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Poverty, negative duties, and the global institutional order

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abstract

Do we violate human rights when we cooperate with and impose a global institutional order that engenders extreme poverty? Thomas Pogge argues that by shaping and enforcing the social conditions that foreseeably and avoidably cause global poverty we are violating the negative duty not to cooperate in the imposition of a coercive institutional order that avoidably leaves human rights unfulfilled. This article argues that Pogge's argument fails to distinguish between harms caused by the global institutions themselves and harms caused by the domestic policies of particular states and collective action problems for which collective responsibility cannot be assigned. The article also argues that his position relies on questionable factual and theoretical claims about the impact of global institutions on poverty, and about the benefits and harms of certain features of these institutions. Participation in, and benefit from, global institutions is unlikely to constitute a violation of our negative duties towards the poor.

keywords justice, international regimes, institutions, human rights, trade

In *World Poverty and Human Rights: Cosmopolitan Responsibilities and Reforms*¹ and subsequent works, Thomas Pogge defends the rather unsettling claim that we, the more advantaged citizens of the affluent countries, are actively responsible, in part, for the severe, life-threatening poverty in the world. Crucial to his argument is that we (the affluent citizens of western countries) significantly contribute to, and benefit from, world poverty through our imposition of a *global institutional order* that engenders extreme poverty.² The purpose of this article is critically to examine this claim, focusing on how and what global institutions are supposed to engender poverty and in what way. The discussion of Pogge's work has so far touched upon this issue only peripherally.

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Pogge's strategy is to show that one need not support a general principle of egalitarian distributive justice nor something similar to Peter Singer's consequentialist argument in 'Famine, Affluence and Morality'³ to justify general obligations to the global poor. His argument appeals to the intuition that we have stronger negative duties not to harm others than positive duties to promote their well-being. Negative duties are usually considered to be far less demanding than positive ones, and are often seen as side constraints on action, prohibiting certain acts as opposed to prescribing them. In contrast, positive duties prescribe certain actions that benefit others, which makes them more controversial. Pogge does not reject the idea that we have positive duties to eradicate poverty, but thinks that relying primarily on negative duties not to harm in arguing for the eradication of global poverty has the advantage of basing the argument on a more moderate conception of justice that is more widely shared. Pogge thinks the idea is widely held that while it is seriously wrong to cause severe life-threatening poverty, it is not seriously wrong to fail in eradicating such poverty, and argues that this explains the widespread indifference to poverty in the world today. He does not wish to challenge this idea, but focuses instead on undermining the factual basis for thinking that we are not currently causing poverty. The idea that we have positive duties to eradicate poverty even when such poverty has not been caused by us or benefited us in some way is much more controversial since it shows no regard for the distinction between *causing* harm and merely *failing to eliminate* harm whatever the cause. Pogge wants to reject such recipient-oriented approaches.⁴

Extreme poverty is a human rights violation, in Pogge's view.⁵ States and individuals are responsible for violating human rights to the degree that they cooperate with and impose a global institutional order that engenders extreme poverty. In the case of the global order, such harm to basic human rights is *foreseeable*, since we can know beforehand that the global order will contribute to it, and *avoidable*, since there are feasible institutional orders that we could create that would be much less harmful to human rights. Pogge's claim is that 'by *shaping and enforcing the social conditions* that foreseeably and avoidably cause the monumental suffering of global poverty, we are harming the global poor'.⁶ By violating the negative duty 'not to co-operate in the *imposition of a coercive institutional order* that avoidably leaves human rights unfulfilled without making reasonable efforts to aid its victims or promote institutional reforms'⁷ we violate our negative duty not to cause severe poverty and owe the poor reparations. Citizens living in affluent countries are themselves relatively innocent of substantially affecting people in poor countries, but they may still benefit from unjust arrangements and this makes them responsible, Pogge thinks. It is the *imposition* of this institutional order that creates the negative duty to compensate the global poor. Pogge does not think we have a negative duty to *create* global institutions that help fulfil human rights. For example, Pogge does not think we have a negative duty to create institutions that protect 'human rights' for hypo-

thetical creatures on Venus, were such creatures to be discovered. Only when we actually impose institutions upon others do we have negative duties to make sure that such institutions do not leave basic human rights foreseeably and unavoidably unfulfilled.⁸

In making this argument, Pogge rejects what he calls the 'Purely Domestic Poverty Thesis', that is, the idea that the global institutional order is blameless for human poverty since poverty has domestic causes. The major flaw of the thesis is that it is committed to 'explanatory nationalism', assuming that domestic causes of poverty are strictly independent from global causes. But global factors can have significant impact on domestic factors and are not independent of them. Even if it is true that domestic factors (for example, lack of effective economic and political institutions) constitute the main cause of poverty today, it is still the case that these domestic factors have been strongly conditioned by the global institutional order, such as in the case of the rights of sovereign governments to sell natural resources or borrow money.

It is important to note that Pogge is not committed to the view that factors apart from the global order are blameless for global poverty or to the view that the global order is the *primary* cause of poverty.⁹ A common but misguided criticism of Pogge's argument is that it fails to distinguish between international and domestic contributions to poverty.¹⁰ Pogge agrees that domestic factors *do* matter greatly, but suggests that domestic and international causes are not distinct – domestic causes are themselves to a large extent conditioned by international ones. He certainly recognizes the culpability of domestic actors, especially corrupt politicians in the Third World. His argument is rather that the global institutional order is one significantly contributing factor to poverty and that rich countries and their citizens *share* responsibility and owe the poor compensation. The harm caused is enough to warrant reparations, regardless of whether there are other contributing causes of world poverty (which there surely are – low productivity, civil war, corruption, and environmental disadvantages being chief among them).

While Pogge's criticism of 'explanatory nationalism' is quite devastating in my view, I think his alternative explanation (that poverty is partly caused by a global institutional order that the strong impose on the weak and benefit from, and that this constitutes a breach of negative duties) is mistaken. In this article, I will argue that Pogge's argument fails to distinguish between harms caused by the global *institutions* themselves and harms caused by *other* aspects of international politics and the domestic policies of particular states for which it makes little sense to assign collective responsibility. A rather one-dimensional approach to the global order means that Pogge's analysis cannot properly distinguish between cases in which global institutions contribute to poverty and cases in which global institutions have no particular effect on poverty or possibly even reduce the incidence of poverty, but fail to eliminate it. Many of the aspects of the global order that Pogge argues harm the poor turn out to be due to the domes-

tic or foreign policies of particular states or to collective action problems in international politics and not the actions of global institutions as such. In the absence of these institutions, the problems would most likely be even more severe. I will also argue that his position relies on questionable factual and theoretical claims about the impact of global institutions on poverty and about the benefits and harms of certain features of the international economy, in particular protectionism.

The global institutional order

In Pogge's view, 'human rights give you claims not against all other human beings, but specifically against those who impose a coercive institutional order upon you'.¹¹ An important question then becomes *when* you share a 'coercive institutional order' with someone and what it means to *impose* such an order upon someone. Does the system of global institutional governance that we see today count as a coercive institutional order that is imposed on people? Pogge's answer is clearly 'yes'. The wealthiest and most powerful nations are responsible for imposing the global institutional order upon the world, an order tailored to benefit their interests. This order is not spontaneous, but something that 'we', the citizens of wealthy countries, impose through our elected governments:

There is a shared institutional order that is shaped by the better-off and imposed on the worse-off. This institutional order is implicated in the reproduction of radical inequality in that there is a feasible institutional alternative under which so severe and extensive poverty would not persist. The radical inequality cannot be traced to extra-social factors (such as genetic handicaps or natural disasters) which, as such, affect different human beings differentially.¹²

Examples of how this institutional order harms the poor include the failure by rich nations to prevent their multinational firms from bribing officials in poor countries¹³ and the imposition of protectionist tariffs that deny market entry to poor nations while pressuring them to open their own markets to penetration by exports from rich nations.¹⁴

Unfortunately, Pogge never clearly defines what the global institutional order (sometimes labelled the 'global economic order') actually includes and does not include, nor does he clearly explain what our imposition of this order upon the poor entails. Considering how important the global institutional order is to Pogge's argument, it is surprising that he spends so little time discussing which institutions are actually part of the global institutional order and in what sense affluent, powerful countries and their citizens are responsible for maintaining and imposing them upon the global poor. Only brief explanations appear, such as when he speaks of 'non-domestic social institutions . . . global rules of governance, trade, and diplomacy, for instance'.¹⁵

I agree with Pogge when he claims that 'The current *global order* produces a

stable pattern of widespread malnutrition and starvation, and there are alternative regimes possible that would not produce similarly severe deprivations.’¹⁶ Global poverty would no doubt be much less severe if the global order had a different structure. What I find troubling in his argument is the way he blames global *institutions* for this state of affairs. I think it is quite doubtful that much, if any, severe poverty is caused by global institutions as such. Even more problematically, I believe that Pogge’s argument cannot distinguish between global institutions contributing to or reducing (but failing to eliminate) the incidence of poverty. The reason for this is that Pogge’s argument makes no distinction between the basic structure of the global order and global institutions themselves, nor between effects that arise *because of* global institutions and effects that arise *in spite of* global institutions or that global institutions for various reasons fail to address.

Judging whether the global institutional order contributes to, is irrelevant to, or in fact reduces the incidence of global poverty is a difficult task. It could be argued that it is impossible to create a proper baseline or benchmark for assessing the impact of global institutions on poverty, apart from other factors. For example, it is not clear whether the sovereign state system should be seen as part of the global institutional order or something that precedes and forms the basis for the institutions themselves, neither is it clear what historical benchmark we are supposed to use. At the same time, such benchmark assessments seem unavoidable if we want to take the task of determining the causal role of the global institutional order on poverty seriously. A suggested baseline would then be to focus on the historical impact of global institutions in a narrow sense, such as the UN or the WTO, since these institutions are relatively recent phenomena (it makes sense to assign responsibility for them to presently living persons) and clearly build upon and shape, but do not constitute, the sovereign state system. In the remainder of this article, I will therefore assume that the global institutions referred to are international governmental organizations (IGOs), international law, and associated institutions such as the World Bank, and not the sovereign states system as such, nor actions by individual sovereign governments. I will assume that the division of the world into separate, sovereign political communities is ‘imposed’ on everyone.¹⁷ This interpretation is supported by what Pogge says about ‘non-domestic social institutions’.

A further reason to focus on global institutions as organizations and legal frameworks is that it makes sense to assign collective responsibility for them, whereas it makes little sense to say that citizens in all wealthy countries share responsibility for selfish behaviour by foreign governments (rich as well as poor), dramatic inequalities in power and influence in the world, persistent collective action problems in international politics, or outright criminal acts by multinational corporations and the like. Citizens of affluent countries have little or no influence over such matters, nor do they (usually) approve of them or benefit from them in any clear way. But it does make sense to hold them responsible, in

terms of *negative* duties, for how they (through their governments) *exercise* this sovereignty and how they affect global institutions.

These global institutions resemble governments in some respects, but not in others. To the extent that they resemble governments, it makes sense to apply 'domestic' criteria of justice, but to the extent that they do not, it makes much less sense. Global institutions do issue rules and penalize non-compliance while claiming the authority to do so, similar to domestic governments, but their functions and their resources for ensuring compliance are much more limited and their actions are heavily dependent on the consent of sovereign states. The institutions do sometimes impose significant burdens and restrictions on sovereign states, for example, the WTO requires states to adopt a large body of rules and regulations that can significantly limit the practice of sovereignty in the area of economic policy. At the same time, the compliance mechanism of the WTO merely consists of allowing other states to reciprocate, for example, imposing countervailing duties when a certain state fails to live up to the rules. So while there are some similarities between global institutions and governments, the differences are also very important and this has significant consequences for how we should judge the responsibility of global institutions.

Moreover, the global institutional order is not created, nor subject to change, through authoritative decision-making like domestic institutions are. Rather, it is a negotiated compromise that is functional in some respects, but dysfunctional in others. The institutional order consists of evolving networks of various forms of governance that result from the interaction between sovereign political communities, characterized by the lack of strong, global norm-enforcement mechanisms. This order is a relatively new phenomenon that is constantly evolving and is subject to some rather deep and persistent disagreements, some reasonable and some unreasonable, about its proper goals and roles. The rich and powerful states do not decide alone (nor agree among themselves) what the institutional order should look like and then force this system on everyone else. This means that the imposition of the global institutional order is very different from the imposition of domestic political institutions, which should have important consequences for the issue of responsibility.

One of the major reasons why there is a global institutional order in the first place (and its main source of utility) is to facilitate cooperation between rich and powerful countries. According to one dominant explanation, the value of global institutions consists primarily in creating norms and exchanges of information that enable states to coordinate policies and counteract collective action problems for mutual benefit. They reduce transaction costs, provide public goods such as peaceful conflict-resolution mechanisms, and allow states to demonstrate commitment,¹⁸ which extends the 'shadow of the future' of iterated cooperative bargaining.¹⁹ They are the products of negotiations between more or less self-interested powerful governments, and not the result of collective agency on the part of the powerful, as a rule (although that may sometimes be the case). For the

global poor, the global institutional order is more or less a by-product of such negotiations.

If we are consistent in separating the role of this global institutional order from other unfortunate and unjust features of international politics, we must reconsider much of Pogge's argument. Many of the attributes of the global order that Pogge argues contribute to persistent poverty, such as selective trade restrictions by rich countries against imports from poor countries, agricultural subsidies, and tax-deductible bribery of foreign officials, fall squarely within the domestic jurisdiction of sovereign states and are not really part of the institutional order as such, strictly defined. If these features constitute harm and are violations of negative duties, they are not directly due to what the global institutions do. Clearly, not many (if any) global institutions are needed for trade protectionism or agricultural subsidies to exist, and even the smallest and weakest of countries can (and frequently do) impose obstacles to trade or subsidize agriculture.²⁰ Such practices were rampant even when the global institutional order as we know it today did not exist except in embryonic form, such as before the creation of the multilateral trading regime.

If this observation is correct, there is an important distinction to be made between the effects of the basic structure of international politics (in particular the sovereign states system and the negative outcomes it might generate) and international institutions that shape and to a large extent *mitigate* the negative consequences of the basic structure. Pogge's analysis only operates on two levels: the global order and the nation-state (that is, 'explanatory nationalism'). His argument states that if explanatory nationalism is wrong, then poverty is in part caused by the global institutional order which we are responsible for imposing upon the poor. He then focuses upon criticizing explanatory nationalism, since if explanatory nationalism turns out to be mistaken then (by exclusion) the global order must be to blame. But it is perfectly possible to argue that non-national explanations *are* in part to blame for world poverty while denying that this causation is due to the imposition of a global *institutional order* by the strong upon the weak.

Furthermore, Pogge's argument, it seems to me, does not properly distinguish between the case of an institutional order being *harmful* and the case of an institutional order being *exploited and manipulated* for harmful purposes by powerful actors. The main culprits in these cases seem to be the existence of more or less powerful sovereign states behaving badly (for example, through 'beggar-thy-neighbour' policies in various areas such as trade) and the lack of effective enforcement mechanisms to force powerful states to comply with international laws and regulations. Actual global institutions such as the WTO or the World Bank and the way powerful states can exploit these institutions appear to be minor factors compared to this very basic feature of the international system.

Thinking of the causation of poverty as a one-dimensional spectrum running from domestic conditions at one end to the global institutional order at the other

end greatly oversimplifies the issue.²¹ Clearly, there are a whole range of explanations for extreme poverty missing when we restrict the analysis to only two levels: the global institutional order *or* the domestic institutional order. If poverty in state A is partly due to the support the corrupt, tyrannical regime of state A receives from state B, it seems like it is state B and not the global institutional order that is failing in its negative duties not to harm the poor, unless we can argue convincingly that it is the duty of the global institutional order to prevent any such behaviour by state B in the first place. If state B is very powerful, this seems impossible short of creating some kind of world government that has the resources and capabilities to police the global order and protect the innocent against the wrongful behaviour of others. Likewise, we can easily think of cases in which there is profound disagreement (for various reasons) about a certain problem afflicting mankind, as well as collective action problems, coordination problems, and the like, and that this prevents the creation of effective institutional solutions at the global level to remedy the problem, even if such remedies are perfectly feasible from a technical point of view. It makes little sense to say that the global institutions *themselves* are responsible for such disagreement – especially when there are deep and persistent political disagreements about the role, aims, and purposes of these institutions in the first place. Arguably, the weak and indecisive performance of global institutions engenders more poverty than any rules or regulations that these institutions actually *impose* on the poor.

Positive and negative duties in the institutional order

Interestingly, the distinction between positive and negative duties plays no particular role in establishing what the institutional order should or should not do in Pogge's argument. Human rights are moral claims on the organization of society (including global society) and 'Persons share responsibility for official disrespect of human rights within any coercive institutional order they are involved in upholding.'²² As such, the distinction between positive and negative duties is not involved in determining the extent of duties that the institutional order has towards individuals. Also worth noting is that the distinction between causing harm and failing to relieve injustice is not important to this institutional interpretation of obligation. The institutional order does not have to be *causally responsible* for the denial or deprivation of what the rights-holder is entitled to. The key issue is what the institutional order *foreseeably and avoidably* 'gives rise' to. Exactly what 'gives rise to' means is somewhat obscure, but judging from the examples that Pogge lists (domestic crime and education), it seems that 'gives rise to' should not be interpreted causally except in a permissive sense (like how oxygen permissively 'causes' fires).

Pogge lists five criteria for determining when the affluent citizens of western countries are morally responsible for human rights deficits:

The affluent persons must *cooperate* in imposing an institutional order on those whose human rights are unfulfilled. This institutional order must be designed so that it *foreseeably* gives rise to substantial human rights deficits. These human rights deficits must be *reasonably avoidable* in the sense that an alternative design of the relevant institutional order would not produce comparable human rights deficits or other ills of comparable magnitude. And the availability of such an alternative design must also be *foreseeable*.²³

When interpreting the violation of negative duties in this way, it seems that it is the *avoidability* of human rights deficits as such that does practically all of the normative work. This means that an imposed institutional order (and our compliance with it) counts as harmful if it cannot prevent everyone from falling below the stipulated human rights baseline as long as this is reasonably avoidable. If we participate in and impose an institutional order, we are responsible for poverty because we *could* have created an institutional order that prevented poverty. As citizens of affluent countries we are harming the poor whenever we comply with and continue to impose this international order while failing to reform it in such a way as to prevent any basic human rights violation – if such violations are foreseeable and there are institutional alternatives that might avoid them.

If we think justice requires that we create an institutional order whereby peoples' basic human rights are not violated regardless of direct cause and everyone is provided with basic goods in life, we are in fact (as I aim to show below) relying on a kind of positive duty to aid the poor – something that Pogge rejected for failing to distinguish properly between harming and failing to protect. Since no distinction is made between harms caused by the global institutional order itself and harms not effectively prevented by the global institutional order (but caused by something else, such as immoral behaviour by powerful states), the institutional argument in effect erases the distinction between positive and negative duties.

Let us consider Peter Singer's example of the drowning child in the pond,²⁴ clearly an argument from positive duties, using Pogge's five criteria for institutional responsibility. If we assume that the *habit* of not rescuing children drowning in ponds *foreseeably and avoidably* reproduces harm to drowning children and assuming that the society in question does not require people to rescue drowning children nor takes appropriate action to make sure children cannot drown in ponds and so on ('officially disrespecting' the human rights of children), we can claim that a person who allows a child to drown is *cooperating in imposing* an institutional order on those whose human rights are not fulfilled – in this case, the drowning child. It is *foreseeable* that children will drown if the institutions in question do not compel people to rescue drowning children or if ponds are not made childproof. Such drownings are *reasonably avoidable* through legislation and building standards that would not permissively cause drowning, and the availability of such alternative institutional designs is also clearly foreseeable. Thus, a

society without sufficient protection for children foreseeably 'gives rise to' deaths by drowning, which are presumably unjust. If we can design social institutions in such a way that needless deaths from drowning could be significantly reduced and we participate in and benefit from social institutions that fail to prevent such drownings, it does indeed seem that we are violating our duties according to Pogge's criteria, even in Peter Singer's example.

The main reason the difference between Singer's and Pogge's positions appears to be non-existent in practice is, of course, that Pogge does not make a distinction between positive and negative duties when it comes to the institutional setting. He only makes this distinction on the individual level: we as individuals violate our negative duties when we benefit from or impose on others an institutional order that shows official disrespect for human rights deficits, but the institutional order itself is not unjust because it violates negative duties. It is unjust because it fails properly to prevent the injustice it 'gives rise to'. Moreover, as we have seen, 'gives rise to' includes omissions and failures to address properly avoidable human rights violations.

This explains why Pogge can transform what seems to be a positive duty to aid the poor into a negative duty not to harm them, and why there is no significant difference between the demands made on people in the drowning-child case between Singer's and Pogge's positions. As the distinction between positive and negative duties is not important at the institutional level, passive compliance and benefit is sufficient to turn institutional injustice into a violation of negative duties at the individual level. Furthermore, no distinction is made between institutions that contribute to poverty and institutions that help *reduce* poverty (compared to other actual and historical institutional arrangements), but fail to *eradicate* it.

It seems like Pogge assumes without much justification that universal human rights protection is the proper objective of the global institutional order and that the institutional order is to be considered unjust if it fails to prevent human rights violations. A sceptic could reasonably question whether it is the proper task of the global institutional order universally to protect human rights and that failure to do so could constitute harm on part of the institutional order. To say that we harm the global poor in a more restricted sense, it is insufficient to demonstrate that we contribute to imposing a global order that fails to protect human rights – the global order must itself actively contribute to harming the global poor (and their rights), otherwise the distinction between positive and negative duties simply vanishes.

There is an important difference between saying that the global institutional order should be reformed so that it can better help protect basic human rights and saying that failure on the part of the global institutional order to protect basic human rights makes participation in, and drawing benefits from, such institutions unjust. The fact that the global institutional order *could be* reformed so that it could better protect basic human rights does not necessarily mean that support for

the institutional order that we presently have is unjust or constitutes a violation of negative duties. The crucial questions here seem to be whether the institutional order actually *helps or hinders* the protection of basic human rights and whether our support for this order *prevents* the development of a more beneficial institutional order. If global institutions do not have a proven negative impact on the fulfilment of basic human rights and if these institutions do not provide an obstacle to the development of future institutions that would protect human rights, the charge that participating in and drawing benefits from such institutions in the present constitute violations of negative duties seems untenable.

In conclusion, it seems like Pogge needs to argue more convincingly (instead of simply assuming) that his institutional interpretation of human rights applies to the global institutional order. To apply the institutional interpretation of rights means that we assume that the global institutional order is a 'society' of the relevant kind, and as I argued above, there are strong reasons to doubt this. Given the (potential) utility of global institutions in international politics in helping to overcome collective action problems and the like and given the relatively limited scope and agenda of these institutions (which make them very different from domestic governments), I suggest that an *interactional* as opposed to institutional understanding of human rights is much more appropriate for determining whether the global institutional order harms the rights of the poor, and that in order to say that we harm the poor by imposing a global institutional order upon them, we need to demonstrate that this institutional order *itself* violates basic human rights, instead of failing to realize human rights as fully as reasonably possible. To improve how global institutions work to reduce global poverty is surely an important duty, but unless there is compelling evidence that the institutions actually cause poverty, this duty should be construed as positive rather than negative.

Do we harm the poor by participating in the global institutional order?

As we have seen, Pogge believes that participation in the global institutional order could constitute a violation of negative duties when these institutions fail to address human rights violations. At this point we must carefully analyse, first, what it would mean *not to participate* in the global institutional order (becoming a global hermit, as it were) and, second, what the consequences of such non-participation would be like. When assessing whether the global institutional order harms the poor, one must take into consideration the possibility that *refusal* by developed countries to participate in less-than-perfect global institutions would be even less beneficial when it comes to fighting poverty. Before we know what the current alternatives to participating in the global economic order are, and what the consequences for the poor of such non-participation would be, we cannot plausibly claim that we harm the poor by participating, since it could be even more harmful to refuse to cooperate in creating a global institutional order

in the first place. Even if it is true that the global institutional order foreseeably and avoidably harms the poor in some respects, it could very well be the case that non-cooperation with this (imperfect) global order would *also* foreseeably and avoidably cause harm to the global poor, and quite possibly a lot more harm. If so, it seems like the morally right course of action would be to cooperate with the imperfect global international order while trying to reform it in a direction that would minimize harm to the global poor and ensure compliance. It would be strange indeed to classify such cooperation as a violation of negative duties.

Furthermore, for global institutions to be possible in the first place, it seems we must accept considerable disagreement about their ideal roles and objectives. In short, global institutions have to cope with reasonable disagreement with regard to the roles that global institutions are supposed to play. This considerable and persistent disagreement means that we should be careful about labelling global institutions as unjust simply because they fail to live up to any particular theory of optimal global justice or because they are not operating according to perfectly just principles internally, since this would preclude almost all global institutions from fulfilling their (usually) mutually beneficial functions.²⁵ Demanding that global institutions be *perfectly just* in order to command our loyalty may prevent progress when such progress requires the prior existence of institutions in order to be possible.

The imposition of global institutions

That the global institutional order is *imposed* by the strong upon the weak is a critical assumption of Pogge's argument. The design of the global institutional order depends upon oligarchic control of the rules by a tiny majority of this order's participants, who ultimately rely on military power to maintain this control, Pogge argues. Since we consider it unjust when a national economic order is imposed by a tiny, but powerful minority, by force of arms, we ought to consider it equally unjust when the global order is imposed through similar means.²⁶ Pogge writes that

our new global economic order is so harsh on the global poor, then, because it is shaped in negotiations where our representatives ruthlessly exploit their vastly superior bargaining power and expertise, as well as any weakness, ignorance, or corruptibility they may find in their counterpart negotiators, to shape each agreement to our greatest benefit . . . The cumulative result of many such negotiations and agreements is a grossly unfair global economic order under which the lion's share of the benefits of global economic growth flows to the most affluent states.²⁷

We would regard it as a great injustice if an economic order that avoidably kills millions each year were to be imposed within a national society. Pogge denies that there is a plausible rationale for not regarding our imposition of a global economic order as a similar injustice.²⁸

So in what sense is the global institutional order imposed on the poor and subject to oligarchic control? In the case of domestic institutions, the economic system is maintained through legal means and there is ultimately a government in charge of maintaining it. By any stretch of the imagination there is nothing similar to a world government imposing and maintaining a global order. Indeed, one of the defining characteristics of the international system is that it lacks the rule-enforcing structures that we associate with domestic political systems, so if there is imposition involved here, it must have a very different character than the imposition involved in the domestic case.

Clearly, differences in power and resources are extremely important for explaining outcomes in international politics and economics in general. International politics is deeply characterized by asymmetries in power, and international negotiations are not exceptions. But when do (presumably legitimate) negotiated agreements between self-interested sovereign governments, or between governments and international institutions such as the IMF, turn into *imposition* by the strong upon the weak? Presumably, *some* agreements and institutions are fair and legitimate in spite of great differences in power and resources, so we cannot decide beforehand that *all* aspects of the institutional order are imposed on the weak who are powerless to resist, simply by looking at differences in power. International politics is certainly not void of examples of small and weak states very effectively resisting the wishes of large and powerful ones. Which features of global institutions should count as imposed and which should not seems like an empirical question. There is also an important difference between coercion and uneven bargaining whereby everyone still benefits although the strong may benefit much more than the weak.²⁹ Some aspects of the international order are surely imposed upon the poor in exactly the way Pogge claims,³⁰ but if we think that legitimate and fairly negotiated agreements are possible in international relations in the first place, the claim that the whole international order is imposed by the strong upon the weak must at least be heavily qualified. Unfortunately, Pogge does not supply us with the tools needed for such qualification.

It is of course true that bargaining power and expertise is reflected in multi-lateral agreements. But is this inequality really a *consequence* of global institutions such as the UN or WTO? Pogge's argument simply assumes that institutions *enhance* the power of already powerful states vis-a-vis weak and poor ones, and that these institutions are tools for imposition, but that seems far from certain. It is certainly true that the powerful states have significant and sometimes decisive influence over the institutional order, in particular organizations such as the World Bank, but the better off are certainly not omnipotent. Many of the global institutions can be effectively blocked by the worse off, and the enforcement mechanisms of these global institutions are frequently quite ineffective against even the weakest of states. Even though bargaining power in the WTO or the UN is heavily slanted, these organizations offer poor countries a platform

from which to coordinate and defend their interests.³¹ Among the great benefits of international institutions is that they help improve compliance and reduce collective action problems.³² These are major benefits for small and weak countries, who have very little ability on their own to 'punish' a more powerful country for not complying with signed agreements, for example. In many cases, international laws and treaties work to shield the weak from the strong. This aspect of global institutions is missing from Pogge's analysis.

Would the impact of inequalities in bargaining power really be *smaller* if negotiations were conducted bilaterally rather than through multilateral institutions? Even if these global institutions did not exist at all, large and powerful countries would still be able to negotiate outcomes (through normal diplomatic state-to-state interaction, possibly including military threats) in their own favour. It seems likely that many of these global institutions make it *harder* for the strong to impose their wills on the weak and make it easier for the weak to ally against the strong. For example, Buchanan and Keohane point out that weaker states are in a numerical majority in multilateral institutions and may be less threatened by powerful states within them than they are by powerful states acting outside of such institutional constraints.³³ It would be much easier for powerful countries to negotiate favourable trade deals bilaterally with weaker countries one by one than multilaterally through the WTO. In such cases, even though the strong may impose their wills upon the weak through multilateral institutions, it is far from certain that this increases the extent to which the strong dominate the weak or dictate the terms of international politics. A less-than-perfect institutional order with slanted negotiations and some compliance problems might thus be better for the poor than a situation in which there are no such institutions and in which the poor countries would be forced to negotiate with powerful countries on a bilateral basis. This would be true even if the negotiations in global institutions are slanted quite heavily in favour of powerful countries.

So while we may agree that the global institutional order contains elements of imposition by the strong upon the weak, whether this increases the level of coercion in international politics and whether these institutions improve the ability of already powerful governments to impose their wills on weaker ones seem open questions. Quite the opposite may be (and probably is) the case.

Global resource and borrowing privileges

Pogge identifies the 'international resource privilege' and the 'international borrowing privilege' as major features of the international order that help perpetuate poverty. By regarding any de facto government as entitled to sell a country's resources or borrow resources from abroad, the global economic order encourages greedy elites to plunder their own nations and enrich themselves at the expense of the poor. These privileges also encourage the creation of bad and corrupt regimes as well as increase the incidence of coups d'état.³⁴ Without the 'international resource privilege' and the 'international borrowing privilege' a

major incentive for political instability would be removed. For these reasons, the privileges are powerful indications that we are harming the global poor through the global institutional order.

If trading with oppressive and corrupt regimes and allowing them to accumulate debt strongly contributes to perpetuating poverty and human rights violations, it does indeed seem like a clear-cut violation of negative duties not to harm the global poor. There are three serious problems with this argument though.

First, it is not clear what *institutions* the global resource and borrowing privileges refer to. It is troublesome that Pogge does not name and identify the institutions that make these privileges possible. One might suspect that these privileges are unfortunate aspects of the sovereign state system and a capitalist world economy, and not a consequence of the global *institutional* order per se. It is of course true that the global resource and borrowing privileges contribute to poverty in some cases, but it seems far from clear that the global institutional order is to blame for the existence of such privileges and that it is the responsibility of this institutional order to police the selling of natural resources and international borrowing. If there were no global institutions at all, these privileges would most certainly persist and quite possibly be stronger. That sovereign rulers can borrow money or sell off resources without concern for the well-being of their citizens is certainly an ancient phenomenon that is certainly not dependent on the present global institutional order.

Second, it is far from obvious that *all* trading with and lending to oppressive regimes contributes to poverty and human rights violations. Not all oppressive regimes conduct economic policy in such a way that it leads to persistent poverty,³⁵ and even when oppressive regimes care little about the well-being of their citizens, trade and lending might still be beneficial to the poor (through technology transfer, for example). Thus, it cannot be automatically assumed that trading with oppressive regimes *necessarily* translates to harming the poor. Also, the alternatives to not trading with oppressive regimes (for example, by in effect imposing economic sanctions) might clearly be far worse for the poor. This must be decided on a case-by-case basis before we can declare with confidence that trading with oppressive regimes, for example buying raw materials from them, amounts to harm and a violation of negative duties.

Third, it is quite unclear what the alternative to the global resource and borrowing privileges would look like at the institutional level. It is hard to imagine how an international agreement could be reached about what kind of government can or cannot trade with other governments and what kind of government has the right to sell off natural resources or acquire debt. Would poor countries agree to restrictions on what kind of government should have the right to trade in raw materials or borrow money? Furthermore, would not such restrictions be perceived as severe impositions by the strong on the weak?

Harm and the case of the WTO

Although Pogge actually says very little about which institutions harm the poor and in what way, he does single out the WTO as an important case, so I will analyse the arguments about this institution in more detail. Pogge's assessment of the WTO is extremely harsh, claiming that the organization has caused poverty and the premature deaths of millions of people. How do we go about assessing such a claim? If free trade is beneficial to the poor, as Pogge believes (I am less convinced myself), it is very difficult to see how the huge advances in trade liberalization that GATT and the WTO has brought could be construed as harmful. This is true even though trade liberalization within the WTO is far from complete. When GATT was created in 1948, the barriers to trade were far more extensive than they are today, and the Uruguay Round of negotiations that created the WTO involved a further reduction of the tariffs imposed by wealthy countries by 40 percent.³⁶ In terms of influence, developing countries were very marginal players in GATT, but the creation of the WTO meant that a large number of developing countries became fully integrated in to the world trade regime for the first time. The influence of developing countries also benefited greatly from the traditional consensus principle in GATT and the WTO, as well as from the creation of a stronger dispute-settlement mechanism. While it may be argued that the developing countries suffered setbacks in the areas of intellectual property and rules against dumping when the WTO was created, they certainly benefited from agreements in the areas of agriculture, textiles, and maybe services.³⁷

So were the poor not much more seriously harmed by the situation that prevailed before the WTO was created? Pogge's counter-argument to this line of reasoning is that we cannot assume that the WTO is not harming the poor just because the situation before the WTO was even worse:

Suppose poverty and poverty deaths are actually less now than they would be if the WTO Treaty had not been concluded. It is tempting to infer that the new regime is then benefiting the poor, since it treats them better than the old one would have done. But this reasoning fails by unjustifiably taking continuation of the old (pre-WTO) regime as a neutral baseline, as not harming the poor. By analogous reasoning, one could argue that the headwind you are facing today must be benefiting you because it is not as strong as yesterday's headwind.³⁸

It is true that we cannot assume that the WTO regime is not causing poverty by pointing to the fact that the pre-WTO trading regime contributed even more to poverty. But this is not in itself a reason to suspect that the WTO regime actually *is* harmful. To judge whether the WTO regime provides a 'headwind' or 'tailwind' in the fight against poverty, we would have to single out the impact of the WTO regime on world poverty. It could well be the case (and would be consistent with Pogge's argument) that the WTO regime helps reduce the overall incidence of world poverty (in contrast to *other* features of the international

system that contribute to poverty), but Pogge does not tell us how to judge whether this is the case or not.³⁹

Pogge's main complaint against the WTO regime is not that it is neo-liberal or capitalist, but rather that *it is not liberal enough* – it opens our markets *too little*, and 'thereby gains for us the benefits of free trade while withholding it from the poor'.⁴⁰ But imposing unilateral barriers to trade (like those of the EU on agricultural products) is not necessarily beneficial to the countries doing it (by shielding inefficient industries from foreign competition, for example, and by inflating consumer prices), and having a free-trade policy with countries who are themselves protectionist is not necessarily harmful (since it can help break apart domestic monopolies, improve technology transfer, and so on). Other undesirable effects of protectionism are that it steers a nation's economy away from utilizing its comparative advantages and can undermine the ability of the export sector to compete effectively by raising the cost of imports used in domestic production. Even though the full utility of trade liberalization requires reciprocal compliance, many of the advantages of trade can be gained even if trade partners do not fully reciprocate.⁴¹ Thus, it cannot be assumed that poor countries are harmed by opening up to trade, while wealthy countries can remain protectionist in key areas.

Judging from the economic research into the effects of trade 'openness' (in itself a difficult concept to define) one would be hard-pressed to find evidence that 'openness' produces any poverty or harms economic growth generally speaking, although it might be true in specific cases of very rapid liberalization, especially of financial markets. In many cases where 'openness' has undoubtedly contributed to spectacular increases in poverty, it has also contributed to rapid reductions in poverty in previous years.⁴² Overall, the impact of trade policy (liberal or protectionist) on growth and poverty reduction appears to be small compared to other factors such as macro-economic stability and well-functioning domestic institutions.⁴³

Furthermore, it is very doubtful whether unfair trade and subsidies, for example agricultural subsidies in the European Union (paradigm cases of how poor countries are harmed by the wealthy according to Pogge's argument), benefit the citizens of rich countries themselves. Trade subsidies (indeed, any kind of protectionism and trade obstacle) almost invariably hurt consumers while benefiting very small numbers of producers.⁴⁴ Paradoxically, agricultural subsidies are a way of making EU and US consumers pay for food consumption in the rest of the world, with domestic producers extracting extra profits. As non-food producers, our benefit from this particular feature of the global economic order is far from obvious. The same thing could be said about selective protection of the textile industry in developed countries, for example. Thus, Pogge's claim that affluent countries gain benefits from free trade through selective protectionism and that poor countries are denied such benefits by being forced to trade freely seems mistaken.

To complicate matters further, it appears as if developing countries are very rarely challenged in formal WTO litigation for failing to live up to their trade-liberalizing commitments. According to WTO data, only two low-income countries (India and Pakistan) were challenged in litigation 1995–2006 for violating WTO rules and none of the 32 WTO members classified as LDCs by the UN have ever been challenged. Looking at the data for anti-dumping measures we get a similar picture – in spite of imposing such measures, poor countries are almost never challenged under them.⁴⁵ The reason is most likely that the export markets in poor countries are too small to justify expensive litigation, and that rich countries do not want to be seen as bullying poor ones.

If these observations are correct, the problem with developing countries and the WTO is in some ways the exact opposite of what Pogge suggests. The problem is not that the WTO forces poor countries to open up while allowing rich countries to remain protectionist. The problem is rather that the WTO gives poor countries too much informal policy flexibility and does not effectively prevent poor-on-poor protectionism. At first glance, this may seem like a desirable trait if we are concerned with reducing poverty – poor countries can ‘free ride’ on the low tariffs that rich member countries negotiate reciprocally among themselves and must then extend to all members under the Most Favoured Nation rule while remaining protectionist themselves. But it also means that the WTO is not very effective in preventing protectionism by poor countries against each other and that the WTO does not function as a credible ‘commitment device’⁴⁶ which would make it possible for governments in poor countries to resist domestic political pressure for more protection. Weak enforcement rather than ‘imposition’ means that part of the utility of WTO membership for developing countries is lost.

Our benefits from global poverty

Even though we as citizens of affluent western countries may not be directly responsible for bringing about the institutional order, Pogge thinks that we are responsible and violate our negative duties to the poor through the benefits that we derive from this order. In other words, we are responsible for harming the poor when we *participate in and benefit from* a global institutional order that foreseeably and avoidably harms the poor.

Pogge’s argument assumes that global inequality and global poverty is to the *advantage* of citizens in rich countries. He claims that we are ‘benefiting from the enormous inequalities these unjust institutions reproduce’.⁴⁷ This is of course true in the sense that in any particular distribution of resources, if looked upon as a zero-sum game, you benefit by having more rather than less. If we think of global wealth as a large pile of resources, you benefit when you have a larger share of this pile rather than if you have a smaller one. However, the global economy is not a zero-sum game and the long-term benefits of inequality (especially not extreme poverty) for the already wealthy are by no means obvious. It is quite

possible that 'we' would be even better off if poor countries performed better in terms of growth and trade, since this would provide us with much larger export markets and a wider selection of cheaper or higher quality imports to choose from. Many more people would be involved in research and development, which would presumably benefit us as well in the end, and so on. For example, there is little doubt that the current economic growth in China and India has benefited both producers and consumers in Europe and North America a great deal, and will continue to do so in the foreseeable future. So when looked upon *statically* an uneven distribution of wealth may benefit the wealthy, but when looked upon *dynamically* it is quite plausible that better economic performance by very poor countries would be even more beneficial.

According to classic trade theory, economic growth in country B will be beneficial to country A if growth is slanted towards B's export products (by improving A's terms of trade and by improving world demand for A's export products imported into B). Assuming export-oriented growth, the poor economic performance of country B is not at all beneficial for citizens in country A – on the contrary, the citizens in A would be better off if B was wealthier since trading with B would then be much more profitable for A (on the condition that B's growth was not slanted towards import substitution).⁴⁸ Hence, it is very much an open question whether citizens of country A benefit from an international order that is less than ideal for country B's prospects for economic growth. In many cases, the poverty of B does not translate into benefits for A – on the contrary. In such cases, A is wealthy *in spite of* B's poverty, rather than because of it. A would be better off if B performed better as a trading partner.

If this is the case, it seems wrong to say that the rich necessarily benefit from the enormous inequalities in today's world. This would mean that we analyse benefit simply as a static zero-sum game – we benefit by having a much larger share of a *given* quantity of global wealth. But plausibly, we would benefit much more from solid economic growth, poverty reduction, and decreased inequality than from the present state of affairs, all other things being equal – assuming that such economic growth would not cause irreparable environmental damage (a very real concern, to be sure). Thus, the benefits that 'we' get from the enormous inequalities seem to be quite questionable. We may benefit only in the trivial sense of *having* a larger share of a static amount of wealth, but the inequalities as such may not contribute at all to our welfare (or only very marginally so). That the extreme poverty we can witness in the world today, with more than 1 billion people surviving on less than US\$1 per day (in itself a controversial number), is to our benefit in this dynamic sense seems highly implausible. Since our economic exchange with the desperately poor is practically non-existent (except for some humanitarian assistance), it is difficult to see how such extreme poverty is to our benefit unless one thinks that their poverty is a precondition for our wealth – which again would mean that we see world wealth in completely static terms.

Benefiting from injustice to others

If we agree that the global order is unfair and unjust to the global poor, but reject the idea that this is due to our imposition of a global *institutional* order, there might still be a way to say that we violate our negative duties towards the poor if we unduly benefit from the injustice of the global order. We would in essence be profiteering from injustice – in this case, the violation of basic human rights. But is it reasonable to say that we violate our negative duties towards a person when we benefit from an injustice that befalls her, but that we ourselves have not contributed to?

At first glance, it seems strange to say that you do something wrong in terms of negative duties when you benefit from injustice to others while not actively contributing to such injustice. Clearly, people benefit from the unjust misfortune of others all the time and under normal circumstances we do not think of this as a violation of negative duties. We normally do not consider it to be a violation of negative duties if I replace a person at her workplace after she had been unjustly fired from her job, as long as I had nothing to do with the firing as such or had no knowledge of it. Neither would it count as a violation of negative duties if I moved into the apartment of a person who had been swindled out of her life savings and was forced to move, as long as I had nothing to do with the swindle. Furthermore, it is unclear why benefiting from the unjust treatment of others is different from benefiting from the *natural* misfortune of others. In both cases, I benefit from the misfortune of others although I have myself made no contribution to that misfortune. I am not responsible for bringing about the situation that causes someone else to suffer and me to benefit.

However, the fact that I am not responsible for violating the negative rights of others if I benefit from the injustice of others does not mean that I have the right to *keep* these benefits for myself. As part of restorative justice, I may be obliged to return some or all of the benefits. If I receive stolen goods, for example, I am obliged to return them to their rightful owner even though I may have had nothing to do with the theft as such. My rights are not violated through such a restorative move. Likewise, if my apartment is returned to the person who rented it before me, but had been wrongfully evicted from it, I may have no right to complain.⁴⁹

I think the correct way to approach this issue is not to focus on the *benefit* as such, but on responsibility for arrangements that bring about injustice in the first place. It is not wrong to benefit from the misfortune of others as such (or injustices that befall others that you have not caused), but it is wrong to knowingly contribute (actively and passively) to arrangements that *reproduce* injustice and the consequences of injustice or increase the likelihood that injustices will occur. For example, we can assume that a principle of restorative justice is needed in society to help rectify and compensate for violations of negative rights, for example theft. By actively or passively obstructing restorative justice, I am myself committing an injustice – especially if lack of restorative measures has the addi-

tional effect of placing me in a position to exploit the victim's misery even further. Likewise, I have an obligation not to contribute to injustice by encouraging it or by actively or passively rewarding someone for committing injustice (although this might more properly be construed as violating negative duties by proxy).

This last point illustrates that it is important to distinguish between various kinds of benefits depending on their *effects* on the victims. How the rights of the victims (and other people) are affected by my benefits determines the injustice of me benefiting from injustice. Presumably, doctors who benefit economically by curing illnesses do so in a way that does not adversely affect the rights and interests of their patients – on the contrary. But if I benefit by receiving stolen goods and refuse to return them to their rightful owner or through my behaviour encourage the practice of theft, on the other hand, I contribute to injustice. Crucially, it is the unjust harm caused by my benefit and not the benefit itself that determines injustice. If we benefit *harmlessly* from injustice (for example, if the injustice cannot possibly be repaired and if the benefit does not cause 'collateral damage' to anyone), it is hard to see why we would owe anyone compensation for this fact – it is similar to a case in which we benefit from natural fortune or misfortune.

This does not absolve us of responsibility for global poverty of course, but it must mean that our benefit from the global order is insufficient to demonstrate that we are violating our negative duties towards the poor. It is because our benefits from the injustice of this order harm the global poor (and their rights) negatively today and in the future that we owe them compensation. Our *contribution* to harm and injustice today is the important thing here, not the benefits as such. Pogge must demonstrate that our benefits from these injustices harm the poor today, and this task is indistinguishable from the task of showing that the *present* global institutional order is harmful, which as I have been arguing throughout this article, is a very difficult task.

Conclusion

Pogge does an admirable job of identifying important practices in international politics, broadly speaking, that contribute to and perpetuate global poverty. He very convincingly shows that 'explanatory nationalism' is flawed since it ignores the influence of global factors on national ones, for example, on the quality of domestic institutions. But his alternative explanation, that poverty is partly caused by a global institutional order that the strong impose upon the weak, is only convincing if we count the practices of individual governments (such as trade policy and agricultural subsidies) and the basic structure of the sovereign state system as part of global institutions. If we are more careful about separating the actions of governments for which they themselves are responsible from the actions of global institutions, and the consequences of collective action problems in international politics from intended effects at the institutional level,

Pogge's argument becomes much less convincing – at least if we reject the far-fetched and controversial claim that the global institutional order is responsible for any foreseeable and reasonably avoidable human rights deficit in the world regardless of whether the global institutions contribute to or actually help reduce poverty compared to a situation without any global institutions.

I have also sought to question the empirical claim that the global institutional order harms the poor and benefits the wealthy in the way that Pogge argues that it does. Even if it is true that wealthy, powerful governments have much more influence over global institutions than poor, weak ones, it is far from obvious that the existence of such institutions is a disadvantage for poor governments in their interactions with strong ones compared to a situation in which such institutions do not exist – the opposite is likely the case. The idea that global poverty and poverty-generating practices are greatly beneficial to the citizens of rich, western countries is also very questionable, in particular in the area of trade protectionism. Average citizens in these countries are unlikely to gain economically from such measures.

So where does this leave us? Pogge's criticism of 'explanatory nationalism' is indeed quite powerful, but it likely misses the mark when it comes to identifying the features of the global institutional order that engender poverty. The primary reason is that a whole range of factors that contribute to persistent poverty are not covered by either of these two explanations. This also means that the applicability of the argument that we have a negative duty to relieve poverty is a lot more limited than Pogge claims. Participation in, and benefit from, global institutions is unlikely to constitute a violation of our negative duties towards the poor.

notes

1. Thomas Pogge, *World Poverty and Human Rights: Cosmopolitan Responsibilities and Reforms* (Cambridge: Polity Press, 2002); Thomas Pogge, 'Real World Justice', *The Journal of Ethics* 9 (2005): 29–53; Thomas Pogge, 'Severe Poverty as a Violation of Negative Duties: Reply to the Critics', *Ethics & International Affairs* 19 (2005): 55–83.
2. There are two other strands to Pogge's argument, derived from historical injustices and the Lockean Proviso, that I will not discuss in this article since his argument about global institutions plays a much larger role in his book and is more important for his claims. It is quite possible to reject Pogge's claims about the global institutional order and still argue that we violate negative duties towards the poor based on these two other strands in the argument.
3. Peter Singer, 'Famine, Affluence and Morality', *Philosophy and Public Affairs* 1 (1972): 229–43.
4. Pogge, *World Poverty and Human Rights*, p. 13.
5. *Ibid.*, p. 115.
6. Pogge, 'Real World Justice', p. 33, emphasis added.
7. Pogge, *World Poverty and Human Rights*, p. 170, emphasis added.
8. *Ibid.*, p. 198.

9. Although it is easy to see how Pogge can be interpreted in this way when he writes that the poor need help 'only because of the terrible injustices they are being subjected to'. See *ibid.*, p. 23, emphasis added.
10. Alan Patten, 'Should We Stop Thinking about Poverty in Terms of Helping the Poor?' *Ethics & International Affairs* 19 (2005): 19–27; Mathias Risse, 'How Does the Global Order Harm the Poor?' *Philosophy and Public Affairs* 33 (2005): 349–76.
11. Pogge, *World Poverty and Human Rights*, p. 67.
12. *Ibid.*, p. 199.
13. *Ibid.*, p. 268.
14. *Ibid.*, p. 264.
15. *Ibid.*, p. 33.
16. *Ibid.*, p. 176.
17. Arguably, this is more so for small and weak countries, regardless of their level of wealth – wealth and influence in global politics are related, of course, but there is not a perfect match.
18. Allen Buchanan and Robert O. Keohane, 'The Legitimacy of Global Governance Institutions', *Ethics and International Affairs* 20 (2006): 408.
19. Cf. Robert O. Keohane, *After Hegemony: Cooperation and Discord in the World Political Economy* (Princeton, NJ: Princeton University Press, 1984).
20. It could also be questioned whether it makes sense to think of trade restrictions or agricultural subsidies as violations of negative duties on the state level. Trade restriction or liberalization are usually considered to be something that sovereign states are allowed to decide for themselves. Are you *harming* someone by not trading with them in accordance with free market principles? Is it not a sovereign prerogative not to trade with another country if one so wishes, to restrict trade or to produce products domestically rather than trade for them even if doing so is much less economically inefficient?
21. A similar point is made in Bashkar Haydar, 'Extreme Poverty and Global Responsibility', *Metaphilosophy* 36 (2005): 240–53.
22. Pogge, *World Poverty and Human Rights*, p. 64.
23. Pogge, 'Severe Poverty as a Violation of Negative Duties', p. 60.
24. Cf. Singer, 'Famine, Affluence and Morality'.
25. Buchanan and Keohane, 'The Legitimacy of Global Governance Institutions', p. 409.
26. Pogge, *World Poverty and Human Rights*, p. 96.
27. *Ibid.*, p. 20.
28. *Ibid.*, p. 109.
29. Cf. Thomas Nagel, 'The Problem of Global Justice', *Philosophy & Public Affairs* 33 (2005): 113–47.
30. Harsh 'conditionalities' connected to IMF and World Bank loans may qualify as such, for example, at least for states that have no option but to turn to these institutions for financial assistance.
31. Furthermore, the influence of some small, but affluent countries such as Norway on the global institutional order seems extremely small, whereas the influence of some large and powerful developing countries such as China or India is much greater. At the very least, the notion that the 'rich' impose the global institutional order upon the 'poor' needs to be heavily qualified.

32. Cf. Keohane, *After Hegemony*.
33. Buchanan and Keohane, 'The Legitimacy of Global Governance Institutions', p. 413.
34. Pogge, *World Poverty and Human Rights*, pp. 269–70.
35. Many South-East Asian governments come to mind here.
36. Paul Krugman and Maurics Obstfeld, *International Economics: Theory and Policy*, 7th edn. (Boston, MA: Pearson Education, 2006), p. 227.
37. Gilbert R. Winham, 'The Evolution of the Global Trade Regime', in *Global Political Economy*, edited by John Ravenhill (New York: Oxford University Press, 2005), pp. 110–13.
38. Pogge, *World Poverty and Human Rights*, pp. 16–17.
39. Furthermore, it seems impossible to judge the harmful or beneficial effects of *any* kind of institutional reform without using the preceding situation as a *benchmark*. Even if we use some other kind of baseline for judging harmfulness, we still have to compare the situation before and after the institutional reform in question, and if the reform appears to bring us closer to the baseline compared to the previous benchmark, it could provide prima facie evidence that the reform is beneficial.
40. Pogge, *World Poverty and Human Rights*, p. 19.
41. Krugman and Obstfeld, *International Economics*, p. 182.
42. Dani Rodrik, 'Poverty and Aggregate Economic Performance' (Washington, DC: World Bank, 1998), URL: <http://www.worldbank.org/mdf/mdf2/papers/econdev/rodrik.pdf>.
43. Francisco Rodríguez and Dani Rodrik, 'Trade Policy and Economic Growth: A Skeptic's Guide to the Cross-National Evidence' (2000), URL: <http://ksghome.harvard.edu/~drodrik/skepti1299.pdf>.
44. Krugman and Obstfeld, *International Economics*, p. 184.
45. Chad P. Bown, 'Participation in WTO Dispute Settlement: Complainants, Interested Parties and Free Riders', *World Bank Economic Review* 19 (2005): 287–310.
46. Giovanni Maggi and Andres Rodriguez-Clare, 'The Value of Trade Agreements in the Presence of Political Pressures', *Journal of Political Economy* 106 (1998): 574–601.
47. Pogge, 'Real World Justice', p. 36.
48. Krugman and Obstfeld, *International Economics*, p. 92.
49. Cf. Daniel Butt, 'On Benefiting from Injustice', *Canadian Journal of Philosophy* 37 (2007): 129–52 for a similar discussion.