

Wenar, Leif. *Blood Oil: Tyrants, Violence, and the Rules that Run the World*.

New York: Oxford University Press, 2016. Pp. 552. \$34.95 (cloth).

On its face, *Blood Oil* is a vivid tale about the rules governing international trade in natural resources -- how those rules implicate consumers in a web of violence and theft, and the assets we have at our disposal to turn things around. But there is more to *Blood Oil* than meets the eye: a morality play in which the main plot is suffused with the broader themes of division and unity in human society. The ultimate ideal, we learn, is a society that maximizes "the unity of identities, freely expressed" (370).

We start with the action downstage, which recounts in sordid detail the "authoritarianism, corruption, and violence" that disfigures "rent-addicted" countries, countries that are "addicted to oil money" (10). The defining feature of these countries is their heavy reliance on revenues from the sale of natural resources. Like alcohol and drug addicts, not all resource rent addicts are dysfunctional. Like Winston Churchill with respect to alcohol, Norway is "taking more out of its addictive substance than that substance is taking out of" Norway (14). This is largely due to "the strength of its people when large resource rents [began] to come in" (14f). Examples like Norway show that a rent-addicted country can avoid political dysfunction when its body politic has "a hardy constitution" and "self-control [is] ingrained in [its] civic character" (14).

But few rent-addicted countries have fared so well. The central characters are countries like Angola, DR Congo, Equatorial Guinea, Iraq, Nigeria, and Saudi

Arabia -- rent-addicted countries in which corrupt and repressive regimes sit atop societies riven by chaos, poverty, and violence. Resource rents provide these regimes with an "easy source of power", leaving them unaccountable to the people they rule (23; 25-6). These regimes can use rents to buy all the tools of repression required to quash dissent (30-33). They can use rents to construct "clientelistic hierarchies", spreading around patronage in exchange for political support (34-39). And rents fuel civil conflict through multifarious mechanisms (ch. 4).

Resource disorders do not result from the mere possession of natural resources, but from the *receipt of revenues* from selling those resources: "The essence of the problem is that natural assets flow out to the world and the world's money flows back to the despots, to the defalcators, and to the dogs of war" (64). "The world's money" -- *our money* (xlix-1, 76). We, the consumers, are the ones propping up strongmen and warlords. And we can hardly avoid consuming oil (xxxvi). Alas, we cannot even focus our consumption on ethical companies and countries -- the supply chains are too entangled to trace (xix).

For the conscientious person, this will seem a desperate situation -- it's surely a hopeless task to avoid personally contributing to resource disorders. But Wenar's subject is not personal morality. Turning our attention upstage, *Blood Oil* spotlights the rules that "put[] consumers into business with some of the world's most violent and divisive men" (76). Wenar takes us to the sites of resource extraction. Here, we find the rule that governs the initial sale of resources: "effectiveness", or "might makes right". "Whoever can maintain

physical control over a country's territory by any means gains the legal right to sell off that territory's resources" (72). With respect to natural resources, property rights are gained at gunpoint.

Wenar's diagnosis will be familiar to many; Thomas Pogge has been decrying this "international resource privilege" for more than a decade (see, e.g., *World Poverty and Human Rights* [Malden, MA: Polity Press, 2002]). But Wenar adds a surprise twist: this international resource privilege has little to do with international institutions; there is no treaty that codifies "might makes right" for resources. Instead, "all property is local" (106) -- it is our *domestic* laws that grant property rights to strongmen and warlords. Effectiveness -- might makes right -- only appears as an international rule because convergence on that rule is nearly universal (116-17). (This point, detailed in ch. 7, is perhaps the most interesting and novel part of Wenar's institutional diagnosis.) By choosing to engage on the basis of effectiveness (chs. 8, 14), our governments make a mockery of property rights. We are left with "no choice but to consume [...] endless pillage" (247).

The status quo is a moral catastrophe. Yet, exposing effectiveness as the rule governing international trade alerts us to the possibility of alternatives. Perhaps to our surprise, Wenar says we have ample reason to be optimistic: "nearly every country, including all of the major powers, has signed on to the right principles" (259). The principles in question? Peace, human rights, and -- most importantly -- popular sovereignty. While effectiveness has had a long run (since at least 1648), on Wenar's telling, events over the past 200 years manifest a steady

march against the rule of effectiveness. The abolition of the slave trade, global convergence on human rights principles, colonial independence -- these events signal a shift from "might is right" toward principles of "counter power".

International trade in natural resources is the only sphere in which effectiveness continues to rule.

"Popular sovereignty is already the world's ideal" (266); it is enshrined in international documents like the *Universal Declaration of Human Rights*, and it is widely affirmed in national constitutions (see, e.g., 182-83). Popular sovereignty has an important corollary: popular *resource* sovereignty. This, too, is "all the world's ideal" (195, 207); this, too, is enshrined in international conventions and national constitutions (190, 194-97). The principle is simple: "All peoples may, for their own ends, freely dispose of their natural wealth and resources" (196, quoted from Article 1 of the international human rights Covenants). True enough, politicians, diplomats, and lawyers try to muddle and twist the principle's meaning to support current practice. Wenar turns these attempts at obfuscation aside (chs. 11 and 12). *Sovereign peoples own the resources in their territory.*

Alas, popular resource sovereignty is only "some of the world's reality" (207). A key barrier to its implementation is confusion regarding its practical requirements. Won't we have to meddle in other countries' internal affairs to determine whether particular resource transactions respect the people's property rights? Not really, says Wenar. Popular resource sovereignty requires that the people authorize the domestic property laws that apply to resource

transactions (223). This, in turn, requires that citizens securely enjoy basic civil and political liberties; for example, rights protecting freedom of information, association, deliberation, and dissent (226-29). Wherever these rights are insecure (as they are in most rent-addicted countries), we know the people's property rights are being violated.

The principle required to overturn effectiveness for resources is already widely affirmed; its practical requirements are clear. Part IV outlines a set of policy tools aimed at ending effectiveness and making popular resource sovereignty all the world's reality. The basic framework will be familiar from Wenar's earlier article ("Property Rights and the Resource Curse", *Philosophy & Public Affairs* 36 [2008]: 2-32): a Clean Trade Act that prohibits commercial engagement with the worst violators of basic civil and political rights (283-88); a Clean Hands Trust to collect money from tariffs imposed on trade partners who buy resources from the worst offenders (288-92); and Rules of Engagement for dealing with countries that are bad but not the worst of the worst (321-26). Numerous technical questions attend these proposals; Wenar duly addresses many of them (292-303).

One feature worth highlighting -- a key reason for optimism -- is that implementing these policies does not require international cooperation. Unlike much of the policy oriented work on global justice, we need not wait for cooperation from (e.g.) China or Russia to extract ourselves from the international system of resource theft. We need only enact domestic laws that enforce the principles we already affirm. What's more, Wenar's proposals

complement existing initiatives -- to penalize bribery and corruption; to mandate transparent corporate reporting; to validate sources for gems (319). "So much of the hard work has already been done for us by others" (259). What's left to us is to take the final step.

Philosophers and social scientists will find much to contest in Wenar's story. I raise just one issue: Why should we commit to popular resource sovereignty? What's the justification for endorsing this as our guiding principle? Wenar does much to clarify the content of this principle (e.g., 202-03, ch. 12). But, at a glance, he has little to say about what justifies it. Wenar's discussion of the "genius" of the *Universal Declaration of Human Rights* provides some insight here. Wenar extols the *UDHR*'s "ecumenical affirmation" of human rights without appeal to "any particular religion or philosophy" (150). Just as the "framers [of the *UDHR*] wrote a text for use" (150), Wenar seems to present popular resource sovereignty as an ecumenical "principle for use", one that is already widely affirmed as an ideal (see above), and also consistent with a wide array of domestic legal frameworks (205-06). This "silence on deeper issues" is surely the right strategy to adopt if we aim to secure "wide acceptance" on a principled alternative to the rule of effectiveness (150). But philosophers will want to know: Can we do more than point to the principle's pragmatic advantages? Is popular resource sovereignty a *true principle of justice*? After all, there is much philosophical controversy regarding the normative link between resource rights on the one hand and occupation of a territory or sovereign jurisdiction over a territory on the other (see, e.g., Cara Nine, "Resource Rights and Territory",

Philosophy Compass 11 [2016]: 327-337). Those engaged in these debates will be disappointed to find that Wenar largely sidesteps these questions.

Additional thoughts regarding justification can be found if we attend to the stage play's quasi-allegorical aspect. The main storyline unfolds under light cast by abstract moral themes -- namely, division and unity within human society. The reader will sense the presence of division and unity throughout, despite their low profile during the central act. Their glow is brightest during the opening and closing scenes. Oil is not just "the world's most valuable commodity"; it is "its most divisive one" (xv). The foreign policy choices with respect to resource-disordered countries are not only our most costly; they constitute "the West's most divisive debates" (xlili). The power wielded by unaccountable dictators is not only harmful for the subjects of resource-disordered countries; it is a "divisive force" within those countries (xlviii). The rule of effectiveness cultivates "divisive identities" abroad and at home (li; 340). "If division is the problem, then unity must be the solution" (xlvii; 358). The ultimate goal is to establish institutions that "foster positive identities [...] that are more integrated, open, cooperative, and uniting" (355). Counter-powerful rules like popular resource sovereignty are justified because acting on them brings "unity within ourselves that will enable greater unity with others" (280; liii).

Given the light cast by human unity, Wenar's preference for popular sovereignty over cosmopolitan principles might seem puzzling. Cosmopolitanism, at its core, exudes a deeply unifying impulse. Moral cosmopolitans claim that all persons have equal moral standing, regardless of race, ethnicity, religion, or nationality.

Political cosmopolitans advocate equal citizenship for all within a global society, governed by (typically democratic) institutions with global remit. With respect to natural resources, contemporary cosmopolitans argue for a principle of "common ownership", whereby all the world's people should share equally in the proceeds derived from the earth's resources (345). In contrast, popular resource sovereignty (as Wenar conceives it) starts with territorially-defined and politically independent communities, and grants each one sovereign jurisdiction over the resources it happens to find in its assigned territory. Needless to say, natural resources are not evenly distributed across the face of the globe. Although popular resource sovereignty grants peoples formally equal status, the distributive implications of this principle are bound to be deeply inegalitarian.

Set next to cosmopolitan principles, then, popular resource sovereignty appears as a principle of division rather than unity. Wenar's reply: Common ownership might appear a more unifying principle in the abstract; but popular resource sovereignty is better suited to overcome the divisive use of power under current circumstances (346). Consider the colonial independence movements in the middle of the last century. These movements manifest the aspirations of particular peoples to gain political independence, to "gain control over their own countries, *not least over their natural resources*" (346, emphasis added). The ideal of popular sovereignty is repeatedly affirmed in the constitutions of newly independent countries (347). Given this context, imagine yourself as a citizen of a former colony; imagine being told by your former colonial masters that they are part owners of your country's natural resources. From your perspective, the

cosmopolitan's flag can only appear as the banner of a neo-imperial power. In our present circumstances, cosmopolitan principles are more liable to be counterproductive than counter-powerful (347; cf. 351). Popular resource sovereignty is the more unifying principle for our times.

Once again, we find a pragmatic justification for Wenar's guiding principle. But the question remains: Are there *principled* reasons to endorse popular resource sovereignty? Is it a *true principle of justice*? One way to get a handle on this question is to say that we are asking after *normative ideals*; worrying about what works in the real world -- as Wenar does -- taints the resultant principles with the stain of present injustice (cf. David Estlund, "Utopophobia", *Philosophy & Public Affairs* 42 [2014]: 113-134). Wenar rejects such challenges: philosophers who specify political ideals while abstracting from "questions about the power that enforces" the ideally just principles may well find that they have "design[ed] perfectly just hells" upon implementation (354). (For what it's worth, I agree with Wenar.)

So questions of power and institutional realization must be central to our normative theorizing (355). And yet -- must our normative theorizing be wholly pragmatic? Is there no deeper moral theory underlying Wenar's institutional analysis? Backstage, we find the ideal that directs the entire production: "maximum achievement of freely unified ends" (364). Guided by this ideal, we seek institutional reforms that lead to "social worlds in which human relations track power less and less"; at the ideal, "power is unnecessary: human desires [...] will at best converge freely on the same ends" (359). Members of these ideal

societies pursue the common good, not as a response to force, but as an "express[ion] of [their] own identit[ies]" (361).

Those who seek a deep justification for popular resource sovereignty in *Blood Oil* will find a novel consequentialist moral theory: the right institutional principles are the ones that maximize the free unity of ends (364). This explains why Wenar's arguments are pragmatic throughout. Popular resource sovereignty is not a deep principle of morality. At another time, in another place, common ownership (or some other principle) might be the right principle to counter the divisive use of power. But at our time, in our place, popular resource sovereignty is the principle for the job. So Wenar argues.

No doubt, "free unity" consequentialism faces many questions, and rightly so. But it is not Wenar's aim in *Blood Oil* to develop this ideal, and it would be a mistake to focus our critical attention here. Wenar's objective is more intermediate: to present institutions that realize popular resource sovereignty as a progressive step along the path to a plurality of long term ideals. On this score, *Blood Oil* presents a model of principled normative theorizing for a nonideal world.

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