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# POGGE'S INSTITUTIONAL COSMOPOLITANISM

by

## SCOTT P. NEES

Under the Direction of Dr. Andrew Jason Cohen

## **ABSTRACT**

the poor that leave their human rights, particularly their subsistence rights avoidably unfulfilled owe to their less fortunate counterparts in poor states. Pogge argues that the wealthy have approach to understanding the nature and extent of the obligations that citizens of wealthy states ability to plausibly appeal to it. cause his notion of a negative duty is seriously indeterminate, so much so as to compromise his Pogge cannot successfully appeal to negative duties in way that would appease his critics betheir negative duties, that is, their duties to refrain from harming. In this essay, I argue that Thus, Pogge claims that the wealthy states' obligations to the poor are ultimately generated by weighty obligations to aid the global poor because the wealthy coercively impose institutions on In his landmark work World Poverty and Human Rights, Thomas Pogge offers a novel

INDEX WORDS: Thomas Pogge, International law, Distributive justice, Human rights, tive duties, Peter Singer Nega

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SCOTT P. NEES

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Master of Arts

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Georgia State University

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by

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## TABLE OF CONTENTS

## CHAPTER

1.	INTRODUCTION	_
2.	MINIMALIST AND MAXIMALIST CONCEPTIONS OF DUTIES	5
	2.1 Introduction	5
	2.2 Maximalist Conceptions	7
	2.3 Minimalist Conceptions	10
<u>;</u>	POGGE'S INSTITUTIONAL TURN	11
	3.1 Introduction	11
	3.2 Interactional Versus Institutional Paradigms	12
	3.3 How the Rich Harm the Poor	17
. <del>4</del>	NEGATIVE DUTIES AND INSTITUTIONAL COSMOPOLITANISM	19
	4.1 Introduction	19
	4.2 The Indeterminacy of Poggean Negative Duties	20
	4.3 Making Negative Duties Concrete	29
5.	CONCLUSION	34
WORKS CITED	CITED	35

#### Chapter 1.

## INTRODUCTION

the fortunate marriage of an otherwise exceedingly odd couple us and the deprivations that afflict the world's poor. If successful, then, Pogge's project marks at least to downplay the moral significance of the causal relationships (or lack thereof) between tarian approach gives short shrift to such notions because they tend either to ignore completely or are in a position to do so without thereby sacrificing much of moral significance, while the liberapproach demands that we give a significant portion of our wealth to combat poverty because we to that of the libertarians, and by all appearances, the two sides are at an impasse. The Singerian occupy a place on the continuum of approaches to moral obligation that is diametrically opposed such moral obligations only if we have more or less directly caused the impoverishment of the have extensive moral obligations to assist the global poor with the libertarian view that we have ation of the views of those who, like Peter Singer, believe that we (citizens of wealthy states) to accomplish what on the face of it appears to be a nearly impossible feat; to wit, the reconcilitributive justice and human rights in large part because, if successful, Pogge's approach manages recently generated a significant amount of scholarly discussion on the topic of international disest states owe to their less fortunate counterparts in the world's poorest states. Pogge's work has to understanding the nature and extent of the obligations that the citizens of the world's wealthi-What we might call the Singerian approach to moral obligation,<sup>2</sup> in other words, seems to ln his book World Poverty and Human Rights, Thomas Pogge develops a novel approach

a particular view of what our moral duties require of us that could inform certain (maximalist) conceptions of human For statistics pertaining to the extent of world poverty, see Pogge (2003, 6-11). It should be noted that Singer does not himself defend a particular conception of human rights. Rather, he defends

of the world's population today responsible for the massive famine and poverty-related deprivations that are the scourge of much Hence, if this is the case, then it follows that the wealthy states of the world are largely man rights, particularly the subsistence rights, of the bulk of the world's poor are fulfilled Moreover, Pogge argues that these structures determine to a large extent whether or not the huand large shaped and sustained by decisions made by the wealthiest states of the world that determine how individual states behave as well as their relationships to one another<sup>4</sup>) are by structures (such as the global economy, international law, and, in general, the shared practices which he dubs "institutional cosmopolitanism," is motivated by the fact that global institutional ate their negative duties to refrain from harming others (in this case, the global poor). His view, cial institutions through, for instance, their political and economic activity, is sufficient to activhe hopes--will allow him plausibly to claim that the wealthy and powerful's participation in so-Pogge's strategy is to introduce a new framework for understanding human rights3 that--

(average citizens) living in wealthy states. Indeed, he argues, the political activity, consumption Pogge argues that this state of affairs has important moral implications for those of us

justice in part because "the effects of the basic structure on citizens' aims, aspirations, and character, as well as on <sup>4</sup> Pogge's explicit focus on institutions is consonant with the Rawlsian understanding of justice as pertaining to the institutional framework, or "basic structure," of society (cf. Rawls, 2001, 10-12). Rawls defines the "basic structure" out that Pogge understands the concept of human rights in a fairly standard way that bears strong resemblance to the accounts of human rights outlined in Altman and Wellman (2009, 2-3) and discussed at greater length in Buchanan <sup>3</sup> I discuss Pogge's understanding of human rights in greater detail below, but at this point it should suffice to point their opportunities and their ability to take advantage of them, are pervasive and present from the beginning of life" activities of associations and individuals take place." Further, Rawls takes the basic structure to be the subject of from social cooperation over time....The basic structure is the background social framework within which the social cooperation, and the way they assign basic rights and duties and regulate the division of advantages that arises of a society as "the way in which the main political and social institutions of society fit together into one system of the others mentioned in its greater emphasis on the role that institutions play in securing the objects of human rights give rise to weighty moral demands" (2008, 64). As I discuss below, Pogge's account of human rights differs from potential future ability to engage in moral conversation and practice have certain basic needs, and that these needs instance, writes, "A commitment to human rights involves one in recognizing that human persons with a past or interests that must be protected and respected, and that generates weighty moral obligations on others. Pogge, for humanity (as opposed to, say, their nationality, sex, race, etc.), that recognizes that persons have certain needs and Pogge's is that each defines human rights as a subset of moral rights that attaches to persons in virtue of their (2004, 118-125) and Shue (1996, 13-18). Roughly, the core elements that each of these accounts shares with

sessing obvious appeal for those who fall in the Singerian camp obligations to the poor to our own activity within social institutions, while simultaneously poshas the twin virtues of attempting to appease the libertarian-minded among us by tying our moral part to aid the poor and to promote institutional reform. Pogge's argumentative strategy, then our negative duties to refrain from harming others and also thereby generates obligations on our Thus on Pogge's telling, our participation in the global institutional order is sufficient to activate wealthy are causally and morally implicated in the human rights deficiencies of poor states overall character of the global institutional order, and to the extent that this is the case, the patterns, and the like of citizens living in wealthy states contribute--however indirectly--to the

ive duties in the guise of negative duties to refrain from harming through our participation in inway that would be convincing to someone who did not already believe as much to do. charge that Pogge has adopted a kind of Trojan Horse strategy that attempts to smuggle in positthat of someone who affirms both negative and positive duties. The libertarian might ther of its normative appeal. Specifically, I argue that Pogge's view becomes indistinguishable from tion of negative duties in support of a fairly robust list of social and economic rights loses much tional cosmopolitanism is subject to serious indeterminacy, so much so, I argue, that his invocaessay. In the He does not, in other words, show that we have strong duties to assist the global poor in a To what extent is Pogge's strategy successful? This is the question that I take up in this The outcome, on my view, is that Pogge does not accomplish what he initially sets out first place, I attempt to show that Pogge's account of negative duties under institu-

the duties that rights--in particular, human rights--are thought to entail. In chapter three, I exdifferences between what Pogge calls "minimalist" (i.e., libertarian) and "maximalist" views of I have divided the body of this essay into four chapters. In the next chapter, I explain the

five. are generated by human rights violations. By offering his institutional cosmopolitanism as an alplain how Pogge offers his institutional view in response to the debate between minimalist and my own arguments and respond to objections, and I offer some concluding remarks in chapter passe in the debate between minimalist and maximalist conceptions. In chapter four, I lay out ternative to the different interactional cosmopolitanisms, Pogge hopes thereby to sidestep the imredefine the way we think about human rights and with it the way that we think about how duties maximalist "interactional" views of the duties that human rights entail. Pogge, in short, hopes to

### Chapter 2.

# MINIMALIST AND MAXIMALIST CONCEPTIONS OF DUTIES

## 2.1 Introduction

ploys in the course of his argument. The distinction I shall outline here and discuss at greater Pogge lays out the basic distinction when he writes: length below is between two different understandings of the duties that human rights entail I begin this chapter by laying out some of the basic conceptual machinery that Pogge em-

maximalist, they require efforts to fulfill everyone's human rights anywhere on earth..." (2008, 70). protect and to help). For the minimalist, human rights require only self-restraint. For the human rights entail both negative duties (to avoid depriving) and positive duties (to entail positive duties. On the other side are maximalist accounts according to which all adequate standard of living, education, or culture...on the ground that they essentially account disqualifies the 'human rights' to social security, work, rest, and leisure, an negative duties (to refrain from violating the right in question). Such a minimalist On one side are libertarians who require [the duties that rights entail] to be exclusively

ing the objects of his or her rights. A minimalist conception, then, excludes what are often called rights; if we have not violated X's rights, then we have no moral obligation to assist X in obtainence call, "minimalist") conceptions, according to which rights entail negative duties (that is, duwe are directly implicated in any rights violations duties to aid and assist), which are said to impose obligations on us regardless of whether or not um, and so forth) because such rights are thought to entail what are called positive duties (that is social and economic rights (rights, for instance, to education, healthcare, a decent social minimduties to protect and to assist others can be activated only insofar as we have violated their ties to refrain from harming others or from violating others' rights). On the minimalist view, our On the one hand, then, are libertarian (what Pogge calls, and what I shall hereafter for conveni-

ist does not require that we directly harm others or violate their rights in order for us to have itive duties; that is, rights entail duties both to refrain from harming others as well as duties to ations to assist those who are subject to rights violations.5 moral obligation to them; our being in a position to aid another is sufficient to activate our obligprotect and to assist others whose rights are subject to being violated. Importantly, the maximal-What Pogge calls "maximalist" conceptions hold that rights entail both negative and pos-

the salient features of the debate between minimalist and maximalist views of the duties that hutions are grounded in a negative duty to refrain from harming others (in this case, the global strong moral obligations to assist their counterparts in impoverished states and that these obligaic human rights. If he is successful, Pogge hopes to show that citizens of wealthy states have entail only negative duties with the maximalist's insistence that there are also social and economception of human rights that, in some sense, squares the minimalist's insistence that human rights In what follows, I shall explain what I mean by all of this by discussing in greater detail The overarching aim of Pogge's project, as we shall see, is to attempt to formulate a con-

of any positive action. The central core of the right is a right that others not act in certain ways" (39). I believe that fraining" (39). Thus, my negative right against being attacked requires that others refrain from attacking me but in tinct from and extend beyond the "positive preventative steps" that would be required to enforce X's negative rights both (1) and (2) but would add that rights also entail positive duties (to aid and assist), which are conceptually disi.e., to prevent others from violating, for instance, X's right to physical security. The maximalist, then, would accept rights) plus (2) require what Shue calls "positive preventative steps" taken to enforce the negative right in question, position as follows: the minimalist accepts that rights (1) entail negative duties (to refrain from violating others rights [on the minimalist's account] require only self restraint"). On my reading, we can understand the minimalist make sense of some of Pogge's--what I take to be--loose formulations of the minimalist position (e.g., "[H]uman Shue's discussion here can be assimilated nicely to Pogge's minimalist / maximalist distinction and can help us ive steps taken [to enforce negative rights] is of course an enforced refraining from violations, not the performance One might then ask what it is that distinguishes negative rights, as Shue describes them, given that they require posand [positive] subsistence rights, though not entirely illusory, are too fine to support any weighty conclusions" (37). between positive and negative rights is diminished in this way, "the distinctions between [negative] security rights who do not choose not to violate it" (ibid.). The upshot, on Shue's account, is that to the extent that the differences measures. In any imperfect society enjoyment of a right will depend to some extent upon protection against those "The protection of 'negative rights' requires positive measures, and therefore their actual enjoyment requires positive addition may require positive provision for a police force and legal system to enforce my rights. As Shue notes: ations of one's physical security) often requires a host of positive actions in addition to what Shue calls "negative rebetween positive and negative rights. The central problem is that securing negative rights (for instance, against violparticular, Shue's discussion brings to the fore some problems associated with making too sharp a distinction For a more thorough treatment of the distinction between positive and negative rights, see Shue (1996, 35-65). In Shue provides an answer to this question when he writes, "The end-result of the positive preventat-

minimalist / maximalist debate. man rights entail, and in the subsequent chapter, I go on to explain Pogge's position vis-a-vis the

#### 2 Ċ **Maximalist Conceptions**

harm. strong moral obligations to assist those living in extreme poverty, regardless of whether or not assist the global poor rather than, as the minimalist insists, merely refrain from causing them some other international charity organization. unfulfilled, we must, for instance, donate a portion of our wealth to Oxfam, Feed the Children, or ward those who are subject to human rights violations or whose human rights happen to remain we are directly implicated in their impoverishment. In order to discharge our positive duties toman rights as also entailing positive duties is that we (those of us living in wealthy states) have them in obtaining the objects of their rights. One upshot of the maximalist understanding of hufrom directly harming others by depriving them of the objects of their rights, but also to assist some other agent(s).<sup>6</sup> The maximalist then argues that such duties require us not only to refrain main unfulfilled, though the rights in question may not necessarily have been directly violated by also entail positive duties that require us to assist those whose rights have been violated or re-The maximalist approach proceeds by arguing that in addition to negative duties, rights We must, in other words, actually do something to

<sup>&</sup>lt;sup>6</sup> A human right, for instance, to the basic necessities required to stay above the absolute poverty threshold may remain unfulfilled, though its being unfulfilled is not the result of some harm committed by an individual or though the right still remains unmet subsistence rights are adequately fulfilled. In such a case, there may be no agent who violates the right in question, collective agent. A very weak state, for instance, may lack the resources needed to ensure that its citizens'

ciple by claiming, of poor states. the wealthy ought to do something to alleviate extreme poverty fice of comparable importance. Given these two claims, it follows from Singer's principle that power of most citizens of wealthy states to assist those living in poverty without making a sacriwe ought, morally, to do it" (1972, 231). The argument that Singer develops employs this printhing bad from happening, without thereby sacrificing anything of comparable moral importance amounts to a positive duty8 to help the impoverished: "[I]f it is in our power to prevent somedebate on the nature and extent of the obligations that the citizens of wealthy states owe to those whose landmark essay, "Famine, Affluence, and Morality" (1972), did much to inaugurate the The maximalist approach to moral obligations<sup>7</sup> is typified by the work of Peter Singer, In the essay, Singer appeals to the following principle as justification for what first, that that extreme poverty is bad and, second, that it is well within the

low the child to drown. Accordingly, we have a moral obligation to save the child not sufficiently important to outweigh the serious harm that would result should we choose to alworthy in not doing so. that most of us would think that we *ought* to save the child and, further, that we would be blamerisk to your own well-being (e.g., the risk of drowning), most of us would save the child, indeed, Singer contends that provided that wading into the pond to save the child poses no appreciable ment: Suppose you are walking near a shallow pond, and you see a child floating in it face down counterfactual scenario that Singer famously develops in order to marshall support for his argu-To appreciate fully the intuition supporting Singer's principle, consider the following In wading into the pond, says Singer, we may ruin our clothes, but this

approach, such as Singer's, can be seen to support a more inclusive and demanding <sup>7</sup> Once again, I do not mean to suggest that Singer offers a rights-based approach; rather his work typifies what provide the normative core of a more robust, rights-based approach. Pogge calls a maximalist understanding of moral obligations. The point I wish to highlight is how a maximalist list of duties, which in turn could

though he clearly subscribes to the view that there are such duties I say "what amounts to" here because Singer does not explicitly invoke positive duties in the course of the essay

child with minimal sacrifice failure of a passerby who allows a child to drown in a pond when he or she could have saved the able moral worth. By extension, if the wealthy do not assist the poor in some respect, they are the world's poor because they can do so and can do so without sacrificing anything of comparwith respect to the former case is also applicable to the latter: The world's wealthy ought to assist global poverty, and accordingly, on Singer's view, the same principle that motivates our intuitions counterfactual case are also present in the very real situation with respect to the wealthy and of comparable moral worth. in poor states. Like someone happening upon a drowning child in a pond, the world's well-off that obtains between the well-off citizens of wealthy states and their less fortunate counterparts failing to meet a weighty moral obligation, a failure that is comparable in its gravity to the moral in a position to prevent grave harm from befalling others without thereby sacrificing anything Singer goes on to draw an analogy between the drowning-child scenario and the situation All of the morally-salient features, then, of the drowning-child

states of the world are, accordingly, quite stark: "[T]he whole way we look at moral issues," conception of human rights, the line of argumentation that he pursues lends support to the claims Singer's concern in "Famine, Affluence, and Morality" is not explicitly to lay out and defend a life that has come to be taken for granted in our society" (1972, 230). In the upshot, then, while Singer writes, "our whole moral-conceptual scheme--needs to be altered, and with it, the way of damentally flawed moral outlook. The implications of this view for the denizens of the wealthy ent failure of the wealthy to discharge their positive duties to aid the poor is a symptom of a funface of widespread and severe world poverty are far-reaching; indeed, he claims that the consist-Singer insists that the moral ramifications of inaction on the part of the wealthy in

ties are largely unmet and, indeed, often ignored altogether. that there are stringent, positive duties to assist those living in extreme poverty and that these du-

## 2.3 Minimalist Conceptions

poor. itive duties in the first place. it is on the maximalist's telling because the former also denies that rights conceptually entail posa maximalist account of human rights can be so construed as to provide support for a rather rocounts of human rights have no place in minimalist accounts.9 ments, corporations). Hence, the social and economic rights that are the staple of maximalist acterference by others, where "others" denotes both individual and collective entities (e.g., governas such, the minimalist's list of rights by and large includes only rights that prohibit harmful inman rights in particular--entail only negative duties (that is, duties to refrain from harming), and duties imposed on those who are in a position to promote and protect the rights of the world's to education, to healthcare, and so forth) and hence for a correspondingly robust list of stringent bust list of social and economic rights (e.g., rights to the material goods required for subsistence The minimalist's account, by contrast, denies that the list of human rights is as inclusive as We can gather from the foregoing exposition of Peter Singer's line of argumentation that Rather, the minimalist holds that rights in general--and, hence, hu-

others, but our charity is not something we owe to them and, strictly speaking, they have no right to it. Second, the something to be a right. "clear and definite" requirements on the obligors, which is, the minimalist argues, a necessary condition for minimalist claims that there are no positive rights because the corresponding duties of such rights do not impose "duty of charity" to support others' welfare, though this duty is not a requirement of justice. support of the minimalist's claim that rights entail only negative duties. First, the minimalist claims that we have a <sup>9</sup> On Allen Buchanan's reconstruction of the argument (2004, 195-201), two reasons are commonly offered in Thus, we ought to aid

### Chapter 3.

## POGGE'S INSTITUTIONAL TURN

## 3.1 Introduction

stitutional cosmopolitanism," and I outline his reasons for offering it as an alternative to the inindividual and collective agents," whereas institutional cosmopolitanism "assigns such responslatter view, says Pogge, "assigns direct responsibility for the fulfillment of human rights to other teractional understanding of human rights the predominant paradigm for understanding human rights. I then explain what Pogge calls "in-Pogge's view, interactionalism informs the minimalist / maximalist debate and, what is more, ibility to institutional schemes" (2008, 176). In this chapter, I begin by explaining how, on Pogge calls "interactionalism" or, alternatively, "interactional cosmopolitanism." Briefly, the tail. Both minimalist and maximalist conceptions typically fall within the broader rubric of what In the previous chapter, I laid out two different views on the duties that human rights en-

bear significant moral responsibility for their condition. Rather, on the institutional paradigm tional paradigm does not require that we have direct interaction with the world's poor in order to cess to the objects of their human rights. of whether or not institutions are designed such that persons living within them have secure acfulfillment is, first and foremost, a matter of how institutions are designed, specifically a matter between minimalist and maximalist versions of interactionalism by arguing that human rights The move toward institutional cosmopolitanism allows Pogge to go beyond the dispute Contra the minimalist interactional view, the institu-

compatriots, fellow religionists, or suchlike" (2008, 175). units of concern are human beings, or persons--rather than, say, family lines, tribes, ethnic, cultural or religious communities, nations, or states. The latter may be units of concern only indirectly, in virtue of their individual this special status has global force. Persons are ultimate units of concern for everyone--not only for their being equally--not merely to some subset, such as men, aristocrats, Aryans, whites, or Muslims. Third, generality: members or citizens. Second, universality: the status of ultimate unit of concern attaches to every living human <sup>10</sup> Pogge's view is "cosmopolitan" insofar as it includes three distinct elements: "First, individualism: the ultimate

ing them in the event that these institutional structures cause them harm. actually cause harm to the poor. chapter, I go on to highlight Pogge's reasons for thinking that the global institutional order does responsibility to them and is thus sufficient to activate our negative duties to refrain from harmour participation in institutional structures that we share with the poor is sufficient to ground our In the remainder of the

## 3.2 Interactional Versus Institutional Paradigms

ist or the maximalist camp, one accepts the interactional paradigm for understanding rights insointeractional understanding" tions between agents and harms suffered by the poor agents, though maximalists are inclined to downplay the moral importance of the causal conneclieve that responsibility for evils such as global poverty falls directly on individual and collective pensate others when they directly and negatively interfere with them. agents because the latter must exercise restraint in their interactions with others and must comcollective agents. For the minimalist, responsibility falls directly on individual and collective far as one believes that the responsibility for rights-fulfillment falls directly on individual and and Pogge indicates as much when he points out that the concept of human rights "suggests an seems to be, more or less, the typical way of understanding rights and the duties that they entail, sponsibility As noted above, for the fulfillment of human rights to other individual and collective agents." the hallmark of the interactional paradigm" is that it "assigns direct re-(2008, 70).Thus, regardless of whether one falls into the minimal-Likewise, maximalists be-This

institutional cosmopolitanism, which, as noted, claims that the responsibility for the fulfillment Pogge's innovation lies largely in his rejection of the interactional paradigm in favor of

than Pogge. Buchanan actually refers to Pogge's approach in his 2004 as an interactional approach, but this usage seems to be at odds with how Pogge himself employs the term in his 2008. 11 It should be noted that others (for instance, Buchanan; 2004, 85) use the term "interactional" in a different sense

ive component, which generates prescriptions in light of his definition of human rights. interactional cosmopolitanism and how the two views yield different understandings of the duties each of these components in turn in the paragraphs to follow that lays out how Pogge understands the concept of human rights, and second, there is a normat-Pogge's institutional view that should be disaggregated: first, there is a definitional component that human rights entail, it is helpful here to understand that there are two distinct aspects of ant institutional schemes. To understand precisely what it is that distinguishes institutional from dividual and collective agents only indirectly, that is, only insofar as they contribute to the relevor nonfulfillment of human rights falls directly on institutional schemes, in the first place, and in-I discuss

cinctly expressed in the following passage: Pogge's understanding of the concept of human rights is perhaps most clearly and suc-

system, insofar as this is reasonably possible, ought to be so (re)organized that all its government or its agents or officials ... Human rights, then, are moral claims on the sensitive to persons' risk of being denied X or deprived of X officially: by the members have secure access to X, with 'security' always understood as especially organization of one's society (2008, 70). By postulating a human right to X, one is asserting that any society or other social

gender, religious orientation, or nationality).<sup>12</sup> To say, for example, that I have a right to the macies of moral rights that attaches to persons qua their humanity (that is, not in virtue of their race rights, which includes no conceptual tie to institutions and which defines human rights as a speconcept of human rights differs from what we might call the traditional understanding of human man rights are a function of how social institutions are organized. This way of understanding the ception of human rights differs from an interactional conception: on the institutional view, hu-We can see immediately from this passage the most salient respect in which an institutional con-

individuals qua their humanity; rather, his approach merely adds the additional proviso that the concept of human rights specifically must make reference to the institutional structures within which rights either are or are not of human rights. <sup>12</sup> cf. Buchanan (2004, 118-190) for an example of what I have called the "traditional" way of defining the concept Also, it should be noted that Pogge's definition does not deny that human rights attach to

required for me meet the minimum subsistence threshold.13 that I have a right to live within a social system that provides me with secure access to the goods merely to say that I have a right to these goods that attaches to me qua my humanity, but is to say terial goods required for a minimal level of subsistence is, according to the institutional view, not

stitutional structures of that society. record of a society to anyone who participates in--and thereby helps to shape and sustain--the inolated or unmet. that X directly violate Y's rights in order for X to be morally accountable for Y's rights being arises indirectly, then, on the institutional view because the institutional view does not require human rights record of a given society--and hence moral culpability, if human rights are unmet-protect its victims and to promote institutional reform" (2008, 176). Moral responsibility for the tional order that avoidably leaves human rights unfulfilled without making reasonable efforts an alternative formulation: "[O]ne ought not to cooperate in the imposition of a coercive instituwithin any coercive institutional order they are involved in upholding" sons share responsibility for official disrespect of human rights [i.e., human rights violations] society. one who in any way is causally responsible for sustaining the institutional structures within that ganization of one's society, they generate moral responsibility on the part of anyone and everycomponent. of his view, which characterizes the duties that his view generates in light of the definitional The critical step in Pogge's argument comes about in virtue of the normative component The normative component, then, can be summed up in terms of a single principle: "Per-The general idea is that since human rights are moral claims on the institutional or-Rather, the institutional view assigns moral responsibility for the human rights Although X may not have directly violated Y's rights, if (Pogge 2008, 70). Or, on

are merely latent, incapable of being either fulfilled or unfulfilled....Second, the cosmopolitanism of the institutional emergence of a *global* institutional order, which triggers obligations to promote any feasible reforms of this order that would enhance the fulfillment of human rights" (2008, 176-177). approach is contingent as well, in that the global moral force of human rights is activated only through the are activated only through the emergence of social institutions. Where such institutions are lacking, human rights Pogge points out that this approach has two limitations: "First, its applicability is contingent, in that human rights

or her rights protect Y and to promote institutional reform such that Y has secure access to the objects of his ation and must, on pain of violating a negative duty to refrain from harming Y, take measures to hypthosi allow Y's human rights to remain unfulfilled, then X shares responsibility for Y's situboth X and Y live within and participate in the same social institutions, institutions which ex

original) interactional view arises here concerning the moral responsibility of those who do not themown any slaves, participate in slave trafficking, and the like. On the institutional view, on the able efforts toward protecting slaves or promoting institutional reform" (2008, 177, italics in the count as cooperating in the enslavement, in violation of a negative duty unless they make reasontutional order that authorizes and enforces slavery-even those who own no slaves themselves--Pogge describes this difference, "On the institutional view...those involved in upholding an instiselves own slaves or otherwise participate in the institution of slavery in any direct sense. first, and on individual and collective agents only derivatively. An important difference with the other hand, the right against enslavement places constraints on legal and economic institutions aid and assist them, I remain in good standing, morally speaking, so long as I do not personally slaves. right against enslavement places constraints on individual behavior by prohibiting ownership in terpret a right not to be enslaved (2008, 177-178). On the minimalist interactional view, a moral how the duties entailed by human rights are triggered, Pogge considers how each view would in-Supposing that I do not have obligations to the enslaved arising from a positive duty to To illustrate how interactional and institutional views support different understandings of

ism in light of Pogge's strategic objectives. It should be clear from the preceding paragraph that A few words should be said here regarding the importance of institutional cosmopolitan-

duty. invoke negative duties in a rather surprising way and to a rather surprising end. If successful, instance). institutional cosmopolitanism, if correct, succeeds in implicating anyone who participates in an count of all relevant harms whatsoever, regardless of our causal relation to them" (2008, 177). ectly bring about, without falling into a utilitarianism of rights, which commands us to take acgoes beyond simple libertarianism, according to which we may ignore harms that we do not dirminimalist and maximalist understandings of human rights: "[Institutional cosmopolitanism] then, Pogge's project strikes a nice balance, what he calls an "intermediate position," between eously giving the maximalists much of what they want (strong duties to aid the global poor, for to the minimalists (who understand rights as entailing only negative duties), while simultanboth negative and positive duties, but he quite explicitly formulates his argument so as to appeal frain from harming. institutional framework in which human rights are unmet in the violation of a negative duty to re-Pogge seems, on my reading, to be agnostic on the question of whether or not rights entail As such, the novelty of Pogge's institutional turn lies largely in how it allows him to The strategic importance of this move lies in the invocation of the negative

the stitutional schemes--and that the rich bear no responsibility for the poor's poverty because this invocation of X's negative duty to refrain from harming Y by cooperating in a coercive institupoverty is a function of domestic factors that are indigenous to poor states and that the rich mon set of coercively-imposed social institutions. An argument could be made to the effect that tional order that leaves Y's human rights unfulfilled is that both X and Y must live under a comof the world's poor. As suggested in the account given above, a necessary condition for Pogge's moral responsibilities derived solely from negative duties on the part of the wealthy for the plight global poor and the global rich tend to live in different states--and, hence, under different in-It remains to be seen, though, how Pogge's institutional cosmopolitanism can generate

next section therefore, have had no hand in shaping. I take up Pogge's response to this sort of objection in the

## 3.3 How the Rich Harm the Poor

falls on the governments of the states in question, not on individuals living in other states within their borders, responsibility for harms produced by poor states' institutional structures world's poorest states are corrupt and tyrannous and sustain significant human rights deficits factor being the government of the state in question. tures of any given state are primarily determined by local, rather than global, factors, the primary tend to those who live beyond the borders of the state in which I live, as the institutional struc-As noted above, one might argue that my obligations to aid the poor cannot plausibly ex-Since the governments of many of the

international resource privilege"). Thus, rather than being blame-free, wealthy states frequently states allow corrupt governments control over how their country's natural resources are spent (the access to loans (what Pogge calls the "international borrowing privilege), and third, wealthy power. Second, along with international recognition, wealthy states provide corrupt governments of the means of coercion" (118), regardless of how such groups come to power or exercise their tion--and all of the attendant privileges--to, in his words, "any group controlling a preponderance governance in poor countries (2008, 118-119). First, wealthy states provide diplomatic recognimain practices engaged in by wealthy countries that have a significant impact on the character of encourage and sustain corruption in the poorest states. In support of this claim he cites three the plight of the poor in those states because, he argues, wealthy states engage in practices that ernance in poor states, Pogge argues that the wealthy states still bear significant responsibility for While not denying the claim that much world poverty is engendered by corrupt gov-

also implicated in the human rights deficits that are the result of such practices.<sup>14</sup> engage in practices that encourage and sustain corrupt governments, and hence wealthy states are

<sup>&</sup>lt;sup>14</sup> In addition, Pogge points to several ways in which the global economy is largely shaped by the wealthy, leaving the poor vulnerable to "exogenous shocks through decisions and policies made--without input from or concern for the poorer societies--in the US or EU (e.g. interest rates set by the US and EU central banks, speculation-induced moves on commodity and currency markets)" (2008, 122-123).

## Chapter 4.

# NEGATIVE DUTIES AND INSTITUTIONAL COSMOPOLITANISM

## 4.1 Introduction

the family heirloom, in this example, is something that you have a strong emotional attachment tion is much less stringent than it would be had I stolen a coveted family heirloom of yours since stole (plus, perhaps, some additional compensation for the trouble I have caused you). Likewise stealing something of yours, then the interactional paradigm yields fairly precise guidance on reasons for this are relatively straightforward. If, for example, I violate your property rights by someone's rights in particular cases?"; and, "When, if ever, are my negative duties fulfilled?" The negative duties require of me?"; "How stringent are the duties entailed by my violation of repaid you for the harm I have brought about. the case under consideration, I have fulfilled my obligation to you as soon as I have adequately the interactional paradigm allows me to have some sense of when my obligation has been met: in to and the loss of which would constitute a significant loss for both you and your family. Finally, by stealing from you. If, for instance, I steal a pencil from you, then my compensatory obligathe stringency of my obligation to you varies in proportion to the welfare setback I have caused providing some kind of compensation to you that is roughly equivalent in value to that which I how I ought to compensate you.15 I ought to honor my negative duty to you in this case by of theoretical resources to provide concrete answers to such questions as: "What exactly do my gin with the observation that the interactional paradigm seems much better equipped in the way taining to the nature and extent of our negative duties under institutional cosmopolitanism. I be-In this chapter, I begin my criticism of Pogge's argument by raising several questions per-

<sup>&</sup>lt;sup>15</sup> I appeal here to what I take to be roughly the commonsensical way of understanding compensation for harms brought upon others.

ing that I compensate for harms I have produced), yet that are not tied in any clear way to my ism, I argue, are indeterminate insofar as they generate obligations that are compensatory (requirpletely, how we normally understand the distinction between positive and negative duties, or so I ties unsatisfying in large part because Poggean "negative duties" blur, if not obliterate comchapter claims that the thorough-going minimalist would find Pogge's invocation of negative duties in disguise (in a way to be specified below). Indeed, the argument I develop in this human-rights minimalists, because it leaves Poggean negative duties looking a lot like positive light of Pogge's stated goal of providing an account of our obligations to the poor that appeals to gue, ends up being a serious theoretical liability for institutional cosmopolitanism, particularly in while a less demanding interpretation might require much less of me. gean negative duties might require that I give endlessly to meet my compensatory obligations. unclear what I must do to satisfy my negative duties. A more demanding interpretation of Pogspecific actions and decisions within the global institutional order. The result, I argue, is that it is absent under Pogge's institutional paradigm. Negative duties under institutional cosmopolitanlends itself to a kind of precision and determinacy with respect to its requirements that is nearly The first claim that I shall defend in this section is that the interactional view of rights This indeterminacy, I ar-

## 4.2 The Indeterminacy of Poggean Negative Duties

charge their negative duties toward others within the same institutional scheme by meeting the tion derives from the fact that most people living under a given institutional scheme cannot dishow negative duties are conceived under institutional cosmopolitanism. The peculiarity in ques-The first part of the argument that I develop here points to a peculiarity with respect to

someone we must compensate them for the harm we have caused. ment can be laid out as follows cosmopolitanism is by meeting the secondary requirement that in the event that we harm from harming others. Thus, the standard way of discharging negative duties under institutional primary requirement that negative duties demand that we meet, viz., the requirement to refrain The first premise of the argu-

 $\Xi$ Negative duties require (i) that we avoid harming others (the Harm-Avoidance for the harm we have produced (the Compensation Requirement). Requirement) and (ii) that if we do harm others, we must compensate them sufficiently

second, italicized, portion corresponds to what I call the Compensation Requirement of negative ploys this two-part understanding of negative duties. when the Harm-Avoidance Requirement cannot be fulfilled with them and to promote institutional reform, requirements that we presumably must try to meet duties because it asks us to protect the relevant victims of whatever institutional order we share coercively-imposed institutional structures that leave others' human rights unfulfilled. The ment of negative duties because it asks us to avoid harming others through our participation in ent, then, essentially includes the two parts that I have included in the first premise of my arguinstitutional reform" (2008, 176, italics added). Pogge's formulation of the normative componhuman rights unfulfilled without making reasonable efforts to protect its victims and to promote ought not to cooperate in the imposition of a coercive institutional order that avoidably leaves Pogge's formulation of the normative component of institutional cosmopolitanism explicitly em-I take this first premise to be an uncontroversial statement about what negative duties require The first, non-italicized, portion corresponds to what I call the Harm-Avoidance Require-Recall the normative principle: "[O]ne

runs as follows: take the second premise of the argument to be no more controversial than the first.

 $\mathcal{O}$ Most people cannot meet the Harm-Avoidance Requirement with respect to harms

produced by an institutional order of which they are part.

to-no net effect on the institutional order and the outcomes it produces. significantly in the countries in which Package A is introduced. But, this is surely not the case over the character of the global institutional order. primary requirement imposed by our negative duty to refrain from harming others cannot, under institutional cosmopolitanism, fulfill the Harm-Avoidance requirement that is the with the rest of us non-powerful, individual agents, whose actions, taken individually, have little-Structural Adjustment Package B in the developing world, which in turn might alter outcomes ample, might, as a matter of policy, choose to implement Structural Adjustment Package A over respect to powerful collective agents who can through their actions wield tremendous influence control over these outcomes. to my actions, my decisions, and my patterns of behavior in a way that would allow me to have ous point that the outcomes produced by an institution that I cooperate in are not tied specifically not avoid harming others through our participation in social institutions. 16 comes produced by the institutional structures in which we partake and thus that most of us can-This premise captures the idea that most of us are far-removed (causally) from the negative There are, of course, some noteworthy exceptions to this rule with The International Monetary Fund, for ex-Accordingly, most of us This reflects the obvi-

straightforwardly that If the first two premises of the argument I have laid out thus far are true, then it follows

 $\odot$ Therefore, most people must discharge their negative duties under institutional cosmopolitanism by meeting the Compensation Requirement.

ism, most of us must fulfill our negative duties to the global poor by meeting the Compensation The implication here is that according to the normative component of institutional cosmopolitan-

which I am a participant, these effects are still often divorced from any particular decision I may have made more local level. I believe, though, that my point still stands, that even with respect to local effects of institutions in housing project that requires the demolition of low-income housing, thereby producing harm for the poor at a much <sup>16</sup> Thanks to A.J. Cohen for pointing out that we are not necessarily far-removed (geographically, at least) from the effects of some institutional order in which we participate. My tax dollars, for instance, may go toward some local My tax dollars, for instance, may go toward some local

support for the view that we (individuals living in wealthy states) owe much to the global poor in ive duties duties, though, of course, Pogge's institutional cosmopolitanism does not attempt to defend positnormative demands on the wealthy that they seek to justify through their ascription of positive anism is able to satisfy the human-rights maximalists by generating more or less the same list of tutions that we collectively and coercively impose on them. In this way, institutional cosmopolitthe way of aid and assistance precisely because we cannot avoid harming them through the instiary feature of negative duties. In other words, institutional cosmopolitanism is able to generate that institutional cosmopolitanism derives much of its normative force by exploiting this second-Requirement to aid and protect the poor and to promote institutional reform. We can see, then,

premise of my argument attempts roughly to articulate this pensation Requirement demands of us under institutional cosmopolitanism, and the fourth The foregoing paragraph might raise some interesting questions regarding what the Com-

**£** The Compensation Requirement does not say that we must compensate in kind for harms we have produced, but it does strongly suggest that whatever compensation we provide to those whom we have harmed be adequate to or in some sense proportionate to the harm committed.

pencil that I have stolen. ought to compensate you by providing you with something of equal or greater value than the than X (on some reasonable metric). So, if I steal your pencil, then, all things being equal, I compensation I provide for having brought about X ought to be to roughly equal to or greater oning about compensation for harms: if I produce X amount of harm to some person(s), then the as to say that the intuition embodied in premise four is something of a fixture of our moral reastion of what compensation for harms we have committed requires of us. I would even go so far Again, I understand this premise as attempting to make a rough, though uncontroversial indica-Likewise, if I steal your car, then I ought to atone for my theft by

tuitive notion that compensation must be in some sense adequate to the harm is a sound one that spect to certain tangible harms such as rape or kid-napping?\(^{17}\) I submit, though, that the rough inive and insulting behavior, or for that matter, how does one determine proportionality with refinds its way into our moral reasoning in any number of cases adequacy with respect to compensation for intangible harms such as broken promises or offensequate or proportionate compensation. How, for example, does one determine proportionality or readily to an overly-simplistic calculus that allows us to determine precisely what constitutes adhave stolen. I should mention here that many examples of harms do not admit themselves so providing you with another car or, perhaps, something of equal or greater value than the car I

In addition, we might also add a corollary to premise four:

(4a)Once I have adequately compensated for some harm I have produced, I have met the demands of the Compensation Requirement (and hence have discharged my negative duty to the person(s) I have harmed).

equately met the demands of the Compensation Requirement. Compensation Requirement is not indefinite or open-ended, but rather ends once X has adhave been satisfied. that we can apply to specific cases in order to determine when our compensatory obligations we have brought about. (4a), in other words, is one way of stating an intuitive moral principle This point is important because it clearly defines the extent of our obligations to atone for harms If X commits some harm to Y, then X's commitment to Y according to the

stitutional cosmopolitanism, which leads me to my fifth premise point out some further peculiarities with respect to how negative duties are conceived under inways that we tend to think about the how to satisfy the Compensation Requirement in order to In (4) and (4a), I have highlighted what I take to be some of the "normal" or intuitive

Determining whether or not one has satisfied the Compensation Requirement under

<sup>&</sup>lt;sup>17</sup> Thanks to A.J. Cohen for the latter suggestion

Poggean institutional cosmopolitanism is practically impossible

ing obligations to the global poor so long as they exist and partake in the same harm-causing inharm caused at some other part of the institutional order. There is, accordingly, no metric that stitutional order that I play a part in shaping and sustaining of my compensatory obligation has expired; under institutional cosmopolitanism, I have unendway. Likewise, with respect to (4a), there is no practical way for me to determine when the term would allow me to determine the extent of my compensatory obligations in any straightforward contribution to some harm-causing portion of the global institutional order with some definite The reason for this is that, practically speaking, there is no way for me plausibly to match up my rated ought to be adequate to or in some sense proportionate to the harm that I have committed port well with (4), which says, once again, that my compensation for some harm I have perpet-By this, I have two specific points in mind. First, institutional cosmopolitanism does not com-

ative duties as conceived under institutional cosmopolitanism: Premises three through five of my argument lead to the following conclusion about neg-

6 Therefore, the negative duty, as conceived under institutional cosmopolitanism, is subject serious indeterminacy with respect to what it requires of most of us

is the extent of the indeterminacy. Pogge's institutional cosmopolitanism gives almost no helpful ism generates indeterminate duties. The point I want to take note of at this part in the argument to my negative duties? Or, must I give endlessly to Oxfam and perpetually lobby my friends didate and purchasing fair-trade coffee sufficient for me to remain in good standing with respect our negative duties to the world's poor has been satisfied. guidance whatsoever that could allow us to determine when the Compensation Requirement of damage Pogge's argument by itself, as Pogge is no doubt aware that institutional cosmopolitan-In anticipation of a potential objection here, I should note that this conclusion does nothing to Is my voting for the right political can-

point. ing. Institutional cosmopolitanism, as Pogge describes it, is conceptually compatible both with way of knowing which pole we should aim for unless Pogge can give more guidance on this clear metric for determining when the Compensation Requirement is satisfied), then we have no giving endlessly and with giving little. If my fifth premise is correct (and, hence, if we have no as to what negative duties require under institutional cosmopolitanism, we have no way of know. gean optimum, then, would likely fall somewhere in the middle, but without further specification the former because it demands too little, and the latter because it demands too much. The Pogof these ways of approaching the Compensation Requirement would be unsatisfactory to Pogge, neighbors, and Congressional representatives in order to bring about reform? Presumably, both

some conceptual points are in order appeal to the minimalist in the way that he wants it to. In order to defend this claim, though the rights minimalist. My aim in this paper is to deny the latter claim, viz., that Pogge's view will rights without thereby affirming positive duties, and it hopes to do so in a way that will appeal to politanism, hence, attempts to provide support for the maximalist's list of social and economic with the maximalist view that we have stringent obligations to aid the poor. Institutional cosmotion of human rights that squares the minimalist's insistence that rights entail only negative duties points that have been made thus far. To begin, recall that Pogge's objective is to offer a concep-Before I proceed to the final premise of my argument, I shall briefly rehearse some of the

itself is conceptually compatible with the claim that we have both positive and negative duties Thus, we could make a distinction between between what we might call a minimalist (i.e., Pogthe poor that are generated by positive rights. I want to claim, though, that the institutional view First, Poggean institutional cosmopolitanism resists the claim that we have obligations to

cosmopolitanism a la Singer") thereby sacrificing anything of great moral significance (we might call this version "institutional duties toward the poor that are generated by our being in a position to aid and assist them without leaves their human rights avoidably unfulfilled, but in addition to this, we would have positive ward the poor generated by our participation in a coercively-imposed institutional scheme that that we have both positive and negative duties. In this case, we would have negative duties totoward the poor. and that these duties are sufficient to generate substantial obligations on the part of the wealthy view is that which I have been discussing all along; it claims only that we have negative duties gean) institutional cosmopolitanism and a maximalist institutional cosmopolitanism. The latter, maximalist, conception of institutional cosmopolitanism might assert The former

ism becomes relevant because I want, ultimately, to claim that that I have drawn between minimalist and maximalist conceptions of institutional cosmopolitan-With respect to the argument that I have been developing up to this point, the distinction

9 If Pogge's account of institutional cosmopolitanism is subject to serious indeterminacy with respect to what it requires of us (in other words, if my premise six is true), then we cannot determine whether Pogge's view represents a maximalist or a minimalist version of institutional cosmopolitanism.

for specifying the extent of our negative duties, then, it makes little difference whether we talk of plausibly beyond what we would normally think of as negative duties. seems that the class of negative duties can swell to include any number of duties that extend imcification as to the extent of our negative duties under Poggean institutional cosmopolitanism, it and a normatively beefed-up, maximalist institutional cosmopolitanism. etc.), it becomes impossible to draw any lines between Poggean institutional cosmopolitanism duties (their open-endedness, their compensatory nature and consequent underdetermination, The point I hope to highlight here is that given the indeterminate character of Poggean negative Without some criterion Without further spe-

identical--obligations be understood, or a maximalist view, as both views would seem to generate similar--if not Pogge's institutional cosmopolitanism as being a minimalist view, as Pogge intends his view to

of a negative duty nearly to the breaking point. 18 world's wealthy contribute to the poverty of the world's poor, I think that he stretches the notion politanism. be satisfied with Pogge's invocation of the negative duty in the context of his institutional cosmo-The upshot of this argument is that I do not think that a thoroughgoing minimalist would While I do not deny that Pogge's argument highlights an important way in which the

## 4.3 Making Negative Duties Concrete

minimalists. In this section, I offer some positive suggestions as to how Pogge might circumvent that our negative duties toward the poor impose is unsatisfactory, given its aim of appealing to that global institutions harm the poor,19 but I have argued that Pogge's account of the obligations Up to this point, I have not denied the main empirical premise of Pogge's argument, viz.,

seen to approach the maximalist's view insofar as very indirect causal links begin to look like no causal links at all participation in social institutions) are sufficient to ground X's (negative) duties to those who are harmed by the inmore or less direct connection between X's action and some harm produced by X's action in order to ground X's and I suppose this would arouse suspicion amongst minimalists. produced by the global order back to X's activity by invoking indirect causal links. tie between X's actions and the harms produced as a result of these actions, as one can potentially trace any harm direct (and, indeed, often weak) causal links can ground duties, Pogge may have gone too far in severing the causal stitutional structures in which X participates. The worry for the minimalist, then, might be that in claiming that inmediate between the two views because it allows that indirect causal links (of the sort that come about through X's ties, yet it does not seek to abandon or overcome the need for a causal link altogether. Rather, Pogge's view is interintermediate insofar as it does not require a *direct* causal link between X and some harm produced to ground X's dua (positive) duty to aid and protect others, regardless of X's causal relation to them. Pogge's view, then, would be duty to atone for the harm committed. On the maximalist account, no such direct causal connection is needed; X has ate" in terms of the type of causal relation required to ground some duty. On the minimalist account, there must be an "intermediate position." A natural way of interpreting this passage would suggest that Pogge's view is "intermedilation to them" (2008, 177). arianism of rights, which commands us to take account of all relevant harms whatsoever, regardless of our causal retarianism, according to which we may ignore harms that we do not directly bring about, without falling into a utilitmakes available an appealing intermediate position between two interactional extremes: it goes beyond simple liberdistinguishes his view from minimalist and maximalist interactional views: "We see...how the institutional approach <sup>18</sup> There is another, slightly different, way of thinking of the matter. Consider the following quote, in which Pogge We might begin by asking ourselves what exactly Pogge means when he calls his view

<sup>&</sup>lt;sup>19</sup> For a criticism that argues that the global institutional order has not harmed the poor, see Risse (2001)

ities, though it does cause some lesser amount of harm. In this case, the Least Harm Principle states that when some agent A is faced with a range of possible courses of action (say, X, Y, and specifies that I must purchase Y, supposing that I must purchase either X or Y which in turn results in a net welfare reduction for the citizens of the country in which X is prolax environmental laws and that X's production generates a significant amount of pollution and that I must choose between X and Y. Suppose further that X is produced in a country with amount of harm. or Z, A has a moral obligation to choose the course of action that results in the least overall Z) where each prospective action will produce some harm and where A must choose either X, Y gest, is by introducing what I shall call the Least Harm Principle. The Least Harm Principle anism more concretely in order to appease the minimalist critic. least Pogge needs to specify the requirements of negative duties under institutional cosmopolitthe problem I have raised. The central point of the strategy that I outline here is that at the very The manufacture of Y, on the other hand, does not produce widespread negative external-For example, suppose I have a choice between buying product X and product Y One way of doing this, I sug-

tion (and thereby satisfying the Least Harm Principle). Indeed, the argument I hope to develop available to us where any given choice will result in some harm elsewhere in the institutional orthe case that in our economic and political lives we must choose from among the options made across a number of different domains (e.g., the economic and political domains), and it is often The institutional structures in which we participate make available a finite range of choices most ordinary citizens face with respect to their interaction with the global institutional order It seems plausible to say that if I cannot avoid choosing at least one of the options in ques-The import of the Least Harm Principle is in part that it seems to capture the situation that going some way toward honoring my negative duties in choosing the least harmful op-

activity is often sufficient for meeting my negative duty towards the global poor.20 with the global institutional order through, for instance, my consumption patterns and political in what follows claims that satisfying the Least Harm Principle with respect to my interaction

within the context of our participation. still much room for choice with respect to the various different ways in which we interact with isfy our negative duties under Pogge's institutional paradigm draws its motivation in part from an ground between Buchanan's view, according to which our participation in the global institutional Sachs and Blackwater is still undertaken voluntarily. Thus, I hope here to stake out a middle stitutional order as it currently stands, my choice, for example, to purchase stocks in Goldman untary, we are left with a significant degree of voluntariness with respect to the choices we make the global order, and hence there is a sense in which though our participation as a whole is involtion for most, there is a sense in which our participation in it is not voluntary. oversimplify the matter. Given that opting out of the global institutional order is not a viable opness is a necessary condition for responsibility" (2004, 95). Buchanan's charge here seems to say that the participation of ordinary people in it is voluntary; yet it would seem that voluntariextent that the existing global basic structure is 'the only game in town' it may be misleading to Pogge to claim that we are morally responsible for our participation. Buchanan writes, "[T]o the tion in the global institutional order is largely involuntary and that this makes it difficult for objection laid out by Allen Buchanan against Pogge. My understanding of how satisfying the Least Harm Principle can be thought also to sat-Though I may not voluntarily participate in the global in-Buchanan's concern is that our participa-However, there

whereas the choice between purchasing food and starving is not purchasing Food A over Food B, all things considered, because the choice between A and B is a genuine choice purchasing the food that I need (because I cannot go without food), but that I can be held morally accountable for in some harm elsewhere. For instance, I cannot really choose not to eat in a situation in which any food item I can choose between will result choices we make in our participation in the global institutional order are not really choices at all in any robust sense still in violation of a negative duty. My response, as will hopefully become clear, is that some--indeed many--<sup>20</sup> The obvious objection here is that in committing the least harm, I am still committing some harm and therefore am The point I hope to make is that in such a case I am not morally accountable for

the choices we make as consumers, voters, etc view, according to which we are responsible for the effects of the global order notwithstanding order is not sufficient to ground our moral responsibility for its harmful effects, and Pogge's

and B in pushing Button A you will also cause x amount of harm to some person(s). If you push Button either of the buttons and pushing one of the buttons; the real choice is between pushing buttons A pushing Button B. Given the circumstances, the real choice here is not between not pushing tion leading to a painful death otherwise) but that (b) you are in violation of a negative duty in negative duty in pushing Button A (because you do not really have a choice, as it is slow starvaharm to some person(s). The points I would like to make are that (a) you are not in violation of a B, you will receive a delicious three-course dinner, but you will also be causing x + y amount of that if you push Button A, you will receive enough rice to keep you alive for some time but that with a computer that has two buttons (say, Button A and Button B). You are told by your captors tual scenario. Suppose you are starving--on the brink of death--and you are locked in a room As a kind of intuition pump for the point I am making, consider the following counterfac-

shelter, and accordingly I must participate in institutions in order to obtain these things. pushing Button A over Button B and my participation in the global institutional order through my negative duties? ten exercise significant discretion as to how I will meet those needs. I can buy Brand A rather meeting the needs that necessitate my participation in the global order in the first place, I can ofinstitutional order that are significantly nonvoluntary: I cannot go without food, clothing, and economic and political activity. There are indeed many aspects of our participation in the global How, then, can satisfying the Least Harm Principle be seen as sufficient to satisfy our The idea here is a relatively simple one that draws on the analogy between

ible for participating) al order because my nonparticipation is not a viable option (and hence I cannot be held responsfulfilling the Least Harm Principle with respect to the choices I make as a participant in the globnumber of cases I can meet my negative duties under institutional cosmopolitanism simply by that I make within the context of my participation. The upshot of the view is that in a significant tional order (in cases in which my participation is nonvoluntary), I am responsible for the choices that though I cannot be held morally responsible for my participation per se in the global instituthan Brand B, I can vote for Politician X over Politician Y, and so forth. The rough idea here is

rights minimalist. defining the extent and the duration of my negative duties without thereby running afoul of the corner of the global institutional order that I happen to occupy, and it can go some way toward has the virtue of tying my obligations to the global poor to the choices I make within the small much more modest in what it demands of us than anything that Pogge has in mind. However, it The interpretation I offer of negative duties under institutional cosmopolitanism is surely

## Chapter 5.

## CONCLUSION

concluded the paper by offering a more modest interpretation of negative duties under instituof negative duties in order to support a robust list of stringent social and economic rights. I have that the minimalists that Pogge hopes to appeal to would be dissatisfied with Pogge's invocation of the duties that human rights entail. The argument I have developed claims that the conception tional order. of their negative duties with respect to certain aspects of their participation in the global institutional cosmopolitanism according to which ordinary citizens in wealthy states are not in violation of negative duties under institutional cosmopolitanism suffers from a serious indeterminacy such Pogge's institutional cosmopolitanism falls short, given its aim of providing a plausible account In this thesis, I have attempted to call attention to one respect in which I believe that

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