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Conceptualizing the curse: two views on our responsibility for the ‘resource curse’

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Abstract

This essay critically engages proposals by Thomas Pogge and Leif Wenar meant to combat ‘the resource curse.’ Pogge and Wenar call for boycotts against stealing oppressors, sharing the expectation that the boycotts will significantly contribute to economic and political reform in the target countries. In contrast, I argue that liberal democracies should indeed stop trading with dictators and civil warriors, but for inward rather than outward looking reasons. We, the citizens of liberal democracies through our elected governments, ought to boycott severely oppressive regimes for the sake of our own moral integrity—simply in order to stop being complicit in what is effectively massive scale armed robbery. This inward looking thesis is distinctive in three ways. First, it contrasts with the dominant assumption that global reform must be grounded in the achievement of better political and economic outcomes for others. Second, the inward look manages to avoid the profound empirical uncertainty associated with any attempt to predict the direct effects of global rule changes on domestic institutions. Third, by isolating each democracy’s responsibility for each case of illicit trade, the inward looking strategy deals more adequately than the outward view with collective action problems, and therefore has a greater chance of grounding *actual* reforms, with whatever prospects for better outcomes they may entail.

Keywords: *resource curse; boycotts; democratic trade; Thomas Pogge; Leif Wenar*

Few concepts have such a dramatic presence in global affairs as the ‘resource curse.’ In many countries around the world, the abundance of precious natural resources, far from being a blessing, produces political and economic disasters. Goods like oil and diamonds that are supposed to belong to the people and ensure their prosperity are taken from them by brute force, and turn into an origin of poverty, conflict, and oppression. Dictators and civil warriors get richer, more powerful and often more brutal by selling these goods to foreign governments and corporations without any form of consent from the people, formally recognized as the legitimate owners. These oppressors then use their augmented riches, power and brutality to further secure

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their control over a population kept in abject conditions. This essay critically engages two important accounts, offered by Thomas Pogge and Leif Wenar, meant to combat this man-made curse. Pogge and Wenar call for boycotts against stealing oppressors, sharing (despite important philosophical differences) the expectation that the boycotts will significantly contribute to economic and political reform in the target countries.

My purpose here is to endorse the boycott proposal, but on the basis of a different rationale. Though admirable, I argue that the hope for better outcomes for the curse's victims cannot be the foundation of democratic boycotts.¹ That is why, under the alternative advanced here, our immediate focus ought to be not 'them'—the world's deprived and oppressed—but *ourselves*. We, the citizens of liberal democracies through our elected governments and corporations, ought to boycott severely oppressive regimes for the sake of *our own moral integrity*. Democratic trade with severely oppressive regimes makes us materially complicit in massive-scale theft. As an inherent wrong, I will argue this complicity is a necessary and sufficient justification for boycotts, *independently* of their consequences for the curse's victims.

A few preliminary remarks help explain the importance of this argument and frame what follows, beginning with terminology. I will be contrasting throughout an 'inward looking' focus on our own moral integrity and an 'outward looking' perspective on others' outcomes. I will not be employing the more traditional contrast between 'deontological' (standards of inherent right) and 'consequentialist' approaches, for two main reasons. First, Pogge's institutional conception of human rights rests on the (contested) claim that affluent democracies violate deontological constraints by failing to ensure certain institutional outcomes for the world's poor. This means that the label 'deontological' does not by itself capture the difference between our views.² Rather, this difference rests in my attempt to *dissociate* our constraints from others' outcomes: I stress that certain actions are morally problematic in themselves, constituting a violation of negative duties not to harm, independently of broader institutions or others' circumstances.³ Second, the overwhelming majority of global justice theorists, including Pogge and Wenar, assume that improvement of others' outcomes is the fundamental starting point for practically any global reform. This is the sense in which the entire global justice literature is 'outward looking.' In contrast, I claim that we ought to initiate global reform in order to correct our own inherent wrongs. My thesis is thus distinct precisely because it is inward looking.⁴

Less clarification, I assume, will be needed as to why theft is an inherent wrong. One does not have to adopt Kant's metaphysics in order to endorse his insistence that the common sense of even a 'child of eight years old' shows that stealing the deposit of a deceased man is wrong even when the deceased's heirs are 'rich, uncharitable, thoroughly extravagant and luxurious.'⁵ Kant's remainder, that the violation of duty in such cases makes a man 'worthless although he has filled his purse,'⁶ reflects the standard of basic moral decency or integrity to which I will appeal here.⁷ If this integrity is compromised even when the victim is 'extravagant

and luxurious,' it is clearly even more endangered when one is stealing from some of the world's poorest people.

Though Pogge and Wenar do not object to this inward looking integrity, they see it merely as a *supporting* reason for boycott, with others' outcomes being the *grounding* reason. In what follows I try to show that the opposite ought to be the case: our own decency must be the grounds, relegating to a supporting role the hope for better outcomes. This shift matters normatively, empirically, and strategically. Normatively, the grounding reason for stopping to steal can never be improvement in the victim's condition, since this would make the duty to avoid theft entirely contingent on the victim's prospects. Empirically, by positing our own decency as the grounding reason for boycotts, the inward look avoids the uncertainty associated with any attempt to predict the direct outcomes of global rule changes, uncertainty which crucially limits the force of Wenar's and Pogge's outward look.⁸ Strategically, the inward look isolates each democracy's responsibility for each case of illicit trade, and thus dissolves collective action problems that haunt the outward view. Much before the empirical and strategic arguments, however, the conceptual framework needs to be fleshed out. This is the task of the first, main part of the essay.

NORMATIVE ANALYSIS

The purpose of this section is to show that the immediate normative problem we face regarding the resource curse is our relation to other nations' lack of control over their property, rather than the achievement of better distribution of benefits for them. In order to support this argument I begin with a conceptual analysis of ownership, meant to corroborate the idea that owners' control over their property matters independently of benefits. I then move to argue that when it comes to national ownership, genuine control requires democracy (in contrast to Wenar's view), even independently of benefits (in contrast to Pogge). This means, first, that democracy should be seen as a standard of legitimacy and second, that when it comes to peoples ruled by manifestly non-democratic regimes, our relation to their lack of control is in itself a moral problem.⁹ By this I do not mean to say that the distribution of benefits has no meaning, or that all manifestly non-democratic governments represent equally urgent problems. Regimes that clearly rob their population of the benefits of national resources (call these 'depriving dictatorships') are certainly different from 'distributive dictatorships' that do channel most of the revenue from national goods to the people. Yet in order to see the inward-looking reasons for this difference we need a conceptual analysis of ownership.

Ownership between control and benefits

Ownership is comprised of two related yet distinct components: control and benefits. Owners are the only ones who have the authority to decide how to use their property, including what to do with any benefits that may accrue from this property. If Jane is

the sole owner of a house, then she is the sole individual who can legitimately sell it to anyone, and—taxation notwithstanding—is also the sole individual entitled to the proceeds from the sale, which she can use as she pleases.

In regular circumstances the distinction between control and benefits is rarely made, yet there can be property rights violations that have to do *solely* with control, independently of benefits. Assuming Jane is a rational adult, her ownership rights will be infringed if she would wake up one morning and discover that her parents, without her consent, have sold her house simply because they thought it was time for her to move elsewhere. This is clearly a problem even if Jane receives the house's full value as payment. Or, consider a case where Jane owns the house together with her spouse, who decides *alone* to mortgage the asset in order to fund bets. In both cases, Jane's material interests might have been promoted by the use of her property (if the bets happen to succeed), but this does not change the fact that she has been involuntarily deprived of *control* over it. Therefore her rights as an owner have not been respected.¹⁰

The objection might arise that the most important function of control is to ensure benefits, and it therefore does not really matter who exercises control as long as benefits are secured. But such an objection has distinctly paternalistic overtones, which conflict with the liberal commitment to autonomy. Equal respect for agents' property rights is part of the overarching idea of respecting agents' freedom of choice. Agents ought to be respected as equally autonomous as a matter of inherent right that is independent of good outcomes or benefits. It matters, in other words, that agents are *treated* equally, independently of what they may or may not *get*.

Specifically with regards to ownership, this distinction means that we ought to examine whether a property regime respects agents as equally entitled to choose how to dispense of their possessions, independently of the benefits this regime may generate for them. Promoting interests is *not* the same as respecting rights. It follows that control, not only benefits, must be retained if ownership is to be properly exercised. With this insistence in mind, we can turn to the concept of national ownership.

The importance of national ownership

National ownership is an immediate corollary of the fact that the world is divided into separate territories. 'Territory,' as Wenar points succinctly, '*is* property,'¹¹ and property always relies on coercive authority. Therefore, as long as even ardent cosmopolitans avoid a defense of a global sovereign, the sovereign power of separate states is needed to maintain stability, and protect separate territories—and the property they encompass—against both internal and external threats. National property, then, is unlikely to disappear anytime soon.

But *who* owns this property? In the era of absolute monarchy, national property belonged to the ruler. When the king proclaimed 'I am the state,' this also meant that everything that the state owned was, by definition, his. Contemporary sensitivities

reject this individualization. The people are now treated as sovereign: the state is ‘them.’ A state’s property is accordingly understood as belonging to its people rather than those wielding effective political power. Canada’s oil belongs to the Canadian people, *not* to the Canadian Prime Minister. French Coal belongs to the French People, not to the French President. The same applies to all of the world’s nations.¹²

I argue that the idea of national ownership requires establishing minimal-procedural democracy—free and fair elections with a rule of law—as a standard of legitimacy relating to control over national resources, independently of benefits.¹³ This standard importantly differs from both Wenar and Pogge.¹⁴ Since these differences ground the two distinct justifications for boycotts, they are worth tracking in detail.

National ownership and democratic control

We can begin with Wenar’s attempt to establish a more minimal standard than democracy for the exercise of national ownership. This standard is comprised of three conditions borrowed directly from standard commercial law: the people, just like an individual, must be able to (1) find out about the sale of their resources; (2) stop the sales without suffering severe costs; and (3) do so without being subject to extreme manipulation by the seller.¹⁵ These criteria say nothing about benefits, and rightly so. Yet while the three criteria are certainly necessary for any legitimate transfer of property, they are not *sufficient*. Recall once more Jane’s disrespectful spouse who mortgages the house they both own without her consent. Imagine that the spouse responds to Jane’s likely anger by saying that she could have found out about the sale had she wanted, could have stopped it without suffering severe costs, and without being extremely manipulated. It seems fully justifiable for Jane to answer that all of this might be true yet still unconvincing: whether or not she might have agreed is simply not the point. As she did not *actually* agree to the sale, her spouse had no right to decide alone what to do with their property.¹⁶ Actual consent, as opposed to potential one, is necessary for legitimate transfer of ownership. And when it comes to national ownership, actual consent, even if by delegates, does require democracy.¹⁷

Pogge too contends that actual consent is necessary, yet problematically brings in benefits. Responding to Wenar’s three criteria, he writes:

Would you agree that another person’s sale of your car or land, and pocketing of the proceeds, is valid so long as merely you (1) were able to find out about the sale, (2) were able to stop the sale without incurring severe costs, and (3) were not subject to extreme manipulation by the seller? I would be surprised. Of course, the one additional element whose presence, in conjunction with the others, would legitimate the sale of your car or land is that you (4) actually authorized the sale.¹⁸

The problem here is that while the ‘pocketing of the proceeds’ may be particularly disturbing, this does not mean the lack of control is not already wrong in itself. The same is true for Wenar’s hypothetical US example:

In the years leading up to the Reagan administration, companies such as Shell discovered large oil deposits off the coasts of Louisiana and Florida. One can imagine the response had President Reagan secretly sold this oil to Shell, then put the profits from these sales into his private bank account and ordered the FBI to detect and squash any dissent. America's natural resources must not be disposed of in ways that wholly bypass the assent of the American people.¹⁹

Again, should we be worried only about the private embezzlement of national revenue (the outcome) or is the illegitimate process in itself a moral concern? Wenar and Pogge wish to change processes *in order* to change the distribution of benefits. While intuitive, this does not give legitimate procedure its due weight, *independently* of outcomes.

In failing to give to procedures such independent importance, Pogge and Wenar do not distinguish as strongly as is necessary between procedural legitimacy and just outcomes. The result is counter-intuitive in several ways. First, if outcomes are tied to procedural legitimacy, dictators around the world that ensure distributive outcomes favorable to much of their population necessarily acquire normative legitimacy. But we ordinarily think that citizens are *not* bound to obey a procedurally illegitimate regime, no matter what distributive outcomes it produces. One would have been hard-pressed to explain to well-off Chileans living under Pinochet, for instance, why distributive outcomes that benefit them mean that they must accept the dictator's usurpation of political power as legitimate.

Second, tying together procedural legitimacy and just outcomes risks marginalizing the key notion that procedural legitimacy is a *lower threshold and a precondition* for (full) substantive justice, at the very least under the Rawlsian framework that both Pogge and Wenar share domestically.²⁰ From a Rawlsian perspective, there can be legitimate regimes that are not just, but procedurally illegitimate regimes can never be fully just. To illustrate the latter point, many egalitarians would probably be glad to see the United States imitate Scandinavian welfare policy, but few would describe such change as *either* just or legitimate—morally binding—were it introduced by a military dictatorship. As for the former point, even those who believe that the Republican Party in the United States, for instance, unjustly serves the interests of only 'a small fraction of the richest citizens'²¹ are not likely to say that the rest of the American citizenry can legitimately refuse to obey a Republican President or Congress. The distribution of benefits in the United States (and other liberal democracies) might very well be far from just in terms of its outcomes, but it still follows from a legitimate, democratically controlled, morally binding procedure.²² The procedural threshold for political obligation *must be lower* than the threshold of full substantive, outcomes-related justice. To be sure, it is also a foundational tenet of Rawlsian liberalism, as it is of most contemporary democratic theory, that the democratic procedure, properly understood, constrains the set of legitimate outcomes. Thus, for instance a decision by a majority to deprive the minority of citizenship will be logically incoherent and illegitimate—not only a manifest failure to give public reasons, but also (to use a Kantian language closer to Habermas) a 'contradiction-in-will.'²³ One of the key functions of the rule of law is of course to

prevent such failures and contradictions. Yet *within* the substantive constraints imposed by the democratic procedure, any outcome will be legitimate whether or not it is just.

This relationship between legitimacy and justice matters here for two related reasons. First, the priority of the properly constrained procedure to substantive outcomes indicates the need to firmly distinguish control over national resources from benefits—process from outcomes. Second, the idea that the democratic process is a lower threshold than, and a precondition for, fully just outcomes, also intuitively connects with the thought that *our immediate global problem must be our own relation to illegitimate procedures, independently of the desire to promote better outcomes for others*. This means that we need to respect the rights of other peoples to control their resources, independently of the distribution of benefits from these resources. We need to stop violating other peoples' rights as owners, independently of what material benefits *they* may or may not derive from this change.

Democracies as bad faith purchasers

In trading with severely oppressive regimes, democracies violate the right of the peoples living under these regimes to control their property. Affluent democracies play a key role in entrenching the customary international law which violates in practice the basic norm of national ownership it recognizes in principle. In the international state system, as Pogge accuses,

any person or group exercising effective power in a national territory — regardless of how violently they came to power and how badly they exercise it — is recognized as entitled to act on behalf of its people: to sell their resources, to borrow and sign treaties in their name, and to import the means of internal repression.²⁴

Two points are central here. First, following what was said so far, forcibly taking control over national resources is in itself a violation of national ownership. Usurpers may distribute wealth from the sale of the resources to the population, but this does not mean they respect national property rights. Second, there is the issue of our exact relation to this lack of control. Here enters the idea that democratic governments and corporations act as bad faith purchasers.

A bad faith purchaser is one who has reasonable ground to suspect that the possessor of a good does not have valid title, yet proceeds to purchase the good nonetheless. Wenar's example captures the point well:

An executive who buys a Rolex from the sales counter at Saks Fifth Avenue is a good faith purchaser. He gains good title to the watch, even if somehow it turns out that Saks received the watch from the Rolex Corporation through deception, duress, or undue influence. But an executive who buys a Rolex on the street from an unshaven man carrying several watches inside his coat cannot be a good faith purchaser. This executive should suspect that the unshaven man may not have good title to the watch. This executive is a bad faith (*'mala fide'*) purchaser, and the law will not favor him. If the true owner of the Rolex appears, a court will order the executive to hand over the watch (or its market value) to that owner.²⁵

The validity of title is dependent on knowledge: does the purchaser's conduct satisfy the requirements of ordinary prudence with regards to the good's history? Should reasonable judgment have led the purchaser to suspect that the good was somehow being offered illicitly? In order to mitigate uncertainty, formal regulations are often put in place. In the mortgage example above, Jane's betting spouse violates Jane's rights as an owner by not seeking her consent for the use of the apartment that she also owns. But the bank that signs off the mortgage deal is also culpable, if it does this in full knowledge that Jane was not even aware of the sale, and therefore did not give her consent. Indeed, the mortgage contract is unlikely to be valid unless Jane too voluntarily signs it. If the buyer cannot reasonably believe that the owner of the good gave proper consent to the sale, then he cannot gain valid title. This is a basic principle of legitimate sale and ownership.

Yet even though this principle is vigorously enforced domestically, globally this is not the case. Specifically, our elected governments purchase, and allow our corporations to purchase, some of the world's most valuable goods from autocracies that do not allow their populations to exert anything like democratic control over national property. We therefore trade on a massive scale with the possessors, rather than owners, of some of the world's most precious resources. Pogge gives the following example:

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 and liberties of ownership, which are supposed to be — and actually are — protected and enforced by all other states' courts and police forces.²⁶

Now, our governments and corporations cannot plausibly argue that they are *bona fide* purchasers who lack knowledge of property violations in other countries. Practically any individual with an internet connection, let alone the most powerful conglomerates and states, can easily access extensive and reliable information on political and economic circumstances concerning almost any spot on the planet. Feigning surprise at news that a certain country suffered from a military coup and is ruled by a junta is hardly the basis of *bona fide* behavior, at the very least in moral if not in strict legal terms. Yet what are we supposed to do if it is indeed agreed that our governments and corporations are bad faith purchasers?²⁷

It is here that the outward and inward looking perspectives part ways. Both answer that we ought to boycott severely oppressive regimes—stop recognizing dictators as legitimate in selling their peoples' property. Yet the first justifies the boycott through concern for benefits: we need to withdraw dictators' trading privileges in order to improve political and economic conditions for the target countries' populations. The second, distinct justification is inward looking and concerned with control, or more broadly with process rather than outcomes. Here the idea is that we need to

stop our material complicity in crime for the sake of our own moral integrity, independently of any prospects for improved outcomes for others.

This distinction between inward and outward looking justification for the same proposal is far from sophistry. Whether any given policy is adopted must depend, ideally at least, on whether its justification is convincing. I contend that the inward looking perspective provides a compelling justification for boycotts, while the outward look does not. A brief survey of Wenar and Pogge's outward focus sets the stage for this argument.

Pogge and Wenar: the outward hope for benefits

The main goal of Pogge and Wenar's boycott proposals is to combat the vicious cycle of the resource curse for sake of the world's poor and oppressed. Pogge is especially clear on this: 'I oppose the resource privilege because it promotes violence, oppression, and poverty, thereby contributing substantially to massive human rights deficits in poor countries with large natural-resource endowments.'²⁸ Wenar takes a similar line, both in his reading of Pogge and in his own position. While agreeing that 'the resource privilege, as Pogge says, is both suspect in principle and pernicious in its consequences,'²⁹ Wenar takes the consequences rather than the principle (that theft is inherently wrong) to be the grounding motivation, emphasizing that 'those who feel the awful toll of poverty, and understand the malleability of institutions [as opposed to seeing them as an uncontrollable "curse"]', will look for ways to make global institutions better for the poor...'³⁰ For Wenar the most dominant feature of the resource curse is the fact that 'many countries rich with natural resources are full of very poor people,'³¹ and the key goal of the 'realistic reform of international trade in resources' he proposes is to change their condition, specifically 'to change global institutions so as to reduce repression and severe poverty.'³² Pogge summarizes their shared motivation in the following, distinctly outward-looking manner:

First, we both understand that what is commonly called the "resource curse" is not some unaccountable destiny, like poor soil or proximity to a fault line — but a human-made disaster caused by the resource privilege: the worldwide legal recognition of those who have power in a country as entitled to confer legally valid ownership rights in this country's natural resources to foreign buyers. Second, we both seek to use this understanding toward practical, political ends. We seek ways of reforming the resource privilege so as to curb its fuelling violent political conflicts, oppressive national regimes, and rampant corruption in the less developed countries.³³

I share the insistence that the man-made resource 'curse' is a result of human institutions that can and ought to be reformed. I also agree that we can *hope* that boycotts of severely oppressive regimes will curb its malicious effects. *Yet this hope cannot be the grounding justification* for withdrawal of dictators' trading privileges. Such withdrawal must be based on our role in the process of property rights violations, not on their hoped benefits. This is true not only because of the

aforementioned conceptual confusions, produced once legitimacy is associated with distributive outcomes, but also due to empirical reasons.

THE EMPIRICAL DEADLOCK

The outward-looking justification for boycotts encounters an empirical stalemate, given the basic inability to show that boycotts will produce a better distribution of benefits that will significantly ameliorate the resource curse, and specifically extreme poverty.³⁴ Responding to Pogge's belief that the withdrawal of dictators' trading privileges will significantly contribute to poverty reduction in the target countries, Joshua Cohen, for example, insists that there is 'no reason to accept the claim' that:

... changes in global rules would suffice to lift most of the terrible poverty that so many people suffer from. In particular, I see no case for the claim that such changes will suffice holding domestic institutions fixed, and no reason to think that they will suffice by changing incentives and opportunities in ways that induce poverty-alleviating changes in domestic institutions.³⁵

The same challenge applies to Wenar's concrete proposal for combating the resource curse. Wenar suggests designating (on the basis of the worst category of the Freedom House index)³⁶ a list of regimes that violate any of the three minimal conditions for valid consent for sale, mentioned earlier, and thus clearly violate their peoples' property rights. But it is far from clear that this proposal will help in addressing the resource curse in general and poverty in particular. Cohen emphasizes two main issues:

First, there is the problem of useless sanction (useless in terms of alleviating extreme poverty). A number of the countries that might be subject to sanction because of their unaccountable regimes are places (Saudi Arabia, Syria, Belarus, Tunisia, and Cuba) with very little extreme poverty. Others are places—like China and Vietnam—with very high growth rates, in which it is hard to see how the proposal would help on the poverty issue, and—while acknowledging the difficulties of estimating general equilibrium effects—might well make things worse. Second, Much extreme poverty is in countries—India, Nigeria, and Bangladesh—that are well within the accountability conditions required for valid contracts, and would thus face no troubles.³⁷

But the claim here is not that we should endorse Cohen's pessimism as such. Rather, my purpose is to point to a fundamental epistemic problem: we can hardly make *any* concrete predictions regarding the boycotts' *direct* impact, one way or the other. The basic difficulty derives from the simple fact that we cannot have comparative evidence from any other world. This means that we have no way to know whether wide-scale boycotts will indeed induce political and economic change in the target countries—we cannot compare them to past experience as boycotts of such scale are unprecedented. It does seem safe to say that dramatic shifts are extremely likely if dozens of states boycott dozens of others. But we cannot know what direction these shifts might take. A new Cold War might arise. Massive scale democratization might

also occur as many severely oppressive regimes might crumble. Differentiated outcomes are certainly possible as well. *We simply cannot tell.* Therefore we cannot base boycotts on any firm expectation for direct positive outcomes. We may certainly *hope* for such outcomes, but that is not enough. Hope can only be a supporting rather than grounding reason for boycotts.³⁸

From this key difficulty several other problems follow. One is that the unknown impact of the proposed boycotts might very well dwarf in significance any other reform of global rules, Pogge, for instance, advocates. This is important since much of the empirical dispute between Pogge and critics like Cohen revolves around the expected contribution of such other reforms, for instance the elimination of affluent nations' protectionist trade barriers.³⁹ Even if this elimination by itself will indeed contribute significantly to reducing extreme poverty, general equilibrium effects resulting from boycotts might very well cancel this achievement—again, given the staggering variety of factors influencing the global economy, we just cannot know.

Admittedly, there might be specific cases where the population truly cannot be faring any worse in basic material terms, and so there seems to be nothing to lose in terms of outcomes in boycotting them. But such a narrowing of the focus already distances us from any aspiration for a robust reduction of global poverty (and specifically from the goal of halving extreme poverty, which Pogge defines as the benchmark for major improvement).⁴⁰ In fact, the boycott proposal also raises questions about the other side of Pogge's insistence that 'minor modifications in the global order that would entail at most slight reductions in the incomes of the affluent'⁴¹ would suffice to achieve a significant reduction in extreme poverty. Putting aside the question of whether massive scale boycotts can really be defined as 'minor modifications,' it remains far from clear that they will also entail only slight reductions in the income of the affluent.⁴² In this sense as well, there seems to be little escape from positing the need for boycotts as a matter of inherent rightness that may trump material interests if need be.

A final empirical problem with the outward looking justification for boycotts is that it cannot guide us in making judgments regarding differentiated outcomes, if such outcomes will indeed occur, either spatially or temporally. Spatially, if adopting the boycott proposal means that the people of target country A fare better materially, while conditions for peoples of countries B, C, and D deteriorate, should we go ahead with the idea or not? Temporally, what should we decide if the people of a given country suffer economically for a certain time period, and only then, as the entrenched regime can no longer bear the external pressure, enjoy improvement? Is such a scenario of 'one step back and two steps forward' one that we should endorse (if its probability could at all be assessed, which, as emphasized above, is already in doubt)?⁴³ These are enormously complex questions. Each question by itself, let alone all of them together, may halt a reform of dictators' trading privileges in its tracks. The only way to avoid this deadlock is to point to the inherent wrong of our complicity in theft as the grounding justification for a boycott.

Admittedly, the objection is likely that given the horribly tangible plight of the world's deprived, focusing on our relation to their lack of control, rather than trying

to achieve better outcomes for them, represents untenable moral luxury.⁴⁴ Such rigorism might be attacked as exhibiting excessive attention to our moral stature at the expense of real world consequences.⁴⁵ However, though intuitive, I reject this criticism on three levels. First, most generally, aside from concrete cases in which concern for our moral worth risks our own or others' very *survival*, there is no reason to marginalize this concern, neither as individuals nor as collective agents. Second, the inward-looking perspective does not deny that cases in which peoples are completely deprived from both control and benefits are more urgent than cases where they do enjoy significant benefits. Congo's problems are certainly more pressing than Saudi Arabia's. But at least one reason for this difference *is* inward-looking. With regards to Saudi Arabia we are complicit in the general violation of property rights. With regards to Congo, however, we are actively complicit in the much more specific crime of massive scale theft, or even, more precisely, massive scale armed robbery. And our duty to stop this complicity is therefore much more immediate as well. Wenar is surely right when emphasizing that "The priority in reforming global commerce is not to replace "free trade" with "fair trade," but rather "to create trade where now there is theft."⁴⁶ Yet this distinction corroborates the inward looking focus even more than the outward looking view on better outcomes. One has a duty to end one's material involvement in theft independently of outcomes: one's duty not to take part in a crime does not, after all, depend on the victim's identity, on the severity of the victim's condition following the crime, or on whether the crime will go on even without one's participation. We ought to stop our active complicity in crime simply for the sake of duty. This duty holds independently of what others do and, threat to life and limb aside, independently of outcomes. We ought to do stop doing what is manifestly wrong simply because stopping is right—full stop.

Third and last, insisting that each agent must act in accordance with what is right independently of how others behave, insisting, that is, on inherent right and wrong as a grounding reason, still leaves room for the hope for better outcomes, as a *supporting* reason. The final section explores the implications of this shift.

THE INWARD LOOK—A DIFFERENT STRATEGY FOR CHANGE

The inward look's immediate target is not the resource curse, but rather *each democracy's role* in the resource curse. Each specific democracy must stop its complicity in robbery independently of whether the robbery will go on without it. Yet this inward look also dissolves a major obstacle facing attempts to address the curse itself: the logic of collective action. The outward look generates a distinct 'buck-passing' problem: each affluent democracy can easily say it is avoiding a boycott of severely oppressive regimes since it knows that by itself it cannot achieve major outcomes. Thus each state can patiently invite others to 'prove their seriousness' before it commits to the task, with the result being, unsurprisingly, no commitment by anyone. The inward look, in contrast, makes the duty to act

agent-specific: each democracy ought to act by itself, independently of how others behave. The inward look, in other words, manages to *disaggregate* the problem, breaking it down into its distinct components, and then accumulates the result—as each democracy addresses its own distinct responsibilities, and has a much greater incentive to act, without holding its morality hostage to others' conduct.

These strategic benefits might seem to be in tension with my strong claim above regarding our inability to know the results of boycotts. But the tension is more apparent than real. First, the claim here is about what will make boycotts *themselves* more likely, not about what the boycotts will produce *once* they occur. Second, the outward looking view on outcomes hinges on empirical and to a large degree material factors, while the inward looking factors are, in an important sense, ideational. Third, sidelining the direct empirical and material factors increases the longevity of boycotts, by redefining the meaning of their 'success.'

Under the standard, outward looking perspective on boycotts, 'success' means change in the target country. As time passes without such change, the commitment to sustain the boycott rapidly declines and a picture of failure prevails. Yet under the inward looking alternative this is not the case, surely not at the immediate level. Here successful boycotts are those that end the state's complicity in theft without increasing risk to life and limb, either of its own citizens or of the population living in the target countries. These criteria are much easier to satisfy than ensuring profound political and economic reform, thus solving some of the major longevity challenges facing the outward perspective.

Now, the objection might arise that it is too arbitrary to define only physical survival as a 'supreme emergency' that allows democracies to override the duty to disengage. Yet threats to bodily integrity pose a distinct danger to individual autonomy: much more than merely hampering, they *annihilate* autonomy. That is why a boycott launched out of respect for autonomy will be self-defeating if it will hinder survival on a massive scale, but not if it will hinder economic growth. We can justify continued complicity in theft if it is meant to save lives, but not if it is meant to ensure other outcomes. Stealing in order to save your child's life is understandable (even if still illegal) in a way that stealing in order to promote your child's general educational or economic prospects is not.⁴⁷

Moving from the boycotted to the boycotters, it seems hard to suggest that affluent democracies need to continue stealing to save their own citizens' lives. With democracies comprising 28 of the world's 30 richest countries, it is difficult to imagine that a boycott of almost any severely oppressive regime will push affluent democracies to the brink of starvation.⁴⁸ But of course, for real politics, even if not conceptually, such a threshold will probably be too strict. Any democracy might avoid even contemplating a boycott if it will fear a tangible worsening of living conditions, far short of subsistence problems. However, progress can still be made. First, it is often the case that boycotting countries are far more powerful than the target nations, and here there should not be any fear of dramatic effects on the former. Second, the inward-looking view points much more immediately to each democracy's duty to seek conditions that will allow it to break away from dependence

on powerful dictatorships, mainly with regards to tainted oil. Alternative energy research is a crucial endeavor in this respect, yet democracies do not even need moral preaching as a reason to develop alternative energy sources—there are already powerful pragmatic reasons to do so, from the simple fact that oil is finite to the realpolitik benefits that will be accrued by any democracy that will reduce (let alone overcome) its oil dependency.

This emphasis on the efforts that each democracy can undertake on its own is not in any way meant to be dismissive of multilateral democratic cooperation. It might very well be that better outcomes for the boycotted in certain countries will not come about without multilateral action. Yet by disaggregating the problem into the behavior of each democracy towards each severely oppressive regime, the inward look in fact lays stronger foundations for such action, if only because it initiates change much more easily, both domestically and internationally. Domestically, at least one reason is that in many democracies, leaders and citizens alike have arguably become disenchanted, for both moral and practical reasons, with policies meant to reform (supposedly) ‘distant’ others. By framing the boycott proposal as meant to ensure our own change, rather than that of others, the inward looking alternative can therefore rely on a greater degree of political consensus than the standard outward view.

Internationally, the inward view is better positioned to commence action towards reform of dictators’ trading privileges since it is much less dependent on the commitment of specific powerful democracies, chiefly the United States. The outward looking view forces other democracies to look to the US to act first, knowing that boycotts are unlikely to induce domestic changes in dictatorships if the superpower which is also the world’s largest democratic oil importer is not committed to a boycott too. Yet focusing on the US as the starting point (as Wenar, for example, does)⁴⁹ is highly problematic. First, in the current and foreseeable international climate few foreign leaders will be eager to present themselves as following too readily American dictates. Second, even more than other affluent democracies, the American political process is heavily skewed precisely in favor of those vested (and particularly oil) interests who are likely to oppose, vigorously, any new handicaps on their business dealings.⁵⁰ So not only will foreign leaders be hesitant to follow an American example, the sectarian interests dominating American policy are unlikely to allow such an example to take place. Third, related, when looking at those specific boycotts that did induce change in the target countries, it has often been the US who followed the example of others, and quite reluctantly so, rather than the other way around. This was surely the case with South Africa, for instance, regarding which the US stopped opposing sanctions only in the 1980s, when the Apartheid regime had otherwise been an outcast already for decades.⁵¹ This might also be the case today, in Congo for example, where the US, despite improved formal regulations, is still reluctant to actually put its weight behind the Kimberly process meant to drive blood diamonds out of the market.⁵² Therefore, without in any way underestimating the practical importance of American grassroots movements,⁵³ or of reform proposals such as Wenar’s that are especially catered to

American audience and sensitivities,⁵⁴ it seems like other affluent democracies are stronger candidates for making the first steps. The inward look is better positioned to promote such steps.

But even if this argument is endorsed, including the identity of the democracies initiating change, what does this say about the ‘other side’? Who, in fact, should the other side include? Instead of a conclusion, I wish to offer preliminary answers to these two questions.

INSTEAD OF A CONCLUSION: LOOKING AT THE OTHER SIDE

Both morally and practically, a democratic boycott must begin from the most urgent cases of the ‘resource curse.’ The focus will have to be on the worst depriving dictators, putting aside, at least as a first stage, distributive dictatorships. Therefore, let us suppose that dozens of liberal democracies, probably also following domestic political reform, do in fact disengage from these ‘worst of the worst,’ like Congo, Sudan, or Equatorial Guinea. How are the distributive dictatorships, from the Gulf’s oil-rich kingdoms to China, supposed to respond?

In many ways this must remain an open question, given all the reasons mentioned above for epistemic humility. Nonetheless, there is room to think that the democratic posture here is important in facing the distributing dictatorships, again for ideational rather than material reasons. On the one hand, the inward look, especially if coupled with extensive budgetary shifts from military expenditure to alternative energy research,⁵⁵ will signal to these dictatorships that there is no commitment by democracies to aggressively reform them, thus reducing the likelihood of rallying behind the flag against any ‘imperialist meddling’ in internal affairs. On the other hand, the inward look also refuses to condone these regimes. The boycott of depriving dictatorships should serve as a clear indication that democracies take their morals seriously. This might, first, push distributing dictatorships to cooperate with regards to the most urgent cases of the resource curse, rather than dismiss democratic foreign policy declarations as mere hypocrisy, as is often the case today. Second, narrowing the gap between democracies’ rhetoric and action might also add to distributing dictatorships’ own motivation to pursue internal change, given the knowledge that their ties with established democracies are existing on ‘borrowed time’—whether until these democracies have addressed the more urgent cases, or until they have used their (unprecedented) collective power, including technological capacities, to free themselves from dependency on autocratic oil.

Epistemic humility notwithstanding, we can maintain, as a supporting hope, the thought that under such ideational pressures, distributing dictatorships might gradually democratize. It will be a major feat if present day Russia, China, or Saudi Arabia will come to take elections seriously. Yet it might just be that such a feat will become more, rather than less likely, if our own goal will not be to ‘achieve democracy,’ or ‘banish the resource curse,’ but rather to achieve our own moral

integrity. Changing ourselves, with the explicit aim of our own moral decency, is not only right in itself. It might also be the most effective way to change the world.

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NOTES

1. This is true even when supported by the imaginative proposals that both Pogge and Wenar make, though these proposals are not my focus here. Pogge suggests the establishment of an internationally recognized ‘Democracy Panel,’ comprised of neutral experts, who would monitor the democratic credentials of governments worldwide, withdrawing ‘resource privileges,’ as he terms it, from the regimes that do not satisfy its criteria; Wenar suggests using as a more minimal threshold the worst category of the Freedom House index, in order to designate those regimes that clearly steal their population’s resources. See Thomas Pogge, ‘Achieving Democracy’, *Ethics and International Affairs* 15 (2001): 3–23; *World Poverty and Human Rights* (Cambridge: Polity, 2002), chap. 6; Leif Wenar, ‘Property Rights and the Resource Curse’, *Philosophy & Public Affairs* 36 (2008): 2–32.
2. I will not be directly addressing Pogge’s institutional conception of human rights, mainly since my objections to the outward look Pogge and Wenar share do not depend upon my reservations regarding Pogge’s institutional version of negative global duties. I therefore note only parenthetically that the distinction between positive and negative duties arguably applies only to agents as distinct from institutions, and that only those duties that are finite and can be fulfilled by each specific agent bearing them can be defined as negative ones. Insofar as Pogge’s conception fails to satisfy these criteria it cannot easily rely on the superior force of negative duties to justify the alleviation of global poverty. Pogge’s institutional view is complex, however, and doing justice to its intricacies requires an independent discussion, which I undertake in ‘Rigorist cosmopolitanism: a Kantian Alternative to Pogge’ (unpublished manuscript). Some of Wenar’s main essays and other critiques bearing on Pogge’s institutionalism are referenced below; other criticisms of Pogge include Allen Patten, ‘Should We Stop Thinking about Poverty in Terms of Helping the Poor?’, *Ethics & International Affairs* 19 (2005): 19–27; Debra Satz, ‘What Do We Owe the Global Poor?’, *Ethics & International Affairs* 19 (2005): 47–54; Mathias Risse, ‘How Does the Global Order Harm the Poor?’, *Philosophy and Public Affairs* 33 (2005): 349–76; 317–32; Magnus Reitberger, ‘Poverty, negative duties and the global institutional order’, *Politics, Philosophy & Economics* 7 (2008); 379–402.
3. Or, in Thomas Nagel’s words, deontological negative duties exist ‘against *your* doing something, not just against its happening.’ See Nagel, *The view from nowhere* (New York: Oxford University Press, 1986), 177.
4. Pogge, it should be noted, begins ‘Achieving democracy’ from an ‘inward look’ by the leaders of fledgling, resource-curse stricken democracies fearing authoritarian return. But this is different from the sense of an ‘inward look’ at which I aim here, undertaken by those

- complicit in theft, not by the would-be victims. I should also note a further reason for avoiding the standard ‘deontological/consequentialist’ terminology, namely that there are consequentialist views which attempt to incorporate deontological considerations as to the ‘inherent’ right and wrong of certain procedures even apart from their outcomes. Cf. Amartya Sen’s distinction between ‘culmination outcome’ and ‘comprehensive outcome’ in his ‘Consequential Evaluation and Practical Reason’, *Journal of Philosophy* XCVII (2000): 477–502, and recently in *The Idea of Justice* (Cambridge, MA: Harvard University Press, 2009).
5. See Immanuel Kant, ‘On the common saying: this may be true in theory, but it does not apply in practice’, in *Kant’s Political Writings*, ed. H.S. Reiss and trans. H.B. Nisbet, (Cambridge: Cambridge University Press, 1991, trans.), 70.
 6. See Kant, *Critique of Practical Reason*, trans. and ed. Mary Gregor (Cambridge: Cambridge University Press, 1997), 5: 37.
 7. Though my standard of political obligation will be of course be different from Kant’s strict demand for obedience. Pogge reflected on this demand in his ‘Kant’s Theory of Justice’, *Kant-Studien* 79 (1988): 407–33.
 8. This uncertainty is especially problematic for Pogge’s institutional conception of human rights, and its resulting distinct notion of harm. As Wenar emphasizes, ‘in order to carry through on his harm argument, Pogge must show not only that current global rules generate very bad consequences, but that we can be fairly certain that different rules would do better.’ Wenar, ‘Realistic reform of international trade in resources’, in *Thomas Pogge and His critics*, ed. Alison M. Jagger (Cambridge: Polity, 2010), 127.
 9. I note already here that I will not be discussing the challenge that the arbitrariness of political borders poses to democratic legitimacy. The argument from ‘affected interests’ – namely that true democratic legitimacy requires enfranchising all interests affected by current state decisions, not merely those within specific morally arbitrary boundaries - would mean in effect global modes of governance. A full justification for focusing on existing rather than hypothetical democracies will take me too far afield, however. I therefore note only that excessive emphasis on the problem of the original ‘constitution of the demos’ risks delegitimizing *all* existing political authority. I take the term from Robert Goodin’s ‘Enfranchising all affected interests, and its alternatives’, *Philosophy and Public Affairs* 35 (2007): 40–68.
 10. There clearly should be exceptions where vital interests trump the need for autonomy or explicit consent. Most would agree that if you were fell into a coma and had no health insurance, it would be legitimate for your spouse to use your savings (with no prior permission) to pay for the medical care that would return you to health. But the relevant interests here need to be very narrowly and explicitly defined, and it is not a coincidence that they revolve precisely around very basic survival, as discussed below.
 11. See Wenar, ‘Why Rawls is Not a Cosmopolitan Egalitarian’, in *Rawls’ Law of Peoples – A Realistic Utopia?*, ed. Rex Martin and David A. Reidy (Oxford: Blackwell, 2006), 95–114, at 108, my italics.
 12. Within democracies, the fact that a monarch is formally treated as the owner of the state’s property is obviously merely symbolic. One can only imagine the response has Queen Elizabeth decided on her own to sell any part of England to anyone.
 13. This definition is similar in essence to Robert Dahl’s ‘polyarchy’ that ensures inclusiveness and contestation. See Dahl’s *Polyarchy: Participation and Opposition* (Yale: Yale University Press, 1971). On the continued dominance of this concept in empirical studies of democracy see Michael Coppedge, Angel Alvarez, and Claudia Maldonado, ‘Two Persistent Dimensions of Democracy: Contestation and Inclusiveness’, *Journal of Politics* 70 (2008): 632–47; Jean Grugel, *Democratization – A Critical Introduction* (New York: Palgrave, 2002), 20. It should be emphasized, however, that I do agree with Dahl (and Pogge) that the higher threshold of democratic justice, not merely legitimacy, requires not just the formal ‘logic of

- equality,' but also a thicker substantive concept of 'strong political equality,' which leads to the need 'for the older democracies . . . to perfect and *deepen* their democracy.' Dahl, *On Democracy* (New Haven: Yale University Press, 1998), 2. I say more below on legitimacy as a lower threshold than justice.
14. And also, perhaps surprisingly, from several other philosophers. As the following discussion shows, this claim is importantly distinct from the idea that liberal justice, say as postulated in Rawls' domestic theory, is a criterion of legitimacy. This is Charles Beitz's argument in *Political Theory and International Relations* (Princeton, NJ: Princeton University Press, 1979). Allen Buchanan postulates democracy as a necessary condition of legitimacy 'where democracy is possible;' See his 'Political Legitimacy and Democracy,' *Ethics* 112 (2002): 689–719. My account assumes that at least at the state level, democracy is always 'possible.' In this, however, I am not claiming that democracy is a human right. On the latter point see Joshua Cohen, 'Is there a Human Right to Democracy,' in *The Egalitarian Conscience: Essays in Honour of G.A. Cohen*, ed. Christine Sypnowich (Oxford: Oxford University Press, 2006), 226–50. Finally, my position contrasts with Rawls' insistence in the *Law of Peoples* (Cambridge, MA: Harvard University Press, 1999) that there can be 'decent' regimes that lack the 'democratic idea of citizenship.' On the problem with this insistence see my 'A Poggean passport for fairness? Why Rawls' *Theory of Justice* did not become global', *Ethics & Global Politics* 3 (2010): 277–301, at 293–294.
 15. See Wenar, *Property Rights*, 20–21.
 16. Ronald Dworkin famously makes a similar distinction when analyzing Rawls' theory of justice. See Chapter 6 in Dworkin, *Taking Rights Seriously* (Cambridge, MA: Harvard University Press, 1978).
 17. Parallel to his notion of possible rather than actual consent, Wenar also treats as citizens as 'shareholders' rather than owners of state property, arguing (*Property Rights*, 11) that 'Like shareholders of a corporation, most citizens will not be interested in tracking the administration of their assets. National ownership only requires that citizens be able to find out what those in power are doing with the country's resources, and that citizens be able to influence these decisions collectively if they so choose.' Yet this image blurs an important distinction between owners and shareholders. While owners enjoy, by definition, exclusive control over property, this is not necessarily the case for shareholders. Joe can be a shareholder in a public company through stocks, and therefore be entitled to certain dividends based on the company's performance, but this entitlement to benefits says nothing about control, which may be held, for instance, by a corporation owning most of the company. Joe does, however, *own* his stocks, and (hostile takeover aside, legitimate in business but not in politics) is the sole actor who may decide what to with the benefits they generate. Peoples are recognized in international law as the legitimate *owners* of state property, not as stakeholders in this property, including in article 1 of the International Covenant on Civil and Political Rights, which Wenar himself cites. For the full text of the Covenant see <http://www2.ohchr.org/english/law/ccpr.htm>. Note also that the need for representation does not really produce a problem for the emphasis on control. Delegating authority does not mean ceding control. Joe may delegate control over his stocks to his broker – indeed, just like modern mass politics, the stock exchange requires representation to function. But this delegation must be voluntary to count as legitimate, and can always end at Joe's discretion – as is the case with the election of political representatives.
 18. See Pogge, 'Response to Critics', in Jagger, *Pogge and His critics*, 224. As should be obvious by now, I believe (presumably like Pogge) that the idea that a 'benevolent dictator' can control resources in a way that ensures that the people 'control their resources' is logically incoherent. Furthermore, empirically, the phenomenon of even supposedly or relatively 'enlightened' despots enriching themselves with public funds is so prevalent that it can be taken as a practical given. For just one example out of many see Luke Harding, 'Putin, the Kremlin Power Struggle and the \$40bn Fortune', *The Guardian*, December 21, 2007, <http://>

www.guardian.co.uk/world/2007/dec/21/russia.topstories3 (accessed May 28, 2011). While it is true that politicians' embezzlement of public resources has been and will likely remain a problem in democratic societies as well, the gap between democracies and severely oppressive regimes remains not only one of degree but also of kind. Embezzling democratic leaders are heavily sanctioned if caught, while this is clearly *not* the case under dictatorships, precisely because of the rule of law, crucial to the former and equally crucial in its absence for the latter. On the intimate connections between democracy and rule of law at the empirical level see John Gerring, Philip Bond, William T. Barndt, and Carola Moreno, 'Democracy and Economic Growth: A Historical Perspective', *World Politics* 57 (2005): 323–64, at 336; a broader survey can be found in Jose Maria Maravall and Adam Przeworski, eds., *Democracy and the Rule of Law* (Cambridge: Cambridge University Press, 2003).

19. See Wenar, *Property Rights*, 10.
20. Hence Rawls' *Political Liberalism* (Cambridge, MA: Harvard University Press, 1993), a work largely revolving around questions of political legitimacy, is clearly delineating a lower threshold than *A Theory of Justice* (Cambridge, MA: Harvard University Press, revised edition, 1999) (hereafter *TJ*). For the most recent in-depth analysis of this Rawlsian 'scaling down' see Paul Weithman, *Why political liberalism: explaining Rawls' political turn* (Oxford: Oxford University Press, 2010). Wenar considers the later Rawls' focus on the lower threshold of legitimacy to be the key reason for the coherence between Rawls' domestic and global theories. See Wenar, 'The Unity of Rawls's Work', *The Journal of Moral Philosophy* 1 (2004): 265–75. Pogge has been much less impressed with Rawls' political turn, but the reason is precisely his belief that legitimacy through an overlapping consensus is too low of a threshold, and that at least domestically, liberal theory and practice should focus on the higher threshold of egalitarian justice to which *TJ* aspired (Pogge's more recent reservations concerning *TJ* notwithstanding). See Pogge's *Realizing Rawls* (Ithaca: Cornell University Press, 1989), passim, e.g. 9–10. For Pogge's later reservations regarding *TJ* see 'Three Problems with Contractarian-Consequentialist Ways of Assessing Social Institutions', *Social Philosophy & Policy* 12 (1995): 241–66.
21. John Roemer, 'Why does the Republican Party Win Half the Votes?' in *Political Representation*, ed. Ian Shapiro, Susan C. Stokes, Elisabeth Jean Wood, and Alexander S. Kirshner (New Haven: Yale University Press, 2009), 304.
22. Procedural outcomes that do not address tangible threats to citizens' very survival might be a substantive exception, yet even this case is far from clear. Normatively, it is far from self-evident that citizens are not morally obligated to obey a democratic system that fails to actively secure a safety net (the pre-'New-Deal' US, for example). It is in fact far easier to define illegitimacy on procedural grounds (thus for instance women in Switzerland were not morally obligated to recognize the authority of governments they could not elect until the 1970s). In addition, the question of threats to subsistence that are left unattended in democracies seems empirically irrelevant, since no democracy has ever allowed famine to take place within its borders. Cf. Amartya Sen, 'Human Rights and Economic Achievements', in *The East Asian Challenge for Human Rights*, ed. Joanne R. Bauer and Daniel A. Bell (Cambridge: Cambridge University Press, 1999), 88–102.
23. On the democratic procedure as constraining the set of substantive legitimate outcomes see Habermas, *Between facts and norms* (Cambridge: MIT Press, 1998, trans. William Rehg), and Joshua Cohen's development of Rawlsian public reason as constitutive of deliberative democracy, for instance in his early 'Deliberation and Democratic Legitimacy', in *The Good Polity*, ed. Alan Hamlin and Philip Pettit (London: Basil Blackwell, 1989), 17–34. For a recent extensive critique of the deliberative 'flight from substance' see David Estlund, *Democratic Authority: A Philosophical Framework* (Princeton, NJ: Princeton University Press, 2007). Dahl also presents an important (yet too often ignored) account of the intertwining of

- democratic procedure and substance in *Democracy and Its Critics* (New Haven: Yale University Press, 1989).
24. See Pogge, *Response to Critics*, 177.
 25. See Wenar, *Property Rights*, 18.
 26. See Pogge, 'Recognized and Violated by International Law: The Human Rights of the Global Poor', *Leiden Journal of International Law* 18 (2005): 717–45, at 737.
 27. It is crucial to distinguish here our political capacity as collectively sovereign citizens from our economic capacity as individual consumers. It is much harder to accuse individual consumers as bad faith purchasers in their daily lives. First, consumers' ability to discover the origin of each product they purchase is much more limited than governments' abilities to designate regimes as violating their peoples' property rights. Second, governments will incur much smaller costs, comparable to their resources, in disengaging at least from some severely oppressive regimes, than is the case with consumers who decide to boycott every good whose origins might somehow be tainted, and therefore practically have no choice but to consign themselves to almost survivalist modes of life. More on this below.
 28. See Pogge, *Response to Critics*, 223.
 29. See Wenar, *Realistic reform*, 132.
 30. *Ibid.*, 128.
 31. See Wenar, *Property Rights*, 3.
 32. See Wenar, *Realistic reform*, 137.
 33. See Pogge, *Response to Critics*, 221. See also Pogge, *Recognized and Violated*, 740–1.
 34. The opening part of this section follows my 'Our problem of global justice', *Social Theory & Practice* 37 (2011): 4, forthcoming.
 35. Joshua Cohen, 'Philosophy, social science, global poverty', in Jagger, *Pogge and his critics*, 20–21.
 36. The lowest ("7") Freedom House ranking describes countries with 'virtually no freedom. An overwhelming and justified fear of repression characterizes these societies.' See Freedom House, *Freedom in the World* (New York: Rowman& Littlefield, 2008), 865.
 37. See Cohen, *Philosophy, Social Science*, 38–39.
 38. I preempt a likely objection by noting already here that the inward looking approach does not leave us only with an untenable, other-worldly saintliness, one that insists on 'doing the right thing' with complete indifference to consequences. I address this issue below.
 39. See Pogge, *Response to Critics*, 182–4.
 40. *Ibid.*
 41. See Pogge, 'Severe Poverty as Human Rights Violation', in *Freedom from Poverty as a Human Right – who owes what to the very poor?* ed. Pogge (Oxford: Oxford University Press, 2007), 11–54, at 30.
 42. This also seems like a distinct problem for Wenar's account, centered as it is on portraying the boycotts as compatible with all the main interests involved. See Wenar, *Property Rights*, 29–32.
 43. Pogge might want to answer 'yes,' but his own protests against Rawlsian non-ideal theory, in which such tactical compromises are endorsed, seem to point towards a negative answer. For a defense of such Rawlsian compromises see A. John Simmons, 'Ideal and non-Ideal Theory', *Philosophy and Public Affairs* 38 (2010): 5–36. Pogge criticizes them in the first section of his 'The Incoherence between Rawls's Theories of Justice', *Fordham Law Review* 72 (2003–2004): 1739–59.
 44. Or perhaps even a dangerous disregard of the supposed fact that 'dirty hands' are unavoidable in politics. See for example Michael Walzer, 'Political Action: The Problem of Dirty Hands', *Philosophy and Public Affairs* 2 (1973): 160–80.
 45. Thus Pogge voiced concern about Kantian rigorism already in the 1980s, claiming that we must 'attempt to be of practical worth to others, rather than be overly concerned with the

- moral worth of ourselves.' See Pogge, 'The Kantian Interpretation of Justice as Fairness', *Zeitschrift für philosophische Forschung* 35 (1981): 47–65, at 64.
46. See Wenar, *Property Rights*, 2.
 47. While this extremity might be criticized as overly narrow, it is important to bear in mind also its translation into a *positive* duty. Our violation of negative duties towards the world's poor is a sufficient but not necessary condition for us to do to something, less about poverty as such, and more about the *existential threat* facing a billion starving people—at the very least through much more robust humanitarian assistance than is the case today. On the strong positive duty see Pablo Gilabert, 'The Duty to Eradicate Global Poverty: Positive or Negative?' *Ethical Theory and Moral Practice* 7 (2005): 537–50. Boycotted dictators can try to bloc humanitarian support from entering, of course, but as long as other powerful dictatorships continue to trade with them then there is little reason to think that prospects for survival will be worsened dramatically in comparison to present conditions (consider Russian and Chinese trade with North Korea, or generally the members of the boycotted Eastern bloc during the Cold War); while if these regimes will be completely isolated, it seems hard to see how will they be able to survive for anything but the shortest period. Even extremely violent rulers that can easily rally the population against outsiders as enemies usually refrain from actively sabotaging humanitarian assistance (consider Hamas in the Gaza Strip, for instance). In such extremities armed intervention remains a possibility as well (for instance regarding the ongoing events in Libya). I develop the inward look in the context of intervention in 'Humanitarian disintervention', *Journal of Global Ethics* 7 (2011): 33–46.
 48. On democracies' unprecedented accumulated strength see among others John J. Davenport, 'For a Federation of Democracies', *Ethics and International Affairs* 23 (2009), http://www.cceia.org/resources/journal/23_1/roundtable/006 (accessed May 28, 2011).
 49. Wenar is especially concerned with compliance by the US, the lack of which poses 'real difficulties' to any reform proposal, as he emphasizes for instance in response to Jonathan Shafter. See Wenar, *Realistic Reform*, 139–143; Shafter, 'The Due Diligence Model: A New Approach to the Problem of Odious Debt', *Ethics and International Affairs* 21 (2007): 49–67.
 50. While improved stability and contract enforcement in oil-rich countries might be good for the oil industry, seeing as there is no guarantee such improvements will follow from boycotts, the industry can simply settle on its standard practices—diversifying portfolios to minimize potential losses, and indiscriminately buying the oil from whoever happens to be in power in any given instance, always happy to sell it. On this point see Eugene Gholz and Daryl G. Press, *Energy Alarmism: The Myths That Make Americans Worry about Oil*, April 5, 2007 http://www.cato.org/pub_display.php?pub_id=8161 (accessed May 28, 2011).
 51. See Audie Klotz, 'Norms and sanctions: lessons from the socialization of South Africa', *Review of International Studies* 22 (1996): 173–90, esp. 181; Thomas Risse and Stephen C. Ropp, 'International human rights norms and domestic change: conclusions', in *The Power of Human Rights*, eds. Thomas Risse, Stephen C. Ropp, and Kathryn Sikkink (Cambridge: Cambridge University Press, 1999), 234–279, at 268.
 52. It remains to be seen whether the US Dodd-Frank Act (signed into law by President Obama in July 2010), with its provisions regarding tainted minerals from Congo, will change the so far lax approach by the US towards the stagnating Kimberly process. See James Melik, 'Diamonds: Does the Kimberley Process work?' *BBC News*, June 28, 2010, <http://www.bbc.co.uk/news/10307046> (accessed May 28, 2011).
 53. For instance the Sudan divestment movement culminating in the US *Sudan Accountability and Divestment Act*, http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=110_cong_bills&docid=f:s2271enr.txt.pdf.
 54. One of Wenar's main reasons for relying on Freedom House index, for instance, is the fact that the US Government itself has employed it as an 'authoritative standard,' as Wenar emphasizes both in *Realistic Reform* and in *Property Rights*. The index is made, in a sense, more rather than less useful, at least in the American context, by its constant identification

with conservative, neo-liberal positions. For the latest such identification see Diego Giannone, 'Political and ideological aspects in the measurement of democracy: the Freedom House case', *Democratization* 17 (2010): 68–97.

55. Such a shift will matter especially if the US does join, eventually, other democracies. The total cost of US wars in Iraq and Afghanistan had reached already in early 2008 the gigantic sum of \$3 trillion. This is the equivalent of total annual global commodity transactions. (Wenar, *Property Rights*, 16) For the sake of comparison, total US expenditure on alternative energy research (\$18 billion) is, as of 2009, roughly 170 times smaller, and even roughly half of China's expenditure. On the war costs see Joseph Stiglitz and Linda Bilme, 'The three trillion dollar war', *Times Online*, February 23, 2008, http://www.timesonline.co.uk/tol/comment/columnists/guest_contributors/article3419840.ece; (accessed May 28, 2011) On alternative energy research expenditure: PEW 2009 report, 'Who's winning the Clean Energy Race, Growth, Competition and Opportunity in the World's Largest Economies.' At <http://www.pewglobalwarming.org/cleanenergyeconomy/pdf/PewG-20Report.pdf> Also Simon Rogers, 'How China overtook the US in renewable energy', *The Guardian*, March 25, 2010, <http://www.guardian.co.uk/news/datablog/2010/mar/25/china-renewable-energy-pew-research>.