#### RESPONSE TO WORLD POVERTY AND HUMAN RIGHTS

# Should We Stop Thinking about Poverty in Terms of Helping the Poor?

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t would be rather unusual for someone to argue publicly that the world's rich A have no obligations at all with respect to the global poor. Many, however, claim that the obligations of the affluent countries are both fairly weak and minimal. This claim is typically arrived at via two premises: one is normative, the other factual. The normative premise asserts that while we are under a strict obligation not to harm others, the obligation to benefit people who we have not harmed is rather weak (and is, for instance, best left to private charitable efforts rather than government action or institutional reform). The factual premise is that the affluent are not, individually or collectively, harming the world's poor by causing their poverty (p. 12).1 Following Thomas Pogge, I will sometimes refer to this view simply as "libertarianism."<sup>2</sup>

According to a second view, which I shall call the "need-based" view, we have a very strong and extensive set of duties to come to the assistance of the global poor: duties that are grounded in the neediness of the poor. In its most pure form, this view rejects altogether the ethical significance of the distinction between harming and failing to help. On a morally demanding version of the need-based view we have duties of assistance to anyone who is worse off than us, not merely those who are severely in need.

Of course, less morally demanding variants of the need-based view are possible too. One might assert the moral significance of the distinction between harming and failing to help while maintaining that failing to help the needy violates important duties of assistance. And one might argue that there is a cutoff point of neediness above which there is no duty of assistance at all (even toward those who are worse off than us). In The Law of Peoples, John Rawls argues that well-ordered societies have a duty to assist other peoples living under unfavorable conditions, but only insofar as these "prevent their having a just or decent political and social regime."3

The divide between libertarian and needbased approaches is sometimes thought to correlate with a further disagreement con-

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<sup>&</sup>lt;sup>1</sup> Thomas W. Pogge, World Poverty and Human Rights: Cosmopolitan Responsibilities and Reforms (Cambridge: Polity Press, 2002). All in-text citation references are to this book.

<sup>&</sup>lt;sup>2</sup> "Libertarianism" here will be used as a designator for a particular view, based on the two premises, which has certain affinities with philosophical libertarianism but is by no means equivalent to it.

<sup>&</sup>lt;sup>3</sup> John Rawls, *The Law of Peoples* (Cambridge: Harvard University Press, 1999), p. 37.

cerning human rights. Libertarians conceive of human rights as "negative" rights not to be harmed. Since the main form of harm acknowledged by libertarians consists in coercive interference by the state, a libertarian doctrine of human rights focuses on protecting certain individual freedoms from violation by agents of the state. Advocates of a need-based view, by contrast, are typically also supportive of "positive" human rights, such as rights to have one's basic needs fulfilled.

In World Poverty and Human Rights, Pogge sides with libertarians on the question of normative principle. He agrees with libertarians that the most stringent obligation of the well-off is to avoid harming the poor (p. 20). At the same time, like the proponents of the need-based view, he thinks that the obligations of people in the affluent world toward the global poor are strong and extensive. The distinctive and exciting claim of the book is that a fairly maximalist conclusion about our obligations to the poor can be derived from a normatively minimalist premise.

Pogge's strategy for defending this claim is to challenge the factual premise of libertarianism: its assumption that the affluent do not harm the world's poor by causing their poverty (p. 20). "We must stop thinking about world poverty in terms of helping the poor" (p. 23), Pogge writes, and instead focus on the ways in which the affluent and their governments impose an international economic order that deprives the poor of their livelihood.

Pogge's strategy is appealing, not least because it accords with the widespread sense that there is something deeply unjust about many of the international institutions that have been established and supported by the rich countries. In this comment, however, I will show why this strategy is ultimately unsuccessful. In particular, I will argue that Pogge faces the following dilemma:

Either his normative principle is, as he claims, reasonably minimal, but is, his claims to the contrary notwithstanding, unlikely to generate obligations that, if acted upon, would come close to eradicating global poverty;

Or his normative principle does generate a strong and extensive set of obligations to the global poor, but is not nearly so minimal or plausible as he maintains. He is, in effect, deriving a fairly maximalist conclusion from a fairly maximalist normative premise.

Regardless of which horn of the dilemma he chooses, Pogge's claim to have transcended the traditional debate by deriving a maximalist conclusion about human rights and obligations from a minimal injunction not to cause harm is unjustified.

### FINDING A BASELINE FOR JUDGMENTS ABOUT HARM

Since Pogge's main disagreement with traditional libertarians concerns the factual matter of whether the world's rich are in some way harming the poor, one might expect that a good part of Pogge's book would advance an empirical, explanatory argument about the causes of global poverty. It is thus a little surprising to find that the book contains almost no sustained empirical analysis at all.

The book repeatedly asserts that the wealthy countries cause poverty by imposing various international institutions on the developing countries, and it formulates a few hypotheses—some of them quite ingenious—about how certain international rules (such as those connected with rights to sell resources and to borrow internationally) might contribute to sustaining

world poverty. The book also chastises economists and others for focusing too exclusively in their research agendas and their explanations of poverty on domestic factors and not enough on the international "system-level" factors that underlie important domestic variables. Yet Pogge never really shows how the international factors he emphasizes account for global poverty.

Pogge's neglect of the empirical aspects of his case need not, however, be as serious a defect in his argument as it might initially appear. Factual disagreements can obviously be settled by drawing attention to relevant empirical facts, but this is not always the only or best way of proceeding. Sometimes the disagreement will hinge crucially on what *counts* as a relevant fact, and this must be settled philosophically rather than empirically. Indeed, Pogge's main efforts to challenge the libertarian factual premise proceed along the philosophical track rather than the empirical one.

One of the main philosophical issues raised by Pogge concerns the concepts of "harm" and "cause" deployed by libertarians and others in assessing whether the actions of people in the affluent world "harm the poor" or "cause poverty." The concepts of "harm" and "cause," Pogge points out, necessarily invoke a baseline to which the actual situation is being compared. The baseline could be diachronic: it could involve a comparison with the situation at some moment in the past. Or it could be subjunctive: it could involve a comparison between the actual situation and the situation that would have arisen in the absence of the alleged causal factor.

Pogge opts for the subjunctive baseline. How do we identify what would have happened in the absence of the alleged causal factor? Pogge claims, for example, that the WTO has caused poverty and death on a massive scale. In assessing this claim, how should we fill in the subjunctive baseline? When we notionally take away the WTO, what should we replace it with? Autarky? The GATT? Something else? Pogge poses this problem very clearly, but his answer to it is somewhat murky. In developing his claim about the WTO Pogge suggests that the baseline for comparison should be generated by imagining a "less burdensome" WTO treaty (p. 19). Elsewhere in the book he invokes a "Lockean" or "pre-institutional" state of nature as the baseline for judgments about harm (pp. 23–24, 137–39). Although neither of these proposals seems particularly concrete, each identifies the relevant baseline (in part) through normative argument. That is, whether the WTO has caused poverty depends on whether there would have been (as much) poverty under a (minimally) just alternative set of international trade rules.

It is now possible to begin setting out the dilemma facing Pogge. Against libertarians, Pogge believes that much of world poverty is caused by people in the affluent world and by the international institutions they (through their governments) impose. To assess this claim, we need a way of identifying whether institutions have caused harm. To do this, Pogge suggests, we should compare the consequences of those institutions for the global poor with the consequences that would have arisen under a (minimally) just set of institutions. This comparison, he believes, would establish that world poverty is caused by the world's rich countries.

The dilemma arises in attempting to construct the baseline of minimal justice. For a book that promises a normative position on global justice (p. 1), there is sur-

prisingly little discussion of this baseline.<sup>4</sup> There are several different ways of interpreting what it does say. On one interpretation, the baseline is defined *procedurally*: it is defined in terms of the presence of a set of fair institutions of international law, trade, finance, and so on. On a second interpretation, the baseline is defined *substantively*: it involves the realization of certain distributive outcomes, namely those in which nobody falls avoidably below a minimal level of access to essential goods.

I will argue that the procedural interpretation leads to the first horn of the dilemma: it is associated with a plausible and fairly minimal account of harm, but it does not support the view that ending the harm in question would eradicate world poverty. The substantive interpretation, on the other hand, leads to the second horn of the dilemma: ending harm, so conceived, would by definition eradicate world poverty, but this account of harm is neither minimal nor plausible.

#### FAIR INTERNATIONAL RULES AND PERSISTING POVERTY

In some passages of the book, Pogge suggests that millions of lives might have been saved had the rich countries allowed international institutions to be designed in ways that satisfy even an intuitive and basic idea of fairness. He asserts that millions have been killed by the implementation of the WTO treaty and defends this claim by pointing to ways in which the WTO is slanted in favor of the interests of the rich countries (pp. 18-21). The WTO allows the rich countries to maintain high tariff walls against developing countries, even while requiring the latter to dismantle their protectionist barriers; it allows the rich countries to spend hundreds of billions of dollars on agricultural subsidies, despite the obvious importance of fair agricultural trade to farmers in the developing world; and so on.

Pogge is also keen to point out that he is not against free trade or globalization. "My complaint against the WTO regime," he writes, "is not that it opens markets too much, but that it opens our markets too little and thereby gains for us the benefits of free trade while withholding them from the global poor" (p. 19; emphasis in the original).

These passages suggest a baseline of justice that is quite minimal and intuitive. They are consistent with a view of justice that is procedural in character. Such a view does not define justice in terms of the realization of some particular distributive outcome, but instead calls any distributive outcome "just" so long as it arises in the context of "fair background conditions."

Suppose we imagine a set of fair rules of the international order. These might require evenhandedness in the elimination of tariff barriers or perhaps the complete elimination of such barriers by all countries in all sectors. The rules might also call for the elimination of agricultural subsidies. And they might include certain requirements

<sup>&</sup>lt;sup>4</sup> In chapter 1 (esp. pp. 31–44), Pogge does sketch some of the principal elements of an account of global justice. However, it is not clear whether this account is meant to solve the baseline problem. Pogge argues against a recipient-focused view of justice and in favor of a view that takes into consideration not just how various prospective participants in a scheme of social institutions are likely to fare under that scheme, but also how the scheme relates to those expected outcomes-e.g., whether it is the cause of those outcomes or not (pp. 39-44). However plausible this might be as an account of justice, it produces a problem if that account is meant to serve as a baseline for judgments of causation and harm. In proposing this view of justice as his baseline, Pogge would find himself in a vicious circle in which justice is (partly) defined in terms of causation and causation is (partly) defined in terms of justice.

<sup>&</sup>lt;sup>5</sup> The phrase is from John Rawls, *Political Liberalism* (New York: Columbia University Press, 1993), pp. 265–69.

relating to intellectual property, access to international finance, the extension of borrowing and resource privileges, and so on.

We might hypothesize about the distributive outcomes that would be likely to arise under this fair international order and then compare these outcomes with the ones associated with the actual international order. The gap between the two sets of outcomes tells us the degree of responsibility of the actual order for the outcomes it is associated with. Imagine, for instance, that only two million people a year would die of povertyrelated causes under a fair international regime, compared with the eighteen million a year who die under the actual one. Then, on this procedural view of how to specify the baseline, we could say that the current international order is causing the death of sixteen million people a year.

This procedural strategy seems appealing because it works with a fairly weak and plausible account of harm—one that even a libertarian would be hard-pressed to dismiss. If the rich countries use their great bargaining power to insist on international rules that are heavily slanted in their own favor, and these rules foreseeably lead to much worse global poverty than would be the case under a fair set of rules, then it seems quite intuitive to say that the rich are "harming" the poor. Although libertarians typically insist that the powerful can use their bargaining power however they wish so long as they do not coerce or otherwise infringe the rights of the weak, it is more difficult for them to maintain that no harm is being perpetrated. It is one of the chief theoretical insights of Pogge's book that it emphasizes cases in which harm is perpetrated through the imposition of a pernicious institutional order. Furthermore, if the figures of sixteen million and eighteen million mentioned in my example above were credible, then the

central claim of Pogge's book would be vindicated. We could indeed "stop thinking about world poverty in terms of helping the poor" (p. 23) and still be confident that poverty would (virtually) disappear if all fulfilled their negative duties not to harm the poor.

The problem with this strategy, however, is that it places far too much emphasis on international factors and almost none at all on domestic ones. The claim that procedural unfairness accounts for sixteen million of the eighteen million poverty-related deaths is not credible. Pogge argues forcefully against the view that he dubs "explanatory nationalism": the view that global poverty can be fully explained in terms of national and local factors at work in the poor countries. He claims that this view reflects certain research biases and ignores the ways in which domestic factors (such as corruption of local elites) have deeper international causes (pp. 14-15, 110-12). But to suggest, as my example does, that sixteen million of the eighteen million annual deaths associated with world poverty could be avoided simply through reforms of the international order would be to fall into the opposite trapwhat might be called "explanatory cosmopolitanism."6

Explanatory cosmopolitanism is an implausible view because even in a fair international environment there is no guarantee that the policies needed to fight poverty will be introduced domestically. To be sure, such an international environment would change the incentives those actors face in certain favorable ways (making military takeovers

<sup>&</sup>lt;sup>6</sup> The plausibility of any such conjecture depends on whether one specifies the procedural baseline using a minimally fair set of international institutions or an ideally fair set of institutions. I think the sixteen million figure is implausible even if the procedural baseline is identified in terms of ideal fairness.

less tempting, for instance). But we know from the domestic politics of the developed countries that even fairly democratic countries, operating under an international set of rules that have been shaped for their own advantage, can routinely fail to enact policies designed to help their poorest and most marginalized citizens.

For the most part, Pogge is careful not to fall for explanatory cosmopolitanism. He formulates his claims more cautiously, saying that international factors "play an important role in" (p. 49), or "might contribute substantially to" (p. 112), the incidence of global poverty (see also p. 115), and conceding that "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" (p. 14).

But by avoiding explanatory cosmopolitanism Pogge ends up with a problem. Even under an ideally fair set of international rules, there is reason to suspect that there would still be significant numbers of desperately poor people in the world. On the procedural interpretation of the baseline of minimal justice, these victims of poverty do not count as "harmed" by the affluent countries. The question thus arises whether the affluent have any further obligations to these remaining poor. By reforming the international system, the affluent would have absolved themselves of complicity in the fate of the poor, but they would not have eradicated the most morally salient fact from a need-based perspective—the fact of poverty. So the question arises: would the affluent have done everything they could reasonably be expected to do, or would they have some further obligation of assistance and aid?

If Pogge really is serious about his normative libertarianism, then the answer will have to be that the affluent have no further obligations (except perhaps those of private

charity). He will then have to face standard objections to libertarianism, such as the objection that property and other rights of the privileged should not be regarded as so absolute as to override a duty to perform easy rescues. Alternatively, Pogge might allow that there is an additional duty of assistance that is relevant in this situation. But it would then be misleading for him to say that "we must stop thinking about world poverty in terms of helping the poor." Indeed, with this concession his view would start to look more orthodox than he acknowledges and closer, for example, to Rawls, who calls for "fair trade" and other international reforms and a duty of assistance.<sup>7</sup>

## COULD POGGE ADOPT A SUBSTANTIVE BASELINE INSTEAD?

There are further problems with purely procedural approaches to international justice

<sup>&</sup>lt;sup>7</sup> Pogge is scathing in his criticisms of Rawls's The Law of Peoples (e.g., see pp. 104-108). On a procedural interpretation of what Pogge is up to, however, it is hard to see a significant final difference between Pogge and Rawls, at least if one allows a minimally generous reading of the latter. Three possible areas of difference are the following: (1) Rawls argues that the duty of assistance applies only to those burdened societies that fall below a "cutoff point" of neediness, whereas Pogge is silent on this issue; (2) Rawls's duty of assistance applies directly to peoples, whereas Pogge's focus is on the justice of global economic institutions; (3) Rawls's duty is a duty of assistance, whereas Pogge's is a negative duty to stop harm. But (1) does not seem to be at issue in any obvious way in Pogge's book. As for (2), it overstates Rawls's inattention to global economic institutions. Rawls recognizes that his law of peoples would be incomplete without an account of fair trade and the design of international financial institutions (The Law of Peoples, pp. 42-43, 115), and nothing in his discussion rules out the possibility that the best way to fulfill the duty of assistance would be through a reconfiguration of global economic institutions. Finally, with respect to (3), I have been arguing in the text that on the procedural interpretation Pogge is faced with a choice between also accepting a duty of assistance or being on the hook for the normatively unpalatable implications of libertarianism.

of the sort that I have been discussing. Imagine that two hitherto autarkic islands start to trade with one another. One is relatively poor, the other prosperous. Even if the international rules governing their trade are fair, it is quite possible that trade will further immiserate some on the poor island and further enrich many on the rich island. Is it really obvious that these outcomes are just in virtue of the fair trade rules that gave rise to them? It is tempting to think that the outcomes can be regarded as just only if some attempt is made at the start to equalize the economic positions of the would-be trading partners (p. 12). An additional problem is more theoretical in nature. How exactly does a proceduralist propose to identify a set of international rules as fair or unfair? In A Theory of Justice, Rawls argues that this determination should be made by reference to the foreseeable, substantive distributive outcomes associated with alternative sets of rules.

These considerations help to motivate a different understanding of the baseline of minimal justice than the procedural one I have been exploring. On this view, the baseline is to be identified in *substantive* terms, as involving a distributive outcome in which nobody needlessly falls below a minimum threshold of access to essential goods. A number of passages in Pogge's book suggest a substantive view of this kind (see, for example, pp. 95–96, 136–39, 176, 199–201).

With this alternative specification of the baseline, the scope of "harm" becomes broadened. For the affluent to escape the judgment that they are harming the poor, it may not be enough that they establish fair background conditions. Even if background conditions are fair, they are liable to this judgment whenever, first, the outcome associated with those conditions is one in which at least some people are below the minimum

threshold, and, second, there is a feasible alternative institutional order that the affluent could establish in which nobody would be below the threshold.

To illustrate the difference between the procedural and substantive specifications of the baseline, consider the simple example of a world with two countries: Rich and Poor. Rich and Poor relate to one another by trade, investment, and other forms of interaction. Imagine that all such interaction takes place against a background set of international rules (IR1) that are procedurally fair. For instance, neither Rich nor Poor impose tariff or nontariff barriers to trade and they have symmetrical rules governing investment, intellectual property, and so on.

In this context, suppose the following outcome obtains: in Rich, everybody is comfortably above the minimum threshold, while in Poor some are above and some below. Imagine, in addition, that Rich could "impose" on Poor the following alternative scheme of international rules (IR2): Poor is allowed to raise protectionist barriers to Rich's goods and services, but Rich is not allowed to do the same. Finally, suppose that under IR2 everybody in Rich would remain above the minimum threshold and the same would be true for everyone in Poor too.

The procedural and substantive conceptions of minimal justice reach different judgments about this case. On the procedural view, the fairness of IR1 means that Rich is not "harming" Poor, even though there are badly off people in Poor. On the substantive view, by contrast, Rich is "harming" Poor under IR1, since there are people below the threshold in Poor *and* there is a feasible international order in which all would be above it (IR2).

Assume for a moment that there is a feasible international order in which poverty is eradicated. By adopting the substantive con-

ception of minimal justice Pogge can simultaneously defend two propositions: first, that the primary duty of the affluent countries toward the global poor is to stop harming them through imposed international institutions; second, that if the affluent were to discharge this duty, global poverty would be substantially eradicated. He can, indeed, affirm both propositions with barely a glance at messy empirical conjectures about the incidence of poverty under various scenarios. So long as there is a feasible set of international rules in which nobody is needlessly below the threshold of access to essential goods, then the second claim is an analytical truth.

To be sure, it would require a great deal of messy empirical argument to demonstrate that there is such a feasible set, but even if there is not (as many will suspect), the obligations of the affluent implied by the substantive baseline interpretation are likely to go well beyond those associated with the procedural view. In skillfully reconceptualizing the concept of harm, it seems, Pogge is able to vindicate his promise to arrive at a maximalist conclusion about the obligations of the affluent starting from a minimal normative injunction against causing harm to others. By developing his main claim in this way, however, Pogge is led to the second horn of my dilemma. His argument succeeds in deriving an extensive set of obligations with respect to the poor, but the normative principle on which his argument is based is neither minimal nor particularly plausible.

Let me start with the point about plausibility. The main problem I see with specifying the baseline in terms of the proposed substantive conception of justice is that, in focusing so much on the position of those who fall below the threshold, the proposal ignores possible claims of justice among people who are above the threshold. Once these additional claims are taken into account, it is no longer clear that it is citizens of the affluent countries who should be said to be "harming" the poor, rather than affluent citizens of the poor countries.

To see this, return for a moment to my example of Rich and Poor. Imagine that adopting IR2 is only one way of raising everyone in Poor above the threshold. The same outcome could be expected if the affluent citizens of Poor were willing to introduce various domestic reforms. With these new assumptions, would we still want to say that Rich is harming Poor if it insists on IR1 rather than allowing the more concessionary IR2?

Suppose we say "yes," that Rich is still harming Poor. This seems unfair to citizens of Rich. They could reasonably complain that affluent citizens of Poor are not doing their share. Rich only counts as "harming" Poor because the affluent citizens of Poor are failing to fulfill their duty to do justice to their own citizens.

If instead we say "no," then we must again confront the first horn of the dilemma. Not all poverty will count as "caused" by the affluent countries, and the question arises whether the affluent have a further duty of assistance toward those poor that remain.

The substantive conception of justice is implausible, then, because it makes no reference at all to how duties are distributed. If judgments about harm are guided not just by assessing whether anyone is needlessly badly off but also by reference to a view about whether duties have been fairly allocated, then it is not clear that global poverty is, in general, caused by the affluent countries.

A second problem with the substantive baseline proposal is that it no longer seems to invoke a particularly *minimal* normative principle. Adopting the proposal means that, in almost any situation in which an affluent person is connected with a badly off person, the affluent person will count as "harming" the badly off person, so long as there is *some* institutional scheme the affluent person could bring to bear that alleviates the suffering of the badly off. And this is tantamount to saying that by failing to help (through institutions) the affluent person would be harming.<sup>8</sup>

Pogge's original promise was to identify a more minimal, negative-duty-based foundation for obligations to the global poor than the positive, need-based principle advocated by many philosophers. But with the substantive baseline proposal it seems that Pogge's alternative amounts only to an exercise in relabeling. In effect, what would traditionally have been regarded as positive duties of assistance and aid get relabeled as negative duties, via the thought that the shortfall or vulnerability that gives rise, on the traditional view, to a positive duty could be redescribed as the imposition of an institutional order in which the shortfall or vulnerability is not alleviated.

Pogge seems to think that libertarians are right to resist the demands of positive duty. But it is hard to see how a libertarian would be any more amenable to a substantive-baseline-identified conception of harm. Whatever reasons libertarians have for thinking that a duty to help is asking "too much" of the well-off would also seem to be reasons for thinking that a duty not to harm that includes a duty not to impose institutions that fail to help would also be asking "too much."

Consider, for instance, Pogge's own discussion of domestic violence (p. 42). Pogge and I agree that a high incidence of domestic violence indicates an unjust institutional order if there is more that that order could

reasonably do to reduce the level of violence. A society that allows a high level of domestic violence is failing to protect some of its most vulnerable members. The judgment that the institutional order in question is unjust (and therefore harmful), however, rests here on a normative premise that libertarians do not accept: namely, that society should protect its most vulnerable members.

I don't see, therefore, that Pogge has succeeded at deriving a strong conclusion about our duties to the global poor from a minimal normative injunction against causing harm. He may be able to reach the strong conclusion from an injunction against causing harm, but it is not the minimal injunction that libertarians acknowledge. Instead, it is an injunction that has built into it the moral imperative of assisting people who are in dire need. It is proper, in my view, for this imperative to play a role in our thinking about duties to the global poor. But in the end, it may be better to be up front about this obligation than to stretch the concept of harm awkwardly to make space for duties of assistance.

<sup>&</sup>lt;sup>8</sup> I mean here to call into question the significance of Pogge's distinction between "interactional" and "institutional" accounts of rights and duties. Pogge writes, "The institutional understanding thus occupies an appealing middle ground: it goes beyond (minimalist interactional) libertarianism, which disconnects us from any deprivations we do not directly bring about, without falling into a (maximalist interactional) utilitarianism of rights, which holds each of us responsible for all deprivations whatever, regardless of the nature of our causal relation to them" (p. 66). Suppose, however, that for every situation in which a maximalist might claim that there is an interactional duty, it would also be possible to set up an institution (or extend an existing one) that alleviates the shortfall or provides the protection that triggers the alleged interactional duty. Then, the institutional view doesn't seem a "middle ground" so much as a way of relabeling the extensive set of duties defended by the maximalist.

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