

Baselines for Determining Harm

Reply to Risse

Thomas Pogge

MATHIAS RISSE DISCUSSES whether the global system of territorial sovereignty that emerged in the fifteenth century can be said to harm the poorer societies. This question is distinct from the question I raise in my book—namely, whether present citizens of the affluent countries, in collusion with the ruling elites of most poor countries, are harming the global poor. These questions are different, because present citizens of the affluent countries bear responsibility only for the *recent* design of the global institutional order. The effects of the states system as it was shaped before 1980, say, is thus of little relevance to the question I have raised. A further difference is that whereas Risse's discussion focuses on the well-being of societies, typically assessed by their GNP per capita, my discussion focuses on the well-being of individual human beings. This difference is significant because what enriches a poor country (in terms of GNP per capita) all too often impoverishes the vast majority of its inhabitants, as I discuss with the example of Nigeria's oil revenues.¹

My focus is then on the *present* situation, on the radical inequality between the 2.5 billion suffering severe poverty and the 1 billion in the affluent countries, whose per capita share of the global product is some 200 times greater (at market exchange rates). This radical inequality and the continuous misery and death toll it engenders are foreseeably reproduced under the present global institutional order as we have shaped it. And most of it could be avoided, I hold, if this global order had been, or were to be, designed differently. The feasibility of a more poverty-avoiding alternative design of the global institutional order shows, I argue, that the present design is unjust and that, by imposing it, we are harming the global poor by foreseeably subjecting them to avoidable severe poverty.

The argument just summarized defines harm relative to a baseline that is different from the three baselines Risse considers: on my account, the global poor are being harmed by us insofar as they are worse off than anyone would

be if the design of the global order were just. Now, standards of social justice are controversial to some extent. To make my argument widely acceptable, I invoke a minimal standard that merely requires that any institutional order imposed on human beings must be designed so that human rights are fulfilled under it insofar as this is reasonably possible. Nearly everyone believes that justice requires more, that an institutional order can be unjust even if it meets this minimal standard; and there is disagreement about what else justice requires. But I can bypass these issues so long as we can agree that an institutional order *cannot* be just if it *fails* to meet the minimal human rights standard. Because the present global institutional order falls short of even this minimal standard, and dramatically so, it can be shown to be unjust without invoking any more demanding and less widely acceptable standard.

Imagine for a moment a human world whose economic distribution resembles ours, but whose inhabitants have just sprung into existence. In this fictional world, the more powerful impose on the rest an institutional order that reserves for themselves the vast majority of income and wealth, thereby leaving the non-consenting poor with insecure access to the most basic necessities. In regard to such a world, my argument and conclusion would be obvious and all but irresistible. In such a world, clearly, the global poor have a much stronger moral claim to the extra 1 percent of the global product they need for secure access to basic necessities than the powerful have to take 80 rather than 79 percent for themselves.

This thought experiment shows that if you, like most of this world's affluent, do not find my argument and conclusion obvious and irresistible, this is because the radical inequality of our world does have a history. You must be assuming that this history renders the moral claim the powerful have on the disputed 1 percent of the global product stronger, or renders the moral claim the global poor have on this disputed 1 percent weaker, than it would be without this history. However widespread among the affluent, this assumption is wrong. To show this, I discuss actual and fictional histories, including the three additional (historical and counterfactual) baselines Risse considers. I can do this in a purely defensive way. To protect my argument, all I need to show is that considerations invoking such baselines cannot upset my argument.

Risse rejects as excessively speculative counterfactual statements to the effect that there is more severe poverty in the world today than there would be if either humankind had settled into some Lockean state of nature or if the continents had not been unified through European conquest and colonization. There are no knowable facts, he thinks, on the basis of which we could make such comparisons. This skepticism suits me well. If such comparisons are unsound, then they cannot be invoked to damage my argument. Then the moral claim the global poor have to the disputed 1 percent cannot be undermined by showing that severe poverty would have been at least equally bad without the European conquest or in a Lockean state of nature. And our moral claim to the

disputed 1 percent cannot be bolstered by showing that we would have been no worse off without the European conquest or in a Lockean state of nature.

Putting these two counterfactual baselines aside, "the historical benchmark is the only benchmark among the three considered that we can make sense of" (page 323, this book), Risse writes, and judges that the last few centuries have brought fabulous improvements in human well-being. This is quite true—at least so long as we look at aggregates and averages. But if we look at individual lives lived near the bottom, the statistics are less rosy. According to the World Bank, the number of people living below its \$2 per day international poverty line has increased from 2,497 million in 1987 to 2,505 million in 2004.² The number of chronically undernourished human beings continues to hover around 800 million.³ And the number of children under the age of five dying each year from poverty-related causes is still nearly 10 million, or 17 percent of all human deaths.⁴ How do Risse's statistics help him answer these individual human beings living in extreme poverty when they ask us how we can justify imposing a global order designed so that it foreseeably produces a huge avoidable excess in misery such as theirs year after year?

Risse's glorious aggregate statistics—the increase in the global average income or in longevity—cannot silence these complaints. To the contrary, they show that the affluence of the nonpoor is increasing by leaps and bounds and that severe poverty is thus ever more easily avoidable. Such statistics can only exacerbate the scandal of severe poverty persisting on a massive scale.

Risse can say that, thanks to global population growth, the global poor constitute a shrinking percentage of humankind.⁵ Or perhaps he can even say that, according to some statistical indicators, the world poverty problem is shrinking even in absolute terms. Such progress is better than no progress, to be sure. It means that severe poverty may one day be eradicated from this planet and that, over all of human history, fewer human beings will have suffered and died from severe poverty than would otherwise be the case. But all this cannot lessen the complaint of those who avoidably suffer and die against those who confine them to a life in grinding poverty.

To see this, consider a parallel case involving slavery.⁶ Imagine once more a human world whose inhabitants have just sprung into existence. In this world, the more powerful whites impose an institutional order that facilitates and enforces the enslavement of blacks. This order and its imposition are unjust. Clearly, blacks have a strong moral claim to control their own bodies and labor power, and whites have no moral claim at all to treat black people as tradable commodities.

At this point, Risse's doppelgänger enters the scene, arguing that this conclusion about the imaginary world without history cannot be simply transferred into the actual world of 1845, where the citizenry of the United States was imposing an institutional order that facilitated and enforced the enslavement of blacks. The actual world of 1845 was different, says the doppelgänger, because it had a history, and a benign one at that: The proportion of slaves within the U.S.

population (or even the absolute number of slaves) had been shrinking, the nutritional situation of slaves had steadily improved, and brutal treatment, such as rape, whipping, and splitting of families, had also been in decline. Let us stipulate, for the sake of the argument, that the doppelganger's historical assertions are entirely accurate. Do they weaken, *in any way*, the slaves' moral claim to legal freedom? Or do they support, *in any way*, a moral claim by the citizenry of the United States to perpetuate the institutional order that facilitated and enforced the enslavement of blacks?

Faced with this challenge, Risse has opted to answer these questions in the negative, thus dissociating himself from his doppelganger's argument. He recognizes that this saddles him with a new task. He must now explain why his invocation of an upward historical trajectory should have moral relevance against the complaint by the global poor when it has no moral relevance against the complaint by slaves in the United States of 1845. Risse begins to do this by highlighting three purported differences between the two scenarios: Blacks "were relegated to an inferior status. This evil can also be attributed to a group of perpetrators," and both groups were "participants in a single society sharing economic and political institutions" (page 323, this book). Risse does not say which of these points render historical improvements relevant to present injustice, so let us consider all three.

The last two purported differences are easily denied: There is a group of perpetrators in both cases—namely, the citizens of the United States in 1845, and the politically influential global elite of the affluent today. And just as there was a single society with shared social institutions in the United States of 1845, so there is now "one continuous global society based on territorial sovereignty" worldwide (page 317, this book).

The first difference is real: blacks were a rigidly designated group of persons with inferior legal status, while the global poor are not as such rigidly singled out and relegated to an inferior status by current legal instruments. But why should this difference *make* a decisive moral difference?

To see that it makes little moral difference, we need only imagine the U.S. system of slavery modified so that anyone can fall into hereditary slavery under universalistic rules, perhaps through failure to repay a debt on schedule. Let us couple this modified system with the previous stipulation that the proportion of slaves within the population (or even the absolute number of slaves) has been shrinking, that the nutritional situation of slaves has steadily improved, and that brutal treatment has also been in decline. Do the stipulated historical improvements, in this modified case, render justifiable the citizens' imposition of an institutional order that facilitates and enforces the enslavement of defaulting debtors and their progeny? If Risse answers in the negative, then he still owes us an explanation of why he thinks that a decline in the plight caused by severe poverty over the last few centuries renders justifiable our continued imposition of a global order that is designed so that it foreseeably reproduces avoidable severe poverty on a massive scale.

THE CONTENT OF COSMOPOLITANISM

I respond only briefly to the second half of Risse's critique because I fully agree with him that we should reject what he calls "Pogge's claim that the sheer existence of states harms the poor" (page 325, this book). It is true that I consider myself a cosmopolitan. But if it is posited that "cosmopolitans take the existence of states, and a global order composed of them, to be wronging individuals by failing to respect their moral equality" (page 323, this book), then I must decline the label. I am not a cosmopolitan in this sense, because I do not believe Risse's empirical assertion that "the existence of states entails that life prospects differ vastly and are largely decided by birth" (page 323, this book). As my proposal for a Global Resources Dividend makes clear,⁷ I think that radical inequality can be avoided and economic human rights securely maintained within a global system of states.

To be sure, I have advocated a vertical dispersal of political authority, which would expand the role and impact of supranational rules and organizations.⁸ But this view has become rather commonplace in the eighteen years since I wrote the essay on which that chapter is based. In fact, precisely such an expansion has been occurring and accelerating, paradigmatically in the ever more consequential rules and agencies of the WTO and the European Union. If I am to be characterized as a radical, then it should not be because I, too, advocate such an expansion, but because the design of supranational rules and organizations I envision differs substantially from the design that is being implemented by the world's affluent and politically influential.

Here I agree with Risse that our present "global order is . . . *imperfectly developed*: it needs reform rather than a revolutionary overthrow" (page 326, this book). Minor redesigns of a few critical features would suffice to avoid most of the severe poverty we are witnessing today. In this sense, we are not far from a global institutional order that would satisfy the minimal human rights standard of justice. But I cannot agree with Risse that we should therefore refrain from calling the present global order unjust (page 326, this book). While the reforms needed for the sake of severe poverty avoidance are indeed small, the effects of our continued imposition of an unreformed global order are immense. It foreseeably causes millions of avoidable deaths from poverty-related causes each year. This is an imperfection. But it is also a massive crime against humanity.

NOTES

This is a revised excerpt from the essay that first appeared as "Severe Poverty as a Violation of Negative Duties" in *Ethics & International Affairs* 19, no. 1 (2005): 55-83.

1. Thomas Pogge, *World Poverty and Human Rights: Cosmopolitan Responsibilities and Reforms*, second edition (Cambridge: Polity Press, 2008), 119-20.

2. See iresearch.worldbank.org/PovcalNet/jsp/index.jsp. I converted the percentages there given into absolute numbers with additional data kindly provided by Shaohua Chen of the World Bank.

3. This figure is reported each year by the UNDP. The latest figure is 800 million. See United Nations Development Programme, *Human Development Report 2007/2008* (Basingstoke, UK: Palgrave Macmillan, 2007), 90; available at hdr.undp.org/en/reports/global/hdr2007-2008.

4. UNICEF, *The State of the World's Children 2008* (New York: UNICEF, 2007), iii; available at www.unicef.org/sowco8.

5. For example, those living below \$2 a day in 1987 constituted 50 percent of the global population then, whereas those living below \$2 a day in 2004 constituted only 39 percent; see www.census.gov/ipc/www/idb/.

6. See Thomas Pogge, "Real World Justice," *Journal of Ethics* 9, nos. 1-2 (2005): 38-39.

7. Pogge, *World Poverty and Human Rights*, 202-21.

8. *Ibid.*, 174-201.