

Global Injustice and Redistributive Wars*

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Abstract

On Pogge's view, we —people living in rich countries— do not just allow the global poor to die. Rather, we interfere with them in such a way that we make them die on a massive scale. If we did the same through military aggression against them, surely, it would be permissible for these people to wage war on us to prevent this. Suppose Pogge's analysis of the causes of global poverty is correct, and assume the moral permissibility of self-defence by poor people in the hypothetical military action scenario just mentioned. *If* these assumptions are correct, poor countries could start just and, even possibly, morally permissible redistributive wars against us provided various additional conditions are met. To avoid misunderstanding, I should stress that my main claim is the conditional equivalence claim, namely that if Pogge's analysis of the causes of global poverty is correct, our relation to poor countries is morally equivalent to one in which we each year killed many of the global poor by military means. I do not claim (i) that Pogge's analysis *is* correct; (ii) that, as a matter of fact, it is morally permissible for poor countries to wage redistributive wars against rich countries; (iii) that it is not the case that anything that is impermissible for poor countries to do in the latter situation involving military aggression —*e. g.* deliberately targeting rich civilians— is impermissible in redistributive wars as well.

Keywords: doing vs. allowing harm, global justice, just ad bellum, just cause, poverty, proportionality, Thomas Pogge.

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1. INTRODUCTION

According to Philippa Foot, it is sometimes morally worse to bring about a bad outcome than merely to allow it. Highlighting the intuitive pull of the distinction, Foot writes that “(m)ost of us allow people to die of starvation in India and Africa, and there is surely something wrong with us that we do; it would be nonsense, however, to pretend that it is only in law that we make the distinction between allowing people in the underdeveloped countries to die of starvation and sending them poisoned food. There is worked into our moral system a distinction between what we owe people in the form of aid and what we owe them in the way of non-interference” (Foot 1981: 26-27). Many have contested the coherence or moral relevance of the distinction between doing and allowing harm (see Bennett, 1995; Kagan 1989). For present purposes, however, I will assume that there is some such distinction and that it possesses moral relevance such that it is harder to morally justify harming people than to morally justify allowing them to be harmed. My enquiry takes its point of departure in Thomas Pogge’s account of global poverty. If his account is correct, Foot’s example fails to illustrate the contrast between bringing about and allowing a bad outcome. On Pogge’s view, we do not just allow the global poor to die and, accordingly and unlike what Foot suggests, we do not merely fail to meet a positive duty by not sending them food. Rather, we interfere with them in such a way that we make them die.¹ And poor people die on a massive scale as a result of our interfering with them. Pogge (2008: 24) estimates that there is “a stable toll of 18 million premature deaths per year from poverty-related causes”.

Suppose we —people living in rich countries— killed 18 million people in India and Africa each year by sending them poisoned food to save ourselves from some rather insignificant costs per capita-wise, or did so through military actions. If so, India and African countries might well act justly were they to wage war on us to prevent our hypothetical mass killing of their citizens. Suppose too that Pogge is correct that we bring about this massive number of deaths each year in poor countries, and assume the moral permissibility of self-defence by poor countries in the hypothetical poison- and military action scenarios. An obvious question now arises: would poor countries not similarly be engaged in a just —perhaps even morally permissible— war, were they to take up arms to force us —people living in rich countries— to

1. Nowhere does Pogge write that *we* kill poor people. I am not certain why he is reluctant to put his point in these terms. He does however write things like: “the global economic regime that our countries designed and impose kills more efficiently than the Nazi extermination camps” (Pogge 2010a).

eliminate the unjust global structure that we impose on them thereby causing deaths among them on such a massive scale?

When addressing the issue of what can and should be done to eliminate global poverty, Pogge restricts himself to consider the question of what *we*—rich people— should do to alleviate or eradicate global poverty. I want to address the question of global poverty from a different perspective: what can *they*—poor people— permissibly or, at least, justly do to *us*—rich people, comparably speaking, like you and me, I assume— in order to end global poverty, provided that we do not do what we have a duty to do to eradicate poverty?²

I shall argue that *if* Pogge's analysis of global poverty is correct, poor countries could start just and, even possibly, morally permissible redistributive wars against us provided various conditions are met (Valentini, forthcoming). These include the obviously satisfied condition that we do not ourselves take what, according to Pogge, are the inexpensive steps that would enable the elimination of global poverty. Indeed, given the stakes at hand they could do so without wronging us, *even if* these wars would involve a very large number of civilian casualties in rich countries. For reasons to be explained, it is much more unlikely that such redistributive war will be morally permissible than that they will be just.

My defence of these claims is based on a number of simplifying assumptions. One is that the world divides into two groups of states: poor states populated with poor people only and rich states populated with rich people only. Hence, in my hypothetical world when a poor state attacks a rich country, it is in effect poor people waging war against rich people. Accordingly, I set aside (except when otherwise stated) very pertinent complications about how a wealthy elite that autocratically rules a poor country for its own benefit and in ways that harm its poor citizens can justly wage war against a rich country on grounds of the harms imposed by rich countries on its poor citizens (Fabre, forthcoming: chapter 3). Similarly, I ignore the issue of responsibility in relation to rich people who oppose their government's policies on global justice issues and try to resist them in vain, or the issue of (not so rich) people living in rich countries—say, a shop assistant at Macy's— whose contribution to the unjust policies of their country is much smaller than that of some of their more influential co-citizens. This issue is not specific to redistributive wars and arises in the exact same form in relation to defensive wars (Satz, 2005: 50).³ My main concern is to defend an equivalence claim: if

2. For dramatic effect, I refer to rich people as “we” (author, reader, etc.) and poor people as “them”.

3. I use “defensive wars” in a narrow sense, i.e. as referring only to armed resistance against military aggression. By using the phrase “redistributive wars”, I do not imply that any

ever there is a situation in which, say, the shop assistant at Macy's is liable to attack in a defensive war waged against her country's unjust aggression, the same applies to a situation in which her country takes part in imposing an unjust global structure.⁴ Finally, I will not address the issue of whether, given the correctness of Pogge's account, punitive wars against rich countries are justified (Brooks 2007).

To avoid misunderstanding, let me emphasize that my main claim is a conditional equivalence claim, namely that if Pogge's analysis of the causes of global poverty is correct, our relation to poor countries is morally equivalent to one in which we each year killed 18 million of them by military means. So, first, I do not claim that Pogge's analysis *is* correct and, second, anything that might be impermissible for poor countries to do in the latter situation involving military aggression —*e. g.* deliberately targeting rich civilians— might, consistently with all I say here, be impermissible in redistributive wars as well.

Some may view my main conclusion —that poor countries waging redistributive wars against us are acting justly given Pogge's analysis of the causes of global poverty— as a *reductio* of Pogge's analysis. I do not share this view: we should accept or reject Pogge's analysis on other grounds. Moreover, I do not see any glaring absurdity in extending traditional theories of *jus ad bellum* to allow for cases where, under certain conditions, states can justly or morally permissibly start redistributive wars (Beitz 1975: 388). Several theorists have attempted to extend these theories to allow for just military intervention for humanitarian causes, having in mind cases where a powerful rich country intervenes in a poor country to stop its ruling elite, or a bigoted section of its population, from killing large numbers of people (Caney 2005: 227-262; Holder 2008). What I am proposing is that it is not only true that certain wars can be just or permissible when started by a third party to protect a group of people from an unfolding or threatening humanitarian disaster. War can also be just and permissible when the likely victims of this humanitarian disaster start it themselves to avert the disaster befalling them. This can be so regardless of whether the immediate causes of death are disease or malnutrition rather than bullets or machetes. In extending just war theory to allow for just and permissible humanitarian interventions by some people on behalf of others, we should also allow for

unjust distribution imposed by some countries on others is a just cause for war. Obviously, redistributive wars to eliminate poverty are easier to justify than redistributive wars to eliminate small, but unjust, inequalities between wealthy states. Also, by the term "redistribution" I do not suggest that no redistribution takes place between rich and poor countries in the absence of redistributive wars.

4. I thank Laura Valentini for pointing out the need for stating this simplifying assumption.

similar intervention by people on their own behalf even when the cause of their plight is the (largely) non-military imposition of an unjust global structure. On the assumption that self-defence is no harder to justify than a third-party's defence of someone against aggression, in one way at least it is difficult to resist this further step once one has admitted just humanitarian interventions. Similarly, most would allow that people may wage civil war on a regime unjustly reducing them to severe poverty.⁵ If Pogge is right there is an international institutional structure not relevantly different from that found within states. Given this assumption, it is hard to see why this point about the justifiability of waging civil war does not extend to waging war against states.

2. POGGE ON GLOBAL POVERTY

Pogge's claim that our relation to the massive number of poverty-related deaths in poor countries is one of doing harm has not been met with unanimous agreement, and various theorists have contended that we do not harm poor people without necessarily objecting to the claim that we ought to eliminate global poverty (Patten 2005; Risse 2005a; Risse 2005b; Risse, 2005c; Satz 2005. For replies: Pogge 2005b). Here I want to bypass the issue of whether Pogge's analysis of global poverty is correct to focus on what follows regarding the morality of redistributive wars *if* his analysis is true. Thus, if you do not accept Pogge's analysis of the nature of global poverty you need not disagree with me, even if you think the conclusions I draw do not apply to the world as it is. Before getting to the moral question of what poor people can permissibly do to improve their situation, I need to state how Pogge understands the way in which we bring about poverty in poor countries.

It is easy for people living in rich states to be impressed with the fact that some countries that were equally poor some decades ago are now tremendously unequally poor, and some are no longer even poor by Western standards. It is also tempting for us to infer that what explains poverty must be the presence or absence of certain national factors, say, a well-functioning political system, political incompetence of local rulers, or the absence of a growth inducing work-ethics.⁶ Pogge does not deny that such factors are part of the causal background of global poverty. Assuming that it is the whole picture, however, amounts to what he calls "explanatory nationalism" insofar as doing so ignores the very significant causal contribution of a global insti-

5. I thank Andrew Williams for this point.

6. David Miller (2007: 238-247) defends a form of explanatory nationalism.

tutional structure that includes, for example, the international trade regime regulating the flow of capital and goods (Pogge 2008: 17-18).⁷

In Pogge's view, powerful Western states largely control global institutional structures and design them to serve their interests. One reason this is so is that many poor countries do not have the resources available that they would need to pursue their interests effectively at the negotiating tables where international agreements are finalized. As a result, poor countries often sign treaties only to learn later of the many ways in which these disadvantage them. Another reason is that in those negotiations, rich countries have a much stronger negotiating position independently of the competence of their diplomats. The fact that many troublesome governments in poor countries have been toppled by the military intervention by rich countries, but no troublesome rich governments have been toppled by military interventions by poor countries, is a perspicuous manifestation of the fact of unequal power.⁸ The upshot is that poor countries get a rough deal, and this explains much of the suffering and premature deaths occurring there.

Pogge describes a number of ways in which the global order systematically works to the advantage of the rich and to the detriment of the poor. First, there is the mechanism involved in *the resource privilege*: we "confer upon a group in power" legal ownership over the natural resources in the country that they (mis)rule. Accordingly, when a bunch of generals topple a democratically elected government we recognize their right to sell, say, their country's oil resources and when oil companies buy these, we consider them the legitimate owners of the oil. A domestic analogue would be a case where we recognize gangsters who seized someone's property as having acquired rights over it and would consider someone who bought this property from the gangsters as the new legitimate owner of it. Not only does this make us complicit in the injustice being perpetrated against the person being robbed, our being so disposed gives gangsters an incentive to rob people.⁹

7. Patten (2005: 23-24) argues that Pogge gives explanatory nationalism a rather cavalier treatment and at times fall for the opposite, equally biased view, explanatory cosmopolitanism, assuming that the large majority of poverty related deaths in poor countries are caused by the unjust global structure. See also Cohen 2010: 30 and Pogge 2010b: 182-191.

8. To keep the focus of justifiability of redistributive war in the absence of military aggression by rich countries, I assume that the imposition of an unjust global structure takes place through means other than military ones.

9. According to McMahan, in cases where a country unjustly aggresses against another country and as a result "the probability that other countries would commit wrongs of a sort that would constitute a just cause for war" against the latter country, the former country is to "some degree responsible for the increased risk of further wrongful action by others" and this might serve as a justification for acts of aggression against the former country provided if this would serve to reduce the probability of the risks in question, see McMahan 2005: 16. Since, on Pogge's analysis, we impose an increased risk of military dictatorship on poor people by our unjust

Pogge believes that something analogous is true in international politics to such an extent that it may be a curse for a poor country to be rich in natural resources (Wenar 2008).

Second, there is the mechanism involved in *the international borrowing privilege*. We have organized the international financial system in such a way that dictators can borrow money from banks in rich countries, siphon huge proportions off to their private bank accounts, and when they get overthrown we insist that the state, which they ruled over with no popular mandate, honours the financial commitments dictatorially undertaken. Indeed, if a democratically elected government refuses to honour debts incurred by a former dictator, we will impose various sanctions on this country to make it pay “its” debts. Not only does this impose hardships on poor people due to something for which they bear no responsibility, like the resource privilege this creates destabilizing incentives for military coups that inevitably work to the disadvantage of poor people by rendering democratic government in poor countries difficult to achieve (Pogge 2008: 142).

Third, given that there is interaction between different states there has to be some kind of global structure. Whichever it is, it is one we bring about and, given the much better bargaining position of rich countries, it is one that we impose on the rest of the world and, accordingly, the effects that this system produces are effects that we do not merely allow to occur, but effects that we bring about. In Pogge’s view, there is no natural baseline global structure and, thus, no way we can say that its effects are merely effects we simply allow to occur. Accordingly, if we insist on implementing an unjust global structure, *i. e.* one that will predictably produce an unjust global distribution because it will leave millions of people impoverished in a way that will violate their human rights (as Pogge thinks is the case), we harm poor people unjustly (Pogge 2008: 5; Pogge 2005b: 55-56).¹⁰

If Pogge is right, citizens of affluent, powerful states are “accomplices in a monumental crime against humanity” and “guilty of the largest crime against humanity ever committed”. Pressing the point, Pogge even draws a striking analogy between global poverty and the Holocaust (Pogge, 2008: 24; Pogge 2005b: 59; Pogge 2005a: 2).¹¹ The Holocaust’s victims, however, were

imposition of a global structure, arguably this might similarly justify their aggressing against us provided this might reduce these risks.

10. Pogge (2005b: 60) restricts the scope of this claim to “human rights deficits”. Pogge (2008: 130) proposes “to call negative duty any duty to ensure that others are not unduly harmed (or wronged) through one’s own conduct”. As Croft (2005: 29) points out this implies that “all duties entailed by any right are negative by definition”.

11. Pogge (2005b: 67) writes that as “human rights are generally understood, it is in principle permissible to use force to stop” violations of them. However, he wants neither to deny, nor to affirm, such “enforcement permissions”.

justified in taking up arms to protect themselves from the Nazis or perhaps even simply to preserve their sense of dignity by fighting back. Nevertheless, Pogge refrains from considering whether the victims of the unjust global structure are justified in taking up arms against us to prevent themselves being killed by poverty and the unjust global structure that we impose on them (Pogge 2008: 11, 31, 141-142). Indeed, Pogge's proposals seem surprisingly undemanding from a rich country perspective given his diagnosis of how we bring about global poverty. According to Pogge, international economic inequality is now so large that we could eliminate world poverty at negligible cost to ourselves: "Shifting merely 1 percent of aggregate global income... from [citizens of the affluent countries] to [the 46 percent of humankind who live below the World Bank's \$2/day poverty line] would eradicate severe poverty worldwide" (Pogge 2008: 2). A shift of this sort may not even be a net cost to affluent people, since eliminating world poverty will also promote democracy and reduce immigration pressures on rich countries (Pogge 2008: 213). To bring about some such shift, Pogge proposes that we impose a \$3 tax per barrel of oil traded (Global Resource Dividend) or that rich countries contribute less than 1% per of their GDP to a fund providing incentives for pharmaceutical companies to develop inexpensive medicine that will benefit the global poor.

Pogge might think that we are required to do more than what the previous paragraph indicates. But the fact of the matter is that we have not done anything remotely close to the modest proposals for the reduction of global poverty that he puts forwards. The question then becomes: since, in effect, we kill millions of global poor each year and since we could avoid doing so at very small cost to ourselves, could the global poor permissibly start a redistributive war against rich countries to eliminate global poverty? To give force to this question suppose that to avoid bearing the costs involved in Pogge's proposals for the eradication of global poverty we must each year kill 18 million people in poor countries by military means. No one thinks that the fact that rich people would avoid having to bear such costs would justify them in military aggression costing a number of innocent lives comparable to the number of innocent lives lost during the whole of WWI. Since, given Pogge's analysis, the morally relevant difference does not lie in the fact that in the military aggression scenario we kill people whereas in the unjust global structure scenario, we merely allow them to die, the difference, if there is one, must lie elsewhere. So what is the morally relevant difference that makes redistributive wars harder to justify than self-defensive wars?

3. JUS AD BELLUM

The most obvious starting place for answering this question is the traditional just war theory account of *jus ad bellum*. It claims that the following conditions must be satisfied for the initiation of a war to be just or morally permissible:¹² “(1) there is a just cause; (2) war is authorized by legitimate authority; (3) those waging the war have just intentions; (4) the costs incurred by the war are not disproportionate in comparison to the wrongs that justify the waging of war (proportionality); (5) war is the last resort; (6) the war has a reasonable chance of meeting its objectives; and, (7) its goal is a fair peace” (Caney 2005: 191-192). Assume these listed criteria are defensible. If so, we have an answer to our question if we can show that a defensive war waged by poor countries to prevent military attacks by rich countries threatening to kill 18 million of their citizens on a yearly basis can satisfy all seven conditions whereas an otherwise identical redistributive war waged by poor countries to undo an unjust global structure imposed on them by rich countries and threatening to kill 18 million of their citizens on a yearly basis does not satisfy those conditions. As will become clear, I am sceptical of the view that any of the mentioned criteria will support the relevant asymmetry. I shall also argue that some of the assumed conditions for *jus ad bellum* should be revised or rejected.

Some of the traditional *jus ad bellum* criteria we can set aside quite swiftly because their irrelevance to our search for a relevant moral asymmetry is obvious. For instance, whatever we think of the legitimate authority condition (2), it is irrelevant to our question.¹³ Redistributive wars may be waged by a legitimate government —say, one that is democratically elected— just as defensive wars may be.

Consider next the just intention condition. Note, first, that insofar as some such requirement applies, it is *ad hoc* not to impose a similar restriction on intentions to uphold peace —*jus ad pacem* we might call it—. Provided that peace, unlike war, involved no relevantly similar harms, this would explain the relevant asymmetry, but since peace under an unjust global structure involves millions of deaths of innocents each year, this explanans fails. Suppose poor countries can win a swift military victory and impose a just global structure, but that elites in poor countries refrain from waging war with the intention of preserving their privileges to the detriment of their poor citizens. Surely it is incoherent to consider their promoting peace with the wrong in-

12. A war may be just and yet morally impermissible, if the country that war is waged against is liable to attack, but the consequences of attacking it are very bad.

13. I find (2) implausible anyway. See McMahan 2005; Kamm 2004: 652.

tentions permissible and yet also consider wars waged with the wrong intentions and much less costly in human lives impermissible because they fail to satisfy the right-intention requirement? Second, on the assumption that the intention to remove an unjust global structure that kills 18 million people a year is a just intention we can easily imagine redistributive wars being just (3).¹⁴ In principle, the aim of redistributive wars need not involve killing well-off civilians or occupying their countries, but may simply be to bring about a fair peace, where a fair peace involves a just global structure (7).

In the case of the last resort requirement (5), we can easily imagine that a redistributive war is started after all other means that might reasonably be thought to eliminate the unjust global structure —*e. g.* negotiations, pleas, threats— have been tried and failed and that military force is the only available means left to oppose the unjust global structure. In any case, we should reject the last resort requirement at the level of fundamental moral principles of war.¹⁵ Suppose one pursues one's just aims by means other than the use of resorting to war, say, through a trade embargo. Suppose also that one could achieve a quick military victory involving few casualties, but that the trade embargo would result in much greater sufferings. To insist on the injustice of war in this case on the ground that one can achieve one's just aims without resorting to war, would rebel against the moral impulse behind the proportionality requirement. Indeed, here the status quo, *i. e.* peace, should be chosen only as a last resort given the massive harms it involves. My conjecture is that most people find the last resort requirement plausible because they believe that war will almost always involve greater harms than alternative means of realizing just ends and, accordingly, that its status is that of a principle which states should aim to comply with—something like a rule of thumb—that is derived from more basic moral concerns. In sum, (2), (3), (4), and (7) seem unable to ground a moral asymmetry between redistributive wars and defensive wars.

4. THE JUST CAUSE REQUIREMENT (1)

The just cause requirement (1) is more complicated. On McMahan's view the just cause requirement “functions entirely as a restriction on the type of aim or end that may legitimately be pursued by means of war” (McMahan

14. Some deny that intentions matter to *jus ad bellum*. Had the intention of US behind entering WWII been to enlarge American power, this would have made doing so no harder to justify than had its intention been to defend itself. But see McMahan 2005; Goodin *et al.* 2007: 669-677, 672-673.

15. It might well be a perfectly justified rule at the level of conventions of war, *e. g.* because states are all too likely to err on the side of thinking that their cause of war is just and that a military victory can be won swiftly and with few casualties.

2005: 4).¹⁶ Some might think that the only just cause for war is self-defence against military aggression, in which case resistance against an unjust global structure is not a just cause. Or at least this follows if we grant the difference between standard cases of military aggression and Pogge's scenario which consists in the fact that in the standard case aggression consists, *inter alia*, in the use of military means, whereas no such thing is the case in Pogge's scenario. Does this difference make a moral difference to what means one can employ to defend oneself against a threat?

I think not. First, the distinction between military and non-military aggression may not be entirely clear-cut and once we make it clear-cut, this distinction may not align perfectly with a morally relevant distinction. We might say that military aggression is aggression involving the use of military means thereby leaving us with the task of explaining what military means are. It will not do to say they involve the use of substances that can explode or damage the human body. Human beings were involved in military aggression many centuries before gunpowder's invention and a reconnaissance aircraft is a military means even if it not used directly to cause bodily damage.

The best definition of what military means are is a quite general functionalist definition, i.e. military means are means that in a wide range of situations capable of destroying or incapacitating human beings or objects used by human beings in a way that is reliable and relatively direct. A gun is a military means because it satisfies this definition. But so is a device to jam computers. Some might claim that one cannot reliably predict the identities of the persons who will be killed through an unjust structure and for that reason it does not qualify as a military means. But that will not do, unless we are willing to grant that items such as poison gas and nuclear weapons do not count as military means.

But setting aside the issue of what falls under the proposed definition of military means, the more principled question is whether it matters morally to the permissibility of self-defence whether the means employed will kill one in a way that is reliable and relatively direct. If Pogge is right, an unjust global structure reliably kills a very large number of people and we can be confident that it will continue to do so in the foreseeable future. Hence, reliability cannot account for the purported morally relevant difference. Directness might be different in that an unjust global structure tends to kill people in rather indirect ways. The causal chain leading from the negotiations at TRIPS to the death of a poor person in Kinshasa from the lack of cheap HIV

16. A just cause is a fact that renders the war justifiable, whether it is what motivates agent that wages war.

medicine may be very long and complicated. Still, whether a causal chain is direct makes no difference *per se* to the permissibility of self-defence. So compare attacks with two different bombs. One produces a blast that directly affects people's bodies thereby killing them. Another bomb produces a blast that sets in motion a long and complicated causal chain that ends up resulting in the death of the same number of —perhaps the very same— people as the first bomb. It would be ludicrous to suppose that an agent acts less wrongly for using the latter bomb. Long and complicated causal chains may generally involve greater uncertainty about the eventual upshot than short and direct ones, and likelihood of outcome may make a difference to permissibility of self-defence. Similarly, in general the longer the causal chain is, the less likely it is that killing the initiator of the chain is necessary to avert the threat.¹⁷ But once we set these features aside, directness in itself seems not to matter morally. Hence, even if considerations of directness explain why the unjust global structure is not aggression by military means, it cannot explain why one can do less to defend oneself against some such threat. Note finally that many just war theorists think that one can justly resort to war in response to threats that are much less harmful than one that involves 18 million death per year. For instance, many think one may resort to war to prevent one from being expelled from one's homeland.¹⁸

Second, let us set aside the issue of the exact nature of the difference between aggression involving military means and aggression involving non-military means. Still, it is not clear that it is never permissible to use lethal force in defence against non-military aggression. Consider domestic analogies to each of the three elements identified above as elements in Pogge's account of how we harm the global poor starting with the resource privilege. Suppose someone indicates to a gunman that if he seizes a democratically run family farm, she will buy the goods produced on the farm. She does so despite the fact the gunman is known to be a ruthless person and that if the gunman takes over the farm some members of the family are likely to be killed or otherwise seriously harmed by him and that all of them will lose their control over how the farm is run. In this case, members of the family would have a just cause were they to engage in hostile action directed at preventing the gunman from seizing the farm. Also, if such action was futile, but they could remove the incentive for the gunman to seize the farm and thereby bring about that the gunman does not seize it by attacking the person who will buy the products and thereby creates the relevant incentive for the gunman they would have a just cause for doing so. Similarly, poor coun-

17. I owe this point to Seth Lazar.

18. McMahan (2005: 12) suggests that "it can be permissible to kill to prevent any sort of act that would wrongfully reduce a person to utter destitution".

tries have a just cause for starting a redistributive war against rich countries that create incentives for military coups by their policy to acknowledge the ruler's absolute control over the natural resources of their country.¹⁹

The second mechanism that Pogge mentions—that we create incentives to military coups through the international borrowing privilege—is in significant ways similar to the first one. But the last element in Pogge's view is trickier. Consider Pogge's claim that there is no baseline global structure and that if we impose a global structure on poor countries that do not ensure that their human rights to a decent minimum is met, then we have harmed them. Much here hangs on what Pogge means by "imposing".

In principle, we could imagine scenarios in which rich countries merely allow the existence of an unjust global structure. Suppose the present global structure has already been put into place—say, all international interactions are and must be run through a huge and extremely complicated computer—and was created by states and people that no longer exist. It is very complicated to change the global structure—it requires extensive changes to the computer software—and only rich countries can do that. However, since the global structure benefits rich people, they omit to change it, despite the unjust global distribution it results in. Suppose the reason that the resulting global distribution is unjust is that people in poor countries risk contracting certain diseases existing independently of the nature of the global structure. If they had more resources—as much resources as they are entitled to—they would be able to treat these diseases, but under the present distribution they lack that ability. On my understanding of the doctrine of doing and allowing, this would be a clear case of allowing harm. Given that we could prevent this harm at very small costs to ourselves, we act impermissibly in not preventing it. The case would be like a case where we violate a positive duty to save a drowning person to avoid getting wet clothes.²⁰ But we have not harmed these people and, giving the doctrine of doing and allowing, we had acted even more wrongly if we had not only omitted to change the global system, but actively imposed it on poor people. This case would be morally equivalent to the case in which we kill people in poor countries through military

19. Not all poor countries have suffered from military coups, e. g. India. So it would seem that poor Indians cannot say that they have been harmed through this mechanism. Something similar is true of China, although for different reasons.

20. Some might say of such a case: "You killed him by letting him drown". However, here our moral evaluation of the conduct determines whether we classify it as a case of killing or as one of letting die, see Bennett 1989: 68-70. What we are interested in is the situation in which the moral difference derives from the fact that one case is correctly classified as a case of killing and the other as a case of letting die. In Pogge 2010b: 193, he says that he conceives of harm "in terms of an independently specified conception of social justice". Because one can allow harm, a "justified" account of *harm* is not a "justified" account of *doing harm*.

aggression. Since the case in which rich people impose an unjust structure on poor people is worse than one in which they merely refrain from changing it, the case in which they benefit from an unjust global structure is not as bad as one in which they kill poor people by military means. Correspondingly, it might be easier to justify waging war in self-defence against military aggression than it would be to wage redistributive war to make rich people change the unjust global structure.

I suspect that Pogge will retort to this scenario by conceding that, in principle, the global structure is something the persistence of which we could imagine rich countries merely allowed, but insist that in our world the global structure is something that we reproduce continuously, i.e. by diplomatic negotiations, military interventions, and economic incentives. Accordingly, we bring about the deaths that are caused by the global structure.

In reply, one might ask what the relevant baseline situation is that we should compare the present situation with in order to determine which poverty related deaths are caused by us. Presumably, not all such deaths are caused by us, since presumably some such deaths would occur even if we cooperated in bringing about a just global structure.²¹

Pogge might say that there is no relevant baseline here. That all relevant situations involve a global structure and if we bring about a global structure that involves an unjust distribution, we have harmed those people who the global structure harms. As indicated earlier, I am sceptical about this view.²² But even if the view is true, it implies that there is a relevant difference between killing people through imposing an unjust global structure and killing people by other means where there is a clear baseline situation relative to which one can be said to harm them, i.e. one in which one refrains from military aggression, and as a result people survive who otherwise would be killed.

As a final attempt to appeal to the just cause condition to ground the moral asymmetry of redistributive and defensive wars, one might appeal to the fact that in cases of military aggression the military aggressor intends the killing and maiming that will take place in the cause of war. Even if the aggressor does not intend to kill enemy civilians, the aggressor does intend to kill enemy combatants. No such thing is true of rich first world countries that impose an unjust world order on third world countries. When first world countries lend money to dictators who control natural resources it is not

21. There might be people who flourish under the present unjust global structure that would perish under a just global structure.

22. The relevant baseline situation might be one in which rich countries stopped interacting with poor countries.

part of their intention that this will undermine democratic political institutions, encourage military coups, and predictably lead to poverty. Indeed, they might truly regret that dictators do what they do.

Suppose this difference in intentions exists and is morally significant. Still, it is insufficiently important to rule out just wars. Consider the following scenario. For some odd reason a nation can only avoid certain costs, say violent internal political strife, by firing missiles at another country. These costs will be avoided if the missiles are launched, whether they hit their targets or not. The aggressing country has no intention to subdue or harm its neighbouring country and launches the missiles only to avoid the costs mentioned. If self-defence by the targeted neighbouring country had been permissible had the aggressing country aggressed with standard intentions, in this case self-defence is permissible as well. However, it might be insisted that absence of aggressive intentions makes some difference to permissibility of self-defence, but, surely, no one contends that it makes such a big difference that in the case I imagine the nation attacked must stand idly by watching thousands of its citizens die simply because the attacking nation merely foresees these deaths. But if the absence of intentions to cause death and suffering makes no or only little moral difference to permissibility in the case of military aggression, why should it make any (larger) difference in the case of global structure aggression? Suppose rich countries imposed an unjust global structure on poor countries with the intention of causing the global poor to suffer. On the view I am canvassing poor countries would be justified in waging a redistributive war in response and this justification would not disappear, or significantly weaken, because we change the example so that rich countries no longer intend to bring about this effect. If so, the difference in intentions of military aggressors and the imposers of an unjust global structure, supposing it to exist, cannot explain why war is justified in response in one case but not in the other.²³

In sum, the just cause requirement, plausibly construed, does not rule out the possibility of just redistributive wars. With regard to the first two mechanisms through which the unjust global structure produces poverty, these would seem morally equivalent to cases involving military aggression.

23. A different line of argument would hold that whereas rich people are aware of how their countries causally affect the lives of poor people in the case of military aggression, typically, rich people are not aware of how their countries causally affect the lives of poor people through the imposition of an unjust global structure. However, this difference is insufficient to ground the relevant moral asymmetry. First, the fact that one does not believe that one, together with others, poses a threat is not sufficient for the impermissibility of lethal self-defence. Many hold that it suffices that one *ought* to have known that one posed a threat and, second, many would say that even if it is not the case that one ought to have known, it is still permissible to take lethal defensive action against one.

As a slight modification that leaves this overall conclusion intact I have argued that the last component in Pogge's view might render redistributive wars harder to justify.

5. THE PROPORTIONALITY REQUIREMENT (4) AND THE NO FUTILITY REQUIREMENT (6)

An obvious argument against the permissibility of redistributive war appeals to the proportionality principle (4), or to the futility requirement (6). According to the former requirement, starting a war is only permissible if "the relevant good effects a war can be expected to achieve are sufficiently important to justify the relevant expected bad effects" (McMahan 2005: 674).²⁴ According to the latter requirement, it is not justified to start a war to achieve global redistribution if there is no reasonable chance of achieving this.²⁵ It may seem neither condition is met. For rich countries are militarily much stronger than poor countries. While voluntary global redistribution is pretty unlikely, it seems even more unlikely that rich countries will agree to redistribution as a result of a military aggression that they can easily defeat. Even if we were to suppose, unrealistically, that there was a reasonable chance of achieving a just global structure through military action against rich countries by poor countries, we could expect the costs in lives to be tremendous. Given the military hardware possessed by rich countries, redistributive wars will probably result in numbers of casualties well in excess of the two previous world wars. They will also involve damage to economies on such a scale that poor people, their supposed beneficiaries, will suffer massive harms greater even than (or: in addition to) those involved in global poverty. Hence, it is unlikely that redistributive war will satisfy the proportionality and the non-futility requirements.

I have several things to say in response. First, in relation to *jus in bello* it is common to distinguish between liability to being attacked and its being permissible to attack one. A person who is liable to attack is not wronged when he is attacked. He has no right not to be attacked that is either infringed or violated when he is attacked (McMahan 2009: 10). It might nevertheless be

24. The formulation says "relevant" because arguably not all good and bad effects of a war are relevant to whether it satisfies the proportionality requirement, e. g. war might accelerate the development of life-saving medicine, but the lives saved in this way may be irrelevant to the proportionality requirement.

25. This shows that (6) is implausible. Suppose that the proportionality requirement is satisfied and suppose that while waging war most certainly will not meet the objectives of those waging war—say, eliminating global poverty—but will come pretty close to doing so. It is implausible to deny, on account of the fact that the war failed to fully meet its objective, that it would be unjust.

the case that it is impermissible to attack him, say, because attacking him will lead to very bad consequences. A similar distinction is drawn in relation to *jus ad bellum*. A state—or the citizens that compose this state—may not be wronged when some other state starts a war against it, say, because it is morally responsible for the existence of an unjust military threat to other states. Yet, it may be impermissible to attack this state, *e. g.* because doing so will lead to mass killings and suffering (McMahan 2005: 8). We may say that a war may be just, even if it is not morally justified.

On the assumption that this distinction is also applicable to *jus ad bellum*, I believe that while the facts appealed to—that redistributive wars will be futile and the harms they involve disproportionate—imply that it might be *impermissible* for poor countries to start redistributive wars against rich countries, they do not show that rich countries are *not liable* to being attacked and that attacks wrong their citizens. The reason is that it is *they*, *i.e.* rich people, that prevent redistributive wars from having good results and that they act unjustly in making this the case.²⁶ One's liability to harm cannot diminish because one will act in certain unjust ways if threatened with that harm. If liability does depend on one's ability to defeat self-defence and to impose disproportionate harms in the process of resisting one's victim's self-defence, a country (or an individual attacker) may gain immunity against attack by building a doomsday bomb and making it certain that any attempt to resist this country's aggression will result in its use. Also, if the defender could defeat the attacker's use of these disproportionate means in response to defensive action this might mean that the attacker would be liable to additional harms, *i.e.* harms to which he would not be liable were he not committed to employing these disproportionate means. But since it is hard to see why the attacker should not be liable to these extra harms simply because the defender has no way of averting the employment of the disproportionate means, this supports the view that rich countries are liable to attack despite their ability to defeat any attempt to impose a just global structure and to impose disproportionate harms on any poor country that tries.

Second, if the present line of argument encounters resistance I ask the reader to make some counterfactual assumptions. Suppose that redistributive wars would not be futile. Perhaps most members of rich countries are too old for military service, their electorates are extremely concerned about security and willing to sacrifice much of their wealth to restore (a less unjust) peace once the war proves not to be a walk-over, and poor countries have also acquired weapons of mass destruction and can draw on vast pools

26. Rich countries cannot complain to poor countries that they are waging an unjust war on grounds of its violation of the proportionality requirement given that this disproportionate destruction is something they bring about.

of young men eager to join their armies. Suppose too that the harms redistributive wars involve are proportionate to the wrongs avoided. Perhaps after some fighting and tens of thousands casualties rich countries are willing to accept a peace that addresses the grievances of poor countries. Granted these assumptions, would it then be permissible for poor countries to initiate redistributive wars?²⁷ I take it that many would, initially at least, resist this suggestion and, hence, that it is worthwhile to see if it can be defended.

Thirdly, the futility and the proportionality requirements are unable to ground an asymmetry between redistributive wars and defensive wars. Suppose that rich countries would kill through military means 18 million people in poor countries a year. Poor countries ponder the possibility of waging a defensive war against rich countries. However, if they do this it will be futile—they will not succeed in stopping rich countries from what they are doing—and the response by rich countries will be massive such that the proportionality condition is not met. On the *jus ad bellum* criteria waging a defensive war would not be permissible and it would not be so for exactly the reasons as why an otherwise comparable redistributive war would be impermissible. Accordingly, while the two requirements may show why some redistributive wars are not permissible, they do not show that rich countries are not liable to redistributive war. Nor do they show that there is any morally relevant asymmetry between redistributive and defensive wars. More generally, the conditions of *jus ad bellum*, when plausibly construed, do not rule out third party humanitarian intervention; nor do they rule out victims of aggression intervening in self-defence when third parties are permitted to intervene on their behalf. This may not be the normal understanding of *jus ad bellum* but it does make the doctrine as plausible as possible.

Note, finally, that the objection that redistributive wars against rich countries will involve the mass killings of innocent civilians as a side-effect and that this implies that hardly any redistributive wars are just is of little relevance to the present situation. First, according to Pogge we are not innocent civilians in relation to the plight of the global poor. As he puts it: we are “accomplices in a monumental crime against humanity” (Pogge 2008: 24). If so, harms to us (or many of us, at any rate) counts for less than harms to innocent civilians in proportionality calculations and, presumably, redistributive wars involving a huge number of killings of rich people are not unjust

27. Note, first, that if the redistributive war aims only at eliminating global poverty, it might be rational for rich countries to accept the demands of poor countries rather than to engage in a war to avoid the comparatively small costs that, according to Pogge, eliminating global poverty involves. Second, while the proportionality and the futility requirement obviously are extremely unlikely to be met in the case of a full-scale redistributive war, it is unclear that they are very unlikely to be met in the case of various asymmetric forms of warfare aimed at eliminating the unjust global structure, see Smilansky 2004: 798.

on account of the proportionality requirement provided they are conducive to the undoing of the unjust global structure. Second, even setting aside this point, considerations about the killing of rich innocents would not establish an asymmetry between redistributive and defensive wars, since many rich people are innocent in relation to their countries' military aggression against poor countries.

6. A REDUCTIO OF POGGE'S POSITION?

None of the conditions in traditional just war theory explains why it would not be permissible for poor countries to engage in a redistributive war against us to undo the unjust and lethal global structure that, according to Pogge, we impose on them. Some might reason that since, obviously, it is unjust to start a war against states not bent on military aggression and since it would follow if Pogge's analysis of global poverty —its scope and its causes— is correct that it would be just for poor countries to aggress against us, Pogge's account of the causes of global poverty must be false, or at least regarded with the utmost suspicion.

As I said, this paper aims neither to defend nor criticize Pogge's account of global poverty. Hence, in this section I restrict myself to explaining why I do not think this particular line of argument has much bite. First, it might surprise us that we harm, and do not just allow harm to, poor people. But if we allow that, it is hard to see why they cannot impose considerable costs on us to stop us from imposing on them, *e. g.* by redistributive wars if necessary. If an agent will predictably kill someone provided she conducts herself in a certain way and she can avoid acting in this way at little cost to herself, the wrongness of the killing does not seem much, if at all, affected by the means employed. Moreover, many people believe that it is permissible to fight just wars to avoid outcomes that seem morally much less bad than 18 million premature deaths. For instance, many believe that a state can permissibly fight a defensive war against mitigated aggression, *i.e.* defend itself against an aggressor that carefully minimizes enemy losses and merely aims to occupy the relevant territory to gain certain military advantages leaving the occupied people largely free to govern its own affairs. The conjecture that we are liable to redistributive wars provided Pogge's analysis of global poverty is correct may seem initially implausible largely because we, not someone else, are at the receiving end.

Second, even if, contrary to what I contend, it is an implausible conclusion, its implausibility is not a reason for rejecting Pogge's analysis. Pogge's analysis concerns the extent as well as the causal determinants of global poverty. No one would be tempted to infer from the putative permissibility of redistributive wars that, luckily, the extent of global poverty must be much

smaller than he contends. In response to that inference we would respond that there are various tests for determining the extent of global poverty and these are good or bad tests independently of whatever normative implications can be derived from the results one gets from applying them and various underlying normative principles. We should say something similar about ways of testing for the causal relevance of a certain factor. So, for instance, if we want to determine the causal relevance of the global structure, in principle, we could compare episodes in world history where the global structure has differed in relevant ways. If national differences have had the same causal impact in the epochs compared, this supports the view that global structure does not explain global poverty. If, on the other hand, national differences had very different impacts in the epochs compared, this suggests that global structure does play a significant role in the causing of global poverty. Again, whatever normative implications the result of such comparisons may support is neither here, nor there.²⁸

7. CONCLUSION

Pogge argues that rich countries do not merely allow global poverty to persist by failing to help people. Rather, we make global poverty exist by imposing an unjust global structure on poor countries. For the sake of argument, I have assumed that this claim is correct to see whether its truth would render us liable to redistributive wars, and perhaps even imply that it would be permissible for poor countries to attack us to bring about a just global order thereby saving the lives of millions of poor people. For this purpose, I have compared the present situation on Pogge's account with one in which rich countries kill 18 million poor people a year by military means. Clearly, the traditional *jus ad bellum* criteria permit a defensive war in this case. I have argued that from the point of view of these criteria, on their most plausible construal, there is at most a marginal difference in the moral status of redistributive wars and the relevant hypothetical defensive war. Finally, I have argued that this implication of Pogge's account fails to make the account implausible but that even if it did the implication would provide no reason to reject Pogge's appeal to the global structure to explain world poverty.²⁹

28. While the fact that a causal analysis has results that support unwanted normative implications gives us no reason to think that the results are false, it may give us a practical reason to double-check the results. Also, the fact that the theorist conducting the analysis embraces the normative implications that the analysis supports might give us reason to believe that the analysis is more likely to be faulty than if the theorists disliked the normative results that it supports. None of what I say here contradicts these two claims.

29. Whether redistributive wars would be just even if rich people merely fail to meet their positive duties to help poor people is a separate question that I have not taken a stand on here,

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cf. Luban 1980: 160-181, 177-178. Similarly, Pogge (2005b: 77) takes no position on the relative stringency of to of positive duties to their "negative counterparts".

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