

JUSTICE, CHARITY, AND DISASTER RELIEF:
WHAT, IF ANYTHING, IS OWED TO HAITI, JAPAN, AND NEW ZEALAND?*

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Abstract: Whenever fellow humans suffer due to natural catastrophes, we have a duty to help them. This duty is not only acknowledged in moral theory, but also expressed in ordinary people's reactions to phenomena such as tsunamis, hurricanes, and earthquakes. Despite being widely acknowledged, this duty is also widely disputed: some believe it is a matter of justice, others a matter of charity. Although central to debates in international political theory, the distinction between justice and charity is hardly ever systematically drawn. To fill this gap in the literature, I consider three accounts of this distinction, the 'Agent-based', the 'Recipient-based', and the 'Mixed' View, and argue that they are all unsatisfactory. I then offer a fourth alternative, the 'Autonomy' View, which successfully overcomes the difficulties affecting its rivals. I conclude by considering the implications of this view for the moral grounds of disaster relief in earthquake-stricken Haiti, New Zealand, and Japan.

Keywords: justice, charity, disaster relief, Haiti, autonomy, responsibility.

Over the last few years, our planet has been affected by intense seismic activity, with terrible consequences for a large number of people. On January 12, 2010, Haiti was devastated by a catastrophic earthquake, which claimed hundreds of thousands of lives, and severely damaged the country's already poor infrastructure (BBC 2010). About a year later, on February 22, 2011, an almost equally intense earthquake struck the city of Christchurch, New Zealand. Damages and deaths

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were not nearly as high as in Haiti, but still serious enough for the Government to declare a state of national emergency (BBC 2011a).¹ Only twenty days later, on March 11, 2011, a violent undersea earthquake took place off the coast of Japan, generating a monstrous tsunami wave. Villages and cities along the coast were swept away, thousands of people died, and Japanese authorities had to face a nuclear emergency, provoked by radiation leaks from the damaged Fukushima-Daiichi power station (BBC 2011b).

Faced with these disasters, many governments have tried to help the affected regions, by sending food supplies, medical staff, military personnel, and other forms of aid. Charitable help, it is said, becomes imperative when other fellow humans find themselves in desperate circumstances. Although the international mobilization in response to these crises seems praiseworthy, some have criticized its rhetoric, with particular reference to the case of Haiti. As one commentator puts it, when it comes to Haiti, people should ‘stop having a conversation about charity and start having a conversation about justice What the world should be pondering ... is: What is Haiti owed?’ (Kim 2010)² This assertion implicitly suggests that there is a fundamental difference between the case of Haiti and those of Japan and New Zealand. Talk of charitable aid might be appropriate in the latter, but not in the former.³

¹ See also <http://www.ccc.govt.nz/homeliving/civildefence/chcheearthquake/index.aspx> (last accessed 20/6/2012).

² Similar complaints have been expressed elsewhere. See, e.g., Concannon and Phillips (2010), and Isaacs (2010).

³ To be clear, critics of the relief efforts in Haiti have not explicitly referred to Japan and New Zealand. In fact, these regions had not been hit by earthquakes when the debate about Haiti was taking place. My point is that no comparable complaints have been advanced in relation to the

For those who hold this view, the world might pride itself with generously helping New Zealand and Japan, but not with helping Haiti. It is a mistake to think of the citizens and governments of richer countries as selflessly donating *their own* resources to alleviate the suffering of Haiti's population.⁴ Haitians are entitled to most of those resources in the first place: they have a *right* to them. Is this a plausible claim?

Of course, the claim would be rather uncontroversial had Haiti, but not Japan and New Zealand, signed a valid international treaty of mutual help, giving its signatories entitlements to assistance in case of natural disasters. But my discussion, like the debate in the media, proceeds by bracketing off any such treaties, and comparable entitlement-generating special relations.

To assess the plausibility of the claim that Haiti is owed justice (and not merely charity), then, we need to gain a more systematic understanding of the distinction between duties of justice and duties of charity.⁵ In particular, we need to identify the *existence conditions* of these two types of duties, beyond cases involving obvious entitlement-generating relations (e.g., valid treaties or contracts).⁶ Surprisingly, the contemporary political-theory literature is unclear on this point. Political theorists agree that certain fundamental human interests – including life, bodily integrity, health, access to nutrition, shelter, and sanitation – ought to be universally protected. However, they disagree about the conditions under which

relief effort in Japan and New Zealand. This, in turn, suggests the existence of a disanalogy between our moral position towards Haiti and our moral position towards the other two countries.

⁴ See Doyle (2010) for an example of the use of the language of help and donation.

⁵ What I call duties of charity are often also referred to as duties of humanity or beneficence. My discussion is neutral across these different characterizations.

⁶ I borrow the idea of an 'existence condition' from Abizadeh (2007, 3-4).

their protection gives rise to *rights* and thus becomes a stringent matter of justice. Since justice is logically prior to charity, this is no minor disagreement. To act out of charity is to help others in need – at reasonable costs – using *one's own* resources, namely the resources one has *a right* to. This means that, until we know what justice requires, we cannot know what kinds of duties apply to us (Barry 1991).

Against this backdrop, my aim in this article is twofold. In the first three sections, I wish to clear up a major area of confusion in current debates on global political theory, by carefully reconstructing and criticizing three prominent accounts of the existence conditions of duties of justice. These are what I call the ‘Agent-based’, the ‘Recipient-based’, and the ‘Mixed’ View. I argue that the agent-based view is objectionably conservative, its recipient-based counterpart too demanding, while the mixed view problematically *ad hoc*.

In the second part of the article, I build on my critiques to defend a fourth account of the existence conditions of duties of justice: the ‘Autonomy View’. On this view, justice demands that we refrain from undermining the necessary conditions for people to lead autonomous lives. I argue that this view is superior to its rivals, and apply it to the cases of Haiti, Japan, and New Zealand. I conclude that critics of the relief efforts in Haiti are probably right. *If* certain (plausible) factual assumptions are correct, addressing Haiti’s plight is, for the most part, a matter of justice, while addressing Japan’s and New Zealand’s is not.

Even though this article discusses the relationship between justice and charity, much of it focuses on justice in particular. There is in fact relatively little controversy about the existence conditions of duties of charity. Theorists tend to agree that *an agent is under a duty of charity if and only if there are people in need, and she can help them at reasonable costs*. Logically prior, and normatively

more controversial, are the existence conditions of duties of justice. Regarding justice, three points of clarification are in order.

First, I here understand justice as a political ideal. That is, I take demands of justice to be those that can be legitimately enforced by the state – or other, functionally equivalent, agents. Second, I follow other theorists in assuming that the existence conditions of justice include moderate scarcity and limited altruism.⁷ On this assumption, the function of principles of justice is to establish how entitlements to valuable but scarce resources ought to be assigned among a plurality of agents competing over them. Third, and finally, my discussion, like the debate it addresses, is premised on a commitment to equal respect for persons. This commitment implies that, although each of us has a legitimate special interest in her own life, every human being is an ultimate object of moral concern, whose projects and pursuits ought to be respected.

THE AGENT-BASED VIEW

As noted at the outset, political theorists agree that certain fundamental human interests ought to be universally protected. However, they disagree about the conditions under which these interests give rise to rights, such that their protection becomes a stringent matter of justice. One account of such conditions is offered by what I call the ‘agent-based view’. On this view, whether a duty counts as one of justice depends, crucially, on the *actual* position of the duty bearer. This view, defended most famously by Immanuel Kant (1797) and John Stuart Mill (1863, ch. 5) and more recently by Onora O’Neill (1996, ch. 5) and Saladin Meckled-

⁷ These are the so-called Humean circumstances of justice. See Rawls (1971, 126-30).

Garcia (2008), holds that ‘perfection’ is a *necessary* condition for a duty to count as one of justice.⁸

The agent-based view: An agent is under a duty of justice *only if* the duty is perfect, i.e., its content and mode of performance are fully specified.

When duties are perfect, duty bearers have no discretion in establishing the content of the duty and how it should be fulfilled: what they ought to do is determined with ‘mathematical exactitude’ (Kant 1797, 6:233). Unless duties of justice are mathematically precise, it is said, their recipients cannot have rights to their performance. For an agent A to have a right to X, there must be another agent B, with a duty to provide A with X, or to respect A’s X (Raz 1986, ch. 7). But without a clear account of who B is, and what X amounts to, A cannot be said to have a right to X. Indeed, A does not know what the content of her right is, and from whom she may claim its fulfilment.

A few duties are perfect by their very nature. For instance, the content of the duty not to kill or assault is arguably clear, as it is clear that it is owed to each and every person, by each and every person. But since many other duties are not ‘precise’ in this way, to qualify as duties of justice, they need to be ‘made perfect’ through *institutional allocation* (cf. Buchanan 1987). For instance, we may all have duties to provide resources to the needy, but such duties cannot be regarded as duties of justice until institutions tell us who exactly ought to provide what for whom. Until then, there cannot be rights to resources, because the corresponding duties remain indeterminate: there is no clearly identified agent who could violate

⁸ This means that not all perfect duties are duties of justice, but all duties of justice are perfect.

them. Rights without duty-bearers, proponents of the agent-based view complain, are empty rhetoric (O'Neill 1996, 132-3; see also O'Neill 2000, ch. 6).

On this view, *institutions* that precisely establish the *bearers and content* of duties of justice are a necessary existence condition of many of those duties. As O'Neill (1996, 131) says, many rights, especially positive ones to goods and services, '*presuppose* institutional arrangements', because without such arrangements we cannot know who ought to do what towards the fulfilment of those rights. Is this a plausible view? It is not, because it gets the relation between justice and just institutions the wrong way round (on this see also Ashford 2006, 2007, and 2009, and Tasioulas 2007).⁹ Institutions are best seen as vehicles for discharging duties of justice that already exist, rather than as necessary conditions for their existence.

Consider the following analogy. It makes perfect sense to say that the victim of a car accident is *entitled* to compensation from those responsible for it, even before they (or a court) establish exactly how much each one owes, i.e., even before they are each bearers of *perfect* duties. To be sure, we can easily identify the offenders as violators of the perfect duty to not harm, but in the absence of institutional allocation (or coordination), we cannot tell *who exactly owes what* to the victim. But is this sufficient to claim that the victim has no right to compensation? Clearly not. If the culprits fail to coordinate and give the victim what she is owed, we can criticize them for violating the victim's rights. It would be extremely counter-intuitive to claim that, if those who have caused the accident (or indeed judges) fail to determine how to allocate responsibility, the victim has

⁹ Another famous charge against this view is that the protection of negative rights often demands positive action (e.g., respect for the right to liberty requires positive institutional provisions, such as police and tribunals). For this argument see Shue (1996, 37-8).

no right against them. As this example shows, precise allocation is necessary to *discharge* pre-existing duties of justice; whether such duties exist or not rests on independent moral considerations.

Similarly, whether the privileged of the world have duties of justice to relieve the plight of those in need (Haitians, New Zealanders etc.) has nothing to do with whether such duties are perfect (precisely allocated *via* institutions), but rests on independent moral considerations. Precise institutional allocation only matters for the fulfilment of such duties, not for their existence. Otherwise, mere failures of coordination – when coordination is in fact possible – would suffice to free us from justice-based obligations and deprive recipients of their entitlements, which seems absurd.

To conclude, the agent-based view is excessively status-quo-biased insofar as it takes *de facto* coordination and institutional allocation to be an existence condition of positive duties of justice. It conflates moral rights with *de facto* recognized ones, thereby reaching implausible conclusions.

THE RECIPIENT-BASED VIEW

The recipient-based view holds that all human beings have certain fundamental rights – including rights to material resources – solely by virtue of their humanity. This approach, recently defended by Amartya Sen (2004) and Simon Caney (2007), is recipient-based in that it defines (some) rights exclusively by reference to those human interests that ought to be universally fulfilled, such as life, bodily integrity, nutrition, shelter, sanitation, and so forth. From this perspective, Haitians, New Zealanders, and Japanese people whose fundamental interests have suffered a setback as a consequence of the relevant earthquakes are all entitled (i.e., have a right) to assistance.

Although elegant and parsimonious, this view is also incomplete. This is because for any given right there must also be a duty. As proponents of the agent-based view emphasize, rights without corresponding duties are empty rhetoric. How, then, do advocates of the recipient-based approach seek to allocate the duties correlative to universal rights? Even though they say relatively little about this, we can envisage a number of alternative allocation principles compatible with their outlook.¹⁰ Each of these allocation principles corresponds to a particular account of the *sufficient* existence conditions of duties of justice.¹¹

Account 1: An agent is under a duty of justice *if* there are basic human interests to be fulfilled and she has the ability to fulfil them up to the level of marginal utility.¹²

On this view, a version of which has been famously defended by Peter Singer (1972), each person has a duty always to act so as to promote the fulfilment of persons' basic interests worldwide, so long as doing so does not undermine her own fundamental interests. Despite its simplicity, this solution is known to be problematically overdemanding. To ask people always to act so as to maximize interest-fulfilment is to deprive them of a space within which to advance their

¹⁰ Caney himself admits that his approach is silent about how responsibility for the fulfilment of persons' universal rights should be distributed. See Caney (2007, 304).

¹¹ I say sufficient, because proponents of the recipient-based view might want to claim that there are also enforceable duties of justice activated by special relations. As I said at the outset, these duties fall outside the scope of the present discussion.

¹² Meaning up to the level at which further efforts to fulfil others' basic interests would cause one's own basic interests to become unfulfilled.

own goals. A theory of justice denying agents the right to pursue their own projects is one that undermines the values it is meant to affirm.

In response to this worry, recipient-based theorists might focus on institutions as the most appropriate means of discharging the duties correlative to universal rights. Once institutional arrangements have been established, so the argument goes, people need no longer worry about rights fulfilment: institutions will take care of it (cf. Shue 1988 and Goodin 1985). In contrast to the agent-based view, here, institutions are not existence conditions of duties of justice, but *instrumental* to their realization.

Unfortunately, this solution is also susceptible to the overdemandingness charge. Considering how much institution building would be required to fulfil universal rights, people in the current generation would have to devote their entire lives to the construction of just global institutions, thereby neglecting their own projects.

One might object that the costs of just institution building are so prohibitive only due to partial compliance. If everyone did their fair share, the costs of bringing about greater justice would be bearable.¹³ This leads us to a second possible account of the sufficient existence conditions of duties of justice.

Account 2: An agent is under a duty of justice *if* there are basic human interests to be fulfilled and she has the ability to do her fair share in fulfilling them.

¹³ I am grateful to Ian Carroll for raising this potential objection.

This option appeals to a principle like the following: Your duties of justice always correspond to what your fair share would be, assuming full compliance (see Murphy 2000). This agent-centered principle sits uncomfortably with a *recipient-based* approach to justice. According to this principle, if the UK, France, Germany, Italy, and Spain were equally well-placed to address Haiti's (or some other country's) plight,¹⁴ and Haiti needed at least 10 billion dollars worth of aid, each of these countries would have a duty of justice to invest 2 billion dollars in relief operations. If Italy and Spain failed to honour this duty, France, Germany and the UK would still have a duty of justice to invest only 2 billion dollars each – which, *ex hypothesi*, would not be enough to address Haiti's plight – even if they could all easily invest more than that (cf. Frankfurt 1987). This way of looking at things is clearly unacceptable from the perspective of a *recipient-based* view, which means that Account 2 fails to provide a viable response to the difficulties with Account 1. How, then, can the advocates of a recipient-based view escape the overdemandingness charge?

A third suggestion is to place limits on 'the amount that one may permissibly require of individuals' (Caney 2007, 306; see also Sen 2004, 339). On this 'cost-sensitive' version of the recipient-based approach, the sufficient existence conditions of duties of justice can be defined as follows:

Account 3: An agent is under a duty of justice *if* there are basic human interests to be fulfilled and she can fulfil them at reasonable costs.

Although appealing, this proposal robs rights and justice of much of their normative force. Consider a right to adequate nutrition. On the cost-sensitive

¹⁴ For simplicity, I am here assuming away any possible special responsibilities.

view, to say that there is such a right is to say that we have a stringent duty of justice to help fulfil this right up to a certain cost threshold, and no such duty above the threshold. If it turned out that the cost threshold would be met before the right is fulfilled, how could we say that there is a right to adequate nutrition in the first place, given that no one would be morally bound by a duty to provide adequate nutrition? We need to calculate costs and allocate duties *before* proclaiming the existence of rights *strictly understood* (Raz 1986, chs. 7 and 8).¹⁵ The recipient-based approach fails to do this, thus potentially turning talk of rights into empty rhetoric, as feared by proponents of the agent-based view.¹⁶

THE MIXED VIEW

What I call the ‘mixed view’, recently defended by David Miller, tries to bring together considerations about the *moral position* (i.e., the responsibility) of the agent and that of the recipient in defining what counts as a duty of justice. On this view, the *sufficient* existence conditions of duties of justice, as opposed to duties of charity, can be stated as follows:¹⁷

¹⁵ A way out of this difficulty may be to rethink the notion of a right and connect it to the idea of ‘dynamic duties’, namely duties gradually to bring about conditions under which rights can be fulfilled. For this proposal see Gilibert (2009). For an alternative proposal in a similar direction, see the distinction between rights and proto-rights as discussed in Valentini (2012).

¹⁶ O’Neill (1996, 133).

¹⁷ Miller calls duties of charity duties of humanity. As I said in footnote 4, my discussion is neutral across these different labels. Moreover, here too I focus on the sufficient existence conditions of duties of justice, because Miller might (in fact does) think that there are conditions, such as special relations, giving rise to further enforceable duties of justice. As I have already mentioned, such special relations are bracketed off from the present discussion.

The mixed view: an agent is under a duty of justice *if* she has the ability to meet basic needs and no one else, including the recipient, is responsible for bringing about the recipient's plight; if they are, they bear duties of justice (see Miller 2007, 47-8, 254-9).

To illustrate how this account can be applied to specific cases, Miller offers a series of examples, involving a needy society, call it 'N', such as Haiti, New Zealand, or Japan:

Scenario 1. N is destitute due to its imprudent policies. In Miller's view, other bystander societies – call them 'S' for brevity – have a duty of *charity* to assist N.

Scenario 2. N is destitute due to a natural catastrophe. In Miller's view, S have a duty of *justice* to assist N (Miller 2007, 264).

Scenario 3. N is destitute due to A's rapacious behaviour. In this case, Miller says, A has a duty of *justice* to remedy N's situation, while S have a duty of *charity* to do so (Miller 2007, 264).

Following Miller we would have to conclude that Haiti, Japan, and New Zealand are all entitled to assistance on grounds of justice, insofar as their situation is analogous to scenario 2.

Is the view behind this conclusion plausible? Even though Miller's responsibility-sensitive strategy points in the right direction, the rationale underpinning it appears excessively *ad hoc*. His attempt to be sensitive to the

moral position of the duty-bearer as well as to that of the recipient leads to an unfortunate lack of consistency.

For instance, the different treatment of scenarios 1 and 2 is meant to reflect the different moral position of the recipient of duties of aid: in scenario 1, N is responsible for its plight, while in scenario 2 it is not. However, it is unclear why this should make any difference to the nature of S's duties, given that *its* moral position remains unchanged. In both scenarios S are simply bystanders which can help N at reasonable costs. If so, why should their duties be a matter of charity in scenario 1, but of justice in scenario 2?

By the same token, there seems to be no principled reason why a society's duty towards N should *remain of the same kind* when it is responsible for causing N's plight (A in scenario 3), and when such plight has been caused by a natural catastrophe (scenario 2). Surely, if I have intentionally or negligently harmed you, you have a right to compensation against me in particular, and I have a stringent duty of justice to rectify the harm caused. But why would my duty be of the same kind when I have nothing to do with your plight? The former example seems to involve a stringent duty of justice, while the latter a less stringent, but still important, duty of charity.¹⁸

¹⁸ One might complain that, contrary to what I have said, the duty in scenario 2 is indeed one of justice. After all, N is not responsible for the catastrophe, and we might think that its plight puts into question S's entitlements. Why not adopt this view? There are at least two reasons why not. First, the view presupposes that justice is about the rectification of the effects of bad brute luck on people's lives, but this is not an obvious or default position. It is at least equally plausible to think that bad luck does not make a difference to our entitlements, but to what we ought to do with them (e.g., help those in need). Second, the view also implies that S's duties in scenario 3 are less stringent (or at any rate different) from their duties in scenario 2. But as I shall shortly explain in the main text, this view is implausible.

Finally, Miller claims that S's duty towards N changes depending on whether N's plight has been caused by a natural catastrophe (scenario 2), or whether it has been caused by another agent – be it some other society (scenario 3) or N itself (scenario 1). Yet, it seems more consistent to say that S's duty is one of charity across all three cases. If Charles is hanging off a cliff and I can rescue him at reasonable cost to myself, why should my duty towards him change depending on whether he has accidentally slipped off the cliff, has been pushed by John, or has deliberately taken a risk?¹⁹ In all three cases, I have a duty to help him because he is in difficulty, independently of other people's (and his own) responsibilities.²⁰ Indeed, my moral position with respect to Charles does not depend on the cause of his current difficulties – unless, of course, I have brought them about. So long as I am a bystander and can help at reasonable costs, I have a duty of *charity* to do so.

In sum, while Miller seems right in making responsibility central to the distinction between justice and charity, his attempt to balance agent-based and recipient-based considerations lacks systematicity and leads to counter-intuitive conclusions. As our discussion of his scenarios shows, our judgments about justice versus charity seem to track the moral position of the duty bearer alone, independently of that of the recipient. Specifically, duties of justice appear to be

¹⁹ Cf. Zimmermann's (1981, 135) variation on a famous example by Singer (1972). For further discussion of this point, but in the context of a general critique of non-relational cosmopolitanism (a view which significantly differs from Miller's) see Valentini (2011b, 49-55).

²⁰ But if I am the only person who can save Charles at reasonable costs, why not say that he has a *right* to be saved by me, hence my duty is one of justice (cf. Gilibert 2010)? This is a tempting conclusion, but I want to resist it. By saving Charles, I am acting out of a duty to help those in need at reasonable cost, namely a duty of charity or beneficence. There are rare circumstances in which the content of the duty is more determinate than others. In such circumstances, the duty will have the appearance of one of justice, but its ground will still be charity or beneficence.

triggered whenever the agency of the duty-bearer *contributes* to bringing about the recipient's predicament (e.g., A in scenario 3), but not otherwise (S in scenarios 1 and 2). In the next section, I argue that we can use this insight to construct a more plausible and systematic account of the existence conditions of duties of justice.

THE AUTONOMY VIEW

On what I call the 'autonomy' view, the *necessary and sufficient* existence conditions of duties of justice can be stated as follows.

The autonomy view: An agent is under a duty of justice *if and only if* she has the ability to refrain from undermining the necessary conditions for others to lead autonomous lives ('autonomy conditions').

On the autonomy view, each person has a right not to be deprived of the social conditions to lead an autonomous life, and *duties of justice* are correlative to such a right. Since bad luck and others' failure to abide by duties of justice may undermine persons' autonomy conditions, morality also demands that we come to their help when we can do so at reasonable costs: these demands correspond to *duties of charity*. Duties of justice and duties of charity can be helpfully seen as implications of the fundamental demand of equal respect (cf. Valentini 2011b, 180-1).²¹ On this view, to respect persons *qua* autonomous agents, we ought to

²¹ The autonomy view further develops, and offers an alternative framing to, my overall liberal outlook on justice, as articulated in Valentini (2011a and 2011b, ch. 6). Central to these works is what I called the 'coercion view'. On this view, demands of justice are triggered by coercive dynamics (which always involve non-trivial restrictions of freedom), whether interactional

both refrain from undermining their autonomy conditions, and help them when we can do so without too much sacrifice. The greater stringency of duties of justice with respect to duties of charity is explained by the greater involvement of our agency in others' predicament.²² We have a duty of justice to assist others – i.e., we owe them assistance – if we are responsible for their plight by having undermined their autonomy conditions (or are bound by special relations to assist them – a case which, as I said in the introduction, I do not consider in the present article²³). By contrast, if our agency is not involved in their plight, we have duties of charity to help them at reasonable costs.

(perpetrated by individual or group agents) or systemic (the product of non-agential systems of rules). As I have argued in Valentini (2011a and 2011b), thinking about justice from the perspective of the coercion view allows us to steer a middle course between cosmopolitan (global egalitarian) and statist (global sufficientarian/assistance-based) accounts of global justice. The present article offers an alternative defence of this broadly liberal outlook (in the form of the autonomy view), and brings it to bear on the question of the nature of our duties in the case of disaster relief.

²² The predicament in question has to be the same across the relevant cases. Otherwise we would reach the problematic conclusion that, say, our duty to pay a small debt towards a wealthy banker is more stringent than our duty to save a starving man. On this see Pogge (2005, 76).

²³ Some might wonder how the autonomy view – which sets out *necessary and sufficient* existence conditions of duties of justice – accounts for positive duties of justice arising from special relations. Here is a quick explanation of how. For instance, the duty not to breach a valid contract can be ultimately traced to our duty not to undermine others' autonomy conditions. A system of contracts is needed for people to form reliable expectations about one another's behaviour, which is in turn necessary for them to lead autonomous lives. Undermining contracts, or other types of legitimate expectations based on special relations, undermines other parties' autonomy conditions.

This proposed formulation of the existence conditions of justice (and charity) is very broad, and a lot hinges on how exactly we interpret each of its component parts. In particular, to determine what justice exactly requires, we need an account of (i) the notion of autonomy conditions and (ii) the circumstances under which a person has the *ability* to refrain from undermining such conditions. In what follows, I discuss each of them in turn, and then (iii) explain what my view shares with, and how it differs from, competing outlooks on justice.

(I) AUTONOMY CONDITIONS

What conditions have to be met for a person to be able to lead an autonomous life? A person's ability to pursue her ends and goals clearly depends on her mental and physical health, as well as on the resources available to her. While, in specific cases, one's mental and physical health may be independent of social factors (think about genetically caused disabilities), a person's capacity for autonomy is generally dependent on the social conditions in which she finds herself. The social goods a person commands – including liberties, wealth, opportunities, services etc. – are crucial determinants of her ability to lead an autonomous life. But how should such goods be distributed for each person to be in a position to pursue her ends and goals, i.e., for each to enjoy the autonomy conditions? There are at least two broad answers to this question.

First, on a *sufficientarian* account of the autonomy conditions, a person is in a position to lead an autonomous life if, and only if, she has 'enough' goods or resources, such as access to nutrition, shelter, healthcare, sanitation, and a decent set of opportunities. From the perspective of this account, the fact that other people within my social context have access to better opportunities than me, or have more material resources with which to pursue their life plans, has no impact

on my own ability to pursue my ends and goals. On this view, Bill Gates and a reasonably well-paid shop assistant both enjoy the autonomy conditions.

Second, on *egalitarian* or relational accounts of the autonomy conditions, a person's ability to pursue her ends and goals crucially depends on how other people are faring, beyond a sufficiency threshold. There are at least two versions of this view. One ties social inequalities to self-respect, and claims that the socially disadvantaged lack the necessary self-respect to act as fully autonomous agents. The other holds that inequalities ought to be limited because they are conducive to relationships of social dependence. In the presence of steep social inequalities, so the argument goes, the more powerful are likely to *dominate* the less privileged, and thereby to undermine their capacity for autonomy (cf. Anderson 1999, and Pettit 1997).

Of course, we can identify a vast array of positions both within and between the sufficientarian and egalitarian camps. Mapping out all the possible specifications of what it takes to be able to lead an autonomous life is a task that goes well beyond the scope of this article. In fact, that task corresponds to the elaboration of a full-blown theory of justice. What matters is that any plausible account of such conditions will include protections for the following interests: life, bodily integrity, freedom of movement and thought, shelter, education, nutrition, sanitation, and health care. This is all we need to assume for present purposes (cf. Griffin 2008).

(II) THE ABILITY TO REFRAIN FROM UNDERMINING OTHERS' AUTONOMY
CONDITIONS

What does it take for someone to have the ability to refrain from undermining others' autonomy? Two conditions, I argue, have to be met: the *foreseeability condition*, and the *control condition*.

Foreseeability condition: Agents must be able to anticipate the effects of their actions.

If I cannot anticipate whether my actions are going to undermine your ability to lead an autonomous life, I cannot make sure that they won't. This means that, even if I do undermine it, I do not violate any duty. For example, I can be causally responsible for harming you – say because I have given you food to which you are allergic – without being morally responsible for it – because I could not have known about your allergy. In this case, I harm you, but I do not wrong you: I do not violate any duty. My *moral* (as opposed to physical) agency is not genuinely involved in causing this harm. From a moral point of view, then, this harm is no different from a harm caused by natural forces outside human control.

Control condition: Agents must be able to control their actions.

The control condition is also relatively straightforward. If 'my' actions are part of a causal chain of events that results in my undermining others' ability to lead autonomous lives, but I have no control over them, I do not violate any duties. For instance, if I suffer from an untreatable bodily spasm that often causes me involuntarily to hit people, I can be said to harm them, but not to wrong them. It is

certainly bad that I hit others, but it is not a moral wrong: so long as the relevant actions are not under my control, they are not expressions of my agency.

Duties of justice therefore only exist when the foreseeability and control conditions are fully satisfied. When is it plausible to assume that they are? My hypothesis is that these conditions can be fully satisfied only in societal settings. In a pure state of nature, without any coordination mechanisms, formal or *de facto* rules allocating entitlements to resources, and shared understandings on the basis of which resources can be inter-subjectively valued,²⁴ nobody can anticipate or control how her actions, combined with those of others, will affect persons' ability to lead autonomous lives. In such a lawless scenario, the duty not to undermine others' autonomy conditions would have a very restricted reach. Arguably, its demands would reduce to refraining from physically injuring others.

This state of affairs is of course a *limiting case*, so removed from the circumstances of ordinary human existence to be extremely hard to picture. In fact, I suspect that our understanding of what it is to be a human agent, and to lead an autonomous life, is so bound up with our identities as social beings that coherently asking about justice against a non-social background is almost impossible.

That said, we can think of different *hypothetical* stages of human existence along a continuum, from a pure state of nature, where the foreseeability and control conditions are satisfied only for a very minimal set of duties against physical injury, to a full-blown (socio-legal) state. Different demands of justice will correspond to different stages along this spectrum, depending on *what can be reasonably expected* of people living under the relevant circumstances. The more

²⁴ Cf. Miller (2005).

we move away from a pure state of nature towards a social condition, the more complex the demands of the duty not to undermine others' autonomy conditions become, because the range of what we can foresee and control expands. That is, the existence of social rules and institutions makes a difference to our duties of justice – i.e., it widens their scope – because it renders foreseeable what used to be unforeseeable, and feasible what used to be infeasible (cf. Gilibert 2009, 677).

In a social condition, human beings (usually) have the epistemic tools to establish whether the patterns of conduct and social rules *actually* governing their relations are compatible with the demands of justice. They can establish whether their social organization respects each person's right to pursue her ends and goals. When it does not, namely when some people lack the necessary social conditions to lead autonomous lives, justice requires them to reform existing social rules, or to coordinate to create new institutions capable of governing their interactions in accordance with justice. Without institutions explicitly designed to allocate duties and responsibilities, justice is unlikely ever to be realized. From this perspective, states, for instance, are vehicles through which individuals who recurrently interact with one another can discharge duties of justice that already apply to them (cf. Young 2006).

Even though in a social condition it is still true that no *single* individual can control global outcomes, different individuals have different degrees of control over them, depending on the particular place they occupy in the social structure. While in a tyrannical society the tyrant presumably bears most of the responsibility for persons' (in)ability to lead autonomous lives, in a genuinely democratic one such responsibilities are more evenly shared across the *demos*.

These differences notwithstanding, the point is that to act – either directly, or indirectly *via* social rules – in ways that result in some people lacking the

necessary conditions to lead autonomous lives is to violate the demands of justice. In turn, duties of justice are particularly stringent because they concern our contribution to others' inability to pursue their ends and goals. This explains why, while we tend to regard our duties towards those who are in need through no fault of our own as a matter of charity, we think they are entitled to compensation on our part if we have contributed to causing their predicament.

(III) THE VIRTUES OF THE AUTONOMY VIEW

My view captures the virtues of the agent-based, recipient-based, and mixed views without reproducing their vices. In particular, like proponents of the agent-based view, I have argued that certain types of social rules are a necessary *existence condition* of some demands of justice, insofar as they allow us to anticipate, and control, the joint consequences our actions. I have also argued, contrary to the agent-based view, and in line with its recipient-based counterpart, that the presence of institutions *explicitly designed* to secure persons' ability to lead autonomous lives is a necessary *instrumental condition* for the realization of the demands of justice (Abizadeh 2007). Moreover, like proponents of the mixed view, I take considerations about responsibility to be relevant to the distinction between justice and charity. Unlike the mixed view, however, the autonomy view does not suffer from a lack of systematicity. The way responsibility matters to it is both consistent and transparent: we have duties of justice towards others in need whenever our agency is involved in their plight, and duties of charity when it is not.

Moreover, even though the autonomy view clearly belongs to a broad family of liberal approaches to justice developed by other scholars, it is not identical to any of them, and helps us illuminate some of their normative underpinnings. For

instance, although reminiscent of Mill's harm principle and Kant's universal right to freedom, the autonomy view differs from, and improves on, these traditional liberal outlooks by rejecting the assumption that duties of justice must always be perfect (cf. the section on the agent-based view).

In addition, thanks to its generality, the view can be seen as providing a broad schema from which prominent contemporary liberal accounts of justice can be derived as special cases. For instance, John Rawls's (1971) theory of justice can be read as a *domestic* application of the autonomy view under an *egalitarian* account of the autonomy conditions. For Rawls, a society is unjust unless liberties, opportunities, income, and wealth are distributed roughly equally across citizens. When state institutions fail to meet these egalitarian standards, some citizens lack the necessary conditions to lead autonomous lives, and are therefore victims of social injustice. They are wronged by their fellow-citizens whose joint agency is channelled through social rules and institutions. Similarly, Thomas Pogge's (2002) approach to human rights can be seen as a *global* application of the autonomy view under a *sufficientarian* account of the autonomy conditions. For Pogge, the wealthy of the world are violating the *rights* of the poor by imposing a global institutional structure that causes their deprivation.

Of course, in so saying I am not suggesting that Pogge and, especially, Rawls would necessarily agree with this interpretation of their views. All I am claiming is that their views *can* be helpfully recast as special cases of my autonomy-based account, thereby giving them more transparent normative foundations.

Finally, a further advantage of the autonomy view is that it can help us answer questions about the nature of our duties of justice in the absence of formal institutional structures. While Rawls's and Pogge's theories presuppose, and can therefore only be applied to, institutional arrangements, the autonomy view

enables us to reflect about justice across a wide range of circumstances, from pre-institutional to institutional. This allows the view to offer a coherent account of the double normative role of social rules and institutions: as existence conditions of some duties of justice as well as instruments to their realization. An ability to account for demands of justice when there are no institutions capable of fulfilling them appears particularly important when debating moral issues in the international context, where such institutions by and large do not exist.

BACK TO HAITI, NEW ZEALAND, AND JAPAN

What are the implications of my arguments for the claim that, unlike Japan and New Zealand, Haiti is owed first and foremost justice, rather than charity? All three countries have been hit by natural disasters, and from our discussion we have learnt that natural disasters, *per se*, do not constitute injustices. The duty to help a society hit by a natural disaster is relevantly similar to the duty to rescue someone who has accidentally fallen into a lake and risks drowning. Bystanders who can help at reasonable costs certainly ought to intervene, but their duty would be one of charity, not one of justice. No relevant disanalogy would therefore seem to exist between Haiti, Japan, and New Zealand. Portions of their inhabitants find themselves in need due to natural disasters, and governments and citizens of other countries who can help at reasonable costs have a duty of *charity* to do so.

This telling of the story depicts the world as an innocent bystander with respect to Haiti's, New Zealand's, and Japan's plights. But there are reasons for doubting that this rendering of the facts is correct. Although these earthquakes themselves were natural events outside human control, their more-or-less devastating effects were, at least partly, man-made. In Japan's case, arguably there would have been no nuclear crisis, or a smaller one, had the government, and electricity company

TEPCO, adopted more cautious policies regarding nuclear energy and/or better handled the disaster (cf. Tatsumi 2011). In the case of New Zealand, had certain buildings been more robust, or had they adhered to higher safety standards, part of the tragedy could have perhaps been avoided (BBC 2011c).²⁵ In both New Zealand and Japan, then, human agency is at least partly involved in the earthquake's catastrophic consequences, but the agents in question are, by and large, 'domestic' ones. Their involvement makes no difference to the responsibility of outsiders, of the world at large.

Haiti's case appears different. The country was already extremely poor and vulnerable prior to the earthquake, but it seems difficult to attribute responsibility for this poverty and vulnerability entirely to its own people. This is precisely what the critics of the charity-based approach to Haiti's plight argue. They emphasize how Haiti's extreme poverty, which has made the impact of the earthquake all the more tragic (recall hundreds of thousands died) has to a good extent been the product of other states' past aggressive conduct.²⁶ As one critic argues, 'Haiti's vulnerability to natural disasters, its food shortages, poverty, deforestation and lack of infrastructure, are not accidental. To say that it is the poorest nation in the Western hemisphere is to miss the point; Haiti, it is complained, was made poor – by France, the United States, Great Britain, other Western powers and by the IMF and the World Bank' (Kim 2010, cf. Chomsky 2004 who advances similar remarks, especially in relation to the US).²⁷

²⁵ <http://canterbury.royalcommission.govt.nz/> (last accessed 20/6/2012).

²⁶ Of course, at least a good portion of responsibility plausibly falls on Haiti's elites, its ruthless leaders and dictators, and possibly on deprived Haitian citizens themselves.

²⁷ For a detailed history of Haiti see Coupeau (2007).

The poverty and vulnerability of Haiti are rooted in its history. After a long period spent under French colonial domination, Haitian slaves' fight for freedom came to a successful end in 1804 (Von Tunzelmann 2009, Danner 2010). In return for its independence, however, Haiti was forced to pay an exorbitant amount in reparations to its former colonizer, France. In the process of paying these reparations, Haiti borrowed funds from Germany, Great Britain, and the United States, thereby becoming heavily indebted (Oxfam 2010). To ensure that it would repay its debt, the United States eventually occupied Haiti in 1915, and from then on continued to be involved in the country's affairs, often pursuing their own economic and strategic interests (Buschschluter 2010). By the time Haiti had finished to pay its reparations (after World War 2), it had become a deeply impoverished nation, plagued by political instability, poverty and corruption.

In more recent years, international lending institutions such as the World Bank and the IMF offered loans to Haiti, but on condition that it would liberalize its economy. While economic liberalization can be beneficial for advanced industrialized nations, it is particularly risky for societies, such as Haiti, whose economy is weak and therefore unlikely to withstand the pressures of global competition. For example, the IMF severely undermined Haiti's economy when, in 1995, it forced Haiti to open its markets to cheap (subsidized) rice from the US, while forbidding it from protecting its own agricultural industry (Oxfam 2008).

Of course, there are many historical complexities that I cannot discuss in this article. But *if* the facts I have reported are correct, it follows that Haiti's tragedy results, to a good extent, from a failure on the part of others to honour the duty not to undermine Haitians' autonomy-conditions. First, Haiti has been the victim of rapacious behaviour on the part of other societies – France and the US in

particular.²⁸ This behaviour clearly represented a breach of duties of justice, which deprived Haiti's people of the necessary social conditions to lead autonomous lives (on any plausible account of what such conditions entail).

Second, global rules of financial and trade liberalization have been imposed upon Haiti. Given its poverty and destitution (and particularly its desperate need for financial support from the IMF and the World Bank), arguably Haiti was not in a position to subtract itself from such rules. Participation in these institutions was non-voluntary. In fact, one might even argue that, in some sense, the very powers that control these institutions are also those that originally put Haiti into a position of dependence and vulnerability, by 'making it poor' (cf. Pogge's 2002 much broader claims about the relationship between the global wealthy and the global poor).

In light of this, it makes sense to say that the international community's duties towards Haiti (or at least the duties of a large portion of this community) go well beyond charity: part of the devastating impact of the earthquake is the result of injustice carried out by outsiders, not by nature itself. Notwithstanding the importance of duties of charity, the autonomy view seems to vindicate the critics' complaint. They are right to emphasize that the focus should be on what Haiti is owed, rather than on what the wealthy of the world can generously contribute to alleviating its plight. Moreover, to the extent that outsiders' involvement in Japan's and New Zealand's tragedies is far smaller, it is also true that 'the world's' duties towards them are primarily a matter of charity.²⁹

²⁸ But, in a sense, also of other nations which recognized the legitimacy first of French dominion, and subsequently of France's request for reparations.

²⁹ One point of clarification. This is not to say that outsiders have absolutely nothing to do with Japan's and New Zealand's plight. In an increasingly globalized world, this would be hard to

Of course, it is close to impossible to calculate in advance what *exactly* Haiti is owed by what countries (or individuals) in particular. This requires detailed factual information – which I am in no position to provide in this article – and coordination between the relevant duty-bearers. But recall that, on the autonomy view (unlike on the agent-based view) *this fact* is no challenge to the claim that Haitians are appropriate recipients of duties of justice. Duty-bearer's current failure to put in place the institutional structures and allocation-mechanisms that would allow them to fulfil their obligations and honour Haitians' entitlements is grounds for criticizing them, not for getting them off the 'justice hook'. Moreover, even if precise allocation is a complex matter, our analysis still allows us plausibly to conclude that much of the relief effort in Haiti is not a display of great humanitarianism, but a tardy and inevitably sub-optimal attempt to give its people what they are owed.

CONCLUSION

Many of our fellow humans often fall victim to natural catastrophes. Whenever this happens, we have duties to assist them. However, it makes a difference whether our duties are a matter of charity, or a more stringent matter of justice. In this article, I have defended a particular account of the conditions under which our duties towards those in need are based on justice: 'the autonomy view'. On this view, we have duties of justice towards the needy when our agency has contributed to their plight (assuming no other special relations – such as treaties of

establish. But whatever outsider-involvement is present in the cases of Japan and New Zealand, this seems negligible compared the case of Haiti. This, in turn, means that even though duties of justice cannot be categorically excluded in the cases of Japan and New Zealand, they are not as prominent as in the case of Haiti.

mutual help – are in place); and duties of charity when our ‘hands are clean’ but we can still help them at reasonable costs. I have then applied this view to the cases of disaster relief in Haiti, New Zealand, and Japan, and concluded that while the latter are appropriately seen as recipients of international charity, Haiti is primarily owed justice, due to outsiders’ contribution to its plight.

At this point, a sceptic might contest the factual claims on which this conclusion is based, suggesting that Haiti’s misery is fully endogenous. Even if this claim were true, the main contribution of this article would remain unaffected by it. My aim has been to provide a standard for evaluating when our duties to assist the needy are a matter of justice as opposed to one of charity. I have shown that our answer to this question rests on a particular class of facts, concerning the involvement of our agency in others’ plight. The point of the standard is not to ascertain what the facts are in any specific circumstance (this is the job of empirical research) but rather to identify what class of facts are *relevant* to normative assessments. My conclusions about Haiti, New Zealand, and Japan are based on what strikes me as a *prima facie* plausible account of the relevant facts. However, such an account can be challenged without thereby undermining the autonomy view.

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