

What is Global Justice?

ABSTRACT: The increasingly widespread expression “global justice” marks an important shift in the structure of our moral discourse. Traditionally, international relations were seen as sharply distinct from the domain of domestic justice. The former focused on interactions among states, while the latter evaluated the design of a national institutional order in light of its effects on its individual participants. Such institutional moral analysis is and should now be applied to supranational institutional arrangements which are becoming ever more pervasive and important for the life prospects of individuals. The traditional lens presents fair agreements among (internally just or unjust) sovereign states. The new lens shows a deeply unjust global institutional order that enriches elites in both rich and poor countries while perpetuating the oppression and impoverishment of a majority of the human population.

KEY WORDS: Deprivation – Explanatory nationalism – Global inequality – Globalization – Institutional order – International recognition – Justice – National partiality – Poverty – Sovereignty – WTO

A literature search on “global justice” finds this to be a newly prominent expression. There are more books and essays on it in this millennium already than in the preceding one, at least as far as computers can tell. Of course, some of the broad topics currently debated under the heading of “global justice” have been discussed for centuries, back to the beginnings of civilization. But they were discussed under different labels, such as “international justice,” “international ethics,” and “the law of nations.” This essay explores the significance of this shift in terminology. Having been involved in this shift over three decades, I realize that there is likely to be a personal element in my account of it, which is due to the specific motives and ideas that have animated my thinking and writing. This is not an objective scholarly report from a distance which, in any case, would be hard to write at this early time.

For centuries, moral reflection on international relations was focused on matters of war and peace. These issues are still important and much discussed. Since World War II, however, other themes have become more prominent due to increasing global interdependence and an erosion of sovereignty. The United Nations and the *Universal Declaration of Human Rights* reflect efforts to establish globally uniform minimum standards for the treatment of citizens within their own countries. The Bretton Woods institutions and later the World Trade Organization powerfully shape the economic prospects of countries and their citizens. Global and regional organizations, most notably the UN Security Council and the European Union, have acquired political functions and powers that were traditionally thought to belong to national governments.

These developments are in part a response to the horrors of World War II. But they are also fueled by technological innovations that limit the control governments can exert within their jurisdictions. Thus, industrialization has massive transnational effects that no country can avoid — effects on culture and expectations, on biodiversity, climate, oceans and atmosphere. New communication technologies make it much harder to control the information available to a national population. And many of the goods demanded by more affluent consumers everywhere require ingredients imported from many foreign lands. The traditional concerns with the just

internal organization of societies and the moral rules governing warfare leave out some highly consequential features of the modern world.

After some delay, academic moral reflection has responded to these developments. Beginning in the early 1970s, philosophers and others have asked probing questions about how the emergence of a post-Westphalian world modifies and enlarges the moral responsibilities of governments, corporations, and individuals. These debates were driven also by the realization that world poverty has overtaken war as the greatest source of avoidable human misery. Many more people — some 300 million — have died from hunger and remediable diseases in peacetime in the 17 years since the end of the Cold War than have perished from wars, civil wars, and government repression over the entire 20th century. And poverty continues unabated, as the official statistics amply confirm: 830 million human beings are chronically undernourished, 1100 million lack access to safe water, and 2600 million lack access to basic sanitation.¹ 2000 million lack access to essential drugs.² 1000 million lack adequate shelter and 2000 million lack electricity.³ 781 million adults are illiterate.⁴ 250 million children between 5 and 14 do wage work outside their household.⁵

Such severe deficits in the fulfillment of social and economic human rights also bring further deficits in civil and political human rights in their wake. Very poor people — often physically and mentally stunted due to malnutrition in infancy, illiterate due to lack of schooling, and much preoccupied with their family's survival — can cause little harm or benefit to the politicians and officials who rule them. Such rulers have far greater incentive to attend to the interests of agents more capable of reciprocation: the interests of affluent compatriots and foreigners, of domestic and multinational corporations, and of foreign governments.

The great catastrophe of human poverty is ongoing, as is the annual toll of 18 million deaths from poverty-related causes, roughly one third of all human deaths.⁶ Three facts make such poverty deeply problematic, morally.

First, it occurs in the context of unprecedented global affluence that is easily sufficient to eradicate all life-threatening poverty. Although 2735 million human beings are reported to be living below the World Bank's \$2/day poverty line,⁷ and 42 percent below it on average,⁸ their collective shortfall from this line amounts to less than one percent of the national incomes of the high-income countries with their one billion

¹ UNDP (United Nations Development Program), *Human Development Report 2006* (Houndsmills: Palgrave Macmillan 2006), 33 and 174. Also at hdr.undp.org/reports/global/2006.

² See www.fic.nih.gov/about/plan/exec_summary.htm.

³ UNDP, *Human Development Report 1998* (New York: Oxford University Press 1998), p. 49, http://hdr.undp.org/reports/global/1998/en/pdf/hdr_1998_ch3.pdf.

⁴ See www.uis.unesco.org.

⁵ See www.ilo.org/public/english/standards/ipecc/simpoc/stats/4stt.htm.

⁶ See WHO (World Health Organisation), *The World Health Report 2004* (Geneva: WHO Publications 2004), pp. 120-25. Also at www.who.int/whr/2004.

⁷ See Shaohua Chen and Martin Ravallion, "How Have the World's Poorest Fared since the Early 1980s?" *World Bank Research Observer* 19 (2004), pp. 141-169, at p. 153. Also at wbrou.pjournals.org/cgi/content/abstract/19/2/141.

⁸ *Ibid.*, 152 and 158, dividing the poverty gap index by the headcount index.

people.⁹ A shift in the global income distribution involving only 0.7 percent of global income would wholly eradicate the severe poverty that currently blights the lives of over 40 percent of the human population. While the income inequality between the top and bottom tenth of the human population is a staggering 320:1,¹⁰ the wealth inequality is nine times greater still. In 2000 the bottom 50 percent of the world's adults together had 1.1 percent of global wealth with the bottom 10 percent having only 0.03 percent, while the top 10 percent had 85.1 percent and the top 1 percent had 39.9 percent.¹¹ Severe poverty today is avoidable at a cost that is tiny in relation to the incomes and fortunes of the affluent — very much smaller, for instance, than the Allies' sacrifice in blood and treasure for victory in World War II.

Second, the unprecedented global inequalities just described are still increasing relentlessly. Branko Milanovic reports that real incomes of the poorest 5 percent of world population declined 20 percent in the 1988-93 period and another 23 percent during 1993-98, while real global per capita income increased by 5.2 percent and 4.8 percent respectively.¹² For the 1988-98 period he finds that, assessed in terms of purchasing power parities (PPPs), the Gini measure of inequality among persons worldwide increased from 62.2 to 64.1, and the Theil from 72.7 to 78.9.¹³ We can confirm and update his findings with other, more intuitive data. The World Bank reports that gross national income (GNI) per capita, PPP (current international dollars), in the high-income OECD countries rose 52.6 percent over the 1990-2001 globalization period,¹⁴ and the median consumption expenditure still rose a respectable 19.1 percent, the shifts at the bottom were puny or even negative, as the top of the first percentile declined by 21.3 percent and the top of the second percentile by 5.6 percent.¹⁵ There is a clear pattern: Global inequality is increasing as the global poor are not participating proportionately in global economic growth.

⁹ To count as poor by the \$2/day standard, a person in the US must in 2007 live on less than \$1120. (This figure is based on the official definition of the poverty line in terms of the purchasing power that \$2.15 had in the US in 1993 as updated via the US consumer price index at www.bls.gov/cpi/home.htm). Ascribing much greater purchasing power to the currencies of poor countries than market exchange rates would suggest, the World Bank assumes that about one quarter of this amount, \$280 per person per year, is sufficient to escape poverty in typical poor countries. The 2735 million global poor live, then, on approximately \$444 billion annually and lack roughly \$322 billion annually relative to the \$2/day poverty line. This \$322 billion is less than one percent of the gross national incomes of the high-income countries which, in 2005, summed to \$35,529 billion. See World Bank, *World Development Report 2007* (New York: Oxford University Press 2006), p. 289.

¹⁰ Branko Milanovic, *Worlds Apart: Measuring International and Global Inequality* (Princeton: Princeton University Press 2005), p. 108.

¹¹ James B. Davies, Susanna Sandstrom, Anthony Shorrocks, and Edward N. Wolff, *The World Distribution of Household Wealth*, World Institute for Development Economics Research (WIDER), December 5, 2006 (www.wider.unu.edu/research/2006-2007/2006-2007-1/wider-wdhw-launch-5-12-2006/wider-wdhw-report-5-12-2006.pdf), Table 10a.

¹² Milanovic, *Worlds Apart*, p. 108.

¹³ Milanovic, *Worlds Apart*, p. 108.

¹⁴ See devdata.worldbank.org/dataonline/. The weighted average of these countries rose from \$18,246 in 1990 to \$27,845 in 2001 (and on to \$32,524 in 2005). Data retrieved March 22, 2007. "PPP" stands for purchasing power parity.

¹⁵ Consumption expenditure gains for various (lower-half) percentiles of world population can be calculated by means of the World Bank's interactive *Povcal* software, available at iresearch.worldbank.org/PovcalNet/jsp/index.jsp. The numbers in the text are calculated on the basis of the data there provided on March 22, 2007. For fuller details, see Milanovic, *Worlds Apart*, pp. 107-11.

Third, conditions of life anywhere on earth are today deeply affected by international interactions of many kinds and thus by the rules that shape such interactions. In the modern world, the traffic of international and even intranational economic transactions is profoundly influenced by an elaborate system of treaties and conventions about trade, investments, loans, patents, copyrights, trademarks, double taxation, labor standards, environmental protection, use of seabed resources and much else. Those who participate in this system or share some responsibility for its design are morally implicated in any contribution it makes to ever-increasing global economic inequality and to the consequent persistence of severe poverty.

These plain facts about the contemporary world render obsolete the traditional sharp distinction between *intranational* and *international* relations. Until the 20th century, these were seen as constituting distinct worlds, the former inhabited by persons, households, corporations and associations within one territorially bounded society, the latter inhabited by a small number of actors: sovereign states. National governments provided the link between these two worlds. On the inside such a government was a uniquely important actor within the state, interacting with persons, households, corporations and associations, and dominating these other actors by virtue of its special power and authority — its *internal sovereignty*. On the outside, the government *was* the state, recognized as entitled to act in its name, to make binding agreements on its behalf, and so on — its *external sovereignty*. Though linked in this way, the two worlds were seen as separate, and normative assessments unquestioningly took this separation for granted, sharply distinguishing two separate domains of moral theorizing.

Today, very much more is happening across national borders than merely interactions and relations among governments. For one thing, there are many additional important actors on the international scene: international agencies, such as the United Nations, the European Union, the World Trade Organization, the World Bank, and the International Monetary Fund, as well as multinational corporations and international non-governmental organizations (NGOs). Interactions and relations among states and these new actors are structured through highly complex systems of rules and practices, some with associated adjudication and enforcement mechanisms. Those actors and these rules powerfully influence the domestic life of national societies: through their impact on pollution and climate change, invasive diseases, culture and information, technology, and (most profoundly) through market forces that condition access to capital and raw materials, export opportunities, domestic tax bases and tax rates, prices, wages, labor standards, and much else.

This double transformation of the traditional realm of international relations — the proliferation of transnational actors and the profound influence of transnational rules and of the systematic activities of these actors deep into the domestic life of national societies — is part of what is often meant by the vague term *globalization*. It helps explain why “global” is displacing “international” in both explanatory and moral theorizing. This terminological shift reflects that much more is happening across national borders than before. It also reflects that the very distinction between the national and international realms is dissolving. With national borders losing their causal and explanatory significance, it appears increasingly incongruous and dogmatic to insist on their traditional role as moral watersheds.

The emergence of global-justice talk is closely related to the increasing explanatory importance of social institutions. There are distinct ways of looking at the events of our social world. On the one hand, we can see such events interactionally: as actions,

and effects of actions performed by individual and collective agents. On the other hand, we can see them institutionally: as effects of how our social world is structured and organized — of our laws and conventions, practices and social institutions. These two ways of viewing entail different descriptions and explanations of social phenomena, and they also lead to two distinct kinds of moral analysis or moral diagnostics.

Take some morally salient event, for example the fact that some particular child suffers from malnutrition, that some woman is unemployed, or that a man was hurt in a traffic accident. We can causally trace such events back to the conduct of individual and collective agents, including the person who is suffering the harm. Doing so involves making counterfactual statements about how things would or might have gone differently if this or that agent had acted in some other way. We can then sort through these counterfactual statements in order to determine whether any of the causally relevant agents ought to have acted differently and thus is partly or wholly at fault for the regrettable event. This will involve us in examining whether any such agents could have foreseen that their conduct would lead to the regrettable event and could also reasonably have averted the harm without causing substantial costs to themselves or to third parties. Inquiries of this kind might be referred to as *interactional* moral analysis or *interactional* moral diagnostics.

Often, regrettable events can also be traced back to standing features of the social system in which they occur: to its culture, for example, or to its institutional order. In this vein, one might causally trace child malnutrition back to high import duties on foodstuffs, unemployment to a restrictive monetary policy, and traffic accidents to the lack of regular motor vehicle safety inspections. Doing so involves making counterfactual statements about how things would or might have gone differently if this or that set of social rules had been different. We can then sort through these counterfactual statements in order to determine whether the causally relevant rules ought to have been different and whether anyone is responsible for defects in these rules that are partly or wholly to blame for the regrettable events. This will involve us in examining whether those responsible for the design of the relevant rules — for instance, members of parliament — could have foreseen that they would lead to harm and could reasonably have reformulated the rules without causing substantial harm elsewhere. We might refer to inquiries of this kind as *institutional* moral analysis or *institutional* moral diagnostics.

Interactional moral analysis emerged quite early in the evolution of moral thought. Institutional moral analysis is more demanding, presupposing an understanding of the conventional (rather than natural or divine) nature of social rules as well as of their — often statistical — comparative effects. Even a mere eighty years ago, the poor and unemployed were still often seen as lazy and delinquent merely on the ground that others of equally humble origins had risen from dishwasher to millionaire. Many people then did not understand the *structural* constraints on social mobility: that the pathways to riches are limited and that the structure of prevailing markets for capital and labor unavoidably produce certain basic rates of (“structural”) unemployment and poverty. Nor did they understand that existing rates of unemployment and poverty could be influenced through intelligent redesign of the rules. Today, after Keynes, the US New Deal, and various similar national transformations that also include the Bolsa Família program in Brazil, these matters are well understood, and governments are held responsible for their decisions regarding institutional design and for the effects of such decisions on the fulfillment or frustration of human needs.

This understanding has been — belatedly, yet admirably — articulated in philosophy through John Rawls's classic *A Theory of Justice*. Through this grand work, Rawls has firmly established social institutions as a distinct domain of moral assessment and has marked this domain terminologically by associating it with the term (*social*) *justice*. This terminological innovation has taken hold, by and large, at least in Anglophone philosophy. So the term *justice* is now predominant in the moral assessment of social rules (laws, practices, social conventions and institutions) and used only rarely in the moral assessment of the conduct and character of individual and collective agents. In the wake of Rawls the distinction between institutional and interactional moral analysis has come to be marked as a distinction between *justice* and *ethics*.

We are quite familiar today with the focus of Rawls's book: with institutional moral analysis applied to the internal organization of one state. Still in its infancy, however, is institutional moral analysis applied beyond the state. This time lag is hardly surprising, seeing that the realm of international relations is traditionally conceived as so much smaller and more surveyable than the vast and highly complex inner workings of a modern national society. We don't need institutional moral analysis, it seems, for a world of a few dozen relevant actors in which, when bad things happen, it is usually pretty clear whose conduct is at fault. And Rawls himself, in his late work *The Law of Peoples*, explicitly shunned such analysis and confined himself to developing and defending a set of rules of good conduct for states.

The phenomena of globalization, described above, show such an account to be deeply and increasingly inadequate to the world in which we live. It ignores the rising importance of transnational actors other than states as well as the increasingly profound effects transnational rules, practices, and actors have on the domestic life of national societies. Shaping the environment (e.g., global markets) in which national societies exist, such transnational rules and practices deeply shape these societies themselves: how they govern and tax themselves, how they organize education, health care, agriculture, and defense, and how they regulate foreign investment, intellectual property rights, and foreign trade.

Some of this influence is due to competitive pressures and transnational bargaining. Some of it works by affecting domestic incentives and power distributions: International rules that recognize any person or group exercising effective power in a less developed country as entitled to sell this country's natural resources and to borrow and to import weapons in its name make it extremely tempting, especially in resource-rich such countries, to attempt to take power by force. These countries are therefore very likely to experience coup attempts, civil wars, and repressive (often military) rule.

Such foreseeable effects of transnational institutional arrangements are surely relevant to their moral assessment. But other factors may be relevant as well: the (typically highly undemocratic) way such arrangements were created or emerged, for example, and also the extent to which those affected by them either accept them or seek their reform. The discourse about global justice is about this question, how to assess transnational institutional arrangements.

Reflecting the crumbling of the traditional separation of intra-national and international relations, the shift to the language of global justice extends institutional moral analysis to the whole field. We have already seen how this shift is fuelled by the realization that the traditional conception of the world of international relations as

inhabited only by states is rapidly losing its *explanatory* adequacy — through the emergence and increasing importance of transnational rules and through the creation and increasing stature on the international stage of non-state actors, such as multinational corporations, international organizations, regional associations, and NGOs. As this traditional conception of international relations loses its grip, we should also realize, however, that its *moral* adequacy has always been lacking. It has never been plausible that the interests of states — that is, of governments — should furnish the only considerations that are morally relevant in international relations. And this insight is encapsulated in the remarkable Article 28 of the 1948 *Universal Declaration of Human Rights*: “Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized.”

Consider for example a long-term contract concerning the exportation of natural resources which the government of some African country concludes with a rich Western state or one of its corporations. Within the traditional philosophical framework, it is self-evident that such an agreement must be honored: “People are to observe treaties and undertakings” says Rawls’s second principle of state conduct, and the third one adds: “Peoples are equal and are parties to the agreements that bind them.”¹⁶ But here is the reality. The African government is corrupt and oppressive, and its continuation in power depends on the military. The sales it conducts impose environmental harms and hazards on the indigenous population. Yet, most of these people do not benefit, because the revenues are either siphoned off by the small political elite or else spent on arms needed for political repression (arms that are supplied by rich Western states in accordance with other contracts executed, without coercion, between them and the African government.)

There is an obvious question here: by what right can a free and fair agreement between a military junta or strongman in Africa and some foreign government or corporation entitle these two parties to deprive the inhabitants of that African country of their natural resources and to despoil their environment?

This question is invisible so long as we think of international relations as a separate realm in which each state is identified with its government. Conversely, once we see the question, the old philosophical framework becomes manifestly untenable. We must then ask ourselves whether it is morally acceptable that the existing international order recognizes rulers — merely because they exercise effective power within a country and regardless of how they acquired or exercise such power — as entitled to confer legally valid property rights in this country’s resources and to dispose of the proceeds of such sales, to borrow in the country’s name and thereby to impose debt service obligations upon it, to sign treaties on the country’s behalf and thus to bind its present and future population, and to use state revenues to buy the means of internal repression. Such recognition accords international resource, borrowing, treaty, and arms privileges to many governments that are unworthy of the name. These privileges are *impoverishing*, because their exercise often dispossesses a country’s people who are excluded from political participation as well as from the benefits of their government’s borrowing or resource sales. These privileges are moreover *oppressive* because they often give dictatorial rulers access to the funds they need to keep themselves in power even against near-universal popular opposition. And these privileges are *disruptive* because they provide strong incentives toward the

¹⁶ John Rawls: *The Law of Peoples* (Cambridge MA: Harvard University Press 1999), p. 37.

undemocratic acquisition and exercise of political power, resulting in the kinds of coups and civil wars that are so common in the developing countries.¹⁷

By breaking down the traditional separation of intranational and international relations and extending institutional moral analysis to the whole field, the concept of global justice also makes visible how citizens of affluent countries are potentially implicated in the horrors so many must endure in the so-called less developed countries: are implicated in the violence and hunger that are inflicted upon the global poor.

The old framework was comfortable: Citizens of affluent countries share responsibility for the institutional order of their own society and for any harms this order may inflict upon their fellow citizens. They also share responsibility for their government's acting honorably abroad by complying with reasonable international laws and conventions, especially those relating to warfare, and by honoring its contracts and treaties. In this traditional framework, such citizens generally bear no responsibility for the violence and poverty inflicted upon foreigners within the black box of their own state.

The new philosophical framework, associated with the expression "global justice," is considerably less comfortable. Central to this framework is the causal impact of the design of the global institutional order upon the conditions of life experienced by human beings worldwide. Since the end of the Cold War, major components of this global order — such as the global trading system and the rules governing military interventions — have been substantially redesigned while other components — such as the international resource, borrowing, treaty, and arms privileges just discussed — have been left in place. There were many alternative ways in which the global institutional order could have been shaped and reshaped when, after the end of the Cold War, the North Atlantic powers found themselves in full control. And the question is then: how would other paths of globalization have been different in their effects upon people worldwide, in their effects upon the incidence of violence, oppression, and extreme poverty, for example? And how, in light of such a comparative-impact assessment, is the existing global order to be judged in moral terms?

The global institutional order is causally related to the incidence of morally significant harms in two main ways. First, its rules may affect individuals indirectly, by co-shaping the national institutional order under which they live. The four international privileges accorded to despotic rulers provide an obvious example. By enabling tyrannical rulers and juntas to entrench themselves in power and by giving potential such oppressors a strong incentive to try to take power by force, these privileges facilitate and foster oppressive and corrupt government in many developing countries where the resource sector is a large part of the national economy and where ordinary citizens have few means to resist their oppression.

Secondly, the rules of the global institutional order may affect people more directly. Consider, for example, the current WTO treaty system which permits the affluent countries to protect their markets against cheap imports (agricultural products, textiles, steel, and much else) through quotas, tariffs, anti-dumping duties, export

¹⁷ See Thomas Pogge: *World Poverty and Human Rights* (Cambridge: Polity Press 2002), chapters 4 and 6, for a fuller discussion. <<SPANISH: See Thomas Pogge: *La Pobreza en el Mundo y los Derechos Humanos* (Barcelona: Paidós 2005), chapters 4 and 6, for a fuller discussion.>>

credits, and subsidies to domestic producers. Such protectionist measures reduce the export opportunities from the developing countries by constraining their exports into the affluent countries and also, in the case of subsidies, by allowing less efficient rich-country producers to undersell more efficient poor-country producers in world markets.¹⁸ In the absence of these constraints, the developing countries could realize an additional \$700 billion annually in export revenues (UNCTAD 1999), which is over 100 times the amount all affluent countries together spent in 2004 on official development assistance (ODA) for basic social services.¹⁹ The magnitude of this amount suggests that the WTO Treaty's high tolerance for rich-country protectionism greatly aggravates severe poverty in the developing countries. If the WTO treaty system did not allow the protectionist measures in question, there would be a great deal less poverty in the world today.

Another important example of the direct impact of the global institutional order is the globalization of intellectual property rights through the TRIPS (trade-related aspects of intellectual property rights) component of the WTO Treaty. Under TRIPS, WTO members are required to adjust their domestic laws so as to grant 20-year monopoly patents on a wide range of innovations which, most importantly, include advanced seeds and medicines. In this way, TRIPS has dramatically curtailed the access poor people have to cheap generic versions of advanced medicines. The absence of generic competition multiplies the prices of advanced medicines — often 10- to 15-fold — and thereby effectively excludes the poor. Even more importantly, this globalized monopoly patent regime strongly discourages pharmaceutical innovators from doing any research and development focused on the diseases concentrated among the global poor — diseases that kill millions each year. It is obvious that pharmaceutical research could be incentivized differently: Governments could reward any newly developed medicine in proportion to its impact on the global disease burden on condition that the inventor agrees to allow other firms freely to produce this medicine and to sell it at competitive market prices. Under this alternative regime, both deadly defects of the TRIPS regimes would be avoided: The price of advanced medicines would be vastly lower, which would greatly expand access to such medicines by the world's poor, and there would be many new medicines developed for the neglected diseases that continue to ravage the world's poorest populations.²⁰

¹⁸ These points are widely acknowledged by mainstream economists and top officials of the international financial institutions. See, for example, the speech of former World Bank Chief Economist Nick Stern: "Cutting Agricultural Subsidies" (globalenvision.org/library/6/309). He stated that in 2002 the rich countries spent about \$300 billion on export subsidies for agricultural products alone, roughly six times their total development aid. He said that cows receive annual subsidies of about \$2,700 each in Japan and \$900 in Europe — far above the annual income of most human beings. He also cited protectionist anti-dumping actions, bureaucratic applications of safety and sanitation standards, and textile tariffs and quotas as barriers to poor country exports: "Every textile job in an industrialized country saved by these barriers costs about 35 jobs in these industries in low-income countries." Stern was especially critical of escalating tariffs - duties that are lowest on unprocessed raw materials and rise sharply with each step of processing and value added - for undermining manufacturing and employment in poor countries, thus helping to confine Ghana and Cote D'Ivoire to the export of unprocessed cocoa beans, Uganda and Kenya to the export of raw coffee beans, and Mali and Burkina Faso to the export of raw cotton.

¹⁹ For 2004, ODA for "basic social services" is reported to have been \$6.87 billion as compared to \$79.5 billion ODA overall (mdgs.un.org/unsd/mdg). For further detailed aid statistics, see also www.globalissues.org/TradeRelated/Debt/USAid.asp#ForeignAidNumbersinChartsandGraphs.

²⁰ For further details, see Thomas Pogge: "Human Rights and Global Health: A Research Program," in Christian Barry and Thomas Pogge, eds.: *Global Institutions and Responsibilities* (Oxford: Blackwell Publishers 2005).

Much more could and should be said about these three examples: about the four privileges that fuel and perpetuate oppression and civil war in many poor countries, about the rules that protect the protectionism practiced by the rich countries, and about the rules that exclude the global poor from the benefits of pharmaceutical innovation. But the point here is not to demonstrate injustice, but merely to illustrate what institutional moral analysis applied to the global institutional order would look like.

Insofar as the current design of the global institutional order does turn out to entail substantial excesses of violence and severe poverty with consequent excesses of mortality and morbidity (relative to some alternative design), we might go on to ask who bears responsibility for the existing design and whether these responsible parties could have foreseen and could reasonably have avoided these excesses.

The governments of the more powerful developed countries, especially the so-called G-7, have played the dominant role in shaping the post-Cold-War global institutional order. In shaping that order, these governments have given much weight to the interests of their domestic business elites and rather little weight to the interests of the poor and vulnerable populations of the less developed countries. The resulting global institutional order is arguably unjust insofar as the incidence of violence and severe poverty occurring under it is much greater than would have been the case under an alternative order whose design would have given greater weight to the interests of the poor and vulnerable. As the G-7 countries are reasonably democratic, their citizens share responsibility for the global order their governments have built as well as for the comparative impact of this order upon human lives. At least this is the kind of moral diagnosis that moves center-stage as normative debates about international relations shift from the *international ethics* to the *global justice* paradigm by extending institutional moral analysis beyond the state.

Two objections are often advanced against this moral diagnosis by defenders of the adequacy of the international-ethics paradigm. Objection One asserts that the global institutional framework cannot be unjust because its participants have consented to it — *volenti non fit iniuria*. Objection Two asserts that it cannot be wrong for the rich countries' governments to design and impose the present global order because their primary responsibility is to their own people, not to foreigners. Let me conclude by briefly responding to these two objections in turn.

Objection One holds that the global institutional order is immune from moral criticism insofar as it has been freely consented to also by the poorer and less powerful states. The objector would allow that, in some cases, the consent given — to the WTO treaty system, for example — was perhaps problematic. He would be willing to entertain the possibility that some weak states were negotiating under considerable duress and also lacked the expertise to work out whether the asymmetrical market access rules they were being offered were better or worse for them than remaining outside the WTO. Our objector might even be willing to consider that perhaps the bargaining power of states entering the negotiations was inappropriately affected by historical crimes, such as colonialism. Still, the objector would insist, *insofar* as states have freely and competently consented to common rules, these rules are morally acceptable.

A proponent of the new global-justice paradigm would reject this reasoning as question-begging. The objection *assumes* what needs to be shown: namely that the only morally relevant question about a global institutional order is whether it does

wrong to any of its member states. This is precisely the point challenged by the global-justice paradigm with the claim that it is relevant for the moral assessment of a global institutional order how it treats individual human beings. This claim can be developed into three more specific and mutually independent challenges.

First, the rule of many so-called governments is based on nothing more than brute force. The consent of such rulers, however freely and competently given, cannot be construed as consent by the people they manage to subjugate. Just look through the list of those who signed up their countries to the WTO Treaty, for example. Among them you will find Mobuto Sese Seko (of Zaire/Congo), Sani Abacha (of Nigeria), Robert Mugabe (of Zimbabwe), Suharto (of Indonesia), the State Law and Order Restoration Council (SLORC, of Myanmar/Burma), and many tyrants of smaller countries. We cannot possibly tell people in these countries that *they* have consented to the WTO regime and therefore suffer no wrong when this regime impoverishes them. To the contrary, these people suffer an additional wrong when we recognize their oppressors as entitled to consent in their behalf.

Second, even if the citizens of all WTO member states had had a real opportunity to reject WTO membership and had all chosen to consent to the WTO regime, this consent could not protect this regime from moral criticism. It is widely agreed that human rights are inalienable, that human beings *cannot* give up their rights not to be tortured or enslaved, their rights to political participation, or their rights to the most basic necessities of human survival. Insofar as the current design of the global institutional order foreseeably causes such inalienable rights to be more widely unfulfilled than is reasonably avoidable, this order cannot be defended by appeal to the consent of those whose inalienable rights are now unfulfilled.

Third, even if we assume that human beings can give up even their most fundamental human rights and that the citizens of the less developed countries have in fact done this through their acceptance of the present global institutional order, we must still ask how it can be permissible to impose this order on children who are greatly overrepresented among those who die from poverty-related causes. They are too young to consent. And who can be entitled to renounce their most fundamental human rights on their behalf?

I see no way for Objection One to prevail against these challenges. Insofar as the present design of the global institutional order foreseeably produces a large excess of avoidable mortality and morbidity, it cannot be justified through the consent of the world's governments.

Objection Two holds that it is the very point and purpose of governments to represent and promote the interests of their people. It is therefore entirely appropriate and permissible for rich countries' governments to do their utmost to shape the global institutional order in the best interest of their citizens.

There is evidently some truth in this objection. Surely a government is not required to give equal weight to the interests of all human beings worldwide. Rather, it is permitted to be partial by showing special concern for the interests of its own people, present and future. But there are obvious ethical limits to a government's partiality — for example: Insofar as it is impermissible for a country's citizens to kill innocent foreigners in order to advance their economic interests, it is likewise impermissible for these citizens' government to do so on their behalf.

The limits on permissible government partiality with regard to the shaping of the global institutional order are less familiar but no less indisputable. Quite generally, partiality is legitimate only in the context of a “level playing field,” broadly conceived as including fair rules impartially administered. This idea is familiar and widely accepted in many contexts: it is permissible for persons to concentrate on promoting their own interests, or those of their group, sports team, or relatives, provided they do so in the context of a fair competition. Because such a fair setting is a moral precondition for permissible partiality, such partiality cannot extend to the subversion of the level playing field. To the contrary, those who are *partial* in favor of their own group must, as a condition of the permissibility of such partiality, also be *impartially* concerned for preserving the fairness of the larger social setting.

In a domestic setting, for example, it is entirely permissible for you to concentrate your time and money on securing a good education for your own children, at the expense of other children whose education you could also promote. Yet it would be morally wrong for you to seek to promote your children’s prospects by using your political influence to oppose equal access to education for children whose gender, color, or class differs from that of your own children. In short: partiality of concern is alright within a minimally fair setting, but not alright when it seeks to undermine the minimal fairness of this setting itself. The minimal fairness of the terms of the competition must not itself become an object of this competition. And the justice limit to a government’s partiality in favor of its own citizens forbids then partial conduct that undermines the minimal fairness of the global institutional order. An appeal to permissible partiality cannot justify the imposition, by the most powerful governments on the rest of the world, of an unjust global institutional order under which a majority of humankind are foreseeably and avoidably deprived of anything resembling a fair start in life.

This concludes the sketch of the philosophical framework associated with the increasingly prominent expression “global justice.” Distinctive of this framework is the focus on the causal and moral analysis of the global institutional order against the background of its feasible and reachable alternatives. Within this general global-justice approach, distinct conceptions of global justice will differ in the specific criteria of global justice they propose. But such criteria will coincide in their emphasis on the question of how well our global institutional order is doing, compared to its feasible and reachable alternatives, in regard to the fundamental human interests that matter from a moral point of view. Extending institutional moral analysis beyond the state, this question focuses attention on how today’s massive incidence of violence and severe poverty, and the huge excesses of mortality and morbidity they cause might be avoided not merely through better government behavior, internally and internationally, but also, and much more effectively, through global institutional reforms that would, among other things, elevate such government behavior by modifying the options governments have and the incentives they face.

The importance of this global-justice approach reaches well beyond philosophy. It is crucial for enabling ordinary citizens — in the developed countries especially — to come to an adequate understanding of their moral situation and responsibilities. And it is very helpful also for pushing social scientists, and development economists especially, to overcome their bias toward explanatory nationalism, their tendency to explain poverty and hunger exclusively in terms of causal factors that are domestic to the societies in which they occur. However valid and useful, such nationalist explanations must be complemented by substantial inquiries into the comparative effects of global institutional factors on the incidence of severe poverty and (more

generally) unfulfilled human rights worldwide. It is very satisfying that the development of the global-justice approach for once shows the owl of Minerva spreading its wings well *before* the falling of dusk, that philosophy has been giving an important conceptual impulse to economics, political science, and politics. What effect this impulse will have, however, remains to be seen.