

Are trade subsidies and tariffs killing the global poor?

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Bios

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Abstract:

In recent years it has often been claimed that policies such as subsidies paid to domestic producers by affluent countries and tariffs on goods produced by foreign producers in poorer countries violate important moral requirements because they do severe harm to poor people, even kill them. Such claims involve an empirical aspect—such policies are on balance very bad for the global poor—and a philosophical aspect—that the causal influence of these policies can fairly be characterized as doing severe harm and killing. In this essay, we examine the philosophical aspect of this issue. We conclude that these policies do not do harm to the poor, but rather enable harm to them in various ways, and explore the moral implications of this fact.

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Introduction

Many scholars, activists, journalists, and policymakers have voiced concerns that the trade policies adopted by affluent countries often involve egregious wrongdoing to poor countries. These critics do not merely argue that affluent countries have failed to negotiate trade agreements that are as beneficial to poorer countries as they should be since their poorer trading partners fail to receive a ‘fair share’ of the gains from trade or that they are exploiting poor countries. They claim that policies such as subsidies paid to domestic producers by affluent countries and tariffs on goods produced by foreign producers in poorer countries violate important moral requirements because they do severe harm to poor people, even kill them.

A *New York Times* editorial, for example, states: “If it weren’t killing them, people in Burkina Faso might get a good laugh at America’s unprofitable cotton-growing fetish. ... But those American subsidies are killing the Burkinabe farmers, so the inclination to laugh hardens to sorrow and resentment” (New York Times 2003). In a similar vein, prominent *New York Times* columnist Nicholas Kristof argues that “[b]y inflating farm subsidies even more, Congress and the Bush administration are impoverishing and occasionally killing Africans whom we claim to be trying to help” (Kristof 2002). Conservative commentators also make claims of this kind. A recent Cato Institute publication, to take just one example, is entitled “American and European Protectionism is Killing Poor Countries and their People” (Norberg 2005). Voices of this kind are also heard from the alleged victims of such policies. For example, the President of Burkina Faso, Blaise Compaoré, has compared US cotton subsidies to aiding and abetting terrorism: “America wants us to comprehend the evil posed by violent anti-Western terrorism, and we do. But we want you to equally concern yourself

with the terror posed here by hunger and poverty, a form of terrorism your subsidies are aiding and abetting” (Quoted in Kristof 2002). And philosopher Thomas Pogge has cited rich country tariffs on imports from poor countries and subsidies paid to its own domestic producers when suggesting that the leaders of affluent countries have become “hunger’s willing executioners” in relation to the poor in the developing world (Pogge 2002, 24).

If such claims about trade policies were true, this would have serious implications. The rights to life and security of the person are arguably the most important and basic of all human rights, codified in the Universal Declaration of Human Rights (Article 3) and the International Covenant on Civil and Political Rights (Article 6). And if the economic policies of countries were failing to respect them this would be a serious blemish on their human rights records. All other things being equal, moral reasons based on killing are ordinarily thought to be quite stringent, in the sense that they possess several important normative characteristics. They are *constraining* to the extent that a person cannot justify acting against them by appealing to the costs to themselves of acting with them or by appealing to the overall good that their conduct will bring about if they act against them, and *demanding* insofar as those who have acted contrary to such reasons have a duty to take on quite significant costs to address the effects of their having done so. Indeed, reasons not to do harm that, though significant, falls far short of causing death are also held to possess these characteristics. For instance, we cannot break John’s arm just because doing so will save us from having our arm broken by Sue, nor can we break John’s arm in order to prevent Sue from breaking the arms of Helen and Alice (assuming here that John, Helen, and Alice are all innocent and pose no threats to others). And if a person has ignored these

reasons—for instance by breaking John’s arm in order to save her own arm from being broken by Sue—they must take on significant cost to remedy the harms they have done.

If true, these claims about the lethality of subsidies and tariffs would have a further and more unsettling implication (one that is overlooked by the very same people who often make them). Reasons not to kill or do severe harm are also viewed as *enforceable*. It is generally permissible to forcibly prevent those who would otherwise kill or do severe harm, so long as the force employed is proportionate. For instance, a driver may be prevented from killing a pedestrian even if the preventive action involves injuring significantly the driver, while minor injuries could be imposed on the driver if this is necessary to save the pedestrian’s limbs. We are permitted to prevent the doing of harm through the proportionate use of force not only against very culpable aggressors that *intend* to kill or do severe harm without justification, but even against those who recklessly, negligently, or even innocently are about to do so. Just how much force can permissibly be employed to prevent the doing of harm depends on the extent of the prospective harm-doers’ culpability for the threat of harm that they pose, and the magnitude of the harm that they pose a threat of doing. Correspondingly, a country that does severe harm or violates the rights to life and security of the person through its trade policies would therefore also seem to be liable to the preventive use of force, either by those at risk of being killed or harmed or by third parties. Of course, the fact that a country has made itself liable to the preventive use of force does not mean that all of its people are. But if the policies employed by the governments of countries that employ such policies have widespread support among their people, it may be hard to avoid the implication that these people too are liable to at least *some* preventive use of force.¹

¹ For further discussion of such implications see Gerhard Øverland 2012a and 2012b.

Determining whether rich country tariffs and subsidies can plausibly be viewed as doing severe harm to or violating the rights to life and security of the person of the poor depends on investigation of empirical questions. We need to examine the effects of these policies, and perhaps also to develop models that warrant plausible conjectures about the likely effects of feasible alternatives.² That is not our task in this paper.

But there is also a philosophical question that needs to be investigated. Although it seems widely agreed that duties based on killing or doing severe harm have a great deal of moral significance, there is widespread disagreement about what it really means to kill or do harm, as opposed to fail to prevent someone from being killed or harmed.³ There are, of course, many cases where it is easy to determine that conduct involves killing or doing harm. But there are many other cases where things are not so clear. Without a plausible account of the distinctions on which such judgments depend, we cannot assess whether or not claims that subsidies and tariffs are killing the poor are true or are merely a form of heated rhetoric employed to encourage the affluent to do more for the important task of alleviating global poverty. Granted certain empirical assumptions about the bad effects of subsidies and tariffs on the poor, the philosophical

² The overall effect of these policies on poverty throughout the world is hard to gauge. Import tariffs and domestic subsidies are likely to increase poverty in some areas while decreasing it in others. With respect to agricultural goods, for instance, it is likely to hurt some poor people in food exporting countries, while helping some poor people in food importing countries, because the effect of such policies is to lower the world price of the goods traded, while increasing the prices that the producers in the countries instituting such policies are able to receive. One further complication is that some small poor countries enjoy tariff free access to some rich country markets (particularly, under the EU's Everything But Arms Initiative), which enables them to receive a higher price for their exports than they would were the market to be more fully liberalized (Mattoo and Subramanian 2004). Another further complication is that even if some poor countries benefit from the repeal of these policies, poor people in those countries may not benefit, since these gains may instead be captured by large agribusinesses (who may in agitate politically for policies that favour themselves at the expense of the poor.)

³ This distinction is mirrored in the typology of human rights obligations first developed by Henry Shue (Shue 1980) and further elaborated by Asbjørn Eide, UN Special Rapporteur for the Right to Food, in the late 1980s. Eide distinguishes the obligation to 'respect', which "requires states to abstain from violating a right", from obligations 'protect' (prevent third parties from violating that right) and 'fulfill' (to take measures to ensure that the right is enjoyed) (Eide 1987). Failing in duties to respect human rights, which seem to involve violations of rights through doing harm, are typically taken to be the most serious.

task is to investigate the extent to which these trade relations can be viewed as killing or doing severe harm to the poor. This essay takes up this task.

Moral Assessment of International Trade

In debates on international trade, for example, two outcomes that loom large in moral assessments of a country's trade policies are whether they enhance the welfare of its own people, and whether they improve or significantly worsen the living conditions of poor people throughout the world.⁴ That is, the trading activity of an affluent country (we'll call it Rich) may involve failure to act on reasons to promote the welfare of its people or to take adequate account of poverty and related ills in a poor country (we'll call it Poor).

That idea that governments should be preoccupied with the welfare of their own citizens when developing trade policy is not particularly controversial. But the claim that governments should be willing to take on significant cost in their trade policies to help address poverty abroad is quite controversial. Several types of reasons might be invoked in support of the claim that the citizens of affluent countries should authorize their leaders to implement policies that take account of poverty and its attendant ills abroad.

First, it is claimed that if agents are able to *assist* the poor at relatively moderate or little cost, agents have a responsibility to address their need (Singer 1972, 2009; Unger 1996; Cullity 2004). If we have such *assistance-based* moral reasons, then Rich might engage in wrongdoing by failing to do enough to improve the material conditions of badly off people in Poor, or in other countries with whom it is not engaged in trade.

⁴ We will not discuss here other considerations that often arise in the moral assessment of international trade, such as whether countries get a fair share of the gains from trade, whether some countries engage in bullying or coercion of other countries to get them to adopt trade agreements, and whether such agreements are exploitative.

For example, Rich might fail to implement a trading scheme—let’s call it Good-Trade—that would permit Poor to do things that Rich would be forbidden from doing, such as imposing tariffs, instituting currency controls against speculative inflows, and placing a small tax on trade between the two countries, the revenues of which would be used to promote improved living standards in Poor.

Second, it is claimed that if the agents who are able to assist have special associative ties and relationships with those who are suffering (or with those that contributed to the suffering) they have a responsibility to address their need—*association-based moral reasons* (Miller 2010). If Rich has such reasons, then it might engage in wrongdoing by failing to act on them to improve the material conditions of poor people with whom it shares such ties, whether they live in Poor (with whom it is engaged in trade) or other countries with whom it does not engage in trade. For example, when trading with others Rich might fail to implement a trading scheme—call it Special-Trade—that would grant special privileges and benefits to Poor and other countries like it insofar as it shares the relevant associative connections with them. For example, Poor might be granted such privileges as a result of having been Rich’s former colony, sharing its culture or language, or having been the origin of many of its migrants. Engaging in ongoing trade relations might itself be viewed as establishing associative ties that trigger such privileges, particularly if such trade makes one country particularly vulnerable to the conduct of the other (Beitz 1979, Goodin 1985).

Third, it is claimed that agents have responsibilities not to benefit from harms that have been unjustly inflicted on the poor. For example, when trading with others Rich might fail to implement a trading scheme—call it Compensate-Trade—that would grant special privileges and benefits to Poor and other countries like it insofar as it has benefitted or is benefitting from harms that have unjustly been inflicted upon them—

beneficiary-based reasons (Pogge 2002, Butt 2009).

Finally, it is claimed that agents have responsibilities to avoid contributing to poverty. Hence, if Rich has *contributed* to some instance of poverty then it has a responsibility to address it—*contribution-based reasons*. Rich could on this account engaging in wrongdoing by contributing to severe poverty (Pogge 2002, Barry 2005).

Of the three types of moral reasons, it is clear enough that contribution-based moral reasons are those invoked when it is asserted that subsidies and tariffs are killing the poor. There are of course good *strategic* reasons to appeal to such arguments in arguing that affluent countries have a responsibility to change these policies. Reasons based on killing (or doing severe harm more generally) are less controversial than assistance-based reasons, which (as noted above) are ordinarily though to be particularly stringent. And the application to the case at hand might seem more straightforward than those based on these other types of reasons. For example, while association-based moral reasons are also sometimes taken to be stringent—it is ordinarily thought that we should take on significant cost to avert the severe deprivation of those with whom we have strong associative ties—arguments based on such reasons do not seem a very promising way to argue against trade policies like subsidies and tariffs employed by affluent countries. First, it is not obvious that affluent people generally have significant associative ties with the poor abroad. The mere fact that they are engaging in trade with them remains controversial as a potential basis for establishing such an associative tie (Blake 2001, Miller 2010). Second, the affluent *do* believe themselves to have very strong association-based moral reasons to meet the needs of members of their own communities, including reasons to protect community members who are *relatively* badly off, even if they are not nearly as badly off as some poor people abroad (Nagel 2005, Miller 2010). Indeed, it is often on the basis of such associative connections that they

justify subsidies and tariffs, claiming that without them vulnerable domestic workers and industries would be made worse off (Hockett 2005), or that this would lead to larger intra-national inequality even if it lessens international inequality.⁵

Of course it can be argued that there are such relevant associative connections between the affluent and the poor, even if they are not acknowledged by affluent countries (Ypi, Goodin, and Barry 2009); or that subsidies and tariffs do not *really* benefit the people that they purport to benefit (Oxfam 2002); or that subsidies are not necessary to preserve the standard of living of poor people in wealthier countries, since such countries can redistribute the gains from trade liberalization to those who lose out (Bhagwati 1998, 24–7). These issues remain both empirically and politically contentious, however, and are unlikely to generate widespread condemnation of existing trade policies.

However strategically valuable such claims about subsidies and tariffs may be, can we make sense of the claim that these policies are killing the poor? We introduce two stylized cases, Subsidy and Tariff, which we will refer back to in discussing this question.

Subsidy: Continued trade in foodstuffs from Poor to Rich stands to improve the conditions of the severely deprived in Poor. Rich subsidizes its own producers of foodstuffs, thereby making it difficult for producers in Poor to compete. A substantial number of people in Poor die from poverty-related causes as a result of reduced trade in foodstuffs with Rich.

Tariff: Continued trade in foodstuffs from Poor to Rich stands to improve the conditions of the severely deprived in Poor. Rich puts tariffs on foodstuffs from Poor, thereby making it difficult for exporters in Poor to compete. A substantial number of people in Poor die from poverty-related causes as a result of reduced trade in foodstuffs with Rich.

⁵ Whether or not the factual assertions on which such claims are based are well-founded is not a matter that we shall explore here.

Types of contribution

In all cases where A kills or does severe harm to B, A clearly contributes to the deaths or injuries that B suffers. But it is not necessarily true that in all cases where an A contributes to B's death, A kills B. If A ducks out of the way of an oncoming car with the consequence that it hits B, who is standing behind him, his conduct may be seen as a contributing factor to her death (a full explanation of what made the collision possible will refer to A's out of the way), but it is clear that A doesn't kill or do harm to her. This is not because A acts justifiably in avoiding harm to himself. Suppose A swerves his car to avoid running over a child that has run onto the road and consequently runs over B's foot, fracturing it. A has done harm to B, even though his conduct in this case seems fully justified if it is the only way to avoid killing the child.

The question of whether subsidies and tariffs are killing the poor can therefore be addressed in two steps. First, we need to consider the different senses in which countries employing such policies can plausibly be viewed as contributing to poverty-related deaths (since all killers contribute to the deaths of their victims), broadly understood. Second, we need to assess whether any of the ways that subsidies and tariffs contribute to poverty-related deaths can plausibly be construed as killing. What is at stake, of course, is not how we should *describe* trade relations of these sorts, but whether moral reasons based on their effects share the characteristics that reasons based on killing or doing severe harm do. The point of the conceptual analyses of 'contributing to death' and 'killing' is to illuminate this moral question.

Counterfactual Dependence

It might seem obvious that subsidies and tariffs kill poor people simply if certain counterfactuals are plausible. On this view it is true that *if* but for the fact that Rich

subsidized its cotton producers, cotton producers in Poor would not have died, *then* these policies killed them.

When some outcome is counterfactually dependent on the conduct of an agent, there is a sense in which that agent's conduct contributes to the outcome. However, contribution to death understood in terms of counterfactual dependence is broader than contributions to death that are commonly viewed as constituting killing.⁶ It is, for instance, also true that *but for the fact* that Rich adopted many other policies to enhance the welfare of its people, cotton producers in Poor would not have died. Governments of affluent countries prioritise the welfare of their own citizens over other people's welfare to a very large degree. For example, investing heavily in education as a means of promoting its competitiveness in international markets, or making a slight but costly improvements to its transportation infrastructure, is routinely carried out even though it is well-known that the funds employed for this purpose would save many hundreds of lives were they instead spent improving basic sanitation or access to clean water in other countries. It is ordinarily thought that decision makers are morally permitted to do this (and that the citizens they represent can permissibly authorize them to do so). Indeed, it is commonly thought that political leaders may even be morally *required* to do so because it is necessary for them to help citizens to act on their association-based reasons to their fellow citizens and because reasons to help the poor abroad are not ordinarily viewed as stringent enough to outweigh these reasons. The fact that poverty-related deaths in Poor are counterfactually dependent on the fact that Rich employs subsidies is therefore too weak a basis on which to claim that Rich is killing them through these policies. There must be something more about the relation between Rich

⁶ It is also narrower, as we shall point out below.

and Poor and the poverty-related deaths in Poor than merely some counterfactual dependence of the poverty-related deaths in the latter on the conduct of the former.

The Feasible Alternatives Thesis

Thomas Pogge has identified another manner in which trade policies might be said to contribute to deprivation.⁷ It also depends on counterfactual dependence, but it is of a very specific kind. He would have us compare the current trade scheme with feasible alternatives. In his view, we contribute to harming the poor when we collaborate in imposing social arrangements that “foreseeably perpetuates large-scale human rights deficits that would be reasonably avoidable through feasible institutional modifications” (Pogge 2005, 60). Pogge contrasts this notion of harm with the notion of harm employed in ordinary contexts, according to which those harmed are either made worse off than they were at some earlier time, or worse off than they would have been had some earlier arrangements continued undisturbed (cf. Pogge 2007). By feasible institutional modifications, Pogge means reforms that could be brought about and maintained if enough agents had the political will to do so—the mere fact that powerful agents simply refuse to entertain such reforms (thus making them *politically* infeasible) do not make them infeasible in his sense.

We can gauge the magnitude of such contributions (in Pogge’s special sense) that the trade policies of one country make to deaths in another country by comparing the number of poverty-related deaths that result from a trade regime that is *actually* implemented with the number of poverty-related deaths that *would have* occurred under the best feasible alternative trade regime. Is it plausible to view such contributions as constituting killing or doing severe harm? More importantly, would the reasons based

⁷ We draw in this section on Barry and Øverland (2012).

on such contributions be stringent in the same way that reasons based on killing or doing severe harm seem to be?

Suppose there are ten million people in Poor who live in severe poverty, and that ten thousand people in Poor die each year from poverty-related causes. Suppose that Rich is interested in making trade agreements with Poor to ensure mutual market access. Poor possesses materials that Rich wants, and Rich has things that Poor wants, so both sides envision that there can be possible gains from trade. Each of the parties recognizes that these gains will be more likely if they can arrive at an agreement that will then bind all participants, and whose rules will be coercively imposed. Suppose that there are three possible trading schemes available to them: Trade, Free-Trade, or Good-Trade. Or they could remain with the status quo: No-Trade.

Trade would resemble the current rules of the World Trade Organization (WTO) in most relevant respects. *Free-Trade* would differ from Trade by incorporating rules that would be more successful in preventing actions that are frequently cited as examples of unfairness or ‘double standards’ in the WTO, for example developed countries’ imposition of tariffs on imported textiles and agricultural goods from developing countries, or their provision of subsidies to their own producers of these goods, and so on (Pogge 2005, 62). *Good-Trade*, on the other hand, would go further. It would permit, for example, Poor to do things that Rich would be forbidden from doing under the terms of the scheme, such as the imposition of tariffs, and instituting currency controls against speculative inflows, and it would place a small tax on trade between the two parties, the revenues of which would be used to promote poverty alleviation in Poor. Let us imagine that the preferences of Rich are, in decreasing order: Trade, No-Trade, Free-Trade, and Good-Trade; while the preferences of Poor are: Good-Trade, Free-Trade, Trade, No-

Trade. And let us posit that the predicted outcomes of these schemes with respect to poverty-related deaths are the following:

No-Trade: 10,000

Trade: 8,000

Free-Trade: 6,000

Good-Trade: 2,000

Suppose that Free-Trade is now implemented as a result of intergovernmental bargaining. By adopting Free-Trade, the number of poverty-related deaths in Poor is reduced by 4,000 as compared to No-Trade. However, according to Pogge's view, once Free-Trade is implemented, and there is a feasible alternative like Good-Trade, Rich becomes a contributor to the poverty-related deaths on Poor, since its conduct results in 4,000 more deaths than the alternative. Rich would be instituting and upholding institutional arrangements that are coercively imposed, and which would foreseeably engender more deaths per year than some feasible alternative trading regime (Good-Trade). Pogge writes: "My minimal standard of social justice would require such institutional asymmetries (requiring higher tax payments from the more affluent, or permitting poor but not rich countries to impose currency controls against speculative inflows) when they are needed to avoid human rights deficits" (Pogge 2005, 62).

Insofar as Rich contributes each year to the poverty-related deaths of many more people in Poor by selecting Free-Trade, they are so related by the simple fact that they could instead have instituted Good-Trade (Patten 2005, Barry and Øverland 2012). This indicates that Pogge is employing a notion of contribution to harm that is quite broad indeed. It implies that by leaving Poor to its own devices we would *not* contribute to

these harms, even though 10,000 of them would die from poverty-related causes each year as a result of our conduct, whereas we *would* harm them by implementing Free-Trade, even though this would reduce the death toll by 4,000 per year relative to what they would experience in the absence of trade.

Most importantly, if the moral reasons arising from this type of contribution were stringent in the way that reasons against killing and doing severe harm are, then adopting Free-Trade instead of No-Trade would not be permissible. This is because this notion of contribution to harm entails that Free-Trade contributes to harm so long as Good-Trade is a feasible alternative that would lead to less deprivation. And this moral conclusion would be very puzzling indeed. It seems that any morally sane person ought to prefer a world in which Free-Trade was adopted to one in which No-Trade remained the norm. (Note, however, that we are not suggesting that adopting Free-Trade is a permissible option *tout court*, only that it is when compared with No-trade. What Rich ought to do, all things considered, might well be to adopt Good-Trade.)

One might argue that in this case Rich *exploits* Poor, since it benefits unduly from its superior bargaining power in getting Poor to agree to Free-Trade rather than feasible alternatives. And doing this may make the conduct of Rich morally wrong. This seems plausible. Indeed, playing for advantage when you have a moral duty not to do so, but rather should protect someone who is particularly vulnerable to your actions and choices, can make your conduct quite seriously wrong (Goodin 1987).⁸ The issue in question here, however, is: would Rich's moral duties towards Poor now be of the same type as if Rich were responsible for killing (in an ordinary sense of this term) those people in Poor that die as a result of its failure to have opted for trading arrangements

⁸ The wrongness of Rich's exploitation of the situation may seem to depend on its initial duty to provide assistance, and the amount of benefits from trade it chooses instead to extract as a condition of its participation in a scheme of mutual market access. If there were no such moral reasons to assist, the exploitation would be less problematic.

that would be optimal from the point of view of poverty avoidance? An affirmative answer to this question is seems quite implausible.

Killing and Doing Harm to the Poor

It is not difficult to imagine ways in which Rich could contribute to poverty-related deaths in Poor that would constitute killing.⁹ Consider the following:

Colonial Imposition: Rich launches a sustained military assault on Poor, destroying much of its infrastructure, and disrupting its economy in ways that cause deterioration in the living standards of its people.

Toxic Pollution: Rich pollutes the ocean. Health problems in Poor are caused by the consumption of fish, which have high levels of toxins in them as a result of Rich's activities. These health problems lead to the premature deaths of many and the deterioration in the living standards of many more.

These seem like uncontroversial *clear-cut* cases of doing harm (and for those who die as a result, of killing and violating their rights to life and security of the person). Convergence in judging these cases in this manner is *robust* in the sense that these judgments does not change as details of the case that would appear to be relevant to the moral assessment of the agent is changed, such as whether they intend or merely foresee that these deaths will occur.¹⁰ Rich kills people in Poor even if their deaths are not counterfactually dependent on its conduct, for example, because these same people would have suffered these or even greater deprivations *had Rich refrained* from adopting these policies because some other country (call it Rich 2) was poised to invade Poor were Rich to have failed to do so (knowledge of this fact would clearly give Rich a justification of its conduct that might not otherwise be available—it would be bringing about the lesser of two evils). Moreover, Rich kills people in Poor—even if its conduct

⁹ We discuss these cases in Barry and Øverland (2012).

¹⁰ As shown in Lindauer, Barry and Øverland (Forthcoming)

would have been justified on the grounds that it pre-empts or prevents comparable or worse harms to Poor from occurring at the hands of Rich 2.

Consider, by contrast, the following case, which Thomas Pogge has invented.

Venus: Suppose we discovered people on Venus who are very badly off, and suppose that we could help them at little cost to ourselves. If we did nothing, we would surely violate a positive duty of beneficence. But we would not be violating a negative duty of justice, because we would not be contributing to the perpetuation of their misery (Pogge 2002, 198).

This seems correct—Venus is indeed a clear-cut case of failing to prevent a harmful outcome. If the Earthlings contribute to the harm suffered by the Venusians, it is only in the sense of counterfactual dependence, since *but for the* conduct of the Earthlings (their failure to assist) they would not have continued to suffer.

What makes cases like Colonial Imposition, Toxic Pollution, and Venus so clear-cut with respect to the distinction at issue? We think that this has to do with two factors, both of which are present in Colonial Imposition and Toxic Pollution, and both of which are absent in Venus. The first factor is what might be called *relevant action*. If A is linked to B's injury by relevant action, then there is an answer to the question of *how* A was relevant to B's injury that refers to something A *did*.¹¹ The second factor, which is present in Colonial Imposition and Toxic Pollution but absent in Venus, is that there is a *complete causal process* linking Rich's relevant action to the deaths in Poor. That is, there is an intact sequence of events linking the relevant action of Rich to the harms that the people in Poor suffer. In Colonial Imposition, this complete causal process is a physical process involving the transfer of energy and momentum, in this case dropping explosive devices. This is not the only form that such processes can take. If John opens a dam and the water floods the town below, he does not *transfer* energy to

¹¹ The idea of relevant action employed here owes Judith Thomson. See Thomson (1996).

the dam or the water, but rather *releases* stored energy that was being held at bay by the dam.

When we are linked to a harm suffered by another through a complete causal process with a relevant action, this is ordinarily sufficient for us to be judged to have done harm to that person.¹² Thus, when A punches B, runs B over in her car, cuts B, shoves B to the ground or under water, and so on, A *does harm* to B. And if B dies as a consequence of this, A will have *killed* B. In Venus, on the other hand, there is no complete causal process from Rich to Poor. The deaths on Poor do not trace back to any relevant action of Rich via an intact sequence.

Enabling Harm

The examples examined above suggest that when the relevant action of Rich is linked to the harm suffered by Poor via a complete causal process, and when death results from these processes, then Rich kills people in Poor. Interestingly, instances in which subsidies and tariffs are relevant to harm seem unlike either clear-cut cases of allowing harm or clear-cut cases of doing harm.

The two cases introduced before—Subsidy and Tariff—are unlike Toxic Pollution or Colonial Imposition. In Subsidy and Tariff no complete causal process links Rich with Poor's poverty. There is relevant action, however, because the answer to how Rich is relevant to Poor's poverty refers to something Rich does: it *subsidises* its own farmers and thereby make it difficult for farmers in Poor to compete, or; it *imposes* tariffs on imports from Poor making producers in that country unable to sell their products. So these cases are neither clear-cut cases of failing to prevent harm from occurring, nor of doing harm. We think that it makes little sense to try to treat these intermediate cases either as instances of doing harm or of allowing harm, since they are

¹² There are some exceptions to this general rule, which involve the active withdrawal of aid.

distinct from clear-cut cases of each with respect to an important empirical characteristic. Subsidy and Tariff are cases that should in our view be described as instances of *enabling harm* to occur.

Like doers of harm, enablers of harm surely *contribute* to harm through relevant action, but they do so in a different manner. Subsidy and Tariff appear to be cases of what Mathew Hanser has aptly dubbed ‘preventing a preventer’ (Hanser 1999). In Tariff, Rich contributes to harm in Poor by *preventing* a process—certain volumes of trade in foodstuffs from Poor to Rich—that would prevent poverty-related deaths from occurring in Poor. In Subsidy, a benefit that Rich offers to its domestic producers enables them to engage in production that they could not otherwise have afforded. This productive activity results in goods and services that come to the market at prices that create conditions such that international trading activity that would otherwise have taken place does not take place. These patterns of trade (by hypothesis) leave poor people in Poor worse off than were Rich not to have provided the subsidy. In Tariff, Rich’s conduct is perhaps best described as *creating* an obstacle to Poor’s efforts to escape from poverty.

The Implications of Enabling Harm

Insofar as particular trade activities of rich countries are related to deaths in poor countries by preventing trade in products from poor countries, they can plausibly be viewed as enabling harm. What implications does this have for the moral assessment of such policies?

Moral reasons associated with contributing to harm through enabling often seem to have normative characteristics that are distinct from and intermediate between those ordinarily associated with clear-cut instances of doing harm on the one hand, and clear

cut-instances of allowing harm to occur on the other. They seem to have characteristics that are somewhat intermediate between doing and allowing harm. (Although, as we shall discuss below, particular instances of enabling harm may have features that make them share more of the normative characteristics of one or another of these categories.)

For instance, as Matthew Hanser and Samuel Rickless (Hanser 1999; Rickless 2011) have pointed out, reasons against enabling harm often seem to be less constraining than reasons against doing harm. Consider cases where contributing to harm could prevent a greater harm. While it seems impermissible to initiate a complete causal process that will kill one person to save two others, it may seem permissible to interpose and remove obstacles with an eye to increasing the number of people saved. In this sense enabling harm is more like allowing harm, since it is ordinarily considered to be permissible to save the greater number. For instance, if a car with one person is heading towards a cliff but will be stopped by an obstacle in its path, you may remove the obstacle and use it to prevent another car from falling off the cliff if there are two people in the other car. Hence, it seems permissible to contribute to the death of one by enabling his death in order to save two others.

What would the implications of this apparent feature of reasons based on enabling harm be for the moral assessment of subsidies and tariffs? Well, we would expect that reasons based on the harms generated through subsidies and tariffs are less constraining than those based on equivalent harms that arise through doing harm. If there is a need for subsidies or tariffs in order to reduce the number of poverty-related deaths overall, it might be permissible to implement them. And this seems plausible. Suppose that there are two fairly poor countries, Poor I and Poor II. If free trade continues between them, poverty-related deaths will amount to 10,000 in Poor I but only 1,000 in Poor II. Suppose now that subsidising producers in Poor I would reduce poverty-related deaths

by 100% in Poor I but it would increase them by 100% in Poor II. Hence, no one would die from poverty-related causes in Poor I due to the new subsidies, but 2,000 would now die in Poor II. This would give a net reduction of 9,000 poverty-related deaths. Should we subsidize producers in Poor I? It seems plausible that we should, granted that this is the best way to reduce the overall number of poverty-related deaths. At the very least, it would be far less morally problematic than killing 1,000 in Poor II to save the 10,000 in Poor I. This suggests that enabling poverty-related deaths through subsidies cannot be considered as relevantly similar to killing or doing severe harm to people, since very few would maintain that we are permitted to kill 1,000 in order to save 10,000, all other things being equal.

Would the same be true for comparable cases involving the use of tariffs? Suppose our most efficient way to reduce the number of poverty-related deaths would be to impose tariffs on goods produced in Poor II.¹³ Poverty-related deaths would be reduced to zero in Poor I while they would increase to 2,000 in Poor II. Should we impose tariffs in goods produced in Poor II? Perhaps it seems slightly more problematic to impose tariffs than to grant subsidies. Providing a subsidy might be understood as helping some people to obtain a good, while tariffs might be seen not mainly as helping some, but as putting obstacles in the way of others and therefore perhaps understood as *unfair* to this latter group. Nevertheless it seems permissible to impose tariffs to ‘protect’ the 10,000 in Poor I, and thereby reducing the poverty-related death toll by 9,000. At the very least, it would not seem morally on par with killing 1,000 people in Poor II to save 10,000 in Poor I. These simple examples certainly suggest that there ordinarily a substantial

¹³ Imagine that some African country could impose tariffs on Chinese goods, and thus get a manufacturing sector off the ground, but this might prevent trade patterns that would lift some Chinese people out of poverty.

difference between the moral reasons based on enabling death through creating obstacles to people's attempts to save themselves and moral reasons based on killing.

Moral reasons based on enabling harm may arguably also seem to be less constraining than those based on doing harm when the enabler of harm seeks to avoid harm to themselves. Suppose, for instance, that you are one of the poor in Poor I, or some other member of Poor I. It may seem permissible for you to favour a subsidy policy to reduce drastically the number of poverty-related deaths in your own society, even if this would result in a slightly higher rate of poverty-related deaths in another society. Indeed, this case seems to involve bestowing a benefit on people in whose welfare you take a special interest. These benefits help them to compete more successfully with others than would otherwise have been possible. On the other hand it would not be permissible for you to kill a number of innocent people in another country in order to prevent a much larger number of innocent people from being killed in your own society. Intuitively, at least, societies need to constrain themselves less when it comes to enabling harm, especially when doing so is necessary to avoid harm to themselves. All else being equal, a society (or person) is not required to take on as much cost in order to avoid enabling harm as they would be required to take on in order to avoid doing a comparable amount of harm.

One could, perhaps, suggest that since reasons based on allowing harm to occur seem ordinarily to be less stringent than reasons based on doing harm, whatever contribution to harm enabling may involve may be morally equivalent to allowing harm. Indeed, Matthew Hanser and Samuel Rickless have argued for this very view (Hanser 1999; Rickless 2011). They claim that agents who non-maliciously enable harm are *morally on a par* with agents who merely fail to prevent the harm, all else being equal. If this were true, then all else being equal, Rich in the cases of Subsidy and Tariff would

owe no more to Poor than the Earthlings would to the Venusians in Venus. Rich would have ordinary reasons to assist Poor, but no more than that. However, we think that this view is implausible. In our view, at least some cases of enabling harm are, all else being held equal, morally distinct both from doing harm on the one hand, and from allowing harm on the other.

Note first that when considering the choice between saving one or two innocent strangers, there seems to be very little resistance against saving the greater number (the two). If John arrives on the scene and sees that he can save Bobby and Bill, who are drowning in one pool, or Jack, who he sees drowning in another, John can surely save Bobby and Bill. Things seem a bit different with regard to enabling harm. We suggested that it seems permissible to enable a lesser number of deaths in order to save a larger number. However, we understand that some people might plausibly resist this and hold it to be problematic or even impermissible to do so. If John removes an obstacle to harm that is currently protecting Jack, and moves it to where it can instead protect Bobby and Bill, Jack can complain that before John came along and removed the rock, he was under no threat whatsoever. Jack can complain that he will die just because John exercises his agency in a way that places him under threat. Or consider the following three simple hypothetical cases, where what is at stake for an agent is the same, but in one case they can protect their interests by allowing harm while in the two others they can do so by doing it or enabling it.

Allowing: Two carts are rolling down a hill. Cart 1 is heading towards Sue. Cart 2 will crush one of your limbs unless it is stopped. Your only way to protect your limb is to take a big rock and put it in front of your limb. However, you will then be unable to place the rock in front of Sue in order to protect her life. Cart 1 will continue downhill and kill Sue.

It seems permissible to protect your limb in this case, even though this involves allowing another person to be killed. Consider next the corresponding doing case:

Doing: A cart is heading towards one of your limbs. You can protect your limb by putting a heavy rock in its path. Unfortunately, by placing the rock at the only spot that will save your limb you will kill another innocent person who is sitting safely in a little ditch by crushing his skull.

Protecting your limb in this case seems to be plainly impermissible. What, then, about the corresponding enabling case?

Enabling: Two carts are rolling down a hill. Cart 1 is heading towards a big rock. Cart 2 will crush one of your limbs unless stopped. Your only way to protect your limb is to take the big rock and put it in front of your limb. However, if you remove the rock Cart 1 will continue downhill and kill Sue.

Protecting your limb in *Enabling* also seems to us to be plainly impermissible, even if arguably not as wrong as proceeding in *Doing* would be. This suggests that you may be morally required to take on quite substantially more cost in order to avoid enabling harm than you need to take on in order to avoid allowing harm.

The Stringency of Reasons Based on Enabling Harm

So far, we have tried to indicate why subsidies and tariffs do not involve doing harm, nor merely failing to prevent it. And we have suggested that reasons based on enabling harm may be more stringent, all else being equal, than reasons based on failing to prevent harm, but less stringent, all else being equal, than reasons based on doing harm. We turn now to look at specific factors that boost or reduce the stringency of reasons against enabling harm, and consider how they may relate specifically to the issue of subsidies and tariffs.

Boosting Factors

The stringency of reasons based on enabling harm may be increased when the process by which an agent gives rise to harm passes through intermediation of other agents who act in harmful ways. To take an international example, countries may enable harm by providing the ruling regime in another country with the *direct* means to do

harm. Trading in arms is a typical case, where A sells lethal instruments to B that can use them to do severe harm. While A would be an enabler and not a doer of harm, the fact that they would enable B to *do* harm and provide B with the instruments to do so gives A quite stringent reasons to refrain from so enabling, reasons that are now widely flouted by arms exporters throughout the world. In this sort of case, the seller had better be sure that the goods they are trading will not be put to such use. Moreover, the fact that refraining from enabling harm in this sort of case would be costly to A does not seem to make their conduct permissible. I cannot give a loaded gun to someone that I have good reason to suspect will use it to kill another innocent person, even if this is the only way for me to save my life.¹⁴ By contrast, it seems permissible to refrain from preventing someone from acquiring a loaded gun that we believe they will use to shoot another innocent person, when preventing it would cost me my life. Subsidies and tariffs do not seem to exemplify this type of enabling harm. Countries who provide subsidies to domestic producers do not enable anyone to *do* harm to others (the producers simply produce the goods and bring them to market), nor do they provide others with the direct means to do harm to others.

There are other contexts in which the stringency of reasons against enabling harm is increased. Suppose, for example, that we buy natural resources that are extracted from the territory of a country by its ruling regime, and this regime then turns and uses the gains from trade to sustain an oppressive security apparatus that terrorizes many of its people. In this case we do not provide the regime with the direct means to do harm (whoever provides them with the lethal instruments and means to employ them does that), but we do enable it to do harm by helping them to secure these means. Here too, the extent to which those who enable harm in this manner can appeal to the costs

¹⁴ It might of course be excusable were I do to do this, but that is a separate issue.

that they would face if they were to refrain from doing so is quite limited. I cannot knowingly buy resources from someone if I am certain that the money I provide them will enable them to kill or terrorise another person who would otherwise be fine, even if this is necessary for me to avoid a significant harm to myself, such as the loss of a limb. It is not even clear that I can do this to save my own life, even if doing so in this case might be excusable. But it does not seem that policies like subsidies and tariffs ordinarily involve this sort of enabling harm either. When a subsidy is provided to a domestic producer or a tariff is put in place, this does not typically provide someone with the means to secure what they need to do harm to innocent people. A subsidy provides incentives for people to produce things that they might not otherwise produce, and this has effects on others through market incentives. A tariff makes it more difficult for a producer to sell to a particular market, and this has its effects on others through market incentives.

Reducing Factors

There are some contexts in which reasons against enabling harm do not seem to be particularly stringent. One such context, illuminatingly discussed by Christopher Boorse and Roy Sorenson (Boorse and Sorenson 1988), is where agents enable harm to others simply by “ducking” harm, e.g. *getting out of the way* of processes that will otherwise cause them harm. They introduce the case Duck to illustrate this.

Duck: Sue sees that the bad guy is about to shoot in her direction. Sue ducks and the shot kills Bill, who is standing behind her.

It does not seem that Sue is required to stand still and take the shot to save Bill. She can enable harm to him by removing an obstacle to it—in this case herself. To be sure, agents under threat should be willing to take on some cost to protect others from greater harm, but it is not clear that they ought to take on substantially more cost than an

innocent bystander should. This may also seem to apply to cases where an agent enables harm by helping another person that they care about to get out of the way of a process that will otherwise cause them harm. Consider a case employed by Kai Draper (2005: 263).¹⁵

Your friend's child is in a shopping cart going down the hill. Suddenly you realize that if the cart continues forward, the stray arrow headed in Bill's direction will hit the child. To stop its forward progress you grab the cart. Consequently, Bill dies instead of the child.

In this case you would enable harm to Bill by interposing an obstacle that prevents something (the child) that would otherwise prevent harm to him. But it seems permissible for you to grab the cart in this case.

There are cases in which subsidies and tariffs might mirror these types of cases in some relevant respects. Consider a case where a country erects a tariff to protect its population from harm—the measure could for instance be put in place to protect fledgling domestic industries that produce the goods targeted by the tariff from being driven out of business, which it believes would involve bad long-term consequences for the economy more generally—with the consequence that people living in the country affected by the tariff are harmed. In this instance the tariff would seem to be a case enabling harm by preventing a preventer of harm (increased trade flows) to protect people you care about from harm. And if a country provides a subsidy its agricultural producers—imagine that they will otherwise go out of business, and the government fears this will undermine its food security—and this has as a consequence that agricultural exporters in other countries are harmed, this seems to be of aiding a group you care about, with the consequence that other groups of people are made worse off.

Are Subsidies and Tariffs Morally Equivalent?

¹⁵ Draper attributes authorship of the case to Shelly Kagan.

Insofar as subsidies and tariffs can enable harm, is there reason to suppose that one type of policy is morally more problematic, all else being equal, than the other? We are not sure. There is one sense in which subsidies seem less problematic than tariffs. As noted, subsidies basically involve providing people with benefits that help them succeed in competitive markets, rather than creating obstacles to others that wish to compete in competitive markets, as tariffs appear to do. Tariffs target certain imports and seek actively to disadvantage them, rather than trying to aid domestic producers in their attempts to compete. To be sure, such benefits are provided to domestic producers by the government at the expense of foreign producers. But governments typically undertake all sorts of measures to promote success for domestic firms, and it is unclear what makes subsidies noteworthy in this respect. Malgorzata Kurjanska and Mathias Risse disagree, suggesting that subsidies are different in morally relevant respects from other measures governments can take to aid their producers.

“What is peculiar about subsidies is that they generally are measures states adopt after they have already taken all other politically feasible measures to provide favorable conditions for producers and economic development. One can find fault with such measures without also finding fault with measures taken to put people in a position to produce competitively.” (Kurjanska and Risse 2008, 41-2)

Do be sure, one *can* treat these measures differently, but why should one? Subsidies also “put people in a position to produce competitively”. Some people who care about certain producers accept to pay extra high price for products that these people bring to the market. Note also that it is very seldom the case that governments have taken all other politically feasible measures to enhance the position of their producers. It may of course be the case that subsidies create losses for some groups in the society that adopts them, even while they help others in the society. This may give those who are worse off as a result a good complaint against such policies, or a claim to be compensated for these adverse effects. And of course it may turn out, as an empirical matter, that

domestic subsidies have worse effects on foreign producers and consumers than other policies do. But these are altogether different issues than the one that concerns us, which is whether people in other countries that are made worse off as result of subsidies have more of a complaint, all else being *equal*, against governments that employ them than they would have against other positive measures these governments might take to aid their domestic producers.

Concluding remarks

In this paper we have argued that insofar as tariffs and subsidies contribute to deaths from poverty-related causes, they do not constitute killing. But nor do those who implement them merely allow harm to occur that they could have prevented. Those who implement these policies are most naturally described as enabling the harms that result from them. We have also provided some intuitive grounds for believing that reasons based on enabling harm are distinct from both reasons based on doing harm on the one hand and reasons based on allowing harm on the other. We have noted that reasons based on some ways of enabling harm (namely those that provide agents with the means, directly or indirectly, to *do* harm) are very stringent indeed, but that subsidies and tariff do not ordinarily appear to be instances of this type of enabling. Indeed, we have indicated that there are features of subsidies and tariffs that may make them types of enabling harm that are not associated with stringent moral reasons.

However, the fact that it makes little sense to describe the relation of subsidies and tariffs to resulting harms in the way that media commentators and philosophers sometimes have in no way shows that the subsidy and tariff policies adopted by rich countries in the world today are justified. Quite the contrary. If our analysis is correct, the crucial question in the overall moral assessment of subsidies and tariffs is therefore

whether the cost to the countries of refraining from enabling harm through them would be high enough to make their conduct permissible. In speaking of cost, we are referring to sacrifices that the country cares about, not (only) the economic costs, narrowly understood. Economically speaking, refraining from subsidising one's farmers may not be very costly at all, and would likely even save money. Of course the reasons for why a country subsidises its farmers are complex (food security, and the desire to preserve characteristic ways of life, are often among them), and the desire to save money is unlikely to be among them. But the non-monetary costs of refraining from such policies are also likely to be much less than is commonly argued. And of course there are many other contextual features of our world at present that could make a substantial difference to our moral assessments of rich country subsidies and tariffs. The countries enabling harm may, for example, have special associative duties to those they harm through them that make their adoption of such policies impermissible. Or they may have special duties to those disadvantaged by these policies by having treated them unjustly in the past. Or they may have benefited greatly from the unjust treatment of these countries by third parties. The presence of these features may increase significantly the stringency of reasons for countries to refrain from adopting these policies when doing so would lead to substantial harm abroad.

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