**Duties to the Global Poor and Minimalism about Global Justice**

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This paper is about the implications of a common view on global justice. The view can be called the *Minimalist View,* and it saysthat we have no positive duties to help the poor in foreign countries, or that if we do, they are very minimal.

 It might seem as if, by definition, the Minimalist View cannot require that we do very much about global poverty. However, in his book *World Poverty and Human Rights*, Thomas Pogge pointed out that this conclusion is at least up for debate. Although Minimalism countenances very few positiveduties to the global poor, it certainly countenances negative duties not to harm. Perhaps one can argue that these negative duties are somehow being violated, and thus even a Minimalist must make substantial compensation to the global poor.

 The goal of this paper is to see how far a strategy of this sort can be taken. If we grant the truth of Minimalism, can we argue that we still have substantial duties to the global poor? This question has great import, because as will be argued below, Minimalism is perhaps the most common position about global justice among the populace and leadership of the United States, which will be my focus here, and also among the populace and leadership of other developed countries as well.

**Part I: Minimalism**

As characterized here, Minimalism is not one view. Instead it is a cluster of views, and they have in common the idea that our positive duties to the global poor are limited at best. One form of Minimalism would say that we have no positive duties to the global poor at all, but only negative duties not to harm them. This would be something like a libertarian view about global justice. Other forms of Minimalism could countenance weakpositive duties to foreigners, such as a weak duty of “easy rescue” that requires us to give some small amount to the global poor, but not enough to make major improvements to their lives. “Major” is of course a vague term. Roughly, the idea is that Minimalist views do not countenance the strong positive duties that, say, a globalized Rawlsian view would have. Examples of Minimalist views would include the positions of David Miller and other nationalists, Rawls’s theory of *Law of Peoples*, and the position on global justice recently sketched by Thomas Nagel.[[1]](#endnote-1)

 Because Minimalism countenances at most weak duties to foreigners, one might assume that it grows out of a more general position that we have few positive duties to others, including those in our own country. True, someone might be a Minimalist for that reason. But Minimalism can also be a view about global justice alone, one that can be combined with various other ethical positions. For instance, one possible Minimalist position is therefore that there are substantial duties to conationals but only minimal, negative duties to foreigners. Once we see that Minimalism is merely a view about global justice, we realize that it is not necessarily a minority view like right-libertarianism (about domestic justice).

 In fact, although there is little rigorous evidence that Minimalism is widespread, we can take an educated guess that it is. That guess is based on two sources of evidence. One is that most researchers on global justice will no doubt have frequently encountered this view among the general populace—e.g., through interactions with students, or during public presentations. Naturally this is not scientific sampling, and one hopes for more rigorous evidence—e.g., from polling of the general populace. These too do not quite settle the issue, though, because polls rarely ask the kind of philosophical questions that would tell us what theory of global justice the general populace is implicitly presupposing. Insofar as polls do suggest an answer, though, they indicate that vast numbers of ordinary Americans are Minimalists.[[2]](#endnote-2) One also sees Minimalism presupposed in the behavior of the leaders of developed countries, who rarely argue for aid to the developing world that goes beyond a minimal level.

**Addressing the Implications of Minimalism**

What are the implications of the Minimalist position for global justice? At first glance the implications seem obvious; we have few positive duties, if any, and so our duties to the global poor are much weaker than in alternative theories such as a globalized Rawlsian theory. And yet appearances may be deceiving. In *World Poverty and Human Rights*, Thomas Pogge has laid out what we might call the *negative duty strategy*. He aims to show that on all the major theories of global justice, including the Minimalist theory, the world is pervaded by massive violations of negative duties. Making compensation for these duties requires substantial compensation.

 In more detail, the argument proceeds as follows. Pogge points out that the world is pervaded by “radical inequality”: (i) the worse-off are very badly off in absolute terms, (ii) they are very much worse off than many others, (iii) it is difficult or impossible for the worse-off to improve their situation, (iv) the better-off do not understand what it is like to be badly-off, (v) the inequality pervades all aspects of the lives of the worse-off, and (vi) the inequality is avoidable, because the better-off can improve the circumstances of the worse-off without becoming badly off.[[3]](#endnote-3) Pogge assumes, though, that Minimalists who reject strong positive duties will not accept that the world is severely unjust *merely* because it contains radical inequality. Instead, for a Minimalist, the question of whether there is serious injustice hinges on the world’s actualhistory: a global order containing radical inequality is unjust if “the social starting points of the worse-off and the better-off have emerged from a single historical process that was pervaded by massive, grievous wrongs”.[[4]](#endnote-4) Presumably one form of wrongful behavior would be the wrongful initial acquisition of the Earth’s goods. However, Pogge focuses instead on wrongs that occur subsequent to initial acquisition, giving the examples of past conquest and colonization, past oppression, past enslavement, past genocide, and past destruction of, or damage to, native institutions and cultures.[[5]](#endnote-5) His contention is that even a Minimalist is required to make compensation for these past injustices, and thus that Minimalism requires substantial redistribution to the global poor.

 This strategy is fascinating and important, and later I will ask whether a revised version of it might succeed against the Minimalist. First, though, I want to explain why Pogge’s argument against the Minimalist does not succeed. This involves distinguishing two versions of Minimalism, which I will call *Restrictive Minimalism* and *Non-Restrictive Minimalism.* My contention is that Pogge may have made his case against the latter but not against the former.

**Restrictive Minimalism, and the Problem It Presents**

In order to understand Restrictive Minimalism and the problem it presents for Pogge, let us temporarily leave aside global justice and instead consider the general issue of compensation for past injustice. One view is that if an injustice occurred in the past, then this always (or almost always) generates a present duty to compensate; if that present duty goes unfulfilled, then the present order is unjust. This is the view that Pogge tacitly assumes when arguing against Minimalism. However, this view is not the only one, nor even perhaps the most intuitive one. Many feel that while some past injustices give rise to present compensatory claims, many others do not, especially when the past injustices were inflicted long ago and/or on people who are now dead. Let us call this *Restrictivism*.

 Restrictivism seems latent in many people’s ordinary thought and behavior—e.g., when they feel no need to compensate for their country’s wrongs from long ago. And one sees the position in philosophical debates such as debates about compensation for American slavery. I cannot repeat that entire debate (and similar ones) in all its complexity. However, one common argument for compensating the descendants of the victims of injustice is that present individuals are owed compensation for America’s past injustices because those past injustices led to the individuals’ being worse off than they would otherwise have been. In response Restrictivists have rejected the compensatory claim for a variety of reasons:

* One cannot identify to a reasonable degree of certainty who is worse off because of past injustice, how much worse off they are, who the perpetrators are, how much responsibility each perpetrator bears, and/or how much compensation is owed for any given loss of well-being.[[6]](#endnote-6)
* Descendants of victims of injustice may not be entitled to compensation at all, because only the original victims (e.g., slaves) are entitled to compensation; or the descendants may be entitled to substantially less compensation because of the passage of time.[[7]](#endnote-7)
* Many past injustices were carried out by private entities, not the American government, and it is *pro tanto* unjust to require the American government or its citizens to pay compensation.[[8]](#endnote-8)
* American compensation will be funded by American taxpayers, who are not directly responsible for America’s past harms.[[9]](#endnote-9)
* Present people in the developing world would not exist if it were not for past injustices, and therefore they are not worse off for the injustices.[[10]](#endnote-10)
* Compensatory claims grounded in past injustice must be limited, or else everyone can make a vast number of compensatory claims.[[11]](#endnote-11)

 Whether one adopts Restrictivism about compensatory justice has nothing to do with one’s more general views about global justice; someone who adopted, say, a globalized Rawlsian theory could adopt Restrictivism, and they also could not. But when Restrictivism is married to the Minimalist view in particular—Restrictive Minimalism—the resulting position presents a problem for Pogge.

 To see why, recall that Pogge’s negative duty strategy is *not* an attempt to argue that any particular theory of justice is correct or incorrect. Instead he wants his argument be “ecumenical”—that is, to address all of the “main views [about global justice] now alive in Western political thought” and show that, even if we grant their truth, they are all committed to substantial global redistribution.[[12]](#endnote-12) This is a very sensible and pragmatic goal for anyone who believes in strong duties to the global poor, as Pogge does. Minimalism is a widespread view that would be unlikely to be dislodged in the near future, even if there were good arguments against it. So the next best approach is to establish a broad coalition devoted to strong global reform by arguing from *within* the various positions on global justice and toward the conclusion that we must undertake global reform.[[13]](#endnote-13)

 However, once we decide to work from within each theory, rather than challenging what any theory says, we find that we cannot prove that Restrictive Minimalists should be devoted to global reform. Pogge wanted to convince the Minimalist that the present order is unjust by appealing to past injustices such as slavery. That appeal works when directed against the Non-Restrictive Minimalists, because they believe compensation is owed for all (or almost all) past injustices, including injustices such as past slavery. But the Restrictive Minimalist countenances compensation only for a subset of past injustices, and in particular, they reject the idea that compensation is (generally) owed for very old injustices of the sort Pogge cites, such as past slavery. In light of this, Pogge’s appeal to slavery and the like does not entail that, on the standards accepted by the Restrictive Minimalist, the present order is replete with unfulfilled compensatory obligations.[[14]](#endnote-14)

 This point can be put another way. There are many different past injustices. The Non-Restrictive Minimalist thinks that they all (or almost all—I’ll omit this qualification for simplicity’s sake) give rise to present duties of compensation. The Restrictive Minimalist, on the other hand, believes that only a subset of those past injustices give rise to present compensatory duties. In light of this, if Pogge could show that, according to the standards of *Restrictive* Minimalism, a certain past injustice gives rise to a present compensatory duty, then he would *ipso facto* have shown that the same injustice gives rise to a compensatory duty for the *Non-Restrictive* Minimalist as well. The problem is that the connections do not work the other way around. It is possible to show that, according to the standards of *Non-Restrictive* Minimalism, a certain past injustice gives rise to a present compensatory duty, without thereby having shown that the same injustice gives rise to a present compensatory duty on the *Restrictive* Minimalist view. And that is, I contend, exactly what Pogge has done when he cites past slavery and similar injustices. He has appealed to past injustices which gives rise to compensatory duties only on the Non-Restrictive view, and not on the Restrictive one. He has therefore failed to show that the present order has a substantial number of unfulfilled compensatory duties when we adopt the standards of one of the “main views [about global justice] now alive in Western political thought,” Restrictive Minimalism.[[15]](#endnote-15)

 It is hard to see a way around this problem. Since Restrictive Minimalism does not imply a need for global reform, the only remaining response would be to argue that Restrictive Minimalism is not one of the main views about global justice now alive in Western political thought, or, as Pogge sometimes says, that is not a “plausible” view. However, that line of response is untenable, since Restrictive Minimalism seems, upon reflection, to be a plausible position.

 If we wanted to argue this point, we might begin by repeating the arguments that its defenders have given for it. That is a viable strategy, I think, but since the work of those authors is already extant, and since I have nothing to add to it, I will leave this aside here.

Second, one can argue *ad hominem* that Restrictive Minimalism should count as plausible. Pogge counts Non-Restrictive Minimalism as a “plausible” position, and by this he does not mean that the view is correct, but rather, I assume, that it is a view which both its advocates and detractors have found to be worth serious consideration. But the same is true of Restrictive Minimalism. In the philosophical literature—e.g., the aforementioned debate about reparations for American slavery—opponents of Restrictivism acknowledge that (at a minimum) any reply to the Restrictivist position must be lengthy and complicated, and that the issues raised by Restrictivists are real. For instance, advocates of reparations admit that if they appeal to the present harm of past injustice, their arguments depend on complex and debatable empirical claims,[[16]](#endnote-16) and in fact some advocates of reparations are willing to admit that considerations like those above may disprove any argument that appeals to individuals’ being (allegedly) worse-off because of past injustice.[[17]](#endnote-17) This is the most intuitive argument, the one we naturally think of when we consider the case for reparations, and its defeat compels advocates to put forward far more complex and contentious arguments in its place. The existence of this sort of debate should be sufficient to establish that Restrictivism meets the same standard of plausibility as the other views that Pogge considers.

 Moreover, Restrictive Minimalism certainly seems to be “alive” in any ordinary sense of that term. I have never found polling on international reparations; there doesn’t appear to be any. But there is polling on reparations for past injustices like American slavery, and the populace is decidedly against it.[[18]](#endnote-18) (Admittedly, there is a strong split between African-Americans and those of other backgrounds.) The leaders of developed countries also seem largely unconcerned with compensating for past injustice, though there are of course exceptions. These facts provide some evidence that Restrictive Minimalism may be as widespread as one intuitively suspects it is.

 Although Pogge does not do so, one might also spell out the definition of a “plausible” view with reference to the commonly-used method of wide reflective equilibrium. Roughly, when a person uses wide reflective equilibrium, they attempt to reconcile their considered judgments on specific moral and political issues, their abstract thoughts about justice, and any other information relevant to political theorizing, all after being exposed to the arguments for and against the major ethical and political theories. The person should adopt the political theory which best reconciles and explains all of those beliefs. Although some authors (including the early Rawls) held out the hope that all people might arrive at the same theories in reflective equilibrium, this seems implausible. Considered judgments differ substantially among reasonable people, as do judgments of which theories best reconcile our considered judgments in the most plausible and least problematic way, so it seems likely that reasonable people will arrive at different theories in reflective equilibrium. In light of this, we might then define a “plausible” theory as one that a reasonable individual could arrive at in reflective equilibrium. I cannot definitively *prove* that Restrictive Minimalism is a plausible view, so defined—there is always the possibility that further reflection would lead all Minimalists to reject Minimalism. However, the fact that very sophisticated philosophers embrace minimalism should count as strong evidence that it is a plausible view on the current definition. Surely these people, if anyone, count as reasonable individuals who have made sincere and sophisticated attempts to arrive at the best theories.

 So, in sum, it seems as though Pogge’s negative duty argument, as stated, will not work against the plausible view we have been calling Restrictive Minimalism.

 One might wonder just how much of a criticism this really is. After all, it might seem that Pogge’s negative duty strategy can be used to show that several distinct theories—important theories—are committed to substantial assistance to the global poor, and that I have only showed that he lacked an argument against one *possible* position—a position I have not even argued is correct.

 However, this deflationary attitude overlooks the way that Restrictive Minimalism impacts the overarching goal of Pogge’s negative duty argument. The goal was *not* to shift the burden by challenging the defenders of certain views, including Restrictive Minimalism, to offer arguments for their positions. Instead the goal was to circumvent discussion of which theory of global justice is correct and instead use the negative duty argument to show that all plausible views of global justice, including minimalist ones, are committed, *by their own standards*, to major global reform. We have failed to reach that overarching argumentative goal if we cannot address the widely-held and plausible view that I have called Restrictive Minimalism.

**Part II: Repairing the Negative Duty Argument**

The previous sections have argued that the negative duty argument will never convince Restrictive Minimalists if we appeal only to wrongs from long ago. However, perhaps we could have more success if we focused on injustices in the recent past and/or injustices in the present. In fact, a strategy of this sort might concentrate on some facts highlighted by Pogge himself.[[19]](#endnote-19) In the course of arguing that the United States is causally involved in the creation of poverty, Pogge highlights several questionable policies:

1. *The international borrowing privilege*. International law allows “any group controlling a preponderance of the means of coercion in the country is internationally recognized…[as free] to borrow in the country’s name”.[[20]](#endnote-20) This (i) helps destructive governments maintain themselves in power against popular opposition, (ii) often imposes huge debts of corrupt predecessor regimes upon subsequent regimes and the populace, and (iii) incentivizes coup attempts, because those who stage a coup are rewarded with the borrowing privilege.[[21]](#endnote-21)
2. *The international resource privilege*. Under international law, the same groups are entitled to sell the country’s natural resources, retaining as many profits for themselves as they can.[[22]](#endnote-22) This leads to problems (i) and (iii) above.
3. *High tariffs on imports from the developing world, and subsidies (e.g., farm subsidies) that undercut producers in the developing world*. Pogge says that these protectionist policies cost the developing world $700 billion in annual losses—12.5 times the entire annual organized development assistance from all donor countries, or 11 percent of the aggregate national incomes of all developing countries.[[23]](#endnote-23)
4. *Intellectual Property Agreements*. Relatedly, the rich states insist on specific, rigorously enforced intellectual property rights as a condition for the (unfairly restricted) access to their markets. This leads to millions of deaths because generic producers cannot freely manufacture and market life-saving drugs.[[24]](#endnote-24)
5. *Coerced Renegotiation of Treaties*. For example, the 1982 *UN Convention on the Law of the Sea* required sharing seabed mining technologies and profits with the developing world. The treat was “renegotiated” by the Clinton Administration in a way more favorably to the U.S. by using the threat of founding a competing scheme with a few other like-minded countries.[[25]](#endnote-25)
6. *Global Pollution*. By polluting the global environment, rich countries cause health and environmental problems (e.g. “flooding due to rising sea levels”) on the global poor.[[26]](#endnote-26)
7. *Arms trade*. Pogge points out that in 2000, the rich countries sold about 25 billion dollars in conventional weapons to the developing world, including many oppressive governments. This represents 69% of the entire international arms trade. The US alone accounted for about 50% of sales. The 25 billion figure is about six times the entire budget for development assistance.[[27]](#endnote-27)

Pogge cites these facts to show that the U.S. is causally involved in creating and maintaining the poverty that is part of the global order, not to show that the U.S. is violating a negative duty. However, here I want to explore whether we could use these facts in another way, arguing that because they obtain, we are violating negative duties that are acknowledged even by the Restrictive Minimalist.

 The remainder of this article lays out this path in broad strokes, because developing it in full detail would require exploration of extensive empirical data and also require lengthy arguments that could only be fully developed in a more substantial space. My hope here is thus to establish that the strategy is promising. In addition, in the exploration that follows, I assume that the negative duties countenanced by Restrictive Minimalists are those countenanced by familiar forms of domestic libertarianism—i.e., I assume that Restrictive Minimalism, in the global realm, is a kind of international libertarianism. These libertarian negative duties are the most minimal set that has received substantial philosophical defense, and if it can be argued that even they are being violated, we will have made the case that Restrictive Minimalists of any reasonable stripe must acknowledge violations of negative duties toward the global poor.

**Arms Trade**

Let’s begin with the example of the arms trade. Libertarians will probably not object to ordinary arms sales, such as sales in gun shops. In such cases, the seller has no way to know which of the customers, if any, will misuse the guns, and the seller also knows that most of the customers will use the guns legitimately. However, the arms trade often involves something different: selling arms to those who, it is *known*, are about to violate negative duties—e.g., when arms are sold to dictators who are wrongly repressing their people. Can we argue that selling such arms constitutes a violation of a negative duty, even for libertarians?

 I should admit up front that surely there are some libertarian views—even ones that could be plausibly defended—according to which it is only *direct* infringements on body and property that are violations of our rights, and thus that it is only the perpetrator of crimes, and not the seller of the arms used in the crime, who violates a negative duty not to harm. Still, let me try to show that many of the most natural and, to my mind, plausible developments of libertarianism would not be of that sort. Instead they would have the implication that it violates a negative duty to knowingly selling arms to those who are about to commit rights violations. To see why, we must turn to the foundations of libertarian rights.

 I will take Nozick as my example of a libertarian in (roughly) the Lockean natural rights tradition. Commentators debate exactly how to interpret Nozick’s arguments for libertarian rights. Some think that the best or most philosophically promising reconstruction emphasizes self-ownership.[[28]](#endnote-28) Feser, for instance, thinks that the thesis that we own ourselves is the most plausible explanation of various obvious moral facts, including the fact that slavery is wrong or that one should not engage in the (allegedly utilitarian) practice of removing a healthy eye from some people and transplanting them into people who have none.[[29]](#endnote-29) Moreover, Feser believes that the thesis of that we own ourselves, just as we might own any other property, has libertarian implications—e.g., that others cannot transgress our bodies or property without consent.

 If we concentrate on self-ownership, what are the implications for knowing arms sales—that is, cases where A sells B a weapon knowing that B intends to infringe C’s bodily rights using that weapon? I am happy to concede, if only on intuitive grounds, that only B, and not A, should be said to “violate C’s bodily rights.” But that does not settle things, because another question is whether, in virtue of C’s self-ownership of his body, he has a right that A not sell the weapon to B, a right that A violates when she makes the sale.

 On the face of things, A’s action looks similar in some respects to B’s. A is part of a causal chain that is highly likely to lead to harm to C’s body. And since C’s self-ownership of that body renders (by hypothesis) B’s action a rights violation, one is tempted to conclude that A’s action should be classified that way as well. But since these are only *prima facie* similarities, the key issue is whether there are morally relevant differences between A’s action and B’s.

Some differences do not seem morally significant. For instance, consider the fact that the eventual harm to C is not immediate but rather causally distant from A’s action. From the self-ownership perspective, this doesn’t seem to matter. Imagine that you clearly own something, such as a car. If someone sets up an elaborate Rube-Goldberg machine that eventually crushes it, they violate your ownership rights, despite the distant causal connection. Likewise, consider the fact that A’s action is not certain to be part of a causal chain leading to harm to C, even if it is likely to be so. This too seems irrelevant. Your ownership over the car gives you a right that others not shoot a bazooka at it, even if the missile is only 90% likely to hit. Finally, consider the fact multiple moral agents are involved in causal chain resulting in harm. This does not matter from the self-ownership perspective either. Multiple people violate your ownership rights over the car if they collectively push a boulder onto your car, even when none could do it on their own.

It seems, then, that if there is a morally relevant difference between A’s action and B’s, it must be that in the case of the arms sale, multiple moral agents are not only involved but serially ordered, and it is B rather than A who is the last moral agent in the chain leading to the harm.[[30]](#endnote-30) How can we decide whether this should count as a morally relevant difference on the libertarian, self-ownership view?

One tactic would be to appeal to intuition, as libertarians such as Nozick often do in their own work.[[31]](#endnote-31) Imagine again something that you clearly own, such as a car, chair, or whatever. Intuitively, you have a right that a criminal not destroy it, but it seems you also have a right that the criminal’s mobster boss not order the criminal to destroy it. You have that right in virtue of your ownership over the thing itself. This seems to show that the existence of an intervening agent in a causal chain does not imply that the more distant agents have committed no rights violations.

We can strengthen this argument by moving beyond intuition into theory. Let us begin by recognizing that the problem we are now addressing is an instance of a larger issue for the libertarian, or for anyone else. Everything we do in life could, in some way, become part of a causal chain that leads to harm for another person. Some of these actions seem impermissible, as when one person fires a gun at another. Some of these seem permissible, as when an obstetrician delivers a baby who, unforeseeably, grows up to be a serial killer. Some actions are perhaps unclear. If I store my garden tools in an unlocked bin in my backyard, even though an unsupervised child could wander in and hurts herself with them, was my action wrong?

These questions highlight the fact that no theory can say, simply, that an action is wrong (or a rights violation) whenever it is or could be part of a causal chain leading to harm to another, since that would render far too many actions wrongful. Nozick himself says that any society which prohibited all such actions would “…ill fit a picture of a free society….”[[32]](#endnote-32) Instead, we need some criterion for deciding which actions are wrongful (or rights-violating) among all the actions that are parts of causal chains that do or might lead to harm.[[33]](#endnote-33)

One proposal might be to use cost-benefit analysis: we have the right to risk or causally contribute to harm if the result of enacting such a system of rights is beneficial overall. But that solution would seem to be incompatible with the libertarian focus on individual worth and the separateness of persons, and so, for our libertarian purposes here, a better solution can be extrapolated from some remarks by Arthur Ripstein in *Equality, Responsibility, and the Law*.[[34]](#endnote-34) If I regard myself as the full owner of some property, labor, or body, then—even if we focus on my ownership claim alone—I have competing interests. On the one hand, when I am in the same general position of the gun-seller, wanting to dispose of my property, labor, or body in whatever ways I choose, then it seems I am more fully an owner of that property (etc) if I can dispose of it however I wish. On the other hand, when I am or might be in the position of the victim of the gun crime, wanting to ensure that my body and property aren’t harmed, then it seems I am more fully an owner of that body (etc) if I can prevent others from contributing to causal chains which might lead to bodily harm. The self-ownership model pulls us in both directions, and what we need is a way to balance the competing interests that self-owners have. To put the issue more generally, self-owners have interests in what we can call, following Ripstein, *liberty* and *security*—interests in being able to do what we want with our body and property, on the one hand, and interests in restricting others’ actions which cause or could cause harm to us.

Ripstein proposes that to balance these competing interests without aggregating costs and benefits *across* populations, one can ask how a hypothetical “reasonable person” might balance the interests in liberty and security. This proposal is limited because no one has offered a concrete proposal for determining how hypothetical reasonable individuals would balance their liberty and security interests, and I do not have a way to solve that problem. However, even without an algorithm or quasi-systematic method, most people can agree that some ways of balancing the interests are manifestly unreasonable. For instance, no reasonable person would embrace a limitless or near-limitless liberty interest which allows citizens to assault each other. And surely no reasonable person would embrace a near-limitless security interest that prevented others from doing anything that might contribute to a causal chain leading to harm. Likewise, I would propose (but cannot argue in greater detail here) that even someone interested in protecting their self-ownership rights would forego their right to actions like those of the arms-dealer—actions where a person clearly, knowingly, and with little necessity[[35]](#endnote-35) contributes to a highly likelihood of serious bodily harm, and at little marginal gain for himself—in exchange for a reduced chance of being victimized by such actions. And if that is right, then libertarians concerned with self-ownership should recognize C’s right not to have A sell arms to B.

 Recall where we are. We were looking for the most plausible and natural way for a libertarian to settle the question of whether victim C has a right that A not sell arms to B, and so we tried to extrapolate an answer by looking at the foundations of libertarianism. Nozick sometimes seems to ground his libertarianism in the notion of self-ownership, and we have just examined that. Let us turn to one other possibility, one in which Nozick attempts to ground libertarianism in Kantian views about the self.

 As Feser acknowledges, and as other interpreters emphasize,[[36]](#endnote-36) Nozick himself seems to think that self-ownership has a deeper grounding in Kant’s philosophy, and in particular in Kant’s idea that all people must be treated as ends and never merely as a means. Nozick then grounds this requirement in the (for him) even more fundamental fact that each of us is a being that is able

…to formulate long-term plans for its life, able to consider and decide on the basis of abstract principles or considerations it formulates to itself and hence not merely the plaything of immediate stimuli, a being that limits its own behavior in accordance with some principles or picture it has of what an appropriate life is for itself and others, and so on.[[37]](#endnote-37)

And he adds:

What is the moral importance of this additional ability to form a picture of one’s whole life…and to act in terms of some overall conception of the life one wishes to lead? Why not interfere with someone else’s shaping of his own life? ….I conjecture that the answer is connected with that elusive and difficult notion: the meaning of life. A person’s shaping his life in accordance with some overall plan is his way of giving meaning to his life…[[38]](#endnote-38)

Let’s take this picture on board and suppose that we should not interfere the self-shaping life. One can see why this might imply typical libertarian rights such as rights against direct harm to body. But what would it tell us about A’s knowing sale of arms to B? I think the answer is not too different from the one given previously. A person who wants to live a meaningful life, in Nozick’s sense, has competing interests. On the one hand, we want to be able to live in accordance with our plans, including our plans to dispose of our body, labor, and property however those plans dictate (e.g., by selling arms). On the other hand, our plans are thwarted when others do harm to our body and property. A reasonable person would balance these competing liberty and security interests by favoring a rule that disallows actions like those of the arms-dealer—actions where a person clearly, knowingly and with little necessity contributes to a highly likelihood of serious bodily harm.

 So far I have tried to show that the most plausible developments of certain forms of libertarianism would classify certain arms sales as rights violations. I have not been able to explore all the different foundations of libertarianism,[[39]](#endnote-39) nor have I been able to explore alternative argumentative channels.[[40]](#endnote-40) But I hope the arguments here show why such argumentation is, in many instances, promising.

 Assuming that knowing arms sales constitute rights violations which result in substantial harm, then the sellers owe compensation to the victims. In many cases these sales are direct government-to-government sales,[[41]](#endnote-41) and it is governments that owe compensation. In other cases private individuals and groups make the sales, and they owe compensation. Either way, we have gone some distance to showing that even Restrictive Minimalists with a libertarian outlook on moral duties should countenance some duty to aid the global poor.[[42]](#endnote-42)

**Treaties**

Now consider the “renegotiation” of treaties. In certain cases it might be easy to show that the developed countries have violated the rights of the developing ones, especially if the developing countries were about to make a voluntary agreement, and the developed countries disrupted the process by threatening to do something that was unjust. In that case the threat by the developed countries would be akin to the robber’s classic threat of “your money or your life”, a threat to do something unjust unless the victim complies.

 It is important to note, though, that this conclusion would have to be established on a case by case basis. And in some cases, there will be complications. As one illustration, consider Pogge’s example of the seabed treaty.[[43]](#endnote-43) Many provisions of the original 1982 Convention—the one that Pogge contends was “renegotiated” by threat—were just under libertarian principles. However, one wrinkle is that some provisions of the original treaty seem problematic once we assume a libertarian outlook. For instance, the Convention grants exclusive economic rights for nautical territory extending 200 nautical miles from a state’s coast, whether or not the state has in any way used or improved the territory, and whether or not it has satisfied the appropriation requirements in the Lockean proviso (or its variants and alternatives) that forms part of most libertarian outlooks. On the face of things, then, it might seem that this part of the treaty was never just to begin with.

 I think, though, that there is an interpretation of the treaty that does largely comport with libertarian principles. The part of the treaty that grants exclusive seabed mining rights can be interpreted as one in which all countries agree to waive their rights to appropriate the seabed within 200 miles of every other country, leaving each country and its citizens as the sole actors in a position to appropriate the seabed near the country’s borders.[[44]](#endnote-44) This is not quite the same as the treaty provision; the treaty seems to take it for granted that each country already does own its nearby seabed, whereas on the interpretation I am putting forward, no one owns it until it is appropriated in accordance with libertarian requirements, and the treaty merely restricts who can do that. But it seems to me that the key articles of the treat (Part V in particular), can reasonably be interpreted in this libertarian way.[[45]](#endnote-45)

 Assuming, then, that the original 1982 treaty could have been just on libertarian principles, the question becomes whether the renegotiation threat on the part of the developed countries was itself just or unjust. The 1982 Convention was signed by 160 nations,[[46]](#endnote-46) but because it contained provisions about seabed mining which the U.S. found unsatisfactory, the U.S. and other developed countries put forward the possibility of enacting another mining scheme on their own unless the developing world agreed to what eventually became known as the 1994 Agreement on Implementation, which established a more favorable system of mining rights for the U.S. This threat of renegotiation was unjust on almost all libertarian principles. Every libertarian view must have some principle governing initial acquisition, and though there are disputes about how to formulate that principle, even the most lax versions almost always condemn a scheme where people lay claim to vast amounts of land that they were not, in fact, using, threatening to exclude other individuals or countries from its use, even if those countries attempted to appropriate it in accordance with libertarian standards.[[47]](#endnote-47) Furthermore, in any libertarian system containing a Lockean proviso to leave as much and as good for others, the proposed scheme may have been in violation of that proviso, depending on how that is interpreted. Thus for one and perhaps two reasons, the U.S. did not bargain in what libertarians would regard as a fair or legitimate way. Instead it threatened to do something unjust unless others complied with its requests. Once again, this fact can be used as part of an overall case that even a Restrictive Minimalist with a libertarian outlook should countenance some duty to compensate the global poor.

**Pollution**

Let us turn now to Pogge’s example of pollution. The general issue of pollution raises some complicated theoretical questions which I cannot answer here. For instance, on a libertarian outlook, can one dump a pollutant into the atmosphere only if one has first “appropriated” the atmosphere, or at least part of the atmosphere? If so, when are such appropriations justified? Or, alternatively, can we think of the atmosphere as an unowned commons, which one can (at least theoretically) dump into without appropriating it? And if so, when is that dumping justified? There are many other tricky questions about pollution as well.

 To avoid these questions, let us follow Nozick’s discussion of pollution in *Anarchy, State, and Utopia,* setting aside all issues about appropriation and focusing instead on the fact that pollution causes harm to others, either by directly harming their health, or by (in some cases) causing phenomena like climate change, which in turn can cause sea level to rise and destroy the property of foreign nationals.[[48]](#endnote-48) The question of when such harms are permitted is quite similar to our earlier questions about arm sales. We saw there that there are clear paradigm cases of harm, such as a physical attack on another person, which seem to count as rights violations, but that there are other cases where we are less sure whether it is a rights violation for one person to participate in a causal chain that negatively affects another. In this case, what we want to know is whether one person or company’s polluting, and the harm that follows, constitutes a violation of others’ rights.

 Nozick seems to say, perhaps rather surprisingly, that such polluting is permissible when the benefits outweigh the costs. Speaking of air traffic lanes that might create noise and reduce the value of homes, he writes that:

Only if the benefits to air passengers are greater than these costs to airport neighbors should the noisier mode of transportation service go on. A society must have some way to determine whether the benefits do outweigh the costs.[[49]](#endnote-49)

And then adds that:

…[the] most feasible theoretical test of this net benefit is whether the activity could pay its way, whether those who benefit from it would be willing to pay enough to cover the costs of compensating those ill affected by it.[[50]](#endnote-50)

He then goes on to say that:

If a polluting activity is to be allowed to continue on the ground that its benefits outweigh its costs…then those who benefit actually should compensate those upon whom the pollution costs are initially thrown.[[51]](#endnote-51)

If Nozick is right, then Pogge’s argument seems secure: individuals or corporations in the developed world must compensate the developing world for the harms of pollution.

 I argued earlier, though, that proposals like this might be seen as too aggregative by some libertarian writers who focus, as Nozick himself does, on the separateness of persons.[[52]](#endnote-52) My proposal, inspired by Ripstein’s work, was that we should instead ask how a hypothetical reasonable person would balance their liberty and security interests—in this case, the liberty interest in polluting in ways that seriously affect the developing world, as well as their security interest in not being the victim of that kind of pollution.

To fill in that proposal requires that we know more about the “reasonable person” than we did before. If we assumed that the reasonable person was affected by pollution in the way it affects actual citizens of *affluent* countries, then one could imagine that the reasonable person would prefer the right to pollute without offering compensation. After all, if the reasonable person resembles the citizens of the developed countries, then he or she might seem to benefit greatly from such a right and yet not suffer greatly because of it.[[53]](#endnote-53)

But this way of construing the reasonable person seems obviously wrong, since it skews the entire procedure toward the point of view of the developed nations. It would be no more justifiable than constructing the reasonable person so that he or she resembled only the citizens of the *developing* nations. What we need is some way of determining how likely the reasonable person is to experience the positive or negative effects of the polluting in question, and I see two main possibilities for doing so in a reasonably neutral way, one that takes seriously the equal standing of all people. Either (1) we should stipulate that the reasonable person might be equally likely to be in the position of a citizen of developing or developed nations, or (2) we should stipulate that the reasonable person’s chance of being in the position of citizens from developed or developing countries is proportional to the actual number of such citizens on the planet. I do not know how to argue, rigorously, that one option is morally preferable to the other, but it also seems that such arguments are unnecessary. Even if we adopt proposal (1), which is most favorable to the developed world, it would seem that no reasonable person would balance their liberty and security interests in such a way that there is a right to pollute as the developed world does without offering compensation. Such a right would impose severe negative effects if one ended up in the position of the citizens of the developing world, but much smaller gains if one turns out to be in the position of the developed citizenry.

 Before leaving this subject, though, I should note two complications. The first I can only mention in passing: the problem that some global pollution is harmful only because of pastpollution that has accumulated in the atmosphere, pollution that may be the responsibility of others. The second is a complication mentioned earlier—namely, that it is almost always private individuals and companies rather than governments typically do the polluting.[[54]](#endnote-54) Even so, we can nonetheless conclude that even if Restrictive Minimalism is correct, individuals and companies have compensatory duties to the global poor.

**Intellectual Property and Tariffs**

Now let us ask whether intellectual property agreements and high tariffs constitute a violation of the negative duties acknowledged by the libertarian Minimalist. To draw conclusions about intellectual property agreements, we would have to examine the range of views on intellectual property open to libertarians. Only then could we know whether the existing intellectual property agreements violate, or not, any libertarian duty between the U.S. government and foreign nationals. We can be a bit more specific about tariffs, though. Tariffs are a form of government interference with the free movement of goods: the government requires that foreign sellers pay a tax before they can bring or send their goods for sale into the domestic economy. Whether this is just or not depends on our view about the government’s entitlement (or not) to regulate the movement of foreign goods into the country.

When the issue is understood in this way, tariffs do not seem problematic for Minimalists *in principle*. Minimalists believe they have only something like right-libertarian duties toward foreigners. These would presumably include a duty not to interfere in voluntary trade among foreigners in foreign lands, but Minimalists might believe that government entitlements on domestic soil, including entitlements to regulate foreign nationals, are determined by other standards. Consider, then, a Minimalist who is a utilitarian about these issues of domestic government power, believing that within domestic borders, the government may do whatever maximizes domestic utility. So long as tariffs are utility-maximizing, this Minimalist may countenance them, and the case that tariffs are unjust, if there is one, would depend on precise facts about utility maximization. Or consider, as another example, a Minimalist who was a Rawlsian of sorts about government power on domestic soil. Described at that most general level, the outlook is compatible, so far, with tariffs on foreign goods, and if we want to make the case that such tariffs are unjust, we would have to examine the particular domestic theory in detail and then try to argue that, properly employed, the theory disallows the tariffs.[[55]](#endnote-55)

The case against tariffs is likely to be strongest, or at least most straightforward, against any Minimalist who is a right-libertarian through and through. These Minimalists would presumably think that the government may not interfere with the voluntary exchange and free movement of goods, among domestic citizens or foreigners, except in cases where such exchange or movement violated libertarian rights. Moreover, the exchange and movement of most actual foreign goods subject to tariffs does not seem to do so. On the face of things, then, the thoroughgoing libertarian should not countenance those tariffs.

The one complication is that tariffs are taxes, and since libertarians do countenance some taxation, we must explore whether these taxes are justified for libertarian reasons.[[56]](#endnote-56) On the face of things, it seems they are not. There is no consensus on—or even much writing about—libertarian criteria of tax fairness. However, some of the tariffs that concern Pogge are the ones applied selectively to certain foreign products, such as foreign agricultural products, in order to stave off competition and preserve domestic production, and such tariffs would seem to fail any of the standard, commonly-considered criteria of tax fairness.[[57]](#endnote-57) They do not apply to all individuals equally, nor proportionally according to ability to pay, nor proportionally to the benefit received from the state. They do not even apply equally to all like-situated persons, under any plausible and neutral definition of “like-situated”. Libertarian Minimalists who accept such criteria would have to acknowledge that foreign nationals have been wronged by the tariffs and accept that at least some compensation is owed.

**Loans and Resource Sales**

Finally, consider the international resource and borrowing privileges. Speaking of the borrowing privilege, Pogge writes that:

…the international borrowing privilege [says that]…any group holding governmental power in a national territory—not matter how it acquired or exercises the power—is entitled to borrow funds in the name of the whole society, thereby imposing internationally valid legal obligations upon the country at large. Any successor government that refuses to honor debts incurred by an ever so corrupt, brutal, undemocratic, unconstitutional, repressive, unpopular predecessor will be severely punished by the banks and governments of other countries; at minimum it will lose its own borrowing privilege by being excluded from the international financial markets.[[58]](#endnote-58)

There are many details of international finance that are, of course, left out of Pogge’s understandably brief discussion. Some of those might even be useful in making the case for a duty to compensate the global poor. However, if we stick to the details here, then I think the case for compensation is not promising. A libertarian minimalist would presumably think that private entities and governmental organizations (the IMF, the World Bank, individual national governments, etc) have no obligation to lend anyone money, and that when they do, they may lend it to more or less anyone they please, including the dictators of foreign governments.[[59]](#endnote-59) Presumably the libertarian Minimalist also thinks the lending organizations may refuse to lend to anyone, including the successor governments that concern Pogge, or lend to them only on the condition that the successor government pay the unpaid debts of previous governments.

We can draw much more secure and useful conclusions about the resource privilege. Pogge writes any person or group who seizes power in a country has:

…the power to effect legally valid transfers of ownership rights in [the country’s natural resources]. Thus a corporation that has purchased resources from the Saudis or Suharto, or from Mobuto or Abacha, has thereby become entitled to be – and actually *is* – recognized anywhere in the world as the legitimate owner of these resources. …In this case…the purchaser acquires not merely possession, but all the rights and liberties of ownership, which are supposed to be – and actually *are* – protected and enforced by all other states’ courts and police forces.[[60]](#endnote-60)

In the cases described by Pogge, individuals and corporations do not directly violate any property right by stealing resources themselves; that is done by the *ex hypothesi* illegitimate dictators. Instead individuals and corporations knowingly or negligently receive stolen goods.[[61]](#endnote-61) This might or might not be considered a violation of libertarian moral principles, depending on how libertarians view facilitation of criminal enterprises—an issue that would raise the tricky questions about causality discussed earlier.

Perhaps those questions can be avoided if we focus, as Pogge does, on the fact that individuals and corporations often claim to be the legitimate owners of the resources—something untrue on any libertarian view—and that they, as well as governments, often take active steps to enforce their (non-existent) right to possess the property. This seems to be violation of libertarian principles, but here again there is a wrinkle. If one corporation enforces a (non-existent) property right against another, that seems wrong on libertarian grounds. However, we are seeking to show that these individuals, corporations, or governments have violated a duty to the *global poor*, and it is not clear that they have, since (I will assume) it is rare for the global poor to actually seek to regain their goods via the international legal system or the legal systems of foreign governments. I cannot explore this complexity much further here, except to note that the individuals and corporations who possess the stolen resources of the global poor surely know, or can reasonably guess, that the global poor do want them back, or at least want them held in trust until such time as they can be safely returned,[[62]](#endnote-62) and that the reason the global poor do not vocalize this desire more fully is that they realize that doing so is futile within the existing international economic order. Facilitating or maintaining an unjust system that enforces non-existent property rights, thereby making it almost impossible for people to take steps to regain their rightful property, is something indefensible, even on a libertarian outlook, and so this is yet another promising line of argument for a duty of compensation on the part of individuals, corporations, or governments. The duty of compensation might be largest for governments if Pogge is right that they both actively maintain this unjust system of property rights and that it has the effect of not only depriving people of their property but also incentivizing coups and dictatorships.

**Conclusions**

Pogge’s admirable goal was to circumvent debates about the correct theory of global justice and instead use the negative duty argument to show that all plausible views of global justice, including minimalist ones, are committed by their own standards to major global reform. Here I have argued that his argument, as stated, does not succeed. The facts cited by Pogge do not imply that Restrictive Minimalists should countenance duties to the global poor.

 In the second half of this article, I considered a way to shore up Pogge’s case. The goal was to appeal to present or recent violations of negative duties, since even a Restrictive Minimalist acknowledges the need to compensate for those. I then drew on Pogge’s own list of present or recent problematic behaviors by the developed world, and I asked which ones would be regarded as unjust by the (libertarian-oriented) Restrictive Minimalist. I would not claim to have shown that such behaviors are unjust according to all plausible or defensible forms of Restrictive Minimalism. However, I’ve argued that some of the most plausible Restrictive Minimalist positions would label many of those problematic behaviors unjust. Individuals, corporations, or governments in the developed world thus have a duty to compensate for the damage done.

Of course, I have only considered a few examples of injustices, and compensation for those would probably not bring about the extensive improvements in the lives of the global poor which are the goal of the negative duty argument.[[63]](#endnote-63) But more philosophers, economists, and other experts could look for policies that Restrictive Minimalists will generally feel are *prima facie* unjust. It was one of Pogge’s achievements that, unlike other writers, he looked for and uncovered such policies, and others can follow his lead.[[64]](#endnote-64) If enough such policies are identified, many Restrictive Minimalists might be convinced that the global order is substantially unjust. We would then have a case for helping the global poor that did not require that we change people’s minds, but merely that we show them how to consistently act on what they already believe.

**Notes**

1. See Miller, *On Nationality*; Rawls, *Law of Peoples*; Nagel, “The Problem of Global Justice”. All of these countenance some minor positive duties between states, and perhaps between individuals of different nationalities. If we fulfilled such duties, the global situation might be radically improved. I consider these “Minimalist” positions because of their contrast with more cosmopolitan conceptions that are often discussed in the literature on global justice. [↑](#endnote-ref-1)
2. Though it would ideal to provide statistical evidence of this and subsequent claims on American attitudes toward global justice, polling on foreign affairs and foreign aid suffers several problems: (1) Americans often express seemingly inconsistent attitudes, (2) their attitudes—such as their opinion that we spend “too much” on foreign aid—is often based on misinformation about current US aid practices, and (3) the polls rarely ask questions that would reveal their ethical opinions about the precise philosophical matters that come up in papers like this one. That said, polls often indicate that a substantial number of Americans are against foreign aid entirely. See, e.g., Program on International Policy Attitudes, “Americans on Foreign Aid and World Hunger.” [↑](#endnote-ref-2)
3. *World Poverty and Human Rights*, p. 198. [↑](#endnote-ref-3)
4. *World Poverty and Human Rights*, p. 203. [↑](#endnote-ref-4)
5. All previous from *World Poverty and Human Rights*, p. 203. The Standard Minimalist view may be underdescribed here, because there is textual evidence in *World Poverty and Human Rights* that according to the Standard Minimalist view (as Pogge envisaged it), a global order is unjust if three conditions are all met: (1) the order contains radical inequality, and (2) “the social starting points of the worse-off and the better-off have emerged from a single historical process that was pervaded by massive, grievous wrongs”, and (3) those wrongs “cannot be surgically neutralized decades and centuries later” (*World Poverty and Human Rights*, p. 204). On this, see *World Poverty and Human Rights*, pp. 196-204; “Real World Justice”, p. 38; “World Poverty and Human Rights”, p. 3. Compare a slightly different idea stated in “Real World Justice”, p. 52. [↑](#endnote-ref-5)
6. Cf. Kukathas, “Who? Whom? Reparations and the Problem of Agency”; Hughes, “Rectification and Reparation: What Does Citizen Responsibility Require?”; Lamb, *The Trouble With Blame*; Winter, “Uncertain Justice: History and Reparations (and citations therein, esp. fns. 2 and 3); Valls, “The Libertarian Case for Affirmative Action”; Conley, “Calculating Slavery Reparations: Theory, Numbers, and Implications”; Bittker, *The Case for Black Reparations*; McCarthy, “Coming to Terms with Our Past, Part II: On the Morality and Political of Reparations for Slavery”; Kershnar, *Justice in the Past*; Pogge, “Real World Justice”, esp p. 38 and p. 48; Schedler, “Should the Federal Government Pay Reparations for Slavery?”; Thompson, “Historical Justice and Reparation”; Sher, “Ancient Wrongs and Modern Rights”; Fullinwider, “The Case for Reparations”; Boxill “A Lockean Case for Black Reparations”; Winter, “Uncertain Justice: History and Reparations (and citations therein, esp. fns. 2 and 3); Cowen “Discounting and Restitution”; Waldron “Superseding Historical Injustice”; Hill, “Compensatory Justice: Over Time and Between Groups”. [↑](#endnote-ref-6)
7. Cf. Kukathas, “Who? Whom? Reparations and the Problem of Agency”, p. 334ff.; Thompson, *Taking Responsibility for the Past: Reparation and Historical Injustice*; Waldron “Superseding Historical Injustice”; Hylton “Slavery and Tort Law”; Kershnar, *Justice in the Past*; Thompson, “Historical Justice and Reparation”; Sher, “Ancient Wrongs and Modern Rights”; Waldron “Superseding Historical Injustice”. [↑](#endnote-ref-7)
8. Cf. Kukathas, “Who? Whom? Reparations and the Problem of Agency”; Schedler, “Should the Federal Government Pay Reparations for Slavery?”; Boxill “A Lockean Case for Black Reparations”; Fullinwider, “The Case for Reparations”. [↑](#endnote-ref-8)
9. American taxpayers might of course be obligated to pay for their country’s past injustice. The point in the text is that there is some reason against this. Cf. McCarthy, “Coming to Terms with Our Past, Part II: On the Morality and Political of Reparations for Slavery”; Hughes, “Rectification and Reparation: What Does Citizen Responsibility Require?”; Fullwinder, “The Case for Reparations” and “The Reparations Argument, A Reply”; Fullinwider, “The Case for Reparations”; Hill, “Compensatory Justice: Over Time and Between Groups”; Miller, “Holding Nations Responsible”. [↑](#endnote-ref-9)
10. Cf. Sher, “Compensation and Transworld Personal Identity”; Sher, “Transgenerational Compensation”; Morriss, “Existential Limits to the Rectification of Past Wrongs”; Wheeler, “Reparations Reconstructed”; Kershnar, *Justice in the Past.* [↑](#endnote-ref-10)
11. Cf. Kukathas, “Who? Whom? Reparations and the Problem of Agency”; Wheeler, “Reparations Reconstructed”; Hill, “Compensatory Justice: Over Time and Between Groups”; Sher, “Ancient Wrongs and Modern Rights”. [↑](#endnote-ref-11)
12. “Real World Justice”, p. 36. Following Pogge, the paper focuses on the United States in the material that follows. [↑](#endnote-ref-12)
13. “Severe Poverty as a Violation of Negative Duties,” p. 74ff. See also “Real World Justice”, p. 34, where Pogge says that he appeals only to negative or intermediate duties, where the latter are duties to avert harms that one’s past conduct may produce in the future. [↑](#endnote-ref-13)
14. There are hints that Risse may have had this view in mind in “Do We Owe the Global Poor Assistance or Rectification?” p. 14. (Cf. Risse, “How Does the Global Order Harm the Poor?” p. 354.) If so, Pogge’s response (“Real World Justice”, p. 39) misses Risse’s point. [↑](#endnote-ref-14)
15. “Real World Justice”, p. 36. [↑](#endnote-ref-15)
16. See Boxill, “A Lockean Case for Black Reparations”, pp. 66. Boxill references Kershnar, “Uncertain Damages to Racial Minorities and Strong Affirmative Action.” [↑](#endnote-ref-16)
17. See Boxill, “A Lockean Case for Black Reparations”, pp. 66/67; Thompson, “Historical Injustice and Reparation”. [↑](#endnote-ref-17)
18. See, e.g., CNN, “Suit seeks billions in slave reparations.” Some indirect confirmation is afforded by polls earlier which show that many Americans are against substantial foreign aid. Though Americans are aware of past injustices, these polls indicate that they see no particularly strong need to compensate for it. [↑](#endnote-ref-18)
19. I do not think the argument to come is Pogge’s; there are some hints of it in his text, but his summaries of his own work notably fails to mention it, instead suggesting that the appeals to the Resource Privilege, etc. (to be explained below) are merely to show that the U.S. is a partial cause of global poverty. However, see Satz, “What Do We Owe to the Global Poor?” p. 47, and Haydar, “Extreme Poverty and Global Responsibility”, p. 250 for discussions of the argument *per se* and in Pogge. [↑](#endnote-ref-19)
20. *World Poverty and Human Rights*, p. 112/113 [↑](#endnote-ref-20)
21. Raikka, “Pogge on Global Poverty,” p. 112 [↑](#endnote-ref-21)
22. *World Poverty and Human Rights*, p. 113 [↑](#endnote-ref-22)
23. *World Poverty and Human Rights*, p. 18 [↑](#endnote-ref-23)
24. “World Poverty and Human Rights”, p. 6. [↑](#endnote-ref-24)
25. *World Poverty and Human Rights*, p. 125. [↑](#endnote-ref-25)
26. “World Poverty and Human Rights”, p. 6. [↑](#endnote-ref-26)
27. *World Poverty and Human Rights*, p. 254, n. 323. [↑](#endnote-ref-27)
28. See, e.g., Feser, *On Nozick*, esp. p. 32ff. [↑](#endnote-ref-28)
29. Feser, *On Nozick*, p. 33. [↑](#endnote-ref-29)
30. Here I do not have the space to consider the proposal that an intervening agent in a causal chain prevents rights violations from “transmitting” to those earlier in the chain if those earlier in the chain do not intend for the rights violations to occur, even if they can reasonably foresee them, but that the rights violation does transmit if the earlier agents do intend the violation. That proposal would not be subject to the counter-example in the following text, but the theoretical points offered below would still hold. It is worth noting as well that libertarians do not generally think that intention is relevant to whether rights-violations have occurred. Instead, what matters is whether the boundaries of body and property were crossed. As Sobel points out, “It is typically claimed that my right of self-ownership gives me a right to defend my body from actions of others that would harm it. Surely if X cannot reasonably see that her action will cross the boundary of my property rights but I can, my rights to defend my property are activated.” (Sobel, “Backing Away from Libertarian Self-Ownership,” p. 51.) Presumably the case for a rights violation would only be stronger if the results of the action were reasonably foreseeable but not intended. [↑](#endnote-ref-30)
31. See, e.g., *Anarchy, State, and Utopia*, pp. 37, 91, 92. [↑](#endnote-ref-31)
32. Nozick, *Anarchy, State, and Utopia*, p. 78. [↑](#endnote-ref-32)
33. For a longer exposition of this issue and how it relates to libertarian philosophy, see Sobel, “Backing Away from Libertarian Self-Ownership.” [↑](#endnote-ref-33)
34. See esp. chs. 1 and 3. What follows draws on the author’s previous remarks in [reference omitted].

As we will see below, Nozick sometimes seems—rather surprisingly—to adopt the quasi-utilitarian position just set aside. Sobel thinks those remarks are best interpreted as proposing a different solution to this problem. On this, see Sobel, “Backing Away from Libertarian Self-Ownership,” esp p. 38ff. I agree with Sobel’s assessment that Nozick’s solution, even when interpreted in a non-utilitarian way, is not just philosophically problematic, but internally inconsistent.

Another libertarian attempt to draw the boundaries of rights can be found in Vallentyne, Steiner, and Otsuka, “Why Left-Libertarianism Is Not Incoherent, Indeterminate, or Irrelevant: A Reply to Fried.” For pointed criticism, see Sobel, “Backing Away from Libertarian Self-Ownership,” esp. p. 49ff. See also a related discussion in Railton, “Locke, Stock and Peril: Natural Property Rights, Pollution, and Risk.” [↑](#endnote-ref-34)
35. There might be “little necessity” if the action either produced only marginal gains or, in the case of bigger gains, if the agent can reasonably engage in alternative activities with similar gains. [↑](#endnote-ref-35)
36. See, e.g., Jonathan Wolff, *Robert Nozick*, esp. ch. 2. [↑](#endnote-ref-36)
37. Nozick, *Anarchy, State, and Utopia*, p. 49. [↑](#endnote-ref-37)
38. Nozick, *Anarchy, State, and Utopia*, p. 50. [↑](#endnote-ref-38)
39. One interesting alternative is Narveson’s. His contractualist outlook leads him to the conclusion that “…we shall all adopt principles restricting the performance of actions by others that would make ourselves worse off than we would be if we didn’t have that restriction.” (*The Libertarian Idea*, p. 175.) The Ripstein-inspired argumentation from the text might be relevant to this as well. [↑](#endnote-ref-39)
40. For instance, many libertarians believe that rights claims are not exhaustive of morality and that an action can be wrong even if it violates no rights. It might be that arms sales are wrong in this sense, and also deserving of compensation, even if they are not rights violations. For signs that libertarians take their list of rights to be a list of political and enforceable rights only, see Narveson, *The Libertarian Idea*, p. 7 and p. 263ff. Cf. commentary in Feser, *On Nozick*, p. 11; and Wolff, *Robert Nozick*, pp. 8, 12, 22-23. Nozick is complicated. There are signs that he thinks there are moral claims beyond libertarian rights (see, e.g., *Anarchy, State, and Utopia*, p. 32), but also signs to the contrary (see, e.g., *Anarchy, State, and Utopia*, pp. 6, 10. In later work it is clear that Nozick thinks that there are duties which do not have correlate rights. See *Philosophical Explanations*, pp. 498-502. [↑](#endnote-ref-40)
41. See Congressional Research Service, “Conventional Arms Transfers to Developing Nations, 2007-2014”, esp the second (unnumbered) introductory page, which says “All agreement and delivery data in this report for the United States are government-government Foreign Military Sales (FMS) transactions.” [↑](#endnote-ref-41)
42. One loose end regarding sales from private individuals and groups: Though they owe compensation, they might not pay it, and in such cases, can the compensatory duty be enforced by the government? I cannot take this up here, but I suspect it would be hard to argue that it should, since in a libertarian worldview, the government must enforce compensatory duties between its own citizens, but it is hard to see why it should enforce compensatory duties between citizens and foreigners. [↑](#endnote-ref-42)
43. All facts cited below about the Convention come from United Nations, “The United Nations Convention on the Law of the Sea (A historical perspective).” [↑](#endnote-ref-43)
44. Note that this assumes that on the libertarian theory of global justice being discussed, countries can make treaties that bind the citizens of those countries—in this case, treaties that waive the appropriation rights of individual citizens. Naturally this would not have to be the case. [↑](#endnote-ref-44)
45. See United Nations, “United Nations Convention on the Law of the Sea,” esp. part V. [↑](#endnote-ref-45)
46. Note, though, that it was not ratified by the requisite 60 nations until 1993. See United Nations, “The United Nations Convention on the Law of the Sea (A historical perspective).” [↑](#endnote-ref-46)
47. See Narveson, *The Libertarian Idea*, p. 85; or Feser, “There is No Such Thing as an Unjust Initial Acquisition,” esp p. 65ff. [↑](#endnote-ref-47)
48. *Anarchy, State, and Utopia*, p. 79ff. [↑](#endnote-ref-48)
49. *Anarchy, State, and Utopia*, p. 80. [↑](#endnote-ref-49)
50. *Anarchy, State, and Utopia*, p. 79. [↑](#endnote-ref-50)
51. *Anarchy, State, and Utopia*, p. 80. [↑](#endnote-ref-51)
52. Sobel offers an interpretation of Nozick which is less utilitarian than the first quote from Nozick’s text might suggest, though he rightfully finds the resulting solution problematic as well. See Sobel, “Backing Away from Libertarian Self-Ownership,” esp. p. 36ff. For a discussion of Locke and pollution, along with the contention that any classical or revisionist Lockean view could never successfully deal with issues of pollution and risk, see Railton, “Locke, Stock, and Peril: Natural Property Rights, Pollution,” and Risk.” [↑](#endnote-ref-52)
53. Although note that in actual practice, many citizens of developed nations experience tolerable effects from pollution only because their countries regulate pollution in a way that libertarians might not sanction. [↑](#endnote-ref-53)
54. For more on this subject, see the exchange in Lippert-Rasmussen, “Global Injustice and Redistributive Wars and Pogge, “Poverty and Violence”. [↑](#endnote-ref-54)
55. If the tariffs were unjust, it might seem that the injustice is only against domestic citizens, since it resulted from a violation of what I have been calling the principles of domestic justice. This is a complicated point which I cannot explore fully here, and to sort it out we would need to attend more carefully to the distinction between principles of domestic justice and principles of justice which govern government action on domestic *territory*, including action aimed at foreign nationals. The text assumes that the latter principles are at issue and that, if violated, those violations would therefore constitute an injustice against foreign nationals. [↑](#endnote-ref-55)
56. They do not seem ruled out merely because import tariffs are often paid by foreign nationals, since libertarians might well countenance taxation of foreign nationals when they engage in commerce within or across domestic borders. For instance, Nozick’s argument for the minimal state, and presumably for the justice of the taxation it requires, involves (very roughly) the claim that almost all rational individuals would agree to the functions of the minimal state, and that those “independents” who would not can be forced to obey its rules nonetheless. (One very useful reconstruction and examination of this argument is in Wolff, *Robert Nozick*, chapter three.) One can see how this argument might be applied, without too much stretching, to foreign nationals who engage in commerce within domestic borders. [↑](#endnote-ref-56)
57. On this, see Murphy and Nagel, *The Myth of Ownership*, ch. 2. [↑](#endnote-ref-57)
58. *World Poverty and Human Rights*, p. 114. [↑](#endnote-ref-58)
59. Though this sets aside issues of facilitation discussed in the section on arms transfers, above. [↑](#endnote-ref-59)
60. Pogge, *World Poverty and Human Rights*, p. 113. [↑](#endnote-ref-60)
61. For an exploration of this issue, see Wenar, “Property Rights and the Resource Curse.” [↑](#endnote-ref-61)
62. On trusts, see Wenar, “Property Rights and the Resource Curse.” [↑](#endnote-ref-62)
63. See Pogge, “Severe Poverty as a Violation of Negative Duties”, p. 77; Satz, “What Do We Owe to the Global Poor?” p. 48ff.; Haydar, “Extreme Poverty and Global Responsibility”, p. 250; Gilabert, “The Duty to Eradicate Global Poverty: Positive or Negative?” p. 540ff.; Risse, “Do We Owe the Global Poor Assistance or Rectification?” and “How Does the Global Order Harm the Poor?” [↑](#endnote-ref-63)
64. Haydar (“Extreme Poverty and Global Responsibility”, p. 252) makes the point that it may be enough to show that we *may* be causing harm with certain policies.

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