The Economist* magazine which—being strongly supportive of WTO globalization and having vilified, on its cover and in its editorial pages, the protesters against this globalization as enemies of the poor²⁰—is surely not biased in my favor:

Rich countries cut their tariffs by less in the Uruguay Round than poor ones did. Since then, they have found new ways to close their markets, notably by imposing anti-dumping duties on imports they deem 'unfairly cheap.' Rich countries are particularly protectionist in many of the sectors where developing countries are best able to compete, such as agriculture, textiles, and clothing. As a result, according to a new study by Thomas Hertel, of Purdue University, and Will Martin, of the World Bank, rich countries' average tariffs on manufacturing imports from poor countries are four times higher than those on imports from other rich countries. This imposes a big burden on poor countries. The United Nations Conference on Trade and Development (UNCTAD) estimates that they could export \$700 billion more a year by 2005 if rich countries did more to open their markets. Poor countries

²⁰ See, for instance, *The Economist* cover of December 11, 1999, showing an Indian child in rags with the heading 'The real losers of Seattle'. See also its editorial in the same issue (ibid. 15), its flimsy 'The case for globalisation', (*The Economist*, September 23, 2000: 19–20 and 85–7), and its remarkable lead editorial 'A question of justice?' (*The Economist*, March 11, 2004).

are also hobbled by a lack of know-how. Many had little understanding of what they signed up to in the Uruguay Round. That ignorance is now costing them dear. Michael Finger of the World Bank and Philip Schuler of the University of Maryland estimate that implementing commitments to improve trade procedures and establish technical and intellectual-property standards can cost more than a year's development budget for the poorest countries. Moreover, in those areas where poor countries could benefit from world trade rules, they are often unable to do so. ... Of the WTO's 134 members, 29 do not even have missions at its headquarters in Geneva. Many more can barely afford to bring cases to the WTO.²¹

The quote brings out how the present rules of the game favor the affluent countries by allowing them to continue protecting their markets through quotas, tariffs, anti-dumping duties, export credits, and huge subsidies to domestic producers in ways that poor countries are not permitted, or cannot afford, to match.²² Other important examples include the WTO regulations of cross-border investment and intellectual property rights.²³

Such asymmetrical rules increase the share of global economic growth going to the affluent countries and decrease the share going to the poor countries relative to what these shares would be under symmetrical rules of free and open competition. The asymmetries in the rules thus reinforce the very inequality that enables the governments of the affluent countries to impose these asymmetries in the first place.²⁴ The same rules also tend to strengthen the position of the corporate and ruling elites within countries who can exert much greater influence on the design of these rules than the rest of the population. (Protectionist measures grandfathered by WTO rules are often contrary to the interests of most citizens of

²¹ *The Economist*, (September 25, 1999: 89). The three cited studies—Hertel and Martin (1999), UNCTAD (1999b: 143), and Finger and Schuler (1999)—are included in the bibliography.

²² In his speech, 'Cutting Agricultural Subsidies' (globalenvision.org/library/6/309), former World Bank Chief Economist Nick Stern stated that in 2002 the rich countries spent about \$300 billion on export subsidies for agricultural products alone, roughly six times their total development aid. He said that cows receive annual subsidies of about \$2,700 in Japan and \$900 in Europe—far above the annual income of most human beings. He also cited protectionist anti-dumping actions, bureaucratic applications of safety and sanitation standards, and textile tariffs and quotas as barriers to poor-country exports: 'Every textile job in an industrialized country saved by these barriers costs about 35 jobs in these industries in low-income countries'. Stern was especially critical of escalating tariffs—duties that are lowest on unprocessed raw materials and rise sharply with each step of processing and value added—for undermining manufacturing and employment in poor countries, thus helping to confine Ghana and Cote D'Ivoire to the export of unprocessed cocoa beans, Uganda and Kenya to the export of raw coffee beans, and Mali and Burkina Faso to the export of raw cotton. He estimated that full elimination of agricultural protection and production subsidies in the rich countries would raise agricultural and food exports from low- and middle-income countries by 24% and total annual rural income in these countries by about \$60 billion (about three quarters of the global poor live in such rural areas).

²³ The Trade-Related Aspects of Intellectual Property Rights (TRIPs) Treaty was concluded in 1995. For discussion of its content and impact, see UNDP (2001: ch. 5), Correa (2000), Juma (1999), Watal (2000), Pogge (2005b), and www.cptech.org/ip

²⁴ In what follows, I use income inequalities to substantiate this point. Yet, inequalities in wealth are even greater since the affluent typically have more net worth than annual income, while the poor typically own less than one annual income.

the affluent countries adopting these measures.) The result is rising intranational inequality in most countries which also hampers poverty reduction.

The World Bank reports that GNI per capita, PPP (current international dollars), in the high-income countries rose 52.6% in real terms over the 1990–2001 globalization period (devdata.worldbank.org/dataonline). World Bank interactive software (iresearch.worldbank.org/PovcalNet/jsp/index.jsp) can be used to calculate how the poorer half of humankind have fared, in terms of their real (inflation/PPP adjusted) consumption expenditure, during this same period. Here are the gains for various percentiles, labeled from the bottom up:

+20.4% for the 50th percentile (median)
 +21.0% for the 45th percentile
 +21.1% for the 40th percentile
 +20.0% for the 35th percentile
 +18.7% for the 30th percentile
 +17.2% for the 25th percentile
 +15.9% for the 20th percentile
 +14.4% for the 15th percentile
 +12.9% for the 10th percentile
 +11.9% for the 7th percentile
 +10.4% for the 5th percentile
 +6.6% for the 3rd percentile
 +1.0% for the 2nd percentile
 -7.3% for the 1st (bottom) percentile.²⁵

There is a clear pattern. As trend data about malnutrition and poverty also confirm,²⁶ the global poor are not participating proportionately in global economic growth. And as they fall further and further behind, they become ever more marginalized, with their interests ignored in both national and international decision-making. Annual spending power of \$100 or \$200 per person does not command much attention when per capita incomes in the affluent countries are some 100–200 times higher.²⁷

²⁵ These calculations extend the work of Branko Milanovic who reported that, for the first five years of the present globalization period, 'the bottom 5 percent of the world grew poorer, as their real incomes decreased between 1988 and 1993 by 1/4[!], while the richest quintile grew richer. It gained 12% in real terms, that is it grew more than twice as much as mean world income (5.7%)' (Milanovic 2002: 88). I am grateful to Rekha Nath and Aedan Whyatt for doing all the calculations in this paragraph.

²⁶ The UNDP reports annually on the number of malnourished, which has been stuck around 800 million and recently stood at 850 million (UNDP 2005: 24). For 1987–2001, Chen and Ravallion (2004: 153) report a 7% drop in the population living below \$1 per day but a 10.4% rise in the population below \$2 per day.

²⁷ Many economists find this comparison misleading, claiming that it should instead be made in terms of PPPs, which would reduce the ratio by a factor of 4. However, market exchange rates are the more appropriate measure for assessing the influence (bargaining power and expertise) that parties can bring to bear. Market exchange rates are also the appropriate measure for assessing the *avoidability* of poverty (n. 15). For comparing standards of living, market exchange rates are indeed inappropriate. But general-consumption PPPs are also problematic, as we have seen (text to note 4).

These facts should suffice to refute the Panglossian view: The present design of the global order is not, and nowhere near, optimal in terms of poverty avoidance. This value would be better served, for instance, if the poorest countries received financial support toward hiring first-rate experts to advise them how to articulate their interests in WTO negotiations, toward maintaining missions at WTO headquarters in Geneva, toward bringing cases before the WTO, and toward coping with the mountains of regulations they are required to implement. Poverty avoidance would also be better served if these countries faced lesser constraints and handicaps on their exports into the affluent countries: The \$700 billion reported annual loss in export opportunities due to rich-country protectionism is huge relative to ODA and relative to poor-country exports and GNIs. Poverty avoidance would also be better served if the WTO Treaty had included a global minimum wage and minimal global constraints on working hours and working conditions in order to constrain the current 'race to the bottom' where poor countries competing for foreign investment must outbid one another by offering ever more exploitable and mistreatable workforces. Poverty avoidance would also be better served if the Law of the Sea Treaty guaranteed the poor countries some share of the value of harvested seabed resources²⁸ and if the affluent countries were required to pay for the negative externalities we impose on the poor: for the pollution we have produced over many decades and the resulting effects on their environment and climate, for the rapid depletion and resulting higher prices of natural resources, for our exports of landmines and small arms, for our suppression of trade in generic medicines and seeds, and for the violence caused by our demand for drugs and our war on drugs.

Perhaps the most important example for how the global rules are designed against the interests of the poor is the current regime for rewarding and encouraging pharmaceutical research. Under the TRIPs regime (see n. 23), inventors of new drugs are rewarded with a twenty-year monopoly. This regime causes most existing drugs to be priced out of the reach of the global poor. It also skews pharmaceutical research toward the affluent: Medical conditions accounting for 90% of the global disease burden receive only 10% of all pharmaceutical research worldwide (see Ramsey 2001 and GFHR 2004). Of the 1,393 new drugs approved between 1975 and 1999, only 13 were for tropical diseases—of which five were byproducts of veterinary research and two commissioned by the military.²⁹ When drug companies are rewarded with monopoly prices, they are put in a morally untenable position: to be cost-effective, they must focus their research on the health problems of the affluent and price even life-saving medications out of the reach of vast numbers of poor patients.

There are other, much better ways of encouraging pharmaceutical research. An obvious alternative is a regime under which inventors of essential medicines are

²⁸ Such guarantees were part of the initial 1982 version of the Treaty, but the Clinton administration succeeded in renegotiating them out of the Treaty just before the latter came into force in 1996 (Pogge 2002a: 125–6).

²⁹ Médecins Sans Frontières, www.msf.org/msfinternational/invoke.cfm?component=article&objectId=2753A561-D23D-631D-B583C5F9A9EEC3CB&method=full_html

rewarded in proportion to the impact of their invention on the global disease burden. This solution would align the interests of inventor firms and the generic drug producers. Inventor firms would want their patented inventions to be widely copied, mass-produced, and sold as cheaply as possible, as this would magnify their health impact. Many poor patients would then have access to drugs that, as things are, they cannot afford. And affluent patients would gain as well, by paying substantially less for drugs and medical insurance. This solution would also greatly expand research into diseases that, under the current system, attract very little research—hepatitis, meningitis, dengue fever, leprosy, trypanosomiasis (sleeping sickness and Chagas disease), river blindness, leishmaniasis, Buruli ulcer, lymphatic filariasis, schistosomiasis (bilharzia), malaria, tuberculosis and many more. In time, this one change in the global rules alone could halve the number of annual poverty deaths (see Pogge 2005*b*). Compared to such an alternative, the current TRIPs regime produces an unimaginable excess of suffering and death by discouraging the development of new medicines for the diseases of the poor and also by enforcing monopolies that prevent the mass-production of generic versions of life-saving drugs without shielding the global poor from exorbitant monopoly markups.

Examples could be multiplied. It is clear that there are feasible variations to the present global order that would dramatically reduce the incidence of severe poverty worldwide, far below the current, staggering figures. This order is *not* optimal in terms of poverty avoidance.

1.2.3. Is the Present Global Order Merely Less Beneficial Than It Might Be?

As the first two possible lines of defense have turned out to be indefensible, attention turns to the third: Can one say that the global institutional order, though clearly and greatly suboptimal in terms of poverty avoidance, is nonetheless not harmful to the global poor and therefore not a violation of their human rights? Let us turn to this final challenge to my view.

This challenge is especially important if one leaves undisputed, as I have here done, the narrow account of human rights violations according to which agents can be condemned as human rights violators only if they *actively* cause human rights to be underfulfilled, in violation of a *negative* duty. Appealing to this narrow account, the countries shaping and imposing the present global order could argue as follows: It is true that the incidence of severe poverty is greater under the present design of the global order than it would be if we had designed this order differently. But it does not follow that the existing global order *causes* excess poverty or excess poverty deaths, that it *harms* or *kills* anyone, or that it *violates* human rights. The design of this order is merely failing to benefit people, failing to be as protective of human life as it might be. And the same should then be said about our decision to impose the existing global institutional order rather than a more poverty-avoiding alternative: This decision does not cause excess poverty or excess poverty

deaths, is not violating human rights by harming and killing people. It is merely failing to benefit people and failing to prevent human deaths. Collectively (just as individually), we are at most failing to do all we can to fulfill human rights.

This defense strategy appeals to something like the distinction between acts and omissions. Its objective is to diminish the moral significance of the rich states' decision to impose the present global order rather than a foreseeably more poverty-avoiding alternative by assigning this decision the status of a mere omission. Now the relevant countries are clearly active in formulating the global economic rules they want, in pressing for their acceptance, and in prosecuting their enforcement. This is undeniable. To be plausible, the defense strategy must then apply the act/omission distinction at another place: not to how the relevant governments are related to the global rules, but to how these global rules are related to the avoidable excess poverty. The idea must be that the rules governing the world economy are not actively causing excess poverty, thus harming and killing people, but merely passively failing to prevent severe poverty, failing to protect people from harm.

As we have seen (subsection 1.1.1), the distinction between acts and omissions is difficult enough when applied to the conduct of individual and collective agents. The application of such a distinction to social institutions and rules is at first baffling. When more premature deaths occur under some system of rules than would occur under a feasible alternative, we might say that there are excess deaths under the existing regime. But how can we sort such excess deaths into those that the existing rules *cause* (bring about) and those these rules merely *fail to prevent* (let happen)? Let us examine three ideas for how this defense strategy can be made to work.

1.2.3.1. Invoking Baseline Comparisons

The apparently empirical question whether 'globalization' is harming or benefiting the global poor plays a major role in public debates about the present global order and about, more specifically, the WTO treaties and the roles of the International Monetary Fund (IMF), the World Bank, the G7/G8 and the Organization for Economic Cooperation and Development (OECD). Harm and benefit are comparative notions, involving the idea of people being worse off, or better off. But what is the implied baseline to which the current fate of the global poor is to be compared? What is the alternative fate in comparison to which they are either worse off (and therefore being harmed) or better off (and therefore being benefited by globalization)?

In most cases, it turns out, the popular debate is about the question whether severe poverty worldwide has been rising or falling in the period since this globalization process began in the late 1980s. This question is hotly debated, with considerable career prizes awarded to any economists with a good story of declining poverty.

Yet, this debate is irrelevant to the moral assessment of this globalization process, epitomized by the WTO framework, which the governments of the

affluent West have pressed upon the world. The moral charge before us is that governments, by imposing a global institutional order under which great excesses of severe poverty and poverty deaths persist, are violating the human rights of many poor people. The plausibility of this charge is unaffected by whether severe poverty is rising or falling. To see this, consider the analogous charges that slave-holding societies harmed and violated the human rights of those they enslaved or that the Nazis violated the human rights of those they confined and killed in their concentration camps. These charges can certainly not be defeated by showing that the rate of victimization declined (with fewer people being enslaved or killed each year than the year before). Of course, the words ‘harm’ and ‘benefit’ are sometimes appropriately used with implicit reference to an earlier state of affairs. But in the case at hand, such a historical baseline is irrelevant. For even if it were true that there is not as much severe poverty in the world today as there was fifteen years ago (but see n. 26), we could not infer therefrom that the present global order is (in a morally significant sense) *benefiting* the global poor. Drawing this inference, we would beg the whole question by simply assuming the incidence of severe poverty fifteen years ago as the appropriate no-harm baseline. Just as the claim that the Nazis violated the human rights of those they killed cannot be refuted by showing that the number of such killings declined, so the claim that the imposition of the present global order violates the human rights of those who live in—and all too often die from—severe poverty cannot be refuted by showing that their numbers are falling (see Pogge 2005c: 55–8).

No less inconclusive than such *diachronic* comparisons are *subjunctive* comparisons with a historical baseline. Even if it is true that there is not as much severe poverty under the present WTO regime as there would now be if the preceding regime General Agreement on Tariffs and Trade (GATT) had continued, we cannot infer therefrom that the present global institutional order is (in a morally significant sense) *benefiting* the global poor. Drawing this inference, we would once again beg the question by simply positing the incidence of severe poverty as it would have evolved under continued GATT rules as the appropriate no-harm baseline. By the same reasoning the military junta under Senior General Than Shwe could claim to be *benefiting* the Burmese people provided only that they are better off than they would now be if the predecessor junta under General Ne Win were still in power. And by the same reasoning we could argue that the regime of Jim Crow laws (www.nps.gov/malu/documents/jim_crow_laws.htm) did not harm African-Americans in the US South because they were better off than they would have been had slavery continued.

Sometimes subjunctive comparisons are presented with a historical baseline that is defined by reference to a much earlier time. Thus it is said that Africans today are no worse off than they would now be if there had never been any significant contacts with people outside Africa. In response, we should of course question to what extent there are knowable facts about such a remote alternate history. We should also, once again, question the moral relevance of this hypothetical involving continued mutual isolation: If world history had transpired without colonization and enslavement, then there would—*perhaps*—now be affluent people

in Europe and very poor ones in Africa. But these African persons and populations would be entirely different from those now actually living there, who in fact are very deeply shaped and scarred by their continent’s involuntary encounter with European invaders. 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 crimes there would not be the actually existing radical inequality which consists in *these* persons being affluent and *those* being extremely poor.

Similar considerations also refute the moral relevance of subjunctive comparisons with a *hypothetical* baseline—the claim, for instance, that even more people would live and die even more miserably in some fictional state of nature than in this world as we have made it. In response, there are many different ways of describing the ‘state of nature’, and it is unclear from the received literature offering and discussing such descriptions how one of them can be singled out as the morally uniquely appropriate specification. Moreover, it is doubtful that *any* coherently describable state of nature on this planet would be able to match our globalized civilization’s record of sustaining a stable death toll of 18 million premature deaths per year from poverty-related causes (see Pogge 2002a: 136–9). If no such state of nature can be described, then it cannot be said that the present global order is *benefiting* the global poor by reducing severe poverty below what it would be in a state of nature. Finally, it still needs to be shown how the claim that some people are being harmed now can be undermined by pointing out that people in a state of nature would be even worse off. If such an argument were successful, would it not show that anything one person or group does to another counts as a harming only if it reduces the latter below the state-of-nature baseline? If we are not harming the 2,735 million human beings we are keeping in severe poverty, then enslavement did not harm the slaves either, if only they were no worse off than people would be in the relevant state of nature.

Baseline comparisons do not then afford a promising ground for denying that the present global institutional order involves violations of the human rights of those impoverished under it—or, indeed, for defending any other institutional schemes from the charge that they involve human rights violations. Recall, for instance, the early decades of the United States, when men designed and imposed an institutional order that greatly disadvantaged women. The claim that the imposition of this order violated the human rights of women cannot be refuted by any diachronic comparison with how women had fared before, under British rule. It cannot be refuted by any subjunctive comparison with how women would have been faring under continued British rule or in a state of nature. What matters is whether the imposition of the institutional order in question foreseeably led to severe burdens on women that were reasonably avoidable through a more evenhanded institutional design (see Pogge 2005c: 61).

1.2.3.2. *Invoking the Consent of the Global Poor*

Another common way of denying that the present global institutional order is harming the poor, violating their human rights, is by appeal to the venerable

precept of *volenti non fit iniuria*—no injustice is being done to those who consent. Someone physically abusing another is not harming him in the morally relevant sense if he has given prior consent to such treatment, for money perhaps or masochistic pleasure. Likewise, a social order under which excess poverty persists is not harming the poor if they have previously consented to the imposition of this order. And consent they surely did! Membership in the WTO is voluntary. Since the poor themselves have signed on to the rules as they are, the imposition of these rules cannot be characterized as harming them.

This line of argument is thoroughly refuted by four mutually independent considerations. First, appeal to consent can defeat the charge of human rights violation only if the human rights in question are alienable and, more specifically, waivable by consent. Yet, on the usual understanding of moral and legal human rights, they cannot be so waived: Persons cannot waive their human rights to personal freedom, political participation, freedom of expression, or freedom from torture. Persons can promise, through a religious vow perhaps, to serve another, to refrain from voting, or to keep silent. But, wherever human rights are respected, such promises are legally unenforceable and thus do not succeed in waiving the right in question. There are various reasons for conceiving human rights in this way: A person changes over time, and her later self has a vital interest in being able to avoid truly horrific burdens her earlier self had risked or incurred. Moreover, the option of placing such burdens on one's future self is likely to be disadvantageous even to the earlier self by encouraging predators seeking to elicit a waiver from this earlier self through manipulation of her or of her circumstances—for instance, by getting her into a life-threatening situation from which one then offers to rescue her at the price of her permanent enslavement (Pogge 1989: 49–50). Finally, waivers of human rights impose considerable burdens on third parties who will be (more or less directly) confronted with the resulting distress of people enslaved or tortured or starving.

Second, even assuming that human rights to basic necessities are waivable, an appeal to consent cannot justify the horrific burdens imposed on children: Of roughly eighteen million annual deaths from poverty-related causes, 10.6 million are children under five (n. 5 and n. 7). Does anyone really want to claim that these small children have consented to our global order—or that anyone else is entitled to consent to their horrifying fate on their behalf? Insofar as the present global order is, foreseeably, greatly suboptimal in terms of avoiding severe poverty of children, the claim that this order violates their human rights cannot be blocked by any conceivable appeal to consent.

Third, most countries containing severely impoverished people were and are not meaningfully democratic. For example, Nigeria's accession to the WTO, on January 1, 1995, was effected by its vicious military dictator Sani Abacha. Myanmar's, on the same day, by the notorious SLORC junta (State Law and Order Restoration Council). Indonesia's, on the same day, by murderous kleptocrat Suharto. Zimbabwe's, on March 5, 1995, by brutal Robert Mugabe. And that of Zaire (since renamed the Congo), on March 27, 1997, by hated dictator Mobutu Sese Seko. These rulers consented—presumably for good prudential reasons. But

does their success in subjecting a population to their rule by force of arms give them the right to consent on behalf of those they are oppressing? Does this success entitle *us* to count the rulers' signatures as the populations' consent? On any credible account of consent, the answer is no. We cannot invalidate the complaint of those now suffering severe poverty by appealing to the prior consent of their ruler when this ruler himself lacks any moral standing to consent on their behalf.

Fourth, insofar as very poor people did and do consent, through a meaningfully democratic process, to some particular global institutional arrangement, the justificatory force of such consent is weakened when this consent is compelled. Thus it is doubtful that taking all your possessions could be justified by consent you gave when doing so was your only escape from drowning after a boating accident. To be sure, you are better off penniless than dead, and in this sense your consent was rational. But it remains tainted by the fact that you had no other tolerable option.

The justificatory force of consent given in calamitous circumstances is even weaker when the calamity is partly due to those whose conduct this consent is meant to justify. If your boating accident was caused by your would-be rescuer, for example, your consent to give her your possessions if she rescues you is of even more dubious justifying force. Poor countries need trade for development. They do not get fair trading opportunities under the WTO regime; but one that failed to sign up would find its trading opportunities even more severely curtailed. Any poor country is forced to decide about whether to sign up to the WTO rules against the background of other rules that it cannot escape and that make it extremely costly not to sign up. One such rule is, for instance, that the people and firms of poor countries may not freely offer their products and services to people in rich countries. This rule enables the rich countries to exact a price for whatever limited access to their markets they are prepared to grant. Part of this price is that the intellectual property rights of rich-country corporations must be respected and enforced. Poor-country governments must help collect rents for those corporations, thereby driving up the cost of pharmaceuticals and foodstuffs for their own populations. Paying this price makes sense perhaps for poor countries, given their calamitous circumstances. But this calamity is due to a rule that the rich countries impose unilaterally, without any consent by the poor.

One may think that this rule is so natural and obvious that any calamity it may entail cannot be attributed to those who are imposing it: Surely, any country is entitled to restrict access to its territory and markets as it pleases, regardless of the economic consequences for foreigners. Well, not too long ago, the rich countries proclaimed the opposite to be natural and obvious, when they forcefully insisted on their right to sell opium in China, for example.³⁰ And the claimed right of the United States, Canada, Australia and New Zealand to exclude outsiders from their

³⁰ In the middle of the 19th century, Great Britain and other Western powers prosecuted a series of 'opium wars' against China. The first invasion was initiated in 1839 when Chinese authorities in Canton (Guangzhou) confiscated and burned opium brought in illegally by foreign traders (www.druglibrary.org/schaffer/heroin/opiwar1.htm).

territories and markets is further undermined by the historical path on which their present occupants have come to possess them.

Let me refute here yet another popular fallacy often adduced in justification of the status quo. As elaborate empirical research shows, poor countries that embrace the new global rules perform better, economically, than countries that do not. This is taken to prove that the new global rules are beneficial to poor countries. To see the fallacy, consider this parallel reasoning. Suppose empirical research had shown that around 1940 smaller European states collaborating with the fascist alliance fared better than the rest. Would this have proved that the new dominance of this fascist alliance was good for small European states? Of course not. Drawing this conclusion, one would be conflating two separate questions: First, *given* the dominance of fascism in Continental Europe, is it better for a small state to cooperate or not? Second, is the fascist dominance in Continental Europe itself better for small European states than, say, the hypothetical dominance of parliamentary democracies? However obvious the fallacy is in this case, its analogue is endlessly adduced in the contemporary globalization debates, where many fail to distinguish the two analogous questions: First, *given* the dominance of the rich countries and of their rules and organizations (WTO, World Bank, IMF, OECD, and G7), is it better for a poor country to cooperate or not? Second, is the dominance of these rich-country rules and organizations itself better for the poor countries than, say, the full abolition of protectionist constraints?

1.2.3.3. *Invoking the Flaws of the Poor Countries' Social Institutions and Rulers*

A further popular way of denying that the present global institutional order is harming the poor points once more to the great differences among poor countries' economic performance. The success stories—such as the Asian tigers and China—show that poor countries *can* defeat severe poverty under the global order as it is; hence, that this order is not inhospitable to poverty eradication. Poor people in countries where severe poverty is not melting away therefore have only their own social institutions and governments to blame.

This reasoning involves a some-all fallacy. The fact that *some* individuals born into poverty become millionaires does not show that *all* such persons can do likewise (see Cohen 1988: 262–3). The reason is that the pathways to riches are sparse. They are not rigidly limited, to be sure, but even an affluent country clearly cannot achieve the kind of economic growth rates needed for everyone to become a millionaire (holding fixed the value of the currency and the real income millionaires can now enjoy). The same holds true for poor countries. The Asian tigers (Hong Kong, Taiwan, Singapore, and South Korea) achieved impressive rates of economic growth and poverty reduction. They did so through a state-sponsored buildup of industries that mass produce low-tech consumer products. These industries were globally successful by using their considerable labor-cost advantage to beat competitors in the high-income countries and by drawing on greater state support

and/or a better-educated workforce to beat competitors in other poor countries.³¹ Building such industries was hugely profitable for the Asian tigers. But if many other poor countries had adopted this same developmental strategy, competition among them would have rendered it much less profitable.

Over the past two decades, China has been the great success story, achieving phenomenal growth in exports and per capita income. So China's example is now often used to argue that the rules of the world economy are favorable to the poor countries and conducive to poverty eradication. These arguments, too, commit a some-all fallacy. Exporters in the poor countries compete over the same heavily protected rich-country markets (n. 22). Thanks to its extraordinary ability to deliver quality products cheaply in large quantities, China has done extremely well in this competition. But this great success has had catastrophic effects in many poor countries by reducing their exporters' market share and export prices. To be sure, the world economy as presently structured is not a constant-sum game, where any one player's gain must be another's loss. Yet outcomes are strongly interdependent. We cannot conclude, therefore, that the present global institutional order, though less favorable to the poor countries than it might be, is still favorable enough for all of them to do as well as the Asian tigers and then China have done in fact.

Still, could the poor countries on the whole not do much better under the present global order than they are doing in fact? And must the present global order then not be acquitted of responsibility for any excess poverty that would have been avoided if the political elites in the poor countries were less corrupt and less incompetent?

Suppose the two sets of relevant causal factors—the global institutional order and the economic regimes and policies of the countries in which severe poverty persists—were symmetrically related so that each set of factors is necessary for the current reproduction of severe poverty worldwide. Then, if we insist that the global factors must be absolved on the ground that modification of national factors would suffice to eradicate world poverty, defenders of national factors could insist, symmetrically, that these national factors must be absolved on the ground that modification of global factors would suffice to eradicate world poverty. Acquitting both sets of factors on these grounds, we would place their cooperative production of huge harms beyond moral criticism.

The implausibility of such an assessment can be illustrated through a more straightforward interactional case. Suppose two upstream tribes release pollutants into a river on which people downstream depend for their survival. And suppose that each tribe's pollutant causes only minor harm, but that, when mixed, they react to form a lethal poison that kills many people downstream. In this case, both upstream tribes can deny responsibility, each insisting that the severe harm would not materialize if the other upstream tribe stopped its polluting activity. Such a

³¹ It also helped that the United States, eager to establish healthy capitalist economies as a counterweight to Soviet influence in the region, allowed the tigers free access to its market even while they maintained high tariffs to protect their own.

denial is implausible. Both upstream tribes are required to stop the severe harm they cause together. They can cooperate jointly to discharge this responsibility. Failing that, each has a duty to stop its pollution and each is fully responsible for any harm that would not have materialized but for the pollutants it has released (see Pogge 2005c: 63–4).

The persistence of severe poverty worldwide is importantly analogous to the harms suffered by the people downstream. It is true—as the defenders of the rich countries and of their globalization project point out—that most severe poverty would be avoided, despite the current unfair global order, if the national governments and elites of the poor countries were genuinely committed to ‘good governance’ and poverty eradication. It is also true—as the defenders of governments and elites in the poor countries insist—that most severe poverty would be avoided, despite the corrupt and oppressive regimes holding sway in so many poor countries, if the global institutional order were designed to achieve this purpose. This mutual finger-pointing serves both sides well, convincing many affluent citizens in rich and poor countries that they and their government are innocent in the catastrophe of world poverty. But on reflection it is clear that, while each side is right in pointing at the other, neither is right in acquitting itself. Like the two upstream tribes, each side is fully responsible for its marginal contribution to the deprivations they together produce. The ‘multiplicative’ cooperation of causal factors thus not merely fails to decrease, but *increases* total responsibility. This is analogous to how two criminals, if each makes a necessary contribution to a homicide, are each legally and morally fully responsible for that single death.

This response suffices to maintain the responsibility of the citizens and governments of the rich countries: They can be responsible for the severe poverty of even those people who would not be poor if their countries were better governed.

Still, by assuming symmetry between the two sets of relevant causal factors, the response is too simple, failing fully to expose the responsibility of the rich countries and of their globalization project. There is one important asymmetry. While national institutional arrangements and policies in the poor countries have very little influence on the design of the global order, the latter has a great deal of influence on the former. Yes, the social institutions and policies of many poor countries are far from optimal in terms of domestic poverty avoidance. But substantial improvement in this set of causal factors is unlikely so long as global institutional arrangements remain the way they are. The global institutional order exerts its pernicious influence on the evolution of world poverty not only directly, in the ways already discussed, but also indirectly through its influence on the national institutions and policies of the poor countries. Oppression and corruption, so prevalent in many poor countries today, are themselves very substantially created and sustained by central features of the present global order.

It was only in 1999, for example, that the high-income countries finally agreed to curb their firms’ bribery of foreign officials by adopting the OECD *Convention on Combating Bribery of Foreign Public Officials in International Business*

Transactions.³² Until then, most affluent states did not merely legally authorize their firms to bribe foreign officials, but even allowed them to deduct such bribes from their taxable revenues, thereby providing financial inducements and moral support to the practice of bribing politicians and officials in the poor countries.³³ This practice diverts the loyalties of officials in these countries and also makes a great difference to which persons are motivated to scramble for public office in the first place. Poor countries have suffered staggering losses as a result, most clearly in the awarding of public contracts. These losses arise in part from the fact that bribes are priced in: Bidders on contracts must raise their price in order to get paid enough to pay the bribes. Additional losses arise as bidders can afford to be non-competitive, knowing that the success of their bid will depend on their bribes more than on the substance of their offer. Even greater losses arise from the fact that officials focused on bribes pay little attention to whether the goods and services they purchase on their country’s behalf are of good quality or even needed at all. Much of what poor countries have imported over the decades has been of no use to them—or even harmful, by promoting environmental degradation or violence (bribery is especially pervasive in the arms trade). The new *Convention* does little to curb bribery by multinational corporations³⁴ and banks in the rich countries continue to assist corrupt rulers and officials in the poor countries to move and invest abroad their gains from bribery and embezzlement (Baker 2005). But even if the *Convention* were effective, it would be difficult to purge the pervasive culture of corruption that is now deeply entrenched in many poor countries thanks to the extensive bribery they were subjected to during their formative years.

The issue of bribery is part of a larger problem. The political and economic elites of poor countries interact with their domestic inferiors, on the one hand, and with foreign governments and corporations, on the other. These two constituencies differ enormously in wealth and power. The former are by and large poorly educated and heavily preoccupied with the daily struggle to make ends meet. The latter, by contrast, have vastly greater rewards and penalties at their disposal. Politicians with a normal interest in their own political and economic success can thus be expected to cater to the interests of foreign governments and corporations rather than to competing interests of their much poorer compatriots. And this, of course, is what we find: There are plenty of poor-country governments that came to power or stay in power only thanks to foreign support. And there are

³² The convention came into effect in February 1999 and has been widely ratified since (www.oecd.org/home).

³³ In the United States, the post-Watergate Congress sought to prevent the bribing of foreign officials through its 1977 Foreign Corrupt Practices Act, passed after the Lockheed Corporation was found to have paid—not a modest sum to some third-world official, but rather—a US\$2 million bribe to Prime Minister Kakuei Tanaka of powerful and democratic Japan. Not wanting its firms to be at a disadvantage vis-à-vis their foreign rivals, the United States was a major supporter of the Convention, as was the non-governmental organization Transparency International, which helped mobilize public support in many OECD countries.

³⁴ ‘Plenty of laws exist to ban bribery by companies. But big multinationals continue to sidestep them with ease’—so the new situation is summarized in ‘The Short Arm of the Law’, (*The Economist* March 2, 2002: 63–5, at 63).

plenty of poor-country politicians and bureaucrats who, induced or even bribed by foreigners, work against the interests of their people: *for* the development of a tourist-friendly sex industry (whose forced exploitation of children and women they tolerate and profit from), *for* the importation of unneeded, obsolete, or overpriced products at public expense, *for* the permission to import hazardous products, wastes, or factories, *against* laws protecting employees or the environment, and so on.

To be sure, there would not be such huge asymmetries in incentives if the poor countries were more democratic, allowing their populations a genuine political role. Why then are most of these countries so far from being genuinely democratic? This question brings further aspects of the current global institutional order into view.

It is a very central feature of this order 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 territory and people—regardless of how this group came to power, of how it exercises power and of the extent to which it is supported or opposed by the population it rules. That such a group exercising effective power receives international recognition means not merely that we engage it in negotiations. It means also that we accept this group's right to act for the people it rules. We in effect authorize any person or group holding effective power in a country—regardless of how they acquired or exercise it—to sell the country's resources and to dispose of the proceeds of such sales, to borrow in the country's name and thereby to impose debt service obligations upon it, to sign treaties on the country's behalf and thus to bind its present and future population, and to use state revenues to buy the means of internal repression. This global practice goes a long way toward explaining why so many countries are so badly governed.

The *resource privilege* we confer upon a group in power is much more than mere acquiescence in its effective control over the natural resources of the country in question. This privilege includes the power³⁵ to effect legally valid transfers of ownership rights in such resources. Thus a corporation that has purchased resources from the Saudis or Suharto, or from Mobuto or Sani Abacha, has thereby become entitled to be—and actually *is*—recognized anywhere in the world as the legitimate owner of these resources. This is a remarkable feature of our global order. A group that overpowers the guards and takes control of a warehouse may be able to give some of the merchandise to others, accepting money in exchange. But the fence who pays them becomes merely the possessor, not the owner, of the loot. Contrast this with a group that overpowers an elected government and takes control of a country. Such a group, too, can give away some of the country's natural resources, accepting money in exchange. In this case, however, the purchaser acquires not merely possession, but all the rights and liberties of ownership, which

³⁵ As understood by Wesley Hohfeld (1964), a power involves the legally recognized authority to alter the distribution of first-order liberty rights, claim rights, and duties. Having a power or powers in this sense is distinct from having power (i.e., control over physical force and/or means of coercion).

are supposed to be—and actually *are*—protected and enforced by all other states' courts and police forces. The international resource privilege, then, is the legal power to confer globally valid ownership rights in a country's resources.

This international resource privilege has disastrous effects in poor but resource-rich countries, where the resource sector constitutes a large segment of the national economy. Whoever can take power in such a country by whatever means can maintain his rule, even against widespread popular opposition, by buying the arms and soldiers he needs with revenues from the export of natural resources and with funds borrowed against future resource sales. The resource privilege thus gives insiders strong incentives toward the violent acquisition and exercise of political power, thereby causing coup attempts and civil wars. Moreover, it also gives outsiders strong incentives to corrupt the officials of such countries who, no matter how badly they rule, continue to have resources to sell and money to spend.

Nigeria is a case in point. It exports *each day* about two-million barrels of oil worth some \$50–100 million. Whoever controls this revenue stream and associated borrowing power can afford enough weapons and soldiers to keep himself in power regardless of what the population may think of him. And so long as he succeeds in doing so, his purse will be continuously replenished with new funds with which he can cement his rule and live in opulence. With such a powerful incentive, it cannot be surprising that, during twenty-eight of the past thirty-six years, Nigeria has been ruled by military strongmen who took power and ruled by force.³⁶ Nor can it be surprising that even a polished elected president fails to stop gross corruption: Olusegun Obasanjo knows full well that, if he tried to spend the oil revenues solely for the benefit of the Nigerian people, military officers could—thanks to the international resource privilege—quickly restore their customary perks.³⁷ With such a huge price on his head, even the best-intentioned president could not end the embezzlement of oil revenues and survive in power.

The incentives arising from the international resource privilege help explain what economists have long observed and found puzzling: the significant *negative* correlation between resource wealth (relative to GDP) and economic performance.³⁸ Two Yale economists confirm this explanation through a regression

³⁶ See 'Going on down', in *The Economist* (June 8, 1996: 46–8). A later update says: 'oil revenues [are] paid directly to the government at the highest level . . . The head of state has supreme power and control of all the cash. He depends on nobody and nothing but oil. Patronage and corruption spread downwards from the top' (*The Economist*, December 12, 1998: 19). See also www.eia.doe.gov/emeu/cabs/nigeria.html

³⁷ Because Obasanjo was the chair of Transparency International's Advisory Council (n. 33), his election in early 1999 had raised great hopes. These hopes were sorely disappointed. Nigeria still ranks very near the bottom of TI's own Corruption Perception Index (www.transparency.org/policy_research/surveys_indices/cpi/2005).

³⁸ This 'resource curse' or 'Dutch disease' is exemplified by many poor countries that, despite great natural wealth, have achieved little economic growth and poverty reduction over the last decades. Here are the more important resource-rich poor countries with their average annual rates of change in real GDP per capita from 1975 to 2003: Nigeria -0.5%, Congo/Zaire -4.9%, Kenya +0.2%, Angola -1.1%,

analysis, which shows that the causal link from resource wealth to poor economic performance is mediated through reduced chances for democracy.³⁹ Holding the global order fixed as a given background, the authors do not consider how the causal link they analyze itself depends on global rules that grant the resource privilege to any group in power, irrespective of its domestic illegitimacy.

The *borrowing privilege* we confer upon any ruling group includes the power to impose internationally valid legal obligations upon the country at large. Any successor government that refuses to honor debts incurred by an ever so corrupt, brutal, undemocratic, unconstitutional, repressive, unpopular predecessor will be severely punished by the banks and governments of other countries. At minimum it will lose its own borrowing privilege by being excluded from the international financial markets. Such refusals are therefore very rare, as governments, even when newly elected after a dramatic break with the past, are compelled to pay the debts of their ever so awful predecessors.

The international borrowing privilege makes three important contributions to the incidence of oppressive and corrupt elites in the poorer countries. First, this privilege facilitates borrowing by destructive rulers who can borrow more money and can do so more cheaply than they could do if they alone, rather than the whole country, were obliged to repay. In this way, the borrowing privilege helps such rulers maintain themselves in power even against near-universal popular discontent and opposition.⁴⁰ Second, the international borrowing privilege imposes upon democratic successor regimes the often huge debts of their corrupt predecessors. It thereby saps the capacity of such democratic governments to implement structural reforms and other political programs, thus rendering such governments less successful and less stable than they would otherwise be. (It is

Mozambique +2.3%, Senegal -0.1%, Venezuela -1.1%, Ecuador +0.1%, Saudi Arabia -2.4%, United Arab Emirates -3.3%, Oman +2.2%, Kuwait -1.2%, Bahrain +1.1%, Brunei -2.2%, Indonesia +4.1%, and the Philippines +0.3% (UNDP 2005: 266-9; in some cases a somewhat different period was used due to insufficient data, cf. UNDP 2004: 184-7, UNDP 2003: 278-81). Despite Indonesia's exceptional performance, the resource-rich poor countries as a group did worse than their resource-poor peers and also, of course, much worse than the high-income countries whose average annual growth in real per capita income for 1975-2002 was +2.2% (UNDP 2005: 269).

³⁹ 'All petrostates or resource-dependent countries in Africa fail to initiate meaningful political reforms. ... besides South Africa, transition to democracy has been successful only in resource-poor countries' (Lam and Wantchekon 1999: 31). 'Our cross-country regression confirms our theoretical insights. We find that a one percentage increase in the size of the natural resource sector [relative to GDP] generates a decrease by half a percentage point in the probability of survival of democratic regimes' (ibid. 35). See also Wantchekon (1999).

⁴⁰ Because they have collateral to offer, the rulers of resource-rich poor countries have enjoyed greater freedom than their peers to supplement their income from resource sales by mortgaging their countries' future. In 2003, the known debt service burdens of these countries, expressed as a percentage of their entire GDPs, were: Nigeria 2.8%, Congo/Zaire 2.6%, Kenya 4.0%, Angola 10.1%, Mozambique 2.0%, Senegal 3.8%, Venezuela 10.4%, Ecuador 8.9%, Oman 8.6%, Indonesia 8.9%, and the Philippines 12.8% (UNDP 2005: 280-2). Needless to say, little of the borrowed funds were channeled into productive investments, e.g., in education and infrastructure, which would augment economic growth and generate additional tax revenues that could help meet interest and repayment obligations. Much was embezzled and much expended on 'internal security' and the military.

small consolation that putschists are sometimes weakened by being held liable for the debts of their democratic predecessors.) Third, the international borrowing privilege strengthens incentives toward coup attempts: Whoever succeeds in bringing a preponderance of the means of coercion under his control gets the borrowing privilege as an additional reward.

The ongoing international resource and borrowing privileges are complemented by the international treaty privilege, which recognizes any person or group in effective control of a country as entitled to undertake binding treaty obligations on behalf of its population, and the international arms privilege, which recognizes such a person or group as entitled to use state funds to import the arms needed to stay in power. Like the erstwhile official tolerance of the bribing of poor-country officials, these privileges are highly significant features of the global order which tend to benefit the governments, corporations, and citizens of the rich countries and the political-military elites of the poor countries at the expense of the vast majority of those living in the poor countries. Thus, while the present global order indeed does not make it impossible for some poor countries to achieve genuine democracy and sustained economic growth, central features of it contribute greatly to most poor countries' failing on both counts. These features are crucial for explaining the inability and especially the unwillingness of these countries' leaders to pursue more effective strategies of poverty eradication. And they are crucial therefore for explaining why global inequality is increasing so rapidly that substantial global economic growth since the end of the Cold War has not reduced income poverty and malnutrition (n. 26)—*despite* substantial technological progress and global economic growth, *despite* a huge reported poverty reduction in China,⁴¹ *despite* the post-Cold War 'peace dividend',⁴² *despite* a 35% drop in real food prices since 1985,⁴³ *despite* official development assistance, and *despite* the efforts of international humanitarian and development organizations.

1.2.4. Conclusion

In just seventeen years since the end of the Cold War, over 300 million human beings have died prematurely from poverty-related causes, with some 18 million more added each year. Much larger numbers of human beings must live in conditions of life-threatening poverty that make it very difficult for them to articulate their interests and effectively to fend for themselves and their families. This

⁴¹ The number of Chinese living below \$1 per day is reported to have declined by 31%, or 97 million, and the number of Chinese living below \$2 per day by 19%, or 137 million, between 1987 and 2001 (Chen and Ravallion 2004: 153).

⁴² Thanks to the end of the Cold War, military expenditures worldwide have declined from 4.7% of aggregate GDP in 1985 to 2.9% in 1996 (UNDP 1998: 197) and to about 2.6% or \$1,035 billion in 2004 (yearbook2005.sipri.org/ch8/ch8). If global military expenditures were still at the old 4.7% level, they would have been some \$836 billion higher in 2004 than they actually were.

⁴³ The World Bank Food Price Index fell from 139.3 in 1980 to 100 in 1990 and then to 90.1 in 2002. These statistics are published by the World Bank's Development Prospects Group. See World Bank (2004: 277). Also at <http://siteresources.worldbank.org/INTRGEP2004/Resources/appendix2.pdf>

catastrophe was and is happening, foreseeably, under a global institutional order designed for the benefit of the affluent countries' governments, corporations and citizens and of the poor countries' political and military elites. There are feasible alternative designs of the global institutional order, feasible alternative paths of globalization, under which this catastrophe would have been largely avoided. Even now severe poverty could be rapidly reduced through feasible reforms that would modify the more harmful features of this global order or mitigate their impact.

Take the unconditional international resource privilege for example. It is beneficial to the affluent countries by giving us access to a larger, cheaper, and more reliable supply of foreign natural resources, because we can acquire ownership of them from anyone who happens to exercise effective power without regard to whether the country's population either approves the sale or benefits from the proceeds. Unconditional international resource and borrowing privileges are also highly advantageous to many a putschist or tyrant in the poor countries, for whom they secure the funds he needs to maintain himself in power even against the will of a large majority of his compatriots. Such privileges are, however, an unmitigated disaster for the global poor who are being dispossessed through loan and resource agreements over which they have no say and from which they do not benefit.⁴⁴

The example illustrates the clear-cut injustice of the present global order. It also illustrates that this injustice does not consist in too little aid being dispensed to the poor. There is still so much severe poverty, and so much need for aid, only because the poor are systematically impoverished by present institutional arrangements and have been so impoverished for a long time during which our advantage and their disadvantage have been compounded. Of course, substantial funds are needed to eradicate severe poverty at a morally acceptable speed (n. 15). But such funds are not generous charity. All that is needed is compensation for the harms produced by unjust global institutional arrangements whose past and present imposition by the affluent countries brings them great benefits.⁴⁵

Given that the present global institutional order is foreseeably associated with such massive incidence of avoidable severe poverty, its (uncompensated) imposition manifests an ongoing human rights violation—arguably the largest such violation ever committed in human history. It is not the *gravest* human rights violation, in my view, because those who commit it do not intend the death and suffering they inflict either as an end or as a means. They merely act with willful indifference to the enormous harms they cause in the course of advancing their own ends while going to great lengths to deceive the world (and sometimes themselves) about the impact of their conduct. But still, the *largest*.

To be sure, massive poverty caused by human agency is certainly not unprecedented. British colonial institutions and policies are blamed for up to a million poverty deaths in the Irish Potato Famine of 1846–9 and for about three million

poverty deaths in the Great Bengal Famine of 1943–44. Up to thirty million poverty deaths in China during 1959–62 are attributed to Mao Tse-Tung's insistence on continuing the policies of his 'Great Leap Forward' even when their disastrous effects became apparent. Still, these historical catastrophes were of more limited duration and even at their height did not reach the present and ongoing rate of eighteen million poverty deaths per annum.

The continuing imposition of this global order, essentially unmodified, constitutes a massive violation of the human right to basic necessities—a violation for which the governments and electorates of the more powerful countries bear primary responsibility. This charge cannot be defeated through appeal to baseline comparisons, by appeal to the consent of the global poor themselves, or by appeal to other detrimental causal factors that the present global order may merely do too little to counteract.

⁴⁴ See Pogge (2002a: ch. 6), for an idea about how to modify the international resource and borrowing privileges.

⁴⁵ See Pogge (2002a: ch. 8), proposing such a compensation scheme in the form of a Global Resources Dividend.