

## Moral universalism and global economic justice

Thomas W. Pogge

*Columbia University, USA*

### abstract

Moral universalism centrally involves the idea that the moral assessment of persons and their conduct, of social rules and states of affairs, must be based on fundamental principles that do not, explicitly or covertly, discriminate arbitrarily against particular persons or groups. This general idea is explicated in terms of three conditions. It is then applied to the discrepancy between our criteria of national and global economic justice. Most citizens of developed countries are unwilling to require of the global economic order what they assuredly require of any national economic order, for example, that its rules be under democratic control, that it preclude life-threatening poverty as far as is reasonably possible. Without a plausible justification, such a double standard constitutes covert arbitrary discrimination against the global poor.

### keywords

contextualism, corruption, discrimination, Rawls, resource exports, world poverty

## Introduction

Socio-economic rights, such as the universal entitlement 'to a standard of living adequate for the health and well-being of oneself and one's family, including food, clothing, housing, and medical care',<sup>1</sup> are currently, and by far, the most frequently violated human rights. Their widespread violation also plays a decisive role in explaining global deficits in civil and political human rights demanding democracy, due process, and the rule of law: extremely poor people (often physically and mentally stunted due to malnutrition in infancy, illiterate due to lack of schooling, and much preoccupied with their family's survival) can cause little harm or benefit to the politicians and officials who rule them. Such rulers, therefore, have far less incentive to attend to the interests of the poor compared

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with the interests of agents more capable of reciprocation, including foreign governments, companies, and tourists.

It is not surprising, perhaps, that those who live in protected affluence manage to reconcile themselves, morally, to such severe poverty and oppression. Still, it is interesting to examine how, and how convincingly, they do so. In this regard, earlier generations of European civilization had two noteworthy advantages over ours. First, the advanced industrial societies were then much less rich in absolute and relative terms.<sup>2</sup> Some 50 years ago, the eradication of severe poverty worldwide would have required a major shift in the global income distribution, imposing substantial opportunity costs upon the advanced industrialized societies. Today, the required shift would be small and the opportunity cost for the developed countries barely noticeable.<sup>3</sup> Second, earlier generations of European civilization were not committed to moral universalism. Their rejection of this idea was forcefully expressed, for instance, when the Anglo-Saxon powers blocked Japan's proposal to include language endorsing racial equality in the Covenant of the League of Nations.<sup>4</sup> Today, by contrast, the equal moral status of all human beings is widely accepted in the developed West.

We are quite tolerant of the persistence of massive and severe poverty abroad even though it would not cost us much to reduce such poverty dramatically. How well does this tolerance really fit with our commitment to moral universalism?

### Moral universalism

A moral conception, such as a conception of social justice, can be said to be universalistic given the following conditions: (A) it subjects all persons to the same system of fundamental moral principles, (B) these principles assign the same fundamental moral benefits (for example, claims, liberties, powers, and immunities) and burdens (for example, duties and liabilities) to all, and (C) these fundamental moral benefits and burdens are formulated in general terms so as not to privilege or disadvantage certain persons or groups arbitrarily. I cannot fully explicate these three conditions here; but some brief comments are essential.

Condition A allows a universalistic moral conception to be compatible with moral rules that hold for some people and not for others. But such differences must be generated pursuant to fundamental principles that hold for all. Generated *special* moral benefits and burdens can arise in many ways: from contracts or promises, through election or appointment to an office, from country-specific legislation, from conventions prevalent in a certain culture or region, from committing or suffering a crime, from being especially rich or needy, from producing offspring, from practicing a certain occupation, from having an ill parent, from encountering a drowning child, and so on. Only fundamental moral principles, including those pursuant to which special moral benefits and burdens are generated, must be the same for all persons. This condition raises the difficult question of who is to count as a person in the relevant sense: what about

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the severely mentally disabled, infants, higher animals, and artificial or extra-terrestrial intelligences?

Condition B raises various problems about how a universalistic moral conception can respond to the pragmatic pressures toward allowing the assignment of lesser fundamental moral benefits and burdens to children and to the mentally disabled, and perhaps greater fundamental moral burdens to the specially gifted. It is possible that the development of a plausible universalistic moral conception requires that this condition be relaxed somewhat to allow certain departures from equality. Still, equality remains the default — the burden of proof weighs on those favoring specific departures. This suffices to disqualify traditional assignments of unequal fundamental moral benefits and burdens to persons of different sex, skin color, or ancestry.

Moral universalism is clearly incompatible with fundamental principles containing proper names or rigid descriptions of persons or groups. But fundamental principles may legitimately involve other discriminations, as when they enjoin us to respect our parents or to give support to the needy. This distinction between acceptable and unacceptable discriminations cannot be drawn on the basis of formal, grammatical criteria, because it is possible to design gimmicky general descriptions that favor particular persons or groups arbitrarily. Thus, principles meant to discriminate against the Dutch need not refer to them by name, but can refer instead to persons born at especially low elevations or something of this kind — and similarly in other cases. If moral universalism is not to be robbed of all content, we must then understand Condition C as including the demand that a moral conception must justify the discriminations enshrined in its fundamental principles. An injunction to show special concern for the well-being of the needy can be given a plausible rationale, for instance, by reference to the fact that they need help more than others do or that such aid yields larger marginal benefits to its recipients. An injunction to be especially concerned with the well-being of lawyers, by contrast, lacks such a rationale. Why should lawyers, of all people, enjoy special care? Why not also public prosecutors, brokers, or dentists?

From this reflection we can see that moral universalism cannot be defined formally. (This is why it makes sense to explicate it through an exemplary application — in this case, to the topic of economic justice.) All three conditions raise substantive questions. Who is to count as a person? Can persons differ from one another so much that somewhat different fundamental principles may hold for them? And, when is a distinction made by a fundamental principle arbitrary? These are difficult questions that have more than one plausible answer. Moreover, even if we could agree on how to answer them, we still would not have achieved moral agreement: from the fact that the rule of helping the needy, for instance, cannot be disqualified as arbitrary, nothing follows about whether this rule is morally valid and, if so, what moral weight it has. Universalism is thus not a moral position with a clearly defined content, but merely an approach —

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a general schema that can be filled in to yield a variety of substantive moral positions. Universalism can at best provide necessary, not sufficient, conditions for the acceptability of a moral conception. These conditions amount to a call for systematic coherence in morality: the moral assessment of persons and their conduct, of social rules and states of affairs, must be based on fundamental principles that hold for all persons equally, and any discriminations built into such fundamental principles must be given a plausible rationale.

### **Our moral assessments of national and global economic orders**

Consider two important questions about economic justice:

1. What fundamental moral claims do persons have on the global economic order and what fundamental responsibilities do these claims entail for those who impose it?
2. What fundamental moral claims do persons have on their national economic order and what fundamental responsibilities do these claims entail for those who impose it?

The prevailing opinion is that the correct answers to these questions are very different, that moral claims and burdens are far less substantial in the first case than in the second. But this discrepancy in moral assessment, much like preferential concern for the well-being of lawyers, looks arbitrary: why should our moral duties, constraining what economic order we may impose upon other people, be so different in the two cases? Let us consider whether this discrepancy stands in need of justification, as moral universalism affirms, and whether such a justification is available.

In discussions of national economic justice, it is commonly mentioned that national populations, like families, may understand themselves as solidaristic or fraternal communities bound together by special ties of fellow feeling. Such ties generate special moral claims and burdens, and our responsibilities toward fellow citizens and family members may then greatly exceed, and weaken, our responsibilities toward outsiders.<sup>5</sup> Conceding all this does not, however, invalidate the universalist challenge, but merely gives it a different form, involving more specific versions of our two questions:

- 1'. What moral constraints are there on the kinds of global economic order persons may impose on others even when they have no bond of solidarity with them and a strong bond of solidarity with a smaller group such as their own nation?
- 2'. What moral constraints are there on the kinds of national economic order persons may impose on others even when they have no bond of solidarity with them and a strong bond of solidarity with a smaller group such as their own family?

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The latter question is not concerned with the more ambitious criteria to which specific societies might choose to subject their national economic order, but with the weaker criterion of justice to which we would subject *any* national economic order, regardless of how the society in question understands itself. This weaker criterion is still much stronger than the criterion we apply to the global economic order. There is then a discrepancy between the *minimal* criteria of economic justice we apply on the global and national levels. Moral universalism demands that this discrepancy be given a plausible rationale.

Let us first examine, however, whether such a discrepancy is really widely presumed as I claim. My impression is that most people in the rich countries think of our global economic order as basically just, although this order does not meet two important minimal requirements we place on any national economic order.

The first minimal requirement demands that, at least within the limits of what justice allows, social rules should be liable to peaceful change by any large majority of those on whom they are imposed. The global economic order, though it does stabilize a largely violence-free coordination of actors, nonetheless relies on latent violence in two ways. On the one hand, its stability (like that of any other realistically conceivable economic order) depends on the presence of substantial police forces that prevent and deter rule violations. On the other hand, the design of the global economic order (in contrast to that of a democratically governed state) is determined by a tiny minority of its participants, whose oligarchic control of the rules ultimately also rests on a huge preponderance of military power. The crucial asymmetry concerns the latter point: we deem it unjust when a national economic order is coercively imposed by a powerful minority and demand that any large majority of its participants should be able to change its rules without the use of force. But few in the wealthy countries would place the same moral requirement on the global economic order — most would dismiss it as ridiculous or absurd.

The second minimal requirement demands that avoidable life-threatening poverty must be avoided. In so far as is reasonably possible, an economic order must be shaped to produce an economic distribution such that its participants can meet their most basic, standard needs. In regard to the global economic order, most citizens of the rich countries would reject this requirement as well. We know that billions abroad are exposed to life-threatening poverty. We think that we should perhaps help these people with sporadic donations, just as we should occasionally support the worse off in our own country. But few of us believe that this massive and severe poverty, if avoidable, shows our global economic order to be unjust.<sup>6</sup>

### Some factual background about the global economic order

The moral assessment of an economic order must be responsive to information about three factors: the extent of absolute poverty, how severe and widespread it is; the extent of inequality, which is a rough measure of the avoidability of

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poverty and of the opportunity cost to the privileged of its avoidance; and the trend of the first two factors, that is, how poverty and inequality tend to develop over time. Let me summarize the state of our world in regard to these three factors.

First, regarding the extent of poverty, the World Bank estimates that 1.2 out of 6 billion human beings are living below the international poverty line, which it currently defines in terms of US\$32.74 PPP 1993 per month or US\$1.08 PPP 1993 per day.<sup>7</sup> 'PPP' stands for 'purchasing power parity', so people count as poor by this standard when their income per person per year has less purchasing power than US\$393 had in the USA in 1993 or less than US\$466 had in the USA in the year 2000.<sup>8</sup> Those living below this poverty line fall, on average, 30 percent below it.<sup>9</sup> So they live on US\$326 PPP 2000 per person per year on average. Now the US dollar PPP incomes the World Bank ascribes to people in poor countries are on average about four times higher than their actual incomes at market exchange rates.<sup>10</sup> Since virtually all the global poor live in such poor countries, we can then estimate that their annual per capita income of US\$326 PPP 2000 corresponds to about US\$82 at market exchange rates. On average, the global poor can buy about as much per person per year as can be bought with US\$326 in a typical rich country or with US\$82 in a typical poor one.<sup>11</sup>

The consequences of such extreme poverty are foreseeable and extensively documented: 14 percent of the world's population (826 million) are undernourished, 16 percent (968 million) lack access to safe drinking water, 40 percent (2.4 billion) lack access to basic sanitation, and 854 million adults are illiterate.<sup>12</sup> Some 15 percent (more than 880 million) lack access to health services.<sup>13</sup> 17 percent (approximately one billion) have no adequate shelter and 33 percent (2 billion) no electricity.<sup>14</sup> Some one-third of all human deaths are due to poverty-related causes, such as starvation, diarrhea, pneumonia, and measles, which could be prevented or cured cheaply through food, safe drinking water, vaccinations, rehydration packs, or medicines.<sup>15</sup> In addition, one-quarter of all those aged 5–14 work outside their family for wages, often under harsh conditions, in mining, textile and carpet production, prostitution, factories, and in agriculture.<sup>16</sup>

Second, we turn to the extent of inequality. Severe poverty is nothing new. What is new is the extent of global inequality. Real wealth is no longer limited to a small elite. Hundreds of millions enjoy a high standard of living with plenty of spare time, travel, education, cars, domestic appliances, mobile phones, computers, stereos, and so on. While annual per capita income is about US\$82 in the bottom fifth (or quintile), it is about US\$26,000 in the 'high-income economies' (comprising 33 countries plus Hong Kong) and US\$5000 for humankind at large.<sup>17</sup> While the collective income of the bottom quintile is about US\$100 billion annually, or one-third of 1 percent of the annual global product, the high-income economies have 14.9 percent of world population and 78.4 percent of the global product.<sup>18</sup> This contrast gives us a sense of how cheaply severe poverty could be avoided: 1 percent of our collective income is equivalent to 235 percent of theirs (see also note 3).

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Global inequality is even greater in regard to property and wealth. Affluent people generally have more wealth than annual income, while the poor generally own significantly less than one annual income. The enormous fortunes of the super-rich in developed societies have been given special emphasis in recent *Human Development Reports*: 'The world's 200 richest people more than doubled their net worth in the four years to 1998, to more than US\$1 trillion. The assets of the top three billionaires are more than the combined GNP of all least developed countries and their 600 million people.'<sup>19</sup>

Third, we consider the trend of the previous two factors. The past 50 years give the impression of rapid progress, punctuated by a long series of human rights declarations and treaties, new initiatives, summits, as well as detailed research into the quantification, causes, and effects of poverty. Such things are not unimportant. But they disguise the fact that real progress for the poor themselves is less impressive. Yes, life expectancy has risen markedly in many countries and infant mortality has fallen substantially due to better disease control. But the number of people in poverty has not declined since 1987,<sup>20</sup> despite the fact that this period has seen exceptional technological and economic progress as well as a dramatic decline in defense expenditures.<sup>21</sup> Since 1996, when 186 governments made the modest commitment to halve the number of undernourished people within 19 years, this number has not decreased, despite a 22 percent drop in the real prices of basic foodstuffs.<sup>22</sup> In the 13 years since the end of the cold war, more than 200 million people, mostly children, have died from poverty-related causes.

While poverty and malnutrition are stagnant, global inequality, and hence the avoidability of poverty, is escalating dramatically: 'The income gap between the fifth of the world's people living in the richest countries and the fifth in the poorest was 74 to 1 in 1997, up from 60 to 1 in 1990 and 30 to 1 in 1960. [Earlier] the income gap between the top and bottom countries increased from 3 to 1 in 1820 to 7 to 1 in 1870 to 11 to 1 in 1913'.<sup>23</sup> There is a long-established trend toward ever greater international income inequality — a trend that has significantly accelerated since the end of the colonial era 40 years ago.<sup>24</sup> So much by way of data about the world economy, which is deemed tolerably just here in the developed countries.

### Conceptions of national and global economic justice contrasted

Let us compare this case to that of a national society in which the various economic parameters we have considered resemble those of the world at large. No national society displays anything like the current degree of global income inequality, but because Brazil has one of the highest quintile income inequality ratios (24.4),<sup>25</sup> and because its GNP per capita is close to that of the world at large,<sup>26</sup> we might call our fictional country 'Subbrazil'. The point of the contrast

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is to pose this challenge: if we consider Subbrazil's economic order unjust, how can we find the global economic order morally acceptable?

One may object here that the economic order of Subbrazil is not really unjust. It only appears unjust to us because we imagine that most of its citizens, like most citizens of European countries, conceive of their society as being, at least in some weak sense, a solidaristic community. Subbrazil's failure to meet even weak solidaristic standards constitutes no injustice, however, because most Subbrazilians do not want their national economic order to meet such a standard. If they desired otherwise, a majority of Subbrazilians could reform their economic order through the ballot box.

This objection could be contested by asserting that we do not accept as just a national economic order that avoidably produces life-threatening poverty for a sizeable minority merely because this economic order is approved by the majority. But even if we accept the objection despite this worry, the challenge is not yet dissolved. The objection assumes that the Subbrazilian economy meets at least the first minimal requirement. It assumes that, if some large majority of Subbrazilians wanted to reform their national economic order so as to reduce life-threatening poverty, they could bring about such reforms. I can thus circumvent the objection by weakening my claim. Instead of claiming that we would condemn as unjust any national economic order that does not meet *both* minimal requirements, I claim instead that we would condemn as unjust any national economic order that does not meet at least *one* of them.

Let us imagine then a fictive Sub-Subbrazil: a society whose economic order avoidably produces life-threatening poverty for a sizeable minority and is also not subject to peaceful change from below, even by a large majority.<sup>27</sup> Such an economic order would be condemned as unjust by most people in the developed countries. (What is to count as an unjust national economic order, if not this?) And we arrive then at this reformulated challenge: if we condemn as unjust the imposition of the national economic order of Sub-Subbrazil, how can we condone the imposition, by governments acting in our name, of the existing global economic order? The latter order is, after all, like the former in the extent of poverty and inequality it produces and also in that even a large majority of those on whom it is imposed (the poorest two-thirds of humankind, for instance) cannot reform it by peaceful means. How can the obvious discrepancy between our minimal criteria of national and global economic justice be justified?

The here explicated moral universalism demands such a justification. In the face of this demand, we have three options. We can evade the demand by surrendering the discrepancy, by one or both of the following: strengthening the minimal criterion we apply to the global economic order or by weakening the minimal criterion we apply to any national economic order (perhaps even reversing our opinion that Sub-Subbrazil's economic order is unjust). Second, we can try to meet the demand by defending a discrepancy of minimal criteria, by justifying the view that our global economic order may not be unjust even if it



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fails to meet the minimal criterion of justice we apply to any national economic order. Third, we can insist on a discrepancy of minimal criteria while rejecting the universalist demand to justify this discrepancy.

Responses of the first two kinds accept the universalist challenge and are willing to engage in the debate about minimal criteria of national and global economic justice. The third response declines to join this debate with the tripartite claim that national economic regimes are subject to some minimal criterion of justice, that the global economic order is not subject to this criterion, and that no justification can or need be given for this discrepancy. The next section focuses on this third, most antagonistic response.

### Moral universalism and David Miller's contextualism

The third response can point to existing moral intuitions or convictions: our discrepant criteria of national and global economic justice are fixed points that any philosophical account of our morality must reaffirm. An account that does not vindicate our deepest convictions must be rejected for this reason alone. We are deeply convinced that we do not share responsibility for starvation abroad. This conviction, which we are more sure of than we could ever be of the merits of any complex philosophical argument, refutes any moral conception that concludes otherwise. To be sure, our discrepant standards of economic justice may seem incoherent. But the moral data (our intuitions or deepest convictions) are what they are, and coherence, in any case, is in the eye of the beholder.

In this simple version, the third response is hard to swallow. The view that moral reflection exhausts itself in compiling our favorite convictions, that what we (firmly enough) believe to be right is right, trivializes the ambition of leading a moral life. But perhaps the third response can be made more palatable by presenting it as including a justification for its rejection of the universalist demand for justification. In his contribution to the present volume, David Miller may appear to develop such a more sophisticated position, arguing for the anti-universalist claim that we should allow diverse moral principles to hold in different contexts without demanding any justification for such diversity.<sup>28</sup> I will try to show that this appearance is misleading, that Miller's contextualism overlaps with moral universalism, and that moral conceptions within this overlap seem more promising than moral conceptions exemplifying more extreme variants of either universalism or contextualism. Let me add that I am here setting aside Miller's interesting and important work on national and international justice,<sup>29</sup> attending solely to the more general account of contextualism he presents in the preceding essay.

Miller may appear to embrace the general statement of the anti-universalist response when he associates the contextualism he favors ('a species of intuitionism in Rawls's sense'<sup>30</sup>) with bald, conversation-stopping pronouncements of the form 'equality is simply the appropriate principle to use in circumstances C'.<sup>31</sup>

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He also argues against the demand for justification: attempts to construct a unified account of all of morality cannot achieve 'a reasonably close fit between the theory and our pre-theoretical considered judgments'.<sup>32</sup> Such attempts, he believes, lead to the proliferation of neat, but implausible, moral theories whose disagreements raise questions we cannot convincingly resolve and, therefore, foster a skeptical attitude toward morality which sets back efforts toward achieving moral progress on concrete and urgent practical problems.

I respect and share these concerns. But it is not clear that anti-universalism can do any better. Those who walk out of specific moral discussions with an emphatic declaration that C1 and C2 simply *are* different contexts to which different principles P1 and P2 are appropriate will fail to convince, and quite possibly seem offensive to, those who believe otherwise, even if they also argue in general terms that morality is too heterogeneous to yield to the universalist demand for justifications. (Think of those who, in accord with the convictions of their time, emphatically declared that the moral principles that were appropriate to one social class simply *were* inappropriate to another.) By declining to give any specific reasons for delimiting the various contexts, and for assigning the various moral principles to them, in the way they do, such people will, moreover, foster a cynical attitude toward moral theorizing as the bare assertion of favorite convictions, invariably distorted by the asserter's interests, social position, and prejudices.

Miller is sensitive to these countervailing concerns when, setting his contextualism apart from conventionalism, he writes: 'Contextualism . . . recognizes that we are likely to find different principles of justice being used at different times and in different places, but it argues that this variation itself has an underlying logic that we can both grasp and use as a critical tool when assessing the prevailing conceptions of justice at any particular moment.'<sup>33</sup> This remark shows, I believe, that Miller rejects the third response by recognizing that morality is subject to an underlying transcontextual logic which may, on the one hand, provide a rationale for applying different moral principles in different contexts (for example, under different natural, historical, cultural, technological, economic, or demographic conditions) and may also, on the other hand, serve as a basis for criticizing prevailing moral conceptions. Once we can, by appeal to such an underlying logic, formulate justifying reasons for or against the application of different moral standards to persons from different social classes, and for or against the differential assessment of national and global economic regimes, we have moved beyond *dogmatic* contextualism and the unsupported endorsements or rejections it takes to be appropriate responses to moral disagreement.

In so far as contextualism endorses a justificatory discourse about the delimitation of contexts and the variation of principles across them (and other work by Miller (compare note 29) contains plenty of argument in this vein), it overlaps with moral universalism. As explicated here, universalism does not require that if moral principles P1, P2, P3 are to apply in contexts C1, C2, and C3

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respectively, then there must be one supreme 'transcendent' principle or set of principles of which P1, P2, P3 are contextual applications (as 'drive no faster than 30 mph' is a contextual application of 'move no faster than is both safe and legal'). To be sure, moral universalism *permits* such highly unified anti-contextualist moral conceptions, as exemplified by utilitarianism. But it *also* permits the *critical* contextualist alternative suggested in the last-quoted sentence from Miller: a moral conception holding that fundamental principles P1, P2, P3 apply in contexts C1, C2, and C3 respectively, and offering a justification for delimiting the various contexts, and for assigning the various moral principles to them, in these ways.

I find this contextualist moral universalism far more plausible than its anti-contextualist (monistic) alternative. Regarding our general view of moral theorizing, Miller and I may converge then upon an intermediate view (critical contextualism) defined by the rejection of monistic universalism, on the one hand, and dogmatic contextualism, on the other. We both envision different fundamental moral principles applying in different contexts, and we both seek justifications for the delimitation of contexts and the formulation of fundamental principles appropriate to them. We differ in regard to what delimitations, context-specific principles, and justifications we find acceptable.

Because the proposed intermediate view of moral theorizing is unfamiliar, I will develop it somewhat further through a discussion of Rawls's work, which provides both an illustration and a violation of the contextualist moral universalism I favor.

### Contextualist moral universalism and John Rawls's moral conception

Rawls wants to confine his theory of justice to a specific context: to the basic structure of a self-contained society existing under the circumstances of justice. His theory commits him to certain moral demands on the political conduct of citizens — they must support and promote a just basic structure. But Rawls wants to leave open what moral principles may apply to their personal conduct. He has been attacked for this aloofness by monistic universalists, such as Jerry Cohen and Liam Murphy.<sup>34</sup> According to them, any fundamental moral principle that applies to social institutions must also apply to personal conduct. Thus, if the difference principle requires that a society's economic order should erase any socio-economic inequality that does not optimize the lowest socio-economic position, then individuals must also be required, in their personal conduct, to erase any socio-economic inequality that does not optimize the lowest socio-economic position.<sup>35</sup>

Rawls's contextualism can be defended against this critique. Rawls has important reasons for limiting the range of his principles of justice to the basic structure. These reasons (invoking *inter alia* the fact of pluralism as well as the

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need to avoid overdemandingness and to achieve stability (compliance)) show that basic social institutions should be treated as a separate context to which distinct moral principles apply.<sup>36</sup> These reasons illustrate how limiting the range of moral principles can be justified without the invocation of any deeper, trans-contextual principles from which context-specific principles are then derived. The case at hand thus shows how it is possible to justify moral principles as range limited or context specific even while also maintaining that they are fundamental. In so far as the justification for the Rawlsian range limit satisfies the three conditions of moral universalism, his account of the justice of basic social institutions is an instance not merely of critical contextualism, but also, and more specifically, of contextualist moral universalism.

Whereas this Rawlsian separation of contexts instantiates contextualist moral universalism, another separation of contexts, central to his latest work, instantiates its violation. Rawls insists there on applying quite different fundamental principles to national and international institutional regimes, but fails to give an adequate justification for the separation of contexts. This failure occurs on three distinct levels.

First, Rawls strongly rejects the difference principle as a requirement of global justice on the ground that it is unacceptable for one people to bear certain costs of decisions made by another.<sup>37</sup> But he fails to explain why this ground should not analogously disqualify the difference principle for national societies as well. Why is it not likewise unacceptable for one province, township, or family to bear such costs of decisions made by another?<sup>38</sup> And if, despite such sharing of costs, the difference principle is the most reasonable one for us to advocate in regard to the domestic economic order, then why is it not also the most reasonable one for us to advocate in regard to the global economic order? Rawls provides no answer.

Rawls also fails to explain how his rejection of the difference principle for the global order accords with his argument in *A Theory of Justice*, which he continues to endorse. There Rawls discusses how a human population of indeterminate size and explicitly conceived as 'self-contained' and 'a closed system'<sup>39</sup> should institutionally organize itself. His inquiry leads to the difference principle as a requirement of economic justice. He takes this principle to be acceptable (indeed, ideal) for the USA, even though this society diverges from the task description by not being a self-contained closed system. So why should the difference principle be unacceptable for the world at large, which fits the task description precisely? There is, again, no answer in Rawls.

It might be objected that this unjustified discrepancy is not important. Perhaps Rawls should concede that a global economic order designed to satisfy the difference principle is not, as such, unacceptable. But the goal of such an order is, nonetheless, morally inappropriate to our world, because many people oppose the difference principle and not unreasonably so.

Against this objection, one needs to point out that such opposition exists at

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home as well as abroad. Increasingly sensitive to this fact, Rawls continues to propose the difference principle, which he had associated with the ideal of fraternity,<sup>40</sup> as the most reasonable one for the domestic economic order of modern liberal societies, including, first and foremost, the USA. But he allows that other societies may reasonably subject their national economic regimes to other criteria. And, he is even willing to concede that his difference principle is not uniquely reasonable even for the USA: his fellow citizens would not be unreasonable if they gave their political support to some other liberal criterion of economic justice.<sup>41</sup> At least according to Rawls's later work, then, a society that deliberately fails to satisfy the difference principle may, nonetheless, not be unjust. Rather, to count as just (or not unjust), a national society need merely endorse and (approximately) satisfy *some* not unreasonable liberal standard of economic justice.

Now if this, rather than the difference principle, is Rawls's minimal criterion of national economic justice, it defines a second level on which the challenge from moral universalism arises: Rawls should either hold that a global order, too, can count as just only if it satisfies this minimal criterion of economic justice or else justify its failure to do so.

Rawls does neither; but he suggests that one reason against applying liberal standards globally is the need to accommodate certain ('decent') non-liberal societies. (Decent societies are ones to which, Rawls believes, liberal societies should offer reciprocal recognition as full and equal members in good standing within a well-ordered system of states.) This is a strange suggestion because, in our world, non-liberal societies and their populations tend to be poor and quite willing to cooperate in reforms that would bring the global economic order closer to meeting a liberal standard of economic justice. The much more affluent liberal societies are the ones blocking such reforms, and it is not clear how their obstruction can be justified by the concern to accommodate decent societies. Granted, these reforms are not required by decency; decent societies thus could oppose them; and liberal societies might then have reason to accommodate such opposition. But when there exists no decent society actually opposing the reforms, then the concern to accommodate decent societies cannot be a reason for liberal societies to block them contrary to the minimal criterion, and hence to every more specific criterion, of liberal economic justice.

Suppose that the foregoing argument fails or that there are some decent societies opposed to economic reform. If so, the challenge of moral universalism arises one last time on a yet lower level: Rawls should either disqualify as less than decent any global economic order that does not meet whatever requirements any national economic order must meet to count as decent or else justify his refusal to do so.

But again, it seems that Rawls wants to insist on an unjustified double standard. He writes that a decent society's 'system of law must follow a common good idea of justice that takes into account what it sees as the fundamental

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interests of everyone in society'.<sup>42</sup> Rawls is quite vague on what constraints he takes this condition to place on the national economic order of a decent society. But he does not require the global economic order to meet even these weaker constraints of decency. All he asks is that no peoples should have to live 'under unfavorable conditions that prevent their having a just or decent political and social regime'.<sup>43</sup> And even this demand does not constrain global economic institutions, but only the conduct of other peoples. We may impose a global economic order that generates strong centrifugal tendencies and ever-increasing international inequality, provided we 'assist' the societies impoverished by this order just enough to keep them above some basic threshold.<sup>44</sup>

Despite considerable vagueness in his treatment of economic institutions, it seems clear then that Rawls endorses double standards on three different levels. In regard to national economic regimes, the difference principle is part of Rawls's highest aspiration for justice; in regard to the global economic order, however, Rawls disavows this aspiration and even rejects the difference principle as unacceptable. Rawls suggests a weaker minimal criterion of liberal economic justice on the national level; but he holds that the global order can fully accord with liberal conceptions of justice without satisfying this criterion. And, Rawls suggests an even weaker criterion of economic decency on the national level; but he holds that the global order can be not merely decent, but even just without satisfying this criterion. In so far as he offers no plausible rationales for these three double standards, Rawls runs afoul of moral universalism. He fails to meet the burden of showing that his applying different moral principles to national and global institutional regimes does not amount to arbitrary discrimination in favor of affluent societies and against the global poor.

### **Rationalizing divergent moral assessments through a double standard**

Most citizens of the developed countries reconcile themselves to massive and avoidable poverty abroad by not holding such poverty against the global economic order as they would hold similar poverty within a national society against its domestic economic order. The common and obvious way of rationalizing such a divergence is through a double standard: by subjecting the global economic order to weaker moral demands than any national economic order. Such double standards are widely employed in ordinary and academic discourse. They are often dogmatically taken for granted, perhaps with a general appeal to 'our moral convictions' or a general argument for dogmatic contextualism. This is the 'third response' to moral universalism, discussed in the above section entitled 'Moral universalism and David Miller's contextualism'.

Rawls seems willing to defend a double standard in regard to national and global economic justice and thus exemplifies the second response to the universalist challenge. But the defenses he actually provides are incomplete, because

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he does not face up to the comparative nature of the task. It is not enough, for instance, to provide arguments against a global application of the difference principle. One must also show that these arguments create the desired asymmetry, that they have more weight than analogous arguments against a national application of the difference principle. Rawls does not even begin to do this.

His failure is typical of academic and popular rationalizations of double standards of economic justice. There are reasons for, and reasons against, a strong criterion of economic justice. Discussions of the national economic order tend to highlight the reasons for; discussions of the global order tend to highlight the reasons against. But to justify the desired asymmetry, one must discuss the relevant reasons of both kinds in respect to both contexts. In particular, one must show that some reasons for a strong criterion have more weight in the balance of reasons concerning national economic justice than they have in the balance of reasons concerning global economic justice, or, conversely, that some reasons for a weak criterion have less weight in the balance of reasons concerning national economic justice than they have in the balance of reasons concerning global economic justice, or both.

Arguments for a weak criterion of economic justice typically appeal to cultural diversity or the autonomy or special ties of smaller groups. Such arguments are often used to justify acquiescence in a global economic order that engenders great poverty and inequality. But all three factors exist within nations as well. And they can then be useful in the defense of a double standard only if one can show them to be significantly less relevant domestically. We have seen that showing this is not so easy.<sup>45</sup>

In a sense this is a modest result: many different double-standards could be formulated with regard to our topic, and various rationales might be offered for each such formulation. No one can anticipate and refute all conceivable such accounts. But this very impossibility of showing conclusively that no sufficiently large discrepancy of standards can be justified provides another reason for what I have presented as an essential element of moral universalism: the assignment of the burden of proof to those *favoring* a double standard. They can bear this burden, as they need only make good on an existential quantifier by formulating *one* version of the desired double standard and then giving a plausible rationale for it. And yet, the *moral* reason remains primary: we owe the global poor an account of why we take ourselves to be entitled to impose upon them a global economic order in violation of the minimal moral constraints we ourselves place on the imposition of any national economic order.

If the burden of proof indeed weighs on those favoring a double standard, then the result of my discussion is not so modest after all: we, the affluent countries and their citizens, continue to impose a global economic order under which millions avoidably die each year from poverty-related causes. We would regard it as a grave injustice, if such an economic order were imposed within a national society. We must regard our imposition of the present global order as a grave

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injustice unless we have a plausible rationale for a suitable double standard. We do not have such a plausible rationale.

### **Rationalizing divergent moral assessments without a double standard**

There is another way of rationalizing the failure of the affluent to hold massive and avoidable poverty abroad against the global economic order as they would hold similar poverty within a national society against its domestic economic order: invoking the idea of institutional responsibility. This rationalization works as follows. We tend to recoil from an institutional order described as one that is imposed upon people of whom many avoidably are very poor. But let us not be fooled by mere rhetoric. An economic order under which there is a lot of avoidable love sickness is not, for this reason, morally flawed. This example drives home that the moral quality of an institutional order under which avoidable starvation occurs depends on whether and how that order is causally related to this starvation. It depends, that is, on the extent to which starvation could be avoided through institutional modification. And it also depends on the manner in which the institutional order in question engenders more starvation than its best feasible alternative would: does it, for example, require serfs to do unremunerated work for aristocrats or does it merely fail to tax the more productive participants enough to underwrite an adequate welfare system?

This insight is relevant to our topic: we have been discussing the moral assessment of two kinds of economic order (national and global) that, in the real world, differ greatly in their causal impact. The global economic order plays a marginal role in the perpetuation of massive and severe poverty worldwide. This poverty is substantially caused not by global, systemic factors, but in the countries where it occurs, by their flawed national economic regimes and by their corrupt and incompetent elites, both of which impede national economic growth and a fairer distribution of the national product. Such domestic defects are the main reason why these countries become ever poorer in relative and often even in absolute terms and why the burdens of this impoverishment fall upon their poorest citizens most heavily.<sup>46</sup> Excessive poverty and inequality within countries, by contrast, are to a considerable extent traceable to systemic factors and are then (causally and morally) the responsibility of the politically and economically influential elites who uphold the relevant national economic regimes.

We do indeed judge our global economic order, under which a great deal of poverty and inequality persists, less harshly than we would a national economic order associated with similar poverty and inequality data. But these discrepant assessments do not reflect a double standard concerning the significance of extreme poverty and inequality in the moral assessment of global and national regimes. Rather, they reflect a single standard uniformly applied to both kinds of



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regime, yet a standard that is sensitive not merely to the incidence of avoidable poverty, but also to each regime's causal role in its occurrence.

The reconciling force of this empirical rationalization depends on complex economic causalities, on the correct explanation of persisting severe poverty worldwide and of the expansion of global inequality. We must convince ourselves that the global economic order is not a significant causal contributor to these phenomena. Many citizens of the affluent countries are convinced of this, and convinced even of the stronger claim that the global economic order could not be modified into a significant causal contributor to the eradication of extreme poverty and inequality. These people believe that, for such progress to occur, the poor countries themselves must get their house in order, must give themselves governments and political institutions that are more responsive to the needs of their populations. With respect to this task, outsiders can help only to a very limited extent. This is so because it would be morally unacceptable to impose what we think of as reasonable leaders or social institutions upon such countries and also because any resolute interference in the internal affairs of poor countries could easily turn out to be counterproductive as corrupt rulers manage further to entrench their rule by denouncing our supposed imperialism or neo-colonialism. Sad as it is, our hands are tied. We can try to alleviate global poverty through development aid, given ad hoc by affluent societies and individuals or built into the global order as in the Tobin Tax proposal. But such attempts will not have much success because we cannot prevent the corrupt elites from siphoning off much of our aid into their own pockets. Perhaps 1 percent of our incomes would indeed suffice to increase all incomes in the bottom quintile by 235 percent; but, as things stand, there is unfortunately no way of getting such a donation to the world's poorest people in a concentrated way.

Responding to this empirical rationalization, I do not deny the analysis sketched in the preceding paragraph. The eradication of poverty in the poor countries indeed depends strongly on their governments and social institutions: on how their economies are structured and on whether there exists genuine democratic competition for political office, which gives politicians an incentive to be responsive to the interests of the poor majority. But this analysis is, nevertheless, ultimately unsatisfactory, because it portrays the corrupt social institutions and corrupt elites prevalent in the poor countries as an exogenous fact: as a fact that explains, but does not itself stand in need of explanation. 'Some poor countries manage to give themselves reasonable political institutions, but many others fail or do not even try. This is just the way things are.' An explanation that runs out at this point does not explain very much. An adequate explanation of persistent global poverty must not merely adduce the prevalence of flawed institutional regimes and of corrupt, oppressive, incompetent elites in the poor countries, but must also provide an explanation for this prevalence.

There is no lack in the social sciences of deeper explanations responsive to this need. These are, for the most part, 'nationalist' explanations which trace flaws in

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a country's political and economic institutions and the corruption and incompetence of its ruling elite back to that country's history, culture, or natural environment.<sup>47</sup> Because there are substantial differences in how countries, and the incidence of poverty within them, develop over time, it is clear that such nationalist explanations have a role to play in explaining national trajectories and international differentials. From this it does not follow, however, that the global economic order does not also play a substantial causal role by shaping how the culture of each poor country evolves and by influencing how a poor country's history, culture, and natural environment affect the development of its domestic institutional order, ruling elite, economic growth, and income distribution. In these ways, global institutional factors might contribute substantially to the persistence of severe poverty in particular countries and in the world at large. The next section shows that this is indeed the case, contrary to the central claim of the empirical rationalization.

### **The causal role of global institutions in the persistence of severe poverty**

My case can be made by example, and I will focus on two highly significant aspects of the existing global order.<sup>48</sup> Any group controlling a preponderance of the means of coercion within a country is internationally recognized as the legitimate government of that country's territory and people — regardless of how that group came to power, of how it exercises power, and of the extent to which it may be supported or opposed by the population it rules.<sup>49</sup> That such a group exercising effective power receives international recognition means not merely that we engage it in negotiations. It means also that we accept this group's right to act for the people it rules and, in particular, confer upon it the privileges freely to borrow in the country's name (international borrowing privilege) and freely to dispose of the country's natural resources (international resource privilege).

The resource privilege we confer upon a group in power is much more than our acquiescence in its effective control over the natural resources of the country in question. This privilege includes the power<sup>50</sup> to effect legally valid transfers of ownership rights in such 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. This is a remarkable feature of our global institutional order. A group that overpowers the guards and takes control of a warehouse may be able to give some of the merchandise to others, accepting money in exchange. But the fence who pays them becomes merely the possessor, not the owner, of the loot. Contrast this with a group that overpowers an elected government and takes control of a country. Such a group, too, can give away some of the country's natural resources, accepting money in exchange. In this case, however, the purchaser acquires not merely possession, but all the rights

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and liberties of ownership, which are supposed to be, and actually *are*, protected and enforced by all other states' courts and police forces. The international resource privilege, then, is the legal power to confer globally valid ownership rights in the country's resources.

Indifferent to how governmental power is acquired, the international resource privilege provides powerful incentives toward coup attempts and civil wars in the resource-rich countries. Consider Nigeria, for instance, where oil exports of US\$6–10 billion annually constitute roughly a quarter of GDP. Whoever takes power there, by whatever means, can count on this revenue stream to enrich himself and to cement his rule. This is quite a temptation for military officers, and during 28 of the past 32 years Nigeria has indeed been ruled by military strongmen who took power and ruled by force. Able to buy means of repression abroad and support from other officers at home, such rulers were not dependent on popular support and thus made few productive investments toward stimulating poverty eradication or even economic growth.<sup>51</sup>

After the sudden death of Sani Abacha, Nigeria is now ruled by a civilian ex-general, Olusegun Obasanjo, a prominent member of TI's Advisory Council who raised great expectations for reform. These expectations have been disappointed: Nigeria continues to be listed near the bottom of TI's own international corruption chart.<sup>52</sup> This failure has evoked surprise. But it makes sense against the background of the international resource privilege: Nigeria's military officers know well that they can capture the oil revenues by overthrowing Obasanjo. To survive in power, he must, therefore, keep them content enough with the status quo so that the potential gains from a coup attempt do not seem worth the risk of failure. Corruption in Nigeria is not just a local phenomenon rooted in its tribal culture and traditions, but encouraged and sustained by the international resource privilege.

Nigeria is just one instance of a broader pattern also exemplified by the Congo/Zaire, Kenya, Angola, Mozambique, Brazil, Venezuela, the Philippines, Burma/Myanmar, the oil states of the Middle East, and many smaller resource-rich, but poverty-stricken, countries.<sup>53</sup> In fact, there is a significant negative correlation, known as the Dutch disease, between the size of countries' resource sectors and their rates of economic growth. This correlation has a 'nationalist' explanation: national resource abundance causes bad government and flawed institutions by encouraging coups and civil wars and by facilitating authoritarian entrenchment and corruption.<sup>54</sup> But this nationalist explanation crucially depends on a global background factor, the international resource privilege, without which a poor country's generous resource endowment would not handicap its progress toward democratic government, economic growth, and the eradication of poverty — certainly not to the same extent.<sup>55</sup>

Similar points can be made about the international borrowing privilege, according to which any group holding governmental power in a national territory (no matter how it acquired or exercises this power) is entitled to borrow funds in

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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 regime 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. Such refusals are, therefore, quite rare, as governments, even when newly elected after a dramatic break with the past, are compelled to pay the debts of their ever so awful predecessors.

The international borrowing privilege has three important negative effects on the corruption and poverty problems in the poor countries. First, it puts a country's full credit at the disposal of even the most loathsome rulers who took power in a coup and maintain it through violence and repression. Such rulers can then borrow more money and can do so more cheaply than they could do if they alone, rather than the entire country, were obliged to repay. In this way, the international borrowing privilege helps such rulers to maintain themselves in power even against near-universal popular opposition. Second, indifferent to how governmental power is acquired, the international borrowing privilege strengthens incentives toward coup attempts and civil war: whoever succeeds in bringing a preponderance of the means of coercion under his control gets the borrowing privilege as an additional reward. Third, when the yoke of dictatorship can be thrown off, the international borrowing privilege saddles the country with the often huge debts of the former oppressors. It thereby saps the capacity of a fledgling democratic government to implement structural reforms and other political programs, thus rendering it less successful and less stable than it would otherwise be. (It is small consolation that putschists are sometimes weakened by being held liable for the debts of their elected predecessors.)<sup>56</sup>

I have shown how two aspects of the global economic order, imposed by the wealthy societies and cherished also by authoritarian rulers and corrupt elites in the poorer countries, contribute substantially to the persistence of severe poverty. These privileges crucially affect what sorts of persons jostle for political power and then shape national policy in the poor countries, what incentives these persons face, what options they have, and what impact these options have on the lives of their compatriots. In these four ways, these global factors strongly affect the overall incidence of oppression and poverty and also, through their greater impact on resource-rich countries, international differentials in oppression and poverty.

This result is not altered by the fact that reforms of the two privileges are not easy to devise and might well, by raising the prices of natural resources, prove quite costly for the affluent consumer societies and for other states dependent on resource imports. I am arguing that the citizens and governments of the wealthy societies, by imposing the present global economic order, significantly contribute to the persistence of severe poverty and thus share institutional moral respon-

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sibility for it. I am not in this essay discussing what we should do about persistent global poverty in light of our moral responsibility for it.<sup>57</sup>

It is easier to disconnect oneself from massive and severe poverty suffered by wholly innocent people abroad when there are others who clearly are to blame for it. My argument in this section was, therefore, focused specifically on how the national causal factors we most like to point to (tyranny, corruption, coups d'état, and civil wars) are encouraged and sustained by central aspects of the present global economic order. The argument shows that, those national causal factors notwithstanding, we share causal and moral responsibility. This insight should not lessen the moral responsibility we assign to dictators, warlords, corrupt officials, and cruel employers in the poor countries any more than our initial insight into their moral responsibility should lessen the moral responsibility we assign to ourselves.

The focus of my argument should also not obscure the other ways in which the present global economic order may contribute to the persistence of poverty. One might examine, for instance, how the highly unequal bargaining power of the states participating in international trade negotiations is reflected in the complex agreements reached under the auspices of the WTO.<sup>58</sup> And, one might study how increasing international interdependence may exacerbate the vulnerability of the weaker national economies to exogenous shocks through decisions and policies made (without input from or concern for the poorer societies) in the USA or EU (for example, interest rates set by the US and EU central banks).

## Conclusion

The preceding section has shown what is obvious to people in the poorer, less influential countries: that the rules structuring the world economy have a profound impact on the global economic distribution just as the economic order of a national society has a profound impact on its domestic economic distribution. The empirical rationalization is not empirically sustainable.

Spreading awareness of its unsustainability could turn out to be of great practical importance in reshaping both the explanatory and the moral debates about global poverty. As it is, the explanatory debate is largely focused on nationalist explanations: on the question of what national economic institutions and policies in poor countries hamper or promote the eradication of domestic poverty. Some argue for free markets with a minimum in taxes and governmental regulations (the Asian tigers model), others for increased governmental investment in education, medical care, and infrastructure (the Kerala model). This debate is certainly important. But it would surely be quite important also to examine what *global* economic institutions hamper or promote the eradication of poverty worldwide. Modest inquiries of this sort are familiar: economists and politicians debate alternative structures and missions for the IMF and the World Bank and the international impact of the 1995 agreement on Trade-Related Aspects of

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Intellectual Property Rights (TRIPS) reached within the WTO. But with respect to larger issues, such as international resource and borrowing privileges and the political mechanisms through which the rules of the world economy are created and revised, the status quo is largely taken for granted as a given background much like the basic natural features of our planet.

As it is, the moral debate is largely focused on the question to what extent affluent societies and persons have obligations to help others worse off than themselves. Some deny all such obligations, others claim them to be quite demanding. Both sides easily take for granted that it is as potential helpers that we are morally related to the starving abroad.<sup>59</sup> This is true, of course. But the debate ignores that we are also and much more significantly related to them as supporters of, and beneficiaries from, a global institutional order that substantially contributes to their destitution.

If the empirical rationalization fails, if national and global economic regimes are comparable in their workings and impact, then we are after all employing a double standard when we count avoidable extremes of poverty and inequality against national economic regimes only. And we do then face moral universalism's challenge to our easy acceptance of massive and severe poverty abroad. Without a plausible rationale, our discrepant assessments constitute covert arbitrary discrimination in favor of the wealthy societies and against the global poor.

## notes

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1. Article 25 of the Universal Declaration of Human Rights, approved and proclaimed as resolution 217 A (III) by the General Assembly of the United Nations on 10 December 1948.
2. See the text preceding note 23.
3. See notes 7–11 and their accompanying text. The global poverty gap is about US\$42 billion annually for the World Bank's official international poverty line and US\$290 billion for its doubled poverty line. These figures correspond to 0.14 and 0.99 percent, respectively, of annual global product (US\$29,232 billion) and to 0.18 and 1.26 percent, respectively, of the aggregate annual GNP of the high-income economies (US\$22,921 billion). World Bank, *World Development Report 2000/2001* (New York: Oxford University Press, 2001), p. 275 ([www.worldbank.org/poverty/wdrpoverty/report/index.htm](http://www.worldbank.org/poverty/wdrpoverty/report/index.htm)).