Global environment and international inequality

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My aim is to establish that three commonsense principles of fairness, none of them dependent upon controversial philosophical theories of justice, give rise to the same conclusion about the allocation of the costs of protecting the environment.

Poor states and rich states have long dealt with each other primarily upon unequal terms. The imposition of unequal terms has been relatively easy for the rich states because they have rarely needed to ask for the voluntary cooperation of the less powerful poor states. Now the rich countries have realized that their own industrial activity has been destroying the ozone in the earth's atmosphere and has been making far and away the greatest contribution to global warming. They would like the poor states to avoid adopting the same form of industrialization by which they themselves became rich. It is increasingly clear that if poor states pursue their own economic development with the same disregard for the natural environment and the economic welfare of other states that rich states displayed in the past during their development, everyone will continue to suffer the effects of environmental destruction. Consequently, it is at least conceivable that rich states might now be willing to consider dealing cooperatively on equitable terms with poor states in a manner that gives due weight to both the economic development of poor states and the preservation of the natural environment.

If we are to have any hope of pursuing equitable cooperation, we must try to arrive at a consensus about what equity means. And we need to define equity, not as a vague abstraction, but concretely and specifically in the context of both development of the economy in poor states and preservation of the environment everywhere.

Fundamental fairness and acceptable inequality

What diplomats and lawyers call equity incorporates important aspects of what ordinary people everywhere call fairness. The concept of fairness is neither

Eastern nor Western, Northern nor Southern, but universal.[1] People everywhere understand what it means to ask whether an arrangement is fair or biased towards some parties over other parties. If you own the land but I supply the labour, or you own the seed but I own the ox, or you are old but I am young, or you are female but I am male, or you have an education and I do not, or you worked long and hard but I was lazy—in situation after situation it makes perfectly good sense to ask whether a particular division of something among two or more parties is fair to all the parties, in light of this or that difference between them. All people understand the question, even where they have been taught not to ask it. What would be fair? Or, as the lawyers and diplomats would put it, which arrangement would be equitable?

Naturally, it is also possible to ask other kinds of questions about the same arrangements. One can always ask economic questions, for instance, in addition to ethical questions concerning equity: would it increase total output if, say, women were paid less and men were paid more? Would it be more efficient? Sometimes the most efficient arrangement happens also to be fair to all parties, but often it is unfair. Then a choice has to be made between efficiency and fairness. Before it is possible to discuss such choices, however, we need to know the meaning of equity: what are the standards of equity and how do they matter?

Complete egalitarianism—the belief that all good things ought to be shared equally among all people—can be a powerfully attractive view, and it is much more difficult to argue against than many of its opponents seem to think. I shall, nevertheless, assume here that complete egalitarianism is unacceptable. If it were the appropriate view to adopt, our inquiry into equity could end now. The answer to the question, 'what is an equitable arrangement?' would always be the same: an equal distribution. Only equality would ever provide equity.

While I do assume that it may be equitable for some good things to be distributed unequally, I also assume that other things must be kept equal—most importantly, dignity and respect. It is part of the current international consensus that every person is entitled to equal dignity and equal respect. In traditional societies in both hemispheres, even the equality of dignity and respect was denied in theory as well as practice. Now, although principles of equality are still widely violated in practice, inequality of dignity and of respect have relatively few public advocates even among those who practice them. If it is equitable for some other human goods to be distributed unequally, but it is not equitable for dignity or respect to be unequal, the central questions become: 'which inequalities in which other human goods are compatible with equal human dignity and equal human respect?' and 'which inequalities in other goods ought to be eliminated, reduced or prevented from being increased?'

When one is beginning from an existing inequality, like the current inequality in wealth between North and South, three critical kinds of justification are:

[1] Or so I believe. I would be intensely interested in any evidence of a culture that seems to lack a concept of fairness, as distinguished from evidence about two cultures whose specific conceptions of fairness differ in some respects.

justifications of unequal burdens intended to reduce or eliminate the existing inequality by removing an unfair advantage of those at the top; justifications of unequal burdens intended to prevent the existing inequality from becoming worse through any infliction of an unfair additional disadvantage upon those at the bottom; and justifications of a guaranteed minimum intended to prevent the existing inequality from becoming worse through any infliction of an unfair additional disadvantage upon those at the bottom. The second justification for unequal burdens and the justification for a guaranteed minimum are the same: two different mechanisms are being used to achieve fundamentally the same purpose. I shall look at these two forms of justification for unequal burdens and then at the justification for a guaranteed minimum.

Unequal burdens

Greater contribution to the problem

All over the world parents teach their children to clean up their own mess. This simple rule makes good sense from the point of view of incentive: if one learns that one will not be allowed to get away with simply walking away from whatever messes one creates, one is given a strong negative incentive against making messes in the first place. Whoever makes the mess presumably does so in the process of pursuing some benefit—for a child, the benefit may simply be the pleasure of playing with the objects that constitute the mess. If one learns that whoever reaps the benefit of making the mess must also be the one who pays the cost of cleaning up the mess, one learns at the very least not to make messes with costs that are greater than their benefits.

Economists have glorified this simple rule as the 'internalization of externalities'. If the basis for the price of a product does not incorporate the costs of cleaning up the mess made in the process of producing the product, the costs are being externalized, that is, dumped upon other parties. Incorporating into the basis of the price of the product the costs that had been coercively socialized is called internalizing an externality.

At least as important as the consideration of incentives, however, is the consideration of fairness or equity. If whoever makes a mess receives the benefits and does not pay the costs, not only does he have no incentive to avoid making as many messes as he likes, but he is also unfair to whoever does pay the costs. He is inflicting costs upon other people, contrary to their interests and, presumably, without their consent. By making himself better off in ways that make others worse off, he is creating an expanding inequality.

Once such an inequality has been created unilaterally by someone's imposing costs upon other people, we are justified in reversing the inequality by imposing extra burdens upon the producer of the inequality. There are two separate points here. First, we are justified in assigning additional burdens to the party who has been inflicting costs upon us. Second, the minimum extent of the compensatory burden we are justified in assigning is enough to correct the inequality previously unilaterally imposed. The purpose of the extra burden is to restore an equality that was disrupted unilaterally and arbitrarily (or to reduce an inequality that was enlarged unilaterally and arbitrarily). In order to accomplish that purpose, the extra burden assigned must be at least equal to the unfair advantage previously taken. This yields us our first principle of equity:

When a party has in the past taken an unfair advantage of others by imposing costs upon them without their consent, those who have been unilaterally put at a disadvantage are entitled to demand that in the future the offending party shoulder burdens that are unequal at least to the extent of the unfair advantage previously taken, in order to restore equality.[2]

In the area of development and the environment, the clearest cases that fall under this first principle of equity are the partial destruction of the ozone layer and the initiation of global warming by the process of industrialization that has enriched the North but not the South. Unilateral initiatives by the so-called developed countries (DCs) have made them rich, while leaving the less developed countries (LDCs) poor. In the process the industrial activities and accompanying lifestyles of the DCs have inflicted major global damage upon the earth's atmosphere. Both kinds of damage are harmful to those who did not benefit from Northern industrialization as well as to those who did. Those societies whose activities have damaged the atmosphere ought, according to the first principle of equity, to bear sufficiently unequal burdens henceforth to correct the inequality that they have imposed. In this case, everyone is bearing costs—because the damage was universal—but the benefits have been overwhelmingly skewed towards those who have become rich in the process.

This principle of equity should be distinguished from the considerably weaker—because entirely forward-looking—'polluter pays principle' (PPP), which requires only that all future costs of pollution (in production or consumption) be henceforth internalized into prices. Even the OECD formally adopted the PPP in 1974, to govern relations among rich states.[3]

Spokespeople for the rich countries make at least three kinds of counterarguments to this first principle of equity. These are:

1. The LDCs have also benefited, it is said, from the enrichment of the DCs. Usually it is conceded that the industrial countries have benefited more than the non-industrialized. Yet it is maintained that, for example, medicines and technologies made possible by the lifestyles of the rich countries have also reached the poor countries, bringing benefits that the poor countries could not have produced as soon for themselves.

[2] A preliminary presentation of these principles at New York University Law School has been helpfully commented upon in Thomas M. Franck, *Fairness in international law and institutions* (Oxford: Clarendon, 1997), pp. 390–91.

[3] OECD Council, 14 November 1974C (1974), 223 (Paris: OECD, 1974).

Quite a bit of breath and ink has been spent in arguments over how much LDCs have benefited from the technologies and other advances made by the DCs, compared to the benefits enjoyed by the DCs themselves. Yet this dispute does not need to be settled in order to decide questions of equity. Whatever benefits LDCs have received, they have mostly been charged for. No doubt some improvements have been widespread. Yet, except for a relative trickle of aid, all transfers have been charged to the recipients, who have in fact been left with an enormous burden of debt, much of it incurred precisely in the effort to purchase the good things produced by industrialization.

Overall, poor countries have been charged for any benefits that they have received by someone in the rich countries, evening that account. Much greater additional benefits have gone to the rich countries themselves, including a major contribution to the very process of their becoming so much richer than the poor countries. Meanwhile, the environmental damage caused by the process has been incurred by everyone. The rich countries have profited to the extent of the excess of the benefits gained by them over the costs incurred by everyone through environmental damage done by them, and ought in future to bear extra burdens in dealing with the damage they have done.

2. Whatever environmental damage has been done, it is said, was unintentional. Now we know all sorts of things about CFCs and the ozone layer, and about carbon dioxide and the greenhouse effect, that no one dreamed of when CFCs were created or when industrialization fed with fossil fuels began. People cannot be held responsible, it is maintained, for harmful effects that they could not have foreseen. The philosopher Immanuel Kant is often quoted in the West for having said, 'Ought presupposes can'—it can be true that one ought to have done something only if one actually could have done it. Therefore, it is allegedly not fair to hold people responsible for effects they could not have avoided because the effects could not have been predicted.

This objection rests upon a confusion between punishment and responsibility. It is not fair to punish someone for producing effects that could not have been avoided, but it is common to hold people responsible for effects that were unforeseen and unavoidable.

We noted earlier that, in order to be justifiable, an inequality in something between two or more parties must be compatible with an equality of dignity and respect between the parties. If there were an inequality between two groups of people such that members of the first group could create problems and then expect members of the second group to deal with the problems, that inequality would be incompatible with equal respect and equal dignity. For the members of the second group would in fact be functioning as servants for the first group. If I said to you, 'I broke it, but I want you to clean it up', then I would be your master and you would be my servant. If I thought that you should do my bidding, I could hardly respect you as my equal.

It is true, then, that the owners of many coal-burning factories could not possibly have known the bad effects of the carbon dioxide they were releasing into the atmosphere, and therefore could not possibly have intended to contribute to harming it. It would, therefore, be unfair to punish them—by, for example, demanding that they pay double or triple damages. It is not in the least unfair, however, simply to hold them responsible for the damage that they have in fact done. This naturally leads to the third objection.

3. Even if it is fair to hold a person responsible for damage done unintentionally, it will be said, it is not fair to hold the person responsible for damage he did not do himself. It would not be fair, for example, to hold a grandson responsible for damage done by his grandfather. Yet it is claimed this is exactly what is being done when the current generation is held responsible for carbon dioxide emissions produced in the nineteenth century. Perhaps Europeans living today are responsible for atmosphere-damaging gases emitted today, but it is not fair to hold people responsible for deeds done long before they were born.

This objection appeals to a reasonable principle, namely that one person ought not to be held responsible for what is done by another person who is completely unrelated. 'Completely unrelated' is, however, a critical portion of the principle. To assume that the facts about the industrial North's contribution to global warming straightforwardly fall under this principle is to assume that they are considerably simpler than they actually are.

First, and undeniably, the industrial states' contributions to global warming have continued unabated long since it became impossible to plead ignorance. It would have been conceivable that as soon as evidence began to accumulate that industrial activity was having a dangerous environmental effect, the industrial states would have adopted a conservative or even cautious policy of cutting back greenhouse-gas emissions or at least slowing their rate of increase. For the most part this has not happened.

Second, today's generation in the industrial states is far from completely unrelated to the earlier generations going back all the way to the beginning of the Industrial Revolution. What is the difference between being born in 1975 in Belgium and being born in 1975 in Bangladesh? Clearly one of the most fundamental differences is that the Belgian infant is born into an industrial society and the Bangladeshi infant is not. Even the medical setting for the birth itself, not to mention the level of prenatal care available to the expectant mother, is almost certainly vastly more favourable for the Belgian than the Bangladeshi. Childhood nutrition, educational opportunities and life-long standards of living are likely to differ enormously because of the difference between an industrialized and a non-industrialized economy. In such respects current generations are, and future generations probably will be, continuing beneficiaries of earlier industrial activity.

Nothing is wrong with the principle invoked in the third objection. It is indeed not fair to hold someone responsible for what has been done by someone else. Yet that principle is largely irrelevant to the case at hand, because one generation of a rich industrial society is not unrelated to other generations past and future. All are participants in enduring economic structures. Benefits and costs, and rights and responsibilities, carry across generations.

We turn now to a second, quite different kind of justification of the same mechanism of assigning unequal burdens. This first justification has rested in part upon the unfairness of the existing inequality. The second justification neither assumes nor argues that the initial inequality is unfair.

Greater ability to pay

The second principle of equity is widely accepted as a requirement of simple fairness. It states:

> Among a number of parties, all of whom are bound to contribute to some common endeavour, the parties who have the most resources normally should contribute the most to the endeavour.

This principle of paying in accordance with ability to pay, if stated strictly, would specify what is often called a progressive rate of payment: insofar as a party's assets are greater, the rate at which the party should contribute to the enterprise in question also becomes greater. The progressivity can be strictly proportional—those with double the base amount of assets contribute at twice the rate at which those with the base amount contribute, those with triple the base amount of assets contribute at three times the rate at which those with the base amount contribute, and so on. More typically, the progressivity is not strictly proportional—the more a party has, the higher the rate at which it is expected to contribute, but the rate does not increase in strict proportion to increases in assets.

The general principle itself is sufficiently fundamental that it is not necessary, and perhaps not possible, to justify it by deriving it from considerations that are more fundamental still. Nevertheless, it is possible to explain its appeal to some extent more fully. The basic appeal of payment in accordance with ability to pay as a principle of fairness is easiest to see by contrast with a flat rate of contribution, that is, the same rate of contribution by every party irrespective of different parties' differing assets. At first thought, the same rate for everyone seems obviously the fairest imaginable arrangement. What could possibly be fairer, one is initially inclined to think, than absolutely equal treatment for everyone? Surely, it seems, if everyone pays an equal rate, everyone is treated the same and therefore fairly? This, however, is an exceedingly abstract approach, which pays no attention at all to the actual concrete circumstances of the contributing parties. In addition, it focuses exclusively upon the contribution process and ignores the position in which, as a result of the process, the parties end up. Contribution according to ability to pay is much more sensitive both to concrete circumstance and to final outcome.

Suppose that Party A has 90 units of something, Party B has 30 units, and Party C has 9 units. In order to accomplish their missions, it is proposed that everyone should contribute at a flat rate of one-third. This may seem fair in that everyone is treated equally: the same rate is applied to everyone, regardless of circumstances. When it is considered that A's contribution will be 30 and B's will be 10, while C's will be only 3, the flat rate may appear more than fair to C who contributes only one-tenth as much as A does. However, suppose that these units represent \$100 per year in income and that where C lives it is possible to survive on \$750 per year but on no less. If C must contribute 3 units—\$300—he will fall below the minimum for survival. While the flat rate of one-third would require A to contribute far more (\$3,000) than C, and B to contribute considerably more (\$1,000) than C, both A (with \$6,000 left) and B (with \$2,000 left) would remain safely above subsistence level. A and B can afford to contribute at the rate of one-third because they are left with more than enough while C is unable to contribute at that rate and survive.

While flat rates appear misleadingly fair in the abstract, they do so largely because they look at only the first part of the story and ignore how things turn out in the end. The great strength of progressive rates, by contrast, is that they tend to accommodate final outcomes and take account of whether the contributors can in fact afford their respective contributions.

A single objection is usually raised against progressive rates of contribution: disincentive effects. If those who have more are going to lose what they have at a greater rate than those who have less, the incentive to come to have more in the first place will, it is said, be much less than it would have been with a flat rate of contribution. Why should I take more risks, display more imagination, or expend more effort in order to gain more resources if the result will only be that, whenever something must be paid for, I will have to contribute not merely a larger absolute amount (which would happen even with a flat rate) but a larger percentage? I might as well not be productive if much of anything extra I produce will be taken away from me, leaving me little better off than those who produced far less.

Three points need to be noticed regarding this objection. First, of course, being fair and providing incentives are two different matters, and there is certainly no guarantee in the abstract that whatever arrangement would provide the greatest incentives would also be fair.

Second, concerns about incentives often arise when it is assumed that maximum production and limitless growth are the best goal. It is increasingly clear that many current forms of production and growth are unsustainable and that the last thing we should do is to give people self-interested reasons to consume as many resources as they can, even where the resources are consumed productively. These issues cannot be settled in the abstract either, but it is certainly an open question—and one that should be asked very seriously—whether in a particular situation it is desirable to stimulate people by means of incentives to maximum production. Sometimes it is desirable, and sometimes it is not. This is an issue about ends.

Third, there is a question about means. Assuming that it had been demonstrated that the best goal to have in a specific set of circumstances involved stimulating more production of something, one would then have to ask: how much incentive is needed to stimulate that much production? Those who are preoccupied with incentives often speculate groundlessly that unlimited incentives are virtually always required. Certainly it is true that it is generally necessary to provide some additional incentive in order to stimulate additional production. Some people are altruistic and are therefore sometimes willing to contribute more to the welfare of others even if they do not thereby improve their own welfare. It would be completely unrealistic, however, to try to operate an economy on the assumption that people generally would produce more irrespective of whether doing so was in their own interest—they need instead to be provided with some incentive. However, some incentive does not mean unlimited incentive.

It is certainly not necessary to offer unlimited incentives in order to stimulate (limited) additional production by some people (and not others). Whether people respond or not depends upon individual personalities and individual circumstances. It is a factual matter, not something to be decreed in the abstract, how much incentive is enough: for these people in these circumstances to produce this much more, how much incentive is enough? What is clearly mistaken is the frequent assumption that nothing less than the maximum incentive is ever enough.

In conclusion, insofar as the objection based on disincentive effects is intended to be a decisive refutation of the second principle of equity, the objection fails. It is not always a mistake to offer less than the maximum possible incentive, even when the goal of thereby increasing production has itself been justified. There is no evidence that anything less than the maximum is even generally a mistake. Psychological effects must be determined case by case.

On the other hand, the objection based on disincentive effects may be intended—much more modestly—simply as a warning that one of the possible costs of restraining inequalities by means of progressive rates of contribution, in the effort of being fair, may (or may not) be a reduction in incentive effects. As a caution rather than a (failed) refutation, the objection points to one sensible consideration that needs to be taken into account when specifying which variation upon the general second principle of equity is the best version to adopt in a specific case. One would have to consider how much greater the incentive effect would be if the rate of contribution were less progressive, in light of how unfair the results of a less progressive rate would be.

This conclusion that disincentive effects deserve to be considered, although they are not always decisive, partly explains why the second principle of equity is stated, not as an absolute, but as a general principle. It says: '… the parties who have the most resources *normally* should contribute the most…'—not always, but normally. One reason why the rate of contribution might not be progressive, or might not be as progressive as possible, is the potential disincentive effects of more progressive rates. It would need to be shown case by case that an important goal was served by having some incentive and that the goal in question would not be served by the weaker incentive compatible with a more progressive rate of contribution.

We have so far examined two quite different kinds of justifications of unequal burdens: to reduce or eliminate an existing inequality by removing an unfair advantage of those at the top and to prevent the existing inequality from becoming worse through any infliction of an unfair additional disadvantage upon those at the bottom. The first justification rests in part upon explaining why the initial inequality is unfair and ought to be removed or reduced. The second justification applies irrespective of whether the initial inequality is fair. Now we turn to a different mechanism that—much more directly—serves the second purpose of avoiding making those who are already the worst-off yet worse off.

Guaranteed minimum

We noted earlier that issues of equity or fairness can arise only if there is something that must be divided among different parties. The existence of the following circumstances can be taken as grounds for thinking that certain parties have a legitimate claim to some of the available resources: (a) the aggregate total of resources is sufficient for all parties to have more than enough; (b) some parties do in fact have more than enough, some of them much more than enough; and (c) other parties have less than enough. American philosopher Thomas Nagel has called such circumstances radical inequality.[4] Such an inequality is radical in part because the total of available resources is so great that there is no need to reduce the best-off people to anywhere near the minimum level in order to bring the worst-off people up to the minimum: the existing degree of inequality is utterly unnecessary and easily reduced, in light of the total resources already at hand. In other words, one could preserve considerable inequality—in order, for instance, to provide incentives, if incentives were needed for some important purpose—while arranging for those with less than enough to have at least enough.

Enough for what? The answer could of course be given in considerable detail, and some of the details would be controversial (and some, although not all, would vary across societies). The basic idea, however, is of enough for a decent chance for a reasonably healthy and active life of more or less normal length, barring tragic accidents and interventions. 'Enough' means the essentials for at

[4] See Thomas Nagel, 'Poverty and food: why charity is not enough', in Peter G. Brown and Henry Shue, eds, *Food policy: the responsibility of the United States in the life and death choices* (New York: Free Press, 1977), pp. 54–62. In an important recent and synthetic discussion Thomas W. Pogge has suggested adding two further features to the characterization of a radical inequality, as well as a different view about its moral status—see Thomas W. Pogge, 'A global resources dividend', in David A. Crocker and Toby Linden, eds, *Ethics of consumption: the good life, justice and global stewardship*, in the series Philosophy and the global context (Lanham, MD, Oxford: Rowman & Littlefield, 1998), pp. 501–36. On radical inequality, see pp. 502–503.

least a bit more than mere physical survival—for at least a distinctively human, if modest, life. For example, having enough means owning not merely clothing adequate for substantial protection against the elements but clothing adequate in appearance to avoid embarrassment, by local standards, when being seen in public, as Adam Smith noted.

In a situation of radical inequality—a situation with the three features outlined above—fairness demands that those people with less than enough for a decent human life be provided with enough. This yields the third principle of equity, which states:

> When some people have less than enough for a decent human life, other people have far more than enough, and the total resources available are so great that everyone could have at least enough without preventing some people from still retaining considerably more than others have, it is unfair not to guarantee everyone at least an adequate minimum.[5]

Clearly, provisions to guarantee an adequate minimum can be of many different kinds, and, concerning many of the choices, equity has little or nothing to say. The arrangements to provide the minimum can be local, regional, national, international or, more likely, some complex mixture of all, with secondary arrangements at one level providing a backstop for primary arrangements at another level.[6] Similarly, particular arrangements might assign initial responsibility for maintaining the minimum to families or other intimate groups, to larger voluntary associations like religious groups or to a state bureau. Consideration of equity might have no implications for many of the choices about arrangements, and some of the choices might vary among societies, provided the minimum was in fact guaranteed.

Children, it is worth emphasizing, are the main beneficiaries of this principle of equity. When a family drops below the minimum required to maintain all its members, the children are the most vulnerable. Even if the adults choose to allocate their own share of an insufficient supply to the children, it is still quite likely that the children will have less resistance to disease and less resilience in general. And of course not all adults will sacrifice their own share to their children. Or, in quite a few cultures, adults will sacrifice on behalf of male children but not on behalf of female children. All in all, when essentials are scarce, the proportion of children dying is far greater than their proportion in the population, which in poorer countries is already high—in quite a few poor countries, more than half the population is under the age of 15.

5 This third principle of equity is closely related to what I called the argument from vital interests in Henry Shue, 'The unavoidability of justice', in Andrew Hurrell and Benedict Kingsbury, eds, *The international politics of the environment* (Oxford: Oxford University Press, 1992), pp. 373–97. It is the satisfaction of vital interests that constitutes the minimum everyone needs to have guaranteed. In the formulation here the connection with limits on inequality is made explicit.

6 On the importance of backstop arrangements, or the allocation of default duties, see 'Afterword' in Henry Shue, *Basic rights: subsistence, affluence, and US foreign policy*, 2nd edn (Princeton, NJ: Princeton University Press, 1996).

One of the most common objections to this third principle of equity flows precisely from this point about the survival of children. It is what might be called the over-population objection. I consider this objection to be ethically outrageous and factually groundless, as explained elsewhere.[7]

The other most common objection is that while it may be only fair for each society to have a guaranteed minimum for its own members, it is not fair to expect members of one society to help to maintain a guarantee of a minimum for members of another society.[8] This objection sometimes rests on the assumption that state borders—national political boundaries—have so much moral significance that citizens of one state cannot be morally required, even by considerations of elemental fairness, to concern themselves with the welfare of citizens of a different political jurisdiction. A variation on this theme is the contention that across state political boundaries moral mandates can only be negative requirements not to harm and cannot be positive requirements to help. I am unconvinced that, in general, state political borders and national citizenship are markers of such extraordinary and over-riding moral significance. Whatever may be the case in general, this second objection is especially unpersuasive if raised on behalf of citizens of the industrialized wealthy states in the context of international cooperation to deal with environmental problems primarily caused by their own states and of greatest concern in the medium term to those states.

To help to maintain a guarantee of a minimum could mean either of two things: a weaker requirement (a) not to interfere with others' ability to maintain a minimum for themselves; or a stronger requirement (b) to provide assistance to others in maintaining a minimum for themselves. If everyone has a general obligation, even towards strangers in other states and societies, not to inflict harm on other persons, the weaker requirement would follow, provided only that interfering with people's ability to maintain a minimum for themselves counted as a serious harm, as it certainly would seem to. Accordingly, persons with no other bonds to each other would still be obliged not to hinder the others' efforts to provide a minimum for themselves.

One could not, for example, demand as one of the terms of an agreement that someone make sacrifices that would leave the person without necessities. This means that any agreement to cooperate made between people having more than enough and people not having enough cannot justifiably require those who start out without enough to make any sacrifices. Those who lack essentials will still have to agree to act cooperatively, if there is in fact to be cooperation, but they should not bear the costs of even their own cooperation. Because a demand that those lacking essentials should make a sacrifice would harm them, making such a demand is unfair.

7 *Basic rights*, ch. 4.

8 This objection has recently been provided with a powerful and sophisticated Kantian formulation that deserves much more attention than space here allows—see Richard W. Miller, 'Cosmopolitan respect and patriotic concern', *Philosophy & Public Affairs* 27: 3, Summer 1998, pp. 202–24.

That (a), the weaker requirement, holds, seems perfectly clear. When, if ever, would (b), the stronger requirement to provide assistance to others in maintaining a minimum for themselves, hold? Consider the case at hand. Wealthy states, which are wealthy in large part because they are operating industrial processes, ask the poor states, which are poor in large part because they have not industrialized, to cooperate in controlling the bad effects of these same industrial processes, like the destruction of atmospheric ozone and the creation of global warming. Assume that the citizens of the wealthy states have no general obligation, which holds prior to and independently of any agreement to work together on environmental problems, to contribute to the provision of a guaranteed minimum for the citizens of the poor states. The citizens of the poor states certainly have no general obligation, which holds prior to and independently of any agreement, to assist the wealthy states in dealing with the environmental problems that the wealthy states' own industrial processes are producing. It may ultimately be in the interest of the poor states to see ozone depletion and global warming stopped, but in the medium term the citizens of the poor states have far more urgent and serious problems—like lack of food, lack of clean drinking water and lack of jobs to provide minimal support for themselves and their families. If the wealthy states say to the poor states, in effect, 'our most urgent request of you is that you act in ways that will avoid worsening the ozone depletion and global warming that we have started', the poor states could reasonably respond, 'our most urgent request of you is assistance in guaranteeing the fulfilment of the essential needs of our citizens'.

In other words, if the wealthy have no general obligation to help the poor, the poor certainly have no general obligation to help the wealthy. If this assumed absence of general obligations means that matters are to be determined by national interest rather than international obligation, then surely the poor states are as fully at liberty to specify their own top priority as the wealthy states are. The poor states are under no general prior obligation to be helpful to the wealthy states in dealing with whatever happens to be the top priority of the wealthy states. This is all the more so as long as the wealthy states remain content to watch hundreds of thousands of children die each year in the poor states for lack of material necessities, which the total resources in the world could remedy many times over. If the wealthy states are content to allow radical inequalities to persist and worsen, it is difficult to see why the poor states should divert their attention from their own worst problems in order to help out with problems that for them are far less immediate and deadly. It is as if I am starving to death, and you want me to agree to stop searching for food and instead to help repair a leak in the roof of your house without your promising me any food. Why should I turn my attention away from my own more severe problem to your less severe one, when I have no guarantee that if I help you with your problem you will help me with mine? If any arrangement would ever be unfair, that one would.

Radical human inequalities cannot be tolerated and ought to be eliminated, irrespective of whether their elimination involves the movement of resources across national political boundaries: resources move across national boundaries all the time for all sorts of reasons. I have not argued here for this judgement about radical inequality, however.[9] The conclusion for which I have provided a rationale is even more compelling: when radical inequalities exist, it is unfair for people in states with far more than enough to expect people in states with less than enough to turn their attention away from their own problems in order to cooperate with the much better-off in solving their problems (and all the more unfair—in light of the first principle of equity—when the problems that concern the much better-off were created by the much better-off themselves in the very process of becoming as well off as they are). The least that those below the minimum can reasonably demand in reciprocity for their attention to the problems that concern the best-off is that their own most vital problems be attended to: that they be guaranteed means of fulfilling their minimum needs. Any lesser guarantee is too little to be fair, which is to say that any international agreement that attempts to leave radical inequality across national states untouched while asking effort from the worst-off to assist the best-off is grossly unfair.

Overview

I have emphasized that the reasons for the second and third principles of equity are fundamentally the same, namely, avoiding making those who are already the worst-off yet worse off. The second principle serves this end by requiring that when contributions must be made, they should be made more heavily by the better-off, irrespective of whether the existing inequality is justifiable. The third principle serves this end by requiring that no contributions be made by those below the minimum unless they are guaranteed ways to bring themselves up at least to the minimum, which assumes that radical inequalities are unjustified. Together, the second and third principles require that if any contributions to a common effort are to be expected of people whose minimum needs have not been guaranteed so far, guarantees must be provided; and the guarantees must be provided most heavily by the best-off.

The reason for the first principle was different from the reason for the second principle, in that the reason for the first rests on the assumption that an existing inequality is already unjustified. The reason for the third principle rests on the same assumption. The first and third principles apply, however, to inequalities that are, respectively, unjustified for different kinds of reasons. Inequalities to which the first principle applies are unjustified because of how they arose, namely some people have been benefiting unfairly by dumping the costs of their own advances upon other people. Inequalities to which the third principle

9 And for the argument to the contrary see Miller, 'Cosmopolitan respect and patriotic concern'.

applies are unjustified independently of how they arose and simply because they are radical, that is, so extreme in circumstances in which it would be very easy to make them less extreme.

What stands out is that in spite of the different content of these three principles of equity, and in spite of the different kinds of grounds upon which they rest, they all converge upon the same practical conclusion: whatever needs to be done by wealthy industrialized states or by poor non-industrialized states about global environmental problems like ozone destruction and global warming, the costs should initially be borne by the wealthy industrialized states.