

International Justice and Uncertainty

Abstract

When considering extreme global poverty, uncertainty abounds. We are empirically uncertain: we aren't 100% certain, for example, about what the causes of extreme poverty are. But we are also morally uncertain: we aren't 100% certain, for example, about the strength or nature of our obligations to the global poor.

I consider just one way in which basic decision-theoretic reasoning can clarify our thinking regarding international justice. I consider a Poggean argument to the conclusion that there should be sizeable redistribution of wealth from at least some richer nations to poorer nations and show how decision-theoretic considerations strengthen the argument. I then suggest a heuristic that should guide our response to global poverty in the face of moral uncertainty.

1. Introduction

This essay has two aims. The first is to provide an example of the importance of considering uncertainty when doing applied political philosophy. The second is to provide a contribution to the debate concerning the nature of rich nations' obligations to poorer nations by showing how a familiar argument for global redistribution of wealth can be strengthened, and arguing for a certain heuristic to guide our attempt to fulfill the obligation to redistribute wealth.

After making some clarifications (section 2), I provide an augmented Poggean argument to the conclusion that rich nations that have benefited from colonialism (such as the UK) have duties of justice to redistribute a substantial amount of wealth to poorer nations (section 3). I show how this argument works in the face of a high degree of *empirical* uncertainty, concerning the effects of colonialism, and *moral* uncertainty, concerning what our resulting obligations are. This augmented argument is stronger than Pogge's insofar as its conclusion ought to be endorsed by anyone, no matter what their theoretical position.

However, the conclusion of this argument is not action-guiding. It does not tell us who owes what, as a matter of justice, to whom; moreover, finding this out seems intractably difficult. In section (4), I suggest that we should act on the maxim: 'choose the policy that maximises priority-weighted benefit whilst avoiding egregious human rights violations.'

2. Preliminaries

Two projects within the philosophy of distributive justice should be distinguished. The

first is the theoretical project: an attempt to ascertain what, for example, are the principles of justice that should regulate the institutions that form the basic structure of the state. This is not the project I am contributing to in this essay. The second is the practical project: the aim is to defend or refute a specific claim about what we ought to do. When this is the aim, one specific conception of justice doesn't need to be defended: because the nature and scope of principles of distributive justice are hotly disputed, often, instead, the philosopher engaged in the practical project tries to be ecumenical, and show that all plausible moral or political theories would entail the claim that one is defending.

The practical project is particularly pressing when applied to international distributive justice, because of the scale and extremity of global poverty.¹ Peter Singer² and Thomas Pogge³ are two philosophers who undertake the practical project in an attempt to establish the conclusion that there should be substantial redistribution of wealth from richer nations to poorer nations. The holy grail of such a project is to find an argument that can be put into public discourse and that will actually convince people – that's why they try to make their arguments so strong. With this end, they both attempt to show that *any* plausible moral or political theory will entail that there is substantial redistribution of wealth from richer nations to poorer nations.

The trouble with this ecumenical approach is that it's very difficult to be ecumenical. All the critic needs is to be able to find and endorse *one* plausible theory that doesn't entail the desired conclusion in order for the argument not to go through. Against Singer, the critic can suggest that their moral theory has restrictions on how demanding (certain) moral requirements can be; against Pogge, the critic can, for example, suggest that their moral theory does not have the same concept of harm that Pogge uses. The conclusions concerning redistribution of wealth that Singer and Pogge come to can therefore be seen by the critics as *reductios* of their arguments, and support for the moral theories that do not entail such conclusions.

I hope to show that such an argument does not need to be ecumenical in order to establish decisively that, no matter what one's favoured moral or political theory (no matter whether one calls oneself a nationalist, libertarian or political realist), one is epistemically required to endorse the conclusion that there should be substantial redistribution of wealth from (at least some) rich nations to poorer nations.

Before we begin, some clarifications are in order.

First, I use 'redistribution of wealth' as a catch-all term: I don't mean to argue for specific policy decisions such as a greater aid budget, rather than fairer WTO trade rules, a global resources dividend, or some other policy.

Second, I speak as if nations can be meaningfully treated as agents: capable of existing through time, of having obligations and of being responsible. There are many

¹ E.g. that 1.4bn live on less than \$1.25 a day (more precisely, emphasising that these figures are purchasing power parity adjusted: what \$1.25 would buy in the US in 2005) (The World Bank Group 2008); globally, the highest-income decile (those earning above about \$12000/yr) receives 57% of income (Milanovic 2009) and the wealthiest decile possesses 85% of wealth (Davies JB, Sandstrom S et al. 2006).

² (Singer 1972)

³ (Pogge 2002; 2005b; 2005a)

extant problems with this view:⁴ one can either accept it⁵ or treat it as a mere manner of speaking. Nothing important in my argument turns on this: in particular, I think - though don't argue in this essay - that the argument I consider applies just as strongly to individuals as it does to nations.

Third, though I appeal to decision-theory, I try to keep the arguments intuitive rather than formal. This sacrifices some precision, but hopefully makes the argument more accessible. I'll use terms like 'playing safe' in order to convey decision-theoretic ideas: I don't mean this to commit myself to any sort of risk-aversion. My arguments go through whether one endorses the principle that, rationally, one should maximise expected utility, or whether one thinks one should be risk-averse.

Fourth, I sometimes speak of 'rich nations' and sometimes I focus just on the UK. Though my argument applies to more countries than the UK, its implications will differ slightly for different countries, and is primarily aimed at countries that have benefited from a colonial past, which is why I focus on the UK.

Fifth, I understand certain terms in the following way. I consider the topic of *distributive* justice to be very general: simply concerning how the benefits and burdens of economic activity should be distributed.⁶ Within this general topic, *rectificatory* justice requires one to rectify, normally via economic compensation, economic harms previously inflicted on an agent. *Allocative* justice governs how one ought to distribute wealth to which no-one is entitled.⁷

With this on board, let's formulate an argument to the conclusion that there should be substantial redistribution of wealth from at least some richer nations to at least some poorer nations.

3. An Argument for Redistribution of Wealth

The argument is a constructive dilemma, as follows:⁸

(A)

(P1) The UK is in possession of some amount of wealth that is the product of the injustices of colonialism.

(P2) Either (*Harm Thesis*, henceforth, 'HT') injustices of colonialism harmed currently existing people or (\neg HT) the injustices of colonialism did not harm currently existing people.

(P3) If (HT), then the UK has, as a matter of rectificatory justice, a duty to redistribute the wealth that is the product of colonial injustice to (at least some) poorer nations.

(P4) If (\neg HT), then the UK has, as a matter of allocative justice, a duty to redistribute the wealth that is the product of colonial injustice to (at least some) poorer nations.

(C5) Therefore, the UK has, as a matter of justice, a duty to redistribute some of its wealth

⁴ Such as the plausibility of collective responsibility: see, e.g. (Velasquez 1985; 2003)#.

⁵ See (Miller 1995; 2007) for a powerful defence.

⁶ (Lamont and Favor 2008).

⁷ (Rawls 1973 p.73)

⁸ The argument is commonly suggested: e.g. (Barry 1979 p.224); relevant themes are developed by (Pogge 2002; 2005b)

to (at least some) poorer nations.

This argument has at least some plausibility. Colonialism involved a variety of injustices, including slavery, the appropriation of land and natural resources, and the imposition of artificial country boundaries. These injustices were economically beneficial for the colonising countries; if they had not been, then the colonial powers would have had little incentive to colonise other countries. Countries such as the UK have inherited these economic benefits. But it does not seem like one can be entitled to inherited wealth if that wealth was unjustly acquired. The question then arises: who is entitled to this wealth? It seems plausible that those who are entitled to the wealth are those who lost out, or were harmed, as a result of the original injustice. In which case reparations are due. But even if no-one (who currently exists) was harmed by the original injustice, that does not legitimate the inheritance of unjustly acquired wealth: rather, *no-one* is entitled to the wealth. In which case, the wealth should be distributed according to some principle of justice: plausibly, the wealth should be distributed equally among everyone. So, whether or not colonialism was a cause of harm to presently existing people or nations, it seems like we have a duty to redistribute the fruits of colonialism to poorer nations.

So this argument has some plausibility. But, apart perhaps from (P2), which is a tautology, uncertainty surrounds every premise. Some of the most salient causes of uncertainty are as follows:

(P1) suffers from both empirical and philosophical uncertainty. Though it's unlikely that the UK possesses *no* wealth that is the product of colonialism, there is great uncertainty regarding *how much* wealth is the product of colonialism. If the amount is very small, the argument becomes considerably less interesting. Philosophical uncertainty enters when we consider how to evaluate whether some amount of wealth is the product of colonialism: is the but-for test satisfactory – that is, do we look to see what would have happened had colonialism not occurred? And even if it is, which possible world is the relevantly closest one? Is it the world in which the UK never interacted with other countries at all? Or is it the world in which they did interact with other countries, but acted with them justly?

(P3) suffers from moral, empirical and philosophical uncertainty. As in (P2), there is philosophical uncertainty concerning what the correct conception of 'harm' is: does X harm Y iff X causes Y to be worse off than she was (the temporal conception of harm), or than she would have been (the counterfactual conception of harm), or is some non-comparative conception of harm correct in this case? If, as is most commonly held, X harms Y iff X causes Y to be worse off than she would have been, what is the relevantly closest possible world? Is it the one in which the UK never interacted with any of the ex-colonial countries, or the one in which the UK did interact, but interacted justly with them? Even if we solve these problems, can we make sense of the idea that an event can harm someone if that person would not have existed had the event not occurred (the 'non-identity problem')? And, even if we settle these issues, there is stark empirical uncertainty regarding whether colonialism harmed the poor (as I shall discuss below). Moreover, there is philosophical uncertainty regarding what justice requires when X benefits from harming Y, but the benefit to X is considerably greater than or considerably smaller than

the harm to Y. And there is moral uncertainty regarding whether duties of rectificatory justice fade in strength the further one goes back into the past.

(P4) suffers primarily from moral uncertainty. The citizens of the UK possess wealth that was unjustly acquired. Who, then, has entitlement to this wealth? Is entitlement determined solely by who happens to actually inherit the wealth? Or is there a 'Lockean Proviso' – that the inheritance is just only if it does not make anyone worse off than they would have been had the wealth not been inherited (but rather had lay idle)? Or should the wealth be distributed equally among everyone?

Obviously, discussing in detail every way in which this argument is controversial would be unwieldy. So let's first consider just one example of empirical uncertainty within this argument, one that has been discussed in the literature and has formed part of a criticism of the Poggean argument. Let's assume that the economic benefit of colonialism was 'substantial', that the non-identity problem can be overcome by appeal to a notion of national responsibility, that the counterfactual conception of harm is correct and that, if colonialism was not a harm, then the UK has no duty to redistribute. The empirical uncertainty arises from whether, given these assumptions, colonialism harmed the ex-colonies. I'll show that, given the above assumptions, the UK has a duty to redistribute even despite such empirical uncertainty. Here goes.

The injustices of colonialism were so pervasive, so horrendous, and so diverse, that one might find it hard to see how the colonial powers could have failed to harm the colonised nations. However, the baseline we're using for assessing whether *A*'s unjust actions harmed *B* is to consider whether *B* would have been better off had *A* not so acted.⁹ And it's unclear whether poorer nations would have been better off had they not been colonised. David Miller, for example, suggests that domestic factors, such as cultural and political institutions, play the most important role in causing the current poverty of poorer countries. As evidence, he notes that Ghana and Malaysia were both subjected to colonial rule, and had similar per-capita incomes at the time of their independence from the UK in 1957; yet, since then, Malaysia has flourished economically, whereas Ghana has not.¹⁰ In a similar vein, Matthias Risse has pointed out that poorer nations are much richer now, on average, than they were before the colonial period: colonialism brought advantages such as introducing writing and a money economy.¹¹ The moral that Risse (and, I think, Miller) draws is not that colonialism *didn't* harm the colonised countries, but that it's simply impossible to know whether it did.¹²

This moral is undoubtedly correct: counterfactual macro-history is just too difficult for us to have any well-founded opinions about what the state of developing countries would have been like, had colonialism not occurred. However, despite this, the argument that redistribution is owed goes through.

⁹ See, e.g. (Nozick 1974 pp.152-3)#

¹⁰ (Miller 2007 pp.241-3, 251)

¹¹ (Risse 2005 pp.9-15).

¹² (Risse 2005 p.12); (Waldron 1992) and (Wenar 2006) make similar points; (Tan 2008) also thinks that this argument is successful, and responds by invoking a non-comparative conception of harm (p.300).

The reason is that, when uncertainty is involved, we should play safe morally, and this normally involves benefiting the poor. To illustrate this, consider the following ultra-simplified example. Suppose that we are only considering Ghana and the UK, that there are no degrees of responsibility (either the UK is wholly responsible, or Ghana is wholly responsible, for Ghanaian poverty), and that the probability that Ghana or the UK is responsible is 50/50. The decision is whether there should be a substantial redistribution of wealth from the UK to Ghana. There are two good outcomes, where the UK makes the right decision: (1) the UK redistributes wealth to Ghana and the UK is responsible; (2) the UK doesn't redistribute wealth to Ghana and Ghana is responsible. There are two bad outcomes, where the UK makes the wrong decision: (3) the UK redistributes wealth to Ghana and Ghana is responsible; (4) the UK doesn't redistribute wealth to Ghana and the UK is responsible.

So far, one might think that this just means that the UK has no grounds either way for deciding whether to redistribute or not. However, there is an important asymmetry. The bad outcome (4) is far worse an outcome, morally, than the bad outcome (3): the UK letting Ghana remain in poverty even though it is responsible for that poverty is a grave moral wrongdoing. Whereas the UK redistributing to Ghana even though Ghana is responsible seems like a permissible act; at most, it would involve only (perhaps) the more minor wrong of undermining Ghanaian national responsibility.¹³ So, if the UK redistributes, it has a 50% chance of doing a minor moral wrong; whereas if it does not redistribute, it has a 50% chance of doing a graver moral wrong. So, in this case the UK ought, morally, to redistribute to Ghana.

Of course, this example was ultra-simplified. But the idea which underlies it applies to the policy decisions of most affluent nations that were involved in colonialism. Principles like 'don't know, stick with the status quo' (which Risse seems to tacitly endorse) are false. In cases where identifying responsibility is difficult or intractable, we should play safe morally – and that will, in general, involve choosing the policy that benefits the poor.

We considered a case of empirical uncertainty. Similar arguments can be run for each of the uncertainties mentioned above: for example, we might be uncertain how much of the UK's wealth is a product of colonialism; by an argument analogous to the one given above, we should play safe morally and assume that it's substantial.

But we don't *need* to work through the decision-theoretic considerations for each individual cause of uncertainty. Rather, because we have some credence that argument (A) is sound, we can run the decision-theoretic argument applied to argument (A) taken as whole. This is an example not of moral uncertainty: however, it seems plausible that it should be treated in the same way as when the uncertainty was merely empirical.

Consider, again, the decision by the UK concerning whether to redistribute wealth to Ghana. There are some compelling arguments to the conclusion that this redistribution

¹³ E.g. (Miller 2007 pp.71-5) might think this.

is required as a matter of justice, but it isn't certain. Let's suppose that there is a 50% likelihood that the conclusion of argument (A) is true. In the decision situation, there are two good outcomes: (1) The UK redistributes, and this redistribution is required as a matter of justice; (2) The UK doesn't redistribute, and this redistribution isn't so required. There are two bad outcomes: (3) The UK redistributes, and this redistribution isn't required as a matter of justice; (4) The UK doesn't redistribute, and this redistribution is required as a matter of justice.

As before, the bad outcome (4) is far worse, morally, than the bad outcome (3): if the UK does owe Ghana wealth, then the moral duty to redistribute is a serious one; but if the UK does not owe Ghana wealth, it's still roughly permissible for the UK to redistribute. As with empirical uncertainty, we ought to play safe when we are morally uncertain: when it comes to international relations, this normally involves benefitting the poor.¹⁴

I suggest that the conclusion follows even if one thinks that the conclusion of argument (A) only has a small chance of being correct. This might seem surprising. But it is just a result of a feature of the world we live in: because we are *so* much richer than the global poor, it's true that, if we possess wealth that they are entitled to, that is a seriously grave moral wrong. Our retaining this wealth is of comparatively little benefit to us, but is often a matter of life or death for them. For this reason, we don't need to be even 50% certain that argument (A) is sound. Even a small risk of such a grave moral wrong means that it is morally appropriate to redistribute.

This shows why the Poggean argument does not need to be ecumenical in order for it to deliver the desired conclusion that everyone, no matter what their favoured position in political or moral philosophy, must agree that it is morally appropriate to redistribute. The reason for this is that everyone should, if they are epistemically rational, have *some* credence in the conclusion of argument (A). And, according to every plausible moral theory, it is permissible, or merely a minor wrong, for a nation to redistribute some of its wealth to poorer countries. In which case, even if one assigns only a small probability to the conclusion of argument (A), one should still agree that it is morally reckless not to redistribute.

4. A heuristic to guide our action

I have claimed that the above argument contributes to the practical project of ascertaining that certain actions are morally required. I have suggested that it is morally appropriate for rich countries such as the UK to redistribute a substantial amount of wealth to poorer countries such as Ghana. However, the action-guiding aspect of the argument is as yet undetermined: I haven't specified the manner of the required redistribution, or to

¹⁴ If one is worried about this style of reasoning, it should be borne in mind that, if one is epistemically rational, one will not have 100% credence in any moral proposition. So we need *some* method for deciding what to do, given moral uncertainty. It seems to me that any plausible method, and not just my intuitive appeal to 'playing safe', will have the same consequence that I have drawn.

whom exactly the wealth should be redistributed.

This makes my argument unlike Singer's and Pogge's. Singer uses his argument for redistribution to support the conclusion that we ought to donate to development charities; Pogge uses his argument to support the conclusion that there ought to be a global resources dividend. In both cases, I think that this is something of a dialectical mistake. Singer's core argument purports to show that we have incredibly strong duties to the global poor: it is an altogether different (and empirical) question how it is best to discharge that duty. Moreover, the allegiance of Singer's argument with charitable giving can make it seem like aid-scepticism refutes his argument. Suppose that some of Leif Wenar's¹⁵ arguments are correct, for example, and political campaigning is a better way to benefit the poor than charitable giving. This shouldn't affect the core of Singer's argument – it should just show that, rather than a duty to give away most of our income, we have a duty to spend most of our time campaigning politically. Nonetheless, because Singer explicitly aligns himself with a particular course of action, arguments such as Wenar's can have the effect of apparently robbing Singer's argument of much of its force.

For this reason, rather than recommend any specific action or policy, I'm going to suggest a heuristic that should act as a normative *standard* by which to judge actions or policies. This keeps things at the level of moral or political philosophy, and so avoids making unnecessarily contentious empirical claims about how best to discharge one's moral duties. I'm going to suggest that we should redistribute the fruits of colonial injustice among those who potentially have a claim to such wealth such that the redistribution maximises priority-weighted benefit whilst avoiding any egregious human rights violations. Here goes.

In arguments concerning justice that aren't based on moral uncertainty, it is typically reasonably obvious what actions are required by certain duties of justice: if we know that X has harmed Y, then we know that X must repay Y.

Under uncertainty, this is less obvious. Consider the following case. I'm 60% certain that I owe X £10 as a matter of rectificatory justice; but 40% certain that I owe Y £10 as a matter of allocative justice. The money can't be divided. Who should I redistribute to? This is a tough question, and is especially pressing when applied to argument (A): whether or not the UK has duties to redistribute to Niger depends to a large degree on whether the duties to be discharged are of rectificatory or allocative justice.

One might think that a 'majority rule' principle applies when we are uncertain what our obligations are: we should redistribute to those to whom it is most likely that we owe a duty of justice. In the above case, I should repay the £10 to X, because it is more likely that I owe the money to X.

However, that principle does not seem plausible, at least when applied to the conclusion of argument (A). First, it's not clear that we can make precise enough estimates of the probabilities concerning who is owed the unjustly acquired wealth that we could make practical use of such a principle. Second, and more importantly, such a principle ignores important information regarding the strength of obligations of justice.

¹⁵ (Wenar forthcoming).

Suppose that we augment the case, and stipulate that Y would receive a far greater benefit from the £10 than X would: Y needs the money to buy subsistence goods, whereas X would spend it merely on luxuries. It seems that Y's greater need means that, if the duty of justice were to obtain, it would be much stronger. And we should take into account not merely the likelihood that a certain duty of justice obtains, but also the strength of that duty, were it to obtain. This is what I've been stressing throughout this essay. Provided that Y's need is sufficiently greater than X's, it seems that, even though we think it more likely that we owe X the duty of justice, nonetheless we should redistribute the £10 to Y: again, by an argument similar to the ones already given, this 'plays safe' and avoids the most egregious moral wrongs.

Intuitively, to me at least, it seems like the strength of duties of justice varies proportionally with the priority-weighted benefit that fulfilling the duty would create: the duty is stronger the more that fulfilling the duty would benefit the recipient, and the less well-off that the recipient is.

This suggests that we can use priority-weighted benefit as a proxy for the duties of justice that are entailed by argument (A). Though it's near-impossible to ascertain to whom the duties of justice that are generated by argument (A) are owed, it's much easier to work out (at least roughly) what policies maximise priority-weighted benefit. And, given that the strength of the obligations of justice is so much more important in the decision-situation than their probability (because of the scale and extremity of global poverty), it seems like a good way to approximately fulfil our duties of justice is to aim to maximise priority-weighted benefit.

The obvious caveat to this heuristic, if it is to function as a standard by which to judge policy decisions, is that the policy should not involve any egregious violations of (important) human rights. I take this claim as fairly obvious: I shouldn't repay duties of justice if the only way I can do so is by, for example, murdering some third party (at least, not in typical cases).

This heuristic has certain benefits.

First, it's simple and applicable. We know that we have *some* strong duties of justice, we know *roughly* to whom they are owed, and we know that doing *nothing* is a far worse policy than doing some sort of redistribution, even if the way that the redistribution is carried out seems a little arbitrary. In this regard, almost any applicable redistributive policy is better than the impractical principle 'repay those to whom the duties of justice are owed, in the amounts that they are owed'.

Second, the heuristic chimes with our intuitive notions of what to do under uncertainty. Such intuitive notions come out in the phrases that we should 'play safe' or that 'even if we act wrongly, at least we did such-and such'.¹⁶ These phrases seem applicable in this case: we don't know to whom we owe the duties of justice, but benefitting the poorest seems like the safe option; similarly, even if we make wrong decisions when following this heuristic, we can still say that at least we benefited the

¹⁶ Though they suggest some measure of risk-aversion, I think that they really just counteract our natural tendency for overconfidence, such that we end up (very roughly) maximizing expected value.

poorest.

Third, the principle is overdetermined. I haven't considered two other arguments for the redistribution of wealth from richer countries to poorer countries. First, there is Singer's famous argument. Second, there are the cosmopolitan arguments (such as the argument from arbitrariness) that certain end-state principles of distributive justice should apply globally. My moral-uncertainty based argument works for these arguments as well: for example, perhaps one doesn't think that Singer's argument is successful, and finds it implausible that failing to redistribute wealth to the global poor is as gross a moral wrong as failing to save Singer's drowning child. Even if one does think that, one must nonetheless concede that it's at least possible that he's correct: and, because redistribution of wealth is almost always considered to be a permissible act (or a more minor wrong), whereas failing to redistribute if Singer is correct would be a grave moral wrong, it seems morally reckless not to redistribute. Similar considerations apply to the cosmopolitan arguments.

The duties generated by both of these arguments would plausibly be satisfied (at least roughly) by redistributing wealth so as to benefit the global poorest. In which case, even if the 'maximise priority-weighted-benefit' heuristic is not quite appropriate in order to discharge the duties created by our credence in the conclusion of argument (A), nonetheless it might be the most appropriate principle once we take into account our full epistemic situation, including the other arguments for global redistribution of wealth.

Conclusion

I have provided an example of how thinking about empirical and moral uncertainty can affect our normative conclusions. I have suggested that basic decision-theoretic reasoning can strengthen the Poggean argument to the conclusion that there should be substantial redistribution of wealth from richer countries to poorer countries.

Such moral-uncertainty based arguments, however, leave it unclear how one can best fulfil the duties that they generate. I have tentatively suggested that the heuristic which should guide our action is 'choose the policy that maximises priority-weighted benefit whilst avoiding egregious human rights violations.'

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