Conflicting sentiments regarding the idea of development reflect the controversial aspects of development practices such as sweatshop labor and human trafficking. Development is commonly thought of as a means to improve the lives of people in developing countries. However, the nature and magnitude of its costs—including but not limited to affronts to human dignity and the loss of lives—compel us to reconsider the consequentialist view of development, according to which some violations of human rights are justifiable insofar as they contribute to greater overall benefits. If development is aimed at improving the lives of people, it necessarily follows that any violation of human rights justified according to the consequentialist view is inherently contradictory. The consequentialist view of development operates on material terms and can neither support human rights nor justify violations of them. The key implication is that insofar as development is considered inextricably linked to the protection or promotion of human rights, any violations of the latter cannot, on logical grounds, be justified by a consequentialist line of reasoning.

Tags: Development, Ethics, Human Rights

Development is commonly thought of as a means to improve the lives of people in developing countries, and according to the consequentialist view of development, some costs are justifiable insofar as they contribute to greater overall benefits. In the case of economic development and sweatshops in particular, Jeffrey D. Sachs, an economist from Harvard, has stated that “[his] concern is not that there are too many sweatshops but that there are too few”. He and Paul Krugman of the Massachusetts Institute of Technology both reason that many nations have “no

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1 This concept in this context is itself unclear, but I will adopt the definition most charitable to the consequentialist view, where ‘greater overall benefits’ is taken to mean that which accrues primarily to people in developing countries.

better hope” than sweatshop labor as the essential first step out of rural poverty.³ Krugman claims to represent the “overwhelming mainstream view among economists” in suggesting that the growth of sweatshop employment greatly improves prospects for the world’s poor, asserting that “even in a nation as corrupt as Indonesia… industrialization has reduced the portion of malnourished children from more than half in 1975 to a third today.”⁴ Krugman adds that sweatshop workers are often better off than they would otherwise be with alternative means of attempting to make a living, and “when corporations voluntarily cut their ties to sweatshops, the victims can be the very same people sweatshop opponents say they want to help.”⁵ Ultimately, he asserts that “[a] policy of good jobs in principle, but no jobs in practice, might assuage our consciences… but it is no favor to its alleged beneficiaries.”⁶

While Sachs’s and Krugman’s comments are directly concerned with the state of sweatshop labor and economic development in the 1990s, the essential elements of their comments are broadly relevant to the general theme of development. Sachs and Krugman have presented two emphatically pragmatic lines of argument justifying the costs incurred by certain kinds of development practices. First, people in developing countries are better off than they would otherwise be in the absence of such seemingly questionable development practices. Second, practical limitations mean that there is no other or better option for improving these people’s prospects. However, the nature and magnitude of the costs of development—including but not limited to affronts to human rights and the loss of lives—compel us to reconsider this consequentialist view of development. For example, besides low wages, the poor conditions of sweatshop factories and the rampant abuse that often takes place are often criticized as morally

³ Ibid.
⁴ Ibid.
⁵ Ibid.
⁶ Ibid.
objectionable. The key question is: what kinds of costs are morally acceptable in the pursuit of development?

This paper makes a conceptual argument against the consequentialist view of development, focusing on costs in terms of violations of human rights. I will demonstrate how this consequentialist view conflicts with the fundamental assumption that development is aimed at improving the lives of people in developing countries, and is therefore logically untenable. If development is aimed at improving the lives of people in developing countries, it necessarily follows that justifications of any violation of human rights according to the consequentialist view are inherently contradictory. Specifically, the consequentialist view of development purports to justify some violations of human rights in favor of promoting greater overall benefits. However, this line of argument operates on material terms which are conceptually distinct from and cannot justify wrongful violations of human rights which may not have material consequences. The key implication is that insofar as development is considered to be inextricably linked to the protection or promotion of human rights, any violations of the latter cannot, on logical grounds, be justified by a consequentialist line of reasoning.

The first section begins by introducing and explaining two premises which are fundamental to the argument. The second section develops the consequentialist view of development and demonstrates how it is logically problematic, while the third and last section underscores the significance of normative ethical arguments despite the seeming primacy of practical considerations, and concludes that the consequentialist view of development is ultimately untenable.
Starting Points for Thinking about Development and Human Rights

This section establishes and explains two premises which are foundational to the argument made in this paper against the consequentialist view of development. These premises provide us with starting points for thinking about the ethical dimensions of development and its practices. Insofar as proponents of the consequentialist view (or anyone else) cannot provide sound reasons for rejecting these premises, they must accept these foundations for my argument against them.

1. The key aim of development and its practices is to improve the lives of people in developing countries.

2. The term ‘human rights’ generally designates a class of entitlements to the exercise of various basic human capacities.

First, the acceptance of (1) presumes the existence of value in the lives of people in developing countries, the protection of which development and its practices are aimed at. If development is primarily directed at improving the lives of people in developing countries, this implies that these people’s lives are considered to be valuable in the first place. In other words, we presume that the lives of people in developing countries possess value, without which there is no justifiable reason to attempt to improve their lives. Consequently, the role of development and its practices is to protect and promote this value by improving the lives of people in developing countries. Insofar as human rights are conceptually related to the value of human life, premise (1) provides us with a useful starting point for thinking about the relationship between development and human rights. Even if the specific content of human rights remains debatable, there is a solid conceptual basis for thinking about human rights in relation to the manner in which the value of human life is regarded. Premise (1) therefore implies that the value of human
life is considered to have fundamental importance, and this value is foundational to the normative aspects of development and its practices.

_The Conceptual Framework of Human Rights_

The content of human rights may be complex and highly debatable, but its formal aspects can be explained in relatively simple terms. Premise (2) provides a conceptual definition of human rights as designating a class of entitlements to the exercise of some basic human capacities. The argument in this paper is not concerned with defining the specific content of human rights, but focuses instead on the conceptual framework of right and its relation to duty. Rights and duties are complementary concepts comparable to the two sides of a coin. A right technically designates an entitlement to something, while a duty accompanies a right in specifying the obligation to fulfil that entitlement. Since rights necessarily imply duties in terms of negative prohibitions against injury, rights must be enforceable—it must at least be logically possible to enforce prohibitions against injury of these rights—in order to be meaningful. For example, if A has a right to his life, it means that nobody else should be allowed to deprive A of it by taking his life at their own discretion. In this case, it is logically possible for the prohibition against the indiscriminate taking of A’s life to be enforced, and it is generally possible (i.e. there are no logical contradictions) to enforce prohibitions against the indiscriminate taking of another person’s life. Rights and duties or prohibitions against the violation of rights are therefore necessarily complementary concepts, while enforceability depends on rights entailing the duty to enforce prohibitions against injury. As a result, regardless of their content, the recognition of human rights also implies the recognition of a duty to prohibit violations of these rights.

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The enforceability of rights also depends on the specification of exclusive or contrastive entitlements. Reconciling and enforcing individual rights in a collective setting requires interference with the autonomy to exercise these rights on the basis of exclusive or contrastive ownership claims. For instance, the property I own belongs to me, hence it does not belong to you and you are not free to take it without my permission. Individual rights are practically enforceable in a collective setting only if they are exclusive and contrastive, and therefore also collectively consistent. If an individual’s exercise of his or her rights were not exclusive and contrastive with that of others, it would be logically impossible to enforce everyone’s rights equally. For example, A and B cannot both be entitled to absolute authority over their child C’s life, since they may decide to exercise this entitlement or right in conflicting ways (e.g. A may wish to preserve his life whereas B may decide to end it) and it is impossible to reconcile and collectively enforce their rights to this particular entitlement. Even a shared entitlement between A and B to C’s life can be exclusive and contrastive and therefore enforceable, as long as A and B do not both possess an entitlement to ultimate authority over C’s life. This does not mean everyone should be entitled to equal rights (e.g. A and B need not each be entitled to an exactly 50% stake in decisions concerning C’s life), but everyone’s rights—whether equivalent or not—must be mutually exclusive and contrastive in order to be equally enforceable so that all are equally entitled to the exercise of their rights. Therefore, human rights must entail negative prohibitions against injury or the duty of enforcing these rights, and their enforceability depends on the exclusive or contrastive nature of right as entitlement.

Additionally, there are (at least) two different ways to conceive of right. The first involves a negative conception of right as the entitlement to the absence of tangible obstacles to actually

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8 Ibid., p. 10-11, for more information.
9 Ibid., p. 24.
getting to do what one wants, such as subjection to debilitating physical harm. The consequentialist view is based on this negative conception of right. In emphasizing the overall benefits of development and how it outweighs and therefore justifies some costs to human rights (in terms of harm and other material limitations it places on an individual’s ability to actually get to do what he or she wants), the consequentialist view is premised on a material cost-benefit analysis framework. Utilitarian thinkers such as John Stuart Mill espouse this negative conception of right, stating in *On Liberty* that

> [t]he object of this Essay is to assert one very simple principle, as entitled to govern absolutely the dealings of society with the individual in the way of compulsion and control, whether the means used be physical force in the form of legal penalties, or the moral coercion of public opinion. That principle is, that the sole end for which mankind are warranted, individually or collectively in interfering with the liberty of action of any of their number, is self-protection. That the only purpose for which power can be rightfully exercised over any member of a civilized community, against his will, is to prevent harm to others… To justify that, the conduct from which it is desired to deter him must be calculated to produce evil to some one else.¹⁰

Mill essentially asserts that individuals have a right against the imposition of harm by others, which may be coercively enforced by the community. More broadly, rights conceived in this negative sense imply that their enforcement involves the prohibition of others’ imposition of material impediments to actually getting to do what one wants, such as the causation of harm. Human rights construed in this negative manner therefore imply the existence of a duty to

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prohibit the imposition by individuals on others of material impediments to actually getting to do what one wants in one’s capacity as a human being. In other words, human rights and their violations are conceived in material terms of the manifest effects or consequences of particular actions.

The second conception of right is generally broader and more foundational, concerning the entitlement to the exercise of basic capacities such as the autonomy to make personal decisions. In contrast to the first material-based conception of right, the absence of material impediments to achieving one’s goals (such as the harmful effects of others’ actions) is alone insufficient to fulfil this second broader conception of right. Regardless of their content, human rights conceptualized in general as the right to the exercise of some capacity imply the existence of the duty to prohibit individuals from imposing obstacles to others’ exercise of their basic human capacities. The violation of or failure to protect these rights may indeed involve the causation of harm. However, wrongdoing is conceived at a more fundamental level concerning hindrances to the exercise of capacities (which may not manifest in actions with negative material effects), rather than the negative consequences and effects that may result from actions. This broader alternative conception of human rights suggests that the consequentialist view is relatively limited in scope, given that it is premised on a relatively narrow understanding of human rights. According to this second conception of right, human rights and their violations are essentially intangible; human rights designate the entitlement to exercise certain human capacities, while their violation consists in the imposition of a hindrance to this exercise.

Therefore, if we accept that (1) the key aim of development and its practices is to improve the lives of people in developing countries, then we presume value in the lives of people in developing countries which development and its practices are aimed at protecting. If we accept
that (2) human rights broadly designate a class of entitlements to the exercise of various basic human capacities, then we also accept that there is a duty to enforce these rights, as well as the negative prohibitions against injury and exclusive and contrastive entitlements which they entail. Additionally, we note that the consequentialist view is based on a relatively narrow, negative and material conception of right, and its justification of costs incurred in development efforts and practices is thus limited in scope to material considerations.

**Against the Consequentialist View of Development**

The previous section has established a couple of premises for thinking about development and its practices, and also established a conceptual limitation in the consequentialist view. This section develops key elements of the consequentialist view and explains how it is logically flawed. Ultimately, the consequentialist view contradicts both premise (1) and (2). First, since there is a conceptual distinction between the material effects of actions and wrongdoing—a feature of premise (2), the consequentialist view with its material basis purports to but cannot consistently justify violations of human rights which are essentially wrongdoings and may not be accompanied by negative material consequences. Second, the consequentialist view cannot consistently justify any violations of human rights even if these are conceived instead in terms of the undesirable effects or consequences of actions. If, according to premise (1), the lives of people in developing countries is taken to possess fundamental value which is the conceptual basis of development and its practices, then this value cannot also be treated as merely instrumental. Insofar as proponents of the consequentialist view have no reason to reject premise (1), they cannot consistently purport to regard the human value of people in developing countries...
as fundamental, and also treat human welfare and dignity\textsuperscript{11} in an instrumental manner by justifying some violations of human rights as acceptable in view of greater overall benefits.

This section first establishes the conceptual distinction between harm and wrongdoing, then shows how the consequentialist view, given its material basis, cannot justify any violations of human rights which do not manifest as the material effects and consequences of actions. In this case, the material basis of the consequentialist view poses a problem since there are reasonable instances of immaterial wrongdoing (in terms of entitlement to exercise of human capacities) which it is not equipped to address. Subsequently, this section will demonstrate the contradiction between premise (1)—which involves the fundamental presumption of value in the lives of people in developing countries—and the consequentialist view’s instrumental treatment of the wellbeing and dignity of these people.

Arthur Ripstein argues that wrongdoing is conceptually distinct from harm and other material effects of actions. In contrast to Mill, Immanuel Kant conceives of right in terms of the capacity to set and determine the pursuit of one’s own ends as well as the use of one’s means to do so.\textsuperscript{12} Ripstein provides an example to illustrate the conceptual distinction between harm and wrongdoing—the key difference between Kant’s and Mill’s conceptions of wrongdoing:

Suppose that you and I are neighbors. You have a dilapidated garage on your land where our properties meet. I grow porcini mushrooms in the shadow of your garage. If you take down your garage, thereby depriving me of shade, you harm me, but you do not wrong me in the sense that is of interest to us here… You do, of course, interfere with my

\textsuperscript{11} Where human dignity and welfare are elements of human value.

successful pursuit of a particular end. But you do not interfere with my capacity to set
and pursue my own ends.\textsuperscript{13}

In this example, Ripstein demonstrates how the harm caused cannot be considered wrongdoing in any reasonable sense. The opposite is also true; in certain cases it is possible for wrongful action to be committed without resulting in the suffering of any kind of material harm.

Suppose that, as you are reading this in your office or in the library, I let myself into your home, using burglary tools that do no damage to your locks, and take a nap in your bed. I make sure everything is clean. I bring hypoallergenic and lint-free pajamas and a hairnet. I put my own sheets and pillowcase down over yours. I do not weigh very much, so the wear and tear on your mattress is nonexistent. By any ordinary understanding of harm, I do you no harm... Your objection is to my deed, my trespass against your home, not to its effects.\textsuperscript{14}

These examples collectively demonstrate the conceptual distinction between the material effects of actions and their moral value or ‘rightness’ or ‘wrongness’. In other words, harm (a negative material effect of some action) cannot simply be equated with wrongdoing. Most importantly, the violation of human rights is first and foremost wrongdoing—where right has been wrongfully contravened—which may not be accompanied by negative material consequences.

For instance, sweatshop workers may in fact benefit and be relatively better off in a material sense than they would otherwise be without such work. However, their utter dependence on these

\textsuperscript{13} Ibid., p. 20.
suboptimal terms of employment means that they are deprived of their dignity, being entirely at
the mercy and discretion of the corporations which determine their wage levels, employment
status, and even survival. These sweatshop workers are therefore wrongfully deprived of their
basic human dignity even though they are not materially harmed and even benefit materially.
Furthermore, by justifying violations of human rights according to the argument that workers are
better off than they otherwise would be and have no better option for improving their prospects,
the consequentialist view assumes a false dilemma between worker exploitation and helping
these workers by improving their working conditions. Unless corporations can demonstrate that
improving working conditions for their employees will be hugely detrimental to their business
operations, there is no good reason not to do more for their employees once current conditions
are recognized as exploitative and morally objectionable. Worker exploitation is at least bad and
at most morally impermissible, and the alternative of corporations doing better by their
employees is not an obviously worse option for these businesses.

Based on a material cost-benefit analysis, the consequentialist view claims that some violations
of human rights are acceptable insofar as greater overall benefits are promoted. However, the
conceptual distinction between wrongdoing and the negative material effects of actions means
that the consequentialist view can justify only negative material effects of development practices
and not violations of human rights which are essentially wrongdoing. The consequentialist view
therefore contradicts premise (2) insofar as the nature of human right (and consequently, its
violation) is to be conceived in a fundamentally non-material sense. Ultimately, its justification
of human rights violations in favor of greater overall benefits operates on a purely material basis
and cannot genuinely justify wrongful violations of human rights which may not have any
negative material effects.
In addition, the consequentialist view contradicts premise (1) because its basis in a material cost-benefit analysis implies that its treatment of human value is merely instrumental and in conflict with the presumption that this value is fundamentally important to development and its practices. The consequentialist view justifies violations of human rights on the basis of the claim that people in developing countries have no better option for improving their lives and are better off with these development opportunities than they otherwise would be. This line of argument treats human value and human rights in an instrumental manner where they are subordinate to material benefits in terms of conceptual priority. For instance, proponents of the consequentialist view claim that the poor and sometimes dangerous working conditions of sweatshop factories is a tradeoff that is secondary in its material benefits accruing to workers who are otherwise unable to earn a living at all. Insofar as proponents of the consequentialist view cannot offer any good reasons to reject premise (1), it is inconsistent for them to purport to regard the human value of people in developing countries as fundamental and also treat human welfare and dignity in an instrumental manner, which is evident from their justifying some violations of human rights in terms of the promotion of greater overall benefits.

**Development and the Defense of Human Rights**

The consequentialist view and its justification of violations of human rights have thus been shown to contradict premises (1) and (2). The factual accuracy of these premises is unnecessary for this argument against the consequentialist view to be effective. As long as proponents of the consequentialist view cannot provide sound reasons for rejecting these premises, their justification of human rights violations in favor of greater overall benefits is demonstrably inconsistent and logically untenable. The consequentialist view of development may not strictly
speaking be completely untenable, but it is evidently inconsistent with premises (1) and (2). Given the non-ideal conditions of political life, one may still object that abstract normative ethical arguments such as those against the consequentialist view have little bearing on how we ought to conduct ourselves in practice. However, this objection is misconceived since normative arguments function as bases for thinking about development and its practices in the first place. The issue of material or pragmatic limitations in reality does indeed identify a major challenge in the practical application of ethical standards and principles, but does not discredit a normative framework for thinking about human rights and development.
References


