4-29-2010

Pogg'es Institutional Cosmopolitanism

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

by

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A Thesis Submitted in Partial Fulfillment of the Requirements for the Degree of

Master of Arts

in the College of Arts and Sciences

Georgia State University

2010

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Chapter 1.

**Introduction**

In his book *World Poverty and Human Rights*, Thomas Pogge develops a novel approach to understanding the nature and extent of the obligations that the citizens of the world's wealthiest states owe to their less fortunate counterparts in the world's poorest states.

Pogge's work has recently generated a significant amount of scholarly discussion on the topic of international distributive justice and human rights. In large part because, if successful, Pogge's project marks the fortunate marriage of an otherwise exceedingly odd couple.

The fortunes of those of those who, like Peter Singer, believe that we (citizens of wealthy states) have extensive moral obligations to assist the global poor without thereby sacrificing much of moral significance, while the libertarian view that we have such moral obligations only if we have more or less directly caused the impoverishment of the poor. When we might call the Singerian approach to moral obligation that is diametrically opposed to the libertarian view.

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

Moreover, Pogge argues that these structures determine in large part whether or not the world's legal and large-scale human rights are achieved and sustained by decisions made by the wealthiest states of the world, which are shaped and sustained by global institutions such as the global economy, international law, and, in general, the shared practices and structures of the global economy. 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 (see Rawls, 1999, 118-125). Rawls defines the "basic structure" of a society as the way in which the main political and social institutions of society are formed and sustained. Pogge's focus on institutions is consonant with the Rawlsian understanding of justice in that the basic structure of a society is the way in which the main political and social institutions of society are formed and sustained. Hence, it follows that it is the basic structure of a society that is the focus of justice, in Rawls's view. Rawls defines the "basic structure" of a society as the way in which the main political and social institutions of society are formed and sustained. Pogge's focus on institutions is consonant with the Rawlsian understanding of justice in that the basic structure of a society is the way in which the main political and social institutions of society are formed and sustained. Hence, it follows that it is the basic structure of a society that is the focus of justice, in Rawls's view. Pogge's focus on institutions is consonant with the Rawlsian understanding of justice in that the basic structure of a society is the way in which the main political and social institutions of society are formed and sustained. Hence, it follows that it is the basic structure of a society that is the focus of justice, in Rawls's view.

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The duties that humans -- in particular, human rights -- are thought to entail. In chapter three, I explain the differences between what Pogge calls "minimalist" (i.e., libertarian) and "maximalist" views of these duties. The outcome, on my view, is that Pogge does not accomplish what he initially sets out to do. He does not, in other words, show that we have strong duties to assist the global poor in a situation of need, or that Pogge's view becomes insuperable from a normative appeal. Specifically, I argue that Pogge's account of negative duties to refrain from harming others through our participation in global institutions is subject to serious indeterminacy, so much so, I argue, that his invo- cation of negative duties to refrain from harming others through our participation in global institutions is subject to serious indeterminacy, so much so, I argue, that his invo- cation of negative duties to refrain from harming others through our participation in global institutions is subject to serious indeterminacy, so much so, I argue, that his invo- cation of negative duties to refrain from harming others through our participation in global institutions is subject to serious indeterminacy, so much so, I argue, that his invo- cation of negative duties to refrain from harming others through our participation in global institutions is subject to serious indeterminacy, so much so, I argue, that his invo- cation of negative duties to refrain from harming others through our participation in global institutions is subject to serious indeterminacy, so much so, I argue, that his invo- cation of negative duties to refrain from harming others through our participation in global institutions is subject to serious indeterminacy, so much so, I argue, that his invo- cation of negative duties to refrain from harming others through our participation in global institutions is subject to serious indeterminacy, so much so, I argue, that his invo-
Pogge offers his institutional view in response to the debate between minimalist and maximalist "interactional" views of the duties that human rights entail. Pogge, in short, hopes to redefine the way we think about human rights and with it the way that we think about how duties are generated by human rights violations. By offering his institutional cosmopolitanism as an alternative to the different interactional cosmopolitanisms, Pogge hopes thereby to sidestep the impasse in the debate between minimalist and maximalist conceptions. In chapter four, I lay out my own arguments and respond to objections, and in chapter five, I offer some concluding remarks.
Chapter 2.

MINIMALIST AND MAXIMALIST CONCEPTIONS OF DUTIES

2.1 Introduction

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

On one hand, then, are libertarian (what Pogge calls, and what I shall hereafter for convenience call, "minimalist") conceptions, according to which rights entail negative duties (that is, duties to refrain from harming others or from violating others' rights). On the minimalist view, our duties to protect and to assist others can be activated only if we have violated their rights. But according to Pogge, minimal conceptions have evolved, largely because such rights are thought to entail both negative and positive duties. On the minimalists' view, our duties to protect and to assist others can be activated only if we have violated their rights. On the minimalist view, our duties to protect and to assist others can be activated only if we have violated their rights. On the minimalists' view, our duties to protect and to assist others can be activated only if we have violated their rights.

Since, then, human rights entail both negative and positive duties, it follows that if we have not violated X's rights, then we have no moral obligation to assist X in obtaining the objects of his or her rights. A minimalist conception, then, excludes what are often called social and economic rights (such as the right to education, health care, a decent standard of living, and so on) because such rights are thought to entail positive duties (that is, duties to aid and assist), which are said to impose obligations on us regardless of whether or not we have violated others' rights.
What Pogge calls "maximalist" conceptions hold that rights entail both negative and positive duties; that is, rights entail duties both to refrain from harming others as well as duties to protect and to assist others whose rights are subject to being violated. Importantly, the maximalist position is as follows: the minimalist accepts that rights entail duties to refrain from violating others' rights. Our being in a position to aid another is sufficient to activate our obligations to assist those who are subject to rights violations.

The overarching aim of Pogge's project, as we shall see, is to attempt to formulate a conception of human rights that, in some sense, squares the minimalist's insistence that human rights entail only negative duties with the maximalist's insistence that there are also social and economic human rights. If he is successful, Pogge hopes to show that citizens of wealthy states have strong moral obligations to assist their counterparts in impoverished states and that these obligations are grounded in a negative duty to refrain from harming others (in this case, the global poor).

Shue provides an answer to this question in terms of the so-called "negative and positive preventative steps" taken to enforce the negative right in question. The central core of the argument is that negative rights require positive measures to be effective. Shue's discussion brings to the fore some problems associated with too sharp a distinction between positive and negative rights. The distinction is undermined in this way: the "negative rights" are diminished by the prevention of the enforcement of certain rights. In other words, the prevention of the prevention of rights requires positive measures. In any imperfect society, enforcement of a right will depend on some enforcement procedure or other.

One might then ask what it is that distinguishes negative rights, as Shue describes them, from positive rights. Shue provides an answer to this question when he writes, "The end-result of the positive preventative steps taken to enforce negative rights is of course an enforced refraining from violations, not the performance of positive actions. The central core of the right is a right that others not act in certain ways." On this reading, we can understand the minimalist position as follows: the minimalist accepts that rights (1) entail negative duties (to refrain from violating others' rights) plus (2) require what Shue calls "positive preventative steps" taken to enforce the negative right in question, i.e., to prevent others from violating, for instance, X's right to physical security.

The maximalist, then, would accept both (1) and (2) but would add that rights also entail positive duties (to aid and assist), which are conceptually distinct from and extend beyond the "positive preventative steps" that would be required to enforce X's negative right.
2.2 Maximalist Conceptions

The maximalist approach proceeds by arguing that in addition to negative duties, rights also entail positive duties that require us to assist those whose rights have been violated or remain unfulfilled, though it analyzes unfulfilledness in the form of some kind of deprivation, as opposed to some kind committed by an individual or collective ager(s). For instance, in a situation where a country is unable to provide the basic necessities required to stay above the absolute poverty line, we must, in order to discharge our positive duties, contribute a portion of our wealth to Oxfam, Feed the Children, or assist those who are subject to human rights violations of whose human rights happen to remain unfulfilled, we must, for instance, donate a portion of our wealth to Oxfam, Feed the Children, or some other international charity organization. We must, in other words, actually do something to assist the global poor rather than merely refrain from causing them harm.

A human right, for instance, to the basic necessities required to stay above the absolute poverty line—such as food, shelter, and clothing—may remain unfulfilled, though it may not be the result of some kind of deprivation committed by an individual or collective agent(s). For instance, a very weak state may lack the resources needed to ensure that its citizens' basic necessities are adequately fulfilled. In such a case, there may be no agent who violates the right in question.

Assume that the right to the basic necessities required to stay above the absolute poverty line remains unfulfilled. Though it is not the result of some kind committed by an individual or collective agent(s), the right to these necessities may remain unfulfilled, though it is not the result of some kind committed by an individual or collective agent(s). For instance, a very weak state may lack the resources needed to ensure that its citizens' basic necessities are adequately fulfilled. In such a case, there may be no agent who violates the right in question.
The maximalist approach to moral obligations is typified by the work of Peter Singer, whose landmark essay, "Famine, Affluence, and Morality" (1972), did much to inaugurate the debate on the nature and extent of the obligations that the citizens of wealthy states owe to those of poor states. In the essay, Singer appeals to the following principle as justification for what amounts to a positive duty to help the impoverished:

\[
\text{"If it is in our power to prevent some kind of harm without sacrificing anything of comparable moral importance, we ought, morally, to do it." (1972, 231)}
\]

The argument that Singer develops employs this principle by claiming, first, that extreme poverty is bad and, second, that it is well within the power of most citizens of wealthy states to assist those living in poverty without making a sacrifice of comparable importance. Given these two claims, it follows from Singer's principle that we have a moral obligation to alleviate extreme poverty.

I say "what amounts to" here because Singer does not explicitly invoke positive duties in the course of the essay, and yet his work offers a rights-based approach. Rather, his work figures in what Pogge calls a maximalist understanding of moral obligations. The point I wish to highlight is how a maximalist approach allows a rights-based understanding to flourish. The work of Peter Singer, whose landmark paper "Famine, Affluence, and Morality" (1972), did much to inaugurate the debate on the nature and extent of the obligations that the citizens of wealthy states owe to those of poor states, is a prime example of this approach. However, I do not mean to suggest that Singer offers a rights-based approach; rather, his work typifies what Pogge calls a maximalist understanding of moral obligations. The point I wish to highlight is how a maximalist approach allows a rights-based understanding to flourish.
Singer goes on to draw an analogy between the drowning-child scenario and the situation that obtains between the well-off citizens of wealthy states and their less fortunate counterparts in poor states. Like someone happening upon a drowning child in a pond, the world's well-off are in a position to prevent grave harm from befalling others without thereby sacrificing anything of comparable moral worth. All of the morally-salient features, then, of the drowning-child counterfactual case are also present in the very real situation with respect to the wealthy and global poverty, and accordingly, on Singer's view, the same principle that motivated our intuitions of obligation in the former case is also applicable to the latter: The world's wealthy ought to assist the world's poor because they can do so and can do so without sacrificing anything of comparable moral worth, and because they have a moral obligation to do so. By extension, if the wealthy do not assist the poor in some respect, they are failing to meet a weighty moral obligation, a failure that is comparable in its gravity to the moral failure of a passerby who allows a child to drown in a pond when he or she could have saved the child with minimal sacrifice.

Singer insists that the moral ramifications of inaction on the part of the wealthy in the face of widespread and severe world poverty are far-reaching; indeed, he claims that the consistent failure of the wealthy to discharge their positive duties to aid the poor is a symptom of a fundamentally flawed moral outlook. The implications of this view for the denizens of the wealthy states of the world are accordingly quite stark: "[T]he whole way we look at moral issues," Singer writes, "needs to be altered, and with it, the way of life of the world's wealthy."

The upshot, then, while Singer’s concern in “Famine, Affluence, and Morality” is not explicitly to lay out and defend a conception of human rights, the line of argumentation that he pursues lends support to the claims that obtains between the well-off citizens of wealthy states and their less fortunate counterparts in poor states. Like someone happening upon a drowning child in a pond, the world’s wealthy are in a position to prevent grave harm from befalling others without thereby sacrificing anything of comparable moral worth. All of the morally-salient features, then, of the drowning-child scenario are also present in the very real situation with respect to the world’s wealthy and global poverty, and accordingly, on Singer’s view, the same principle that motivated our intuitions of obligation in the former case is also applicable to the latter: The world’s wealthy ought to assist the world’s poor because they can do so and can do so without sacrificing anything of comparable moral worth, and because they have a moral obligation to do so. By extension, if the wealthy do not assist the poor in some respect, they are failing to meet a weighty moral obligation, a failure that is comparable in its gravity to the moral failure of a passerby who allows a child to drown in a pond when he or she could have saved the child with minimal sacrifice.

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

2.3 Minimalist Conceptions

We can gather from the foregoing exposition of Peter Singer’s line of argumentation that a maximalist account of human rights can be so construed as to provide support for a rather robust list of social and economic rights (e.g., rights to material goods required for subsistence, to education, to healthcare, and so forth) and hence for corresponding positive duties of obligations to the correspondingly robust list of exigencies. Hence, for a maximalist account of human rights, there are stringent positive duties imposed on those who are in a position to promote and protect the rights of the world’s poor. The minimalist’s account, by contrast, denies that these stringent positive duties are in fact duties owed.

We can gather from the foregoing exposition of Peter Singer’s line of argumentation that

2.3 Minimalist Conceptions

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3.1 Introduction

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

The move toward institutional cosmopolitanism allows Pogge to go beyond the dispute between minimalists and maximalists by arguing that human rights fulfillment is, first and foremost, a matter of how institutions are designed, specifically a matter of whether or not institutions are designed such that persons living within them have secure access to the objects of their human rights. Contra the minimalist interactional view, the institutional paradigm does not require that we have direct interaction with the world's poor in order to bear significant moral responsibility for their condition. Rather, on the institutional paradigm, the special status as global force of persons as ultimate units of concern is global force.

Pogge's view is "cosmopolitan" insofar as it includes three distinct elements: "First, individualism: the ultimate units of concern are human beings, or persons--rather than, say, family lines, tribes, ethnic, cultural, or religious communities, nations, or states. Second, universality: the status of ultimate units of concern is not merely to some subset, such as their ancestors, Aryans, or Muslims. Third, generality: this special status is global force. Persons are ultimate units of concern for everyone--not only for their compatriots, fellow religionists, or suchlike." (2008, 175).
in institutional cosmopolitanism, which, as noted, claims that the responsibility for the fulfillment of institutional cosmopolitanism, which, as noted, claims that the responsibility for the fulfillment of human rights rests directly on individual and collective agents. It is the collective responsibility for the fulfillment of human rights that is the hallmark of the institutional paradigm.

Pogge's innovation lies largely in his rejection of the interactional paradigm in favor of institutional cosmopolitanism, which, as noted, claims that the responsibility for the fulfillment of human rights rests directly on individual and collective agents. It is the collective responsibility for the fulfillment of human rights that is the hallmark of the institutional paradigm.

3.2 Interactional Versus Institutional Paradigms

As noted above, the hallmark of the interactional paradigm is that it assigns direct responsibility for the fulfillment of human rights to other individual and collective agents. This is in contrast to the institutional paradigm, which claims that the responsibility for the fulfillment of human rights rests directly on individual and collective agents. Pogge's innovation lies largely in his rejection of the interactional paradigm in favor of institutional cosmopolitanism, which, as noted, claims that the responsibility for the fulfillment of human rights rests directly on individual and collective agents. It is the collective responsibility for the fulfillment of human rights that is the hallmark of the institutional paradigm.
or nonfulfillment of human rights falls directly on institutional schemes, in the first place, and in
dividual and collective agents only indirectly, that is, only insofar as they contribute to the relev-
ant institutional schemes. To understand precisely what it is that distinguishes institutional from
interactional cosmopolitanism and how the two views yield different understandings of the duties
that human rights entail, it is helpful here to understand that there are two distinct aspects of
Pogge’s institutional view that should be distinguished: first, there is a definitional component
and a normative component, which generates prescriptions in light of his definition of human
rights. I discuss each of these components in turn in the paragraphs to follow.

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

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

We can see immediately from this passage the most salient respect in which an institutional con-
ception of human rights differs from an interactional conception: on the institutional view, hu-
man rights are a function of how social institutions are organized. This way of understanding the
concept of human rights differs from what we might call the traditional understanding of human
rights, which includes no conceptual tie to institutions and which defines human rights as a spe-
cies of moral rights that attaches to persons qua their humanity (that is, not in virtue of their race,
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The critical step in Pogge’s argument comes about in virtue of the normative component. The general idea is that since human rights are moral claims on the institutional order of a coercive institution--within any coercive institutional order they are involved in upholding--reforms that improve institutional respect for human rights obligations are essential. Pogge notes that this approach has two limitations. "First, its applicability is contingent, in that human rights are activated only through the emergence of social institutions. Where such institutions are lacking, human rights are activated only through the emergence of social institutions. Where such institutions are lacking, human rights are merely latent, incapable of being either fulfilled or unfulfilled. Second, the cosmopolitanism of the institutional approach is contingent as well, in that the global moral force of human rights is activated only through the 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" (Pogge 2008, 176-177).

...
A few words should be said here regarding the importance of institutional cosmopolitanism.

Pogge describes this difference. On the institutional view, those involved in upholding an institutional order that authorizes and enforces slavery--even those who own no slaves themselves--count as cooperating in the enslavement, in violation of a negative duty unless they make reasonable efforts toward promoting shares of promoting institutional reform (2008, 177-178). On the interactional view, slaves, participants in slave trafficking, and the like, on the interactional view, on the other hand, the right against enslavement places constraints on legal and economic institutions and individuals, and not personally. Supposing that I do not have obligations to the enslaved arising from a positive duty to assist them, I remain in good standing, morally speaking, so long as I do not personally own any slaves, participate in slave trafficking, and the like. On the institutional view, on the institutional view, a moral requirement against enslavement places constraints on individual behavior by prohibiting overt exercise in perpetra a right not to be enslaved (2008, 177-178). On the minimal institutions view, a moral or personal responsibility that is not human rights are infringed, Pogge considers how each view would in-
institutional cosmopolitanism, if correct, succeeds in implicating anyone who participates in an institutional framework in which human rights are unmet in the violation of a negative duty to refrain from harming. The strategic importance of this move lies in the invocation of the negative duty. Pogge seems, on my reading, to be agnostic on the question of whether or not rights entail both negative and positive duties, but he quite explicitly formulates his argument so as to appeal to the minimalists (who understand rights as entailing only negative duties), while simultaneously giving the maximalists much of what they want (strong duties to aid the global poor, for instance). As such, the novelty of Pogge’s institutional turn lies largely in how it allows him to invoke negative duties in a rather surprising way and to a rather surprising end. If successful, then, Pogge’s project strikes a nice balance, what he calls an “intermediate position,” between minimalism and maximalism in their understandings of human rights.

It remains to be seen, though, how Pogge’s institutional cosmopolitanism can generate moral responsibilities derived solely from negative duties on the part of the wealthy for the plight of the global poor. As suggested in the account given above, a necessary condition for Pogge’s invocation of X’s negative duty to refrain from harming Y by cooperating in a coercive institution of Y’s negative duty to refrain from harming X by cooperating in a coercive institution is that both X and Y must live under a common set of coercively-imposed social institutions. An arrangement could be made to the effect that X refrains from harming Y by cooperating in a coercive institution in order that Y’s human rights be fulfilled in both X and Y, but it is not clear why X’s negative duty should be invoked in this way.

Pogge’s project strikes a nice balance, what he calls an “intermediate position,” between minimalism and maximalism in their understandings of human rights. As such, the novelty of Pogge’s institutional turn lies largely in how it allows him to invoke negative duties in a rather surprising way and to a rather surprising end. If successful, Pogge’s project strikes a nice balance, what he calls an “intermediate position,” between minimalism and maximalism in their understandings of human rights. As such, the novelty of Pogge’s institutional turn lies largely in how it allows him to invoke negative duties in a rather surprising way and to a rather surprising end.
therefore, have had no hand in shaping. I take up Pogge's response to this sort of objection in the next section.

3.3 How the Rich Harm the Poor

As noted above, one might argue that my obligations to aid the poor cannot plausibly extend to those who live beyond the borders of the state in which I live, as the institutional structures of any given state are shaped by local, rather than global, factors. This, I think, is mistaken. First, wealthy states have had no hand in shaping international relations, and third, wealthy states have had no hand in shaping international borrowing privileges and third, wealthy states have had no hand in shaping international resource privileges. Second, along with international recognition, wealthy states provide corrupt governments with the means of coercion (118). Regardless of how such groups come to power or exercise their power--and all of the attendant privileges--to in his words, "any group controlling a preponderance of a state's resources provides diplomatic recognition." While not denying the claim that much world poverty is engendered by corrupt governments in poor countries (2008, 118-119), Pogge argues that the wealthy countries bear significant responsibility for the plight of the poor in those states because, he argues, wealthy states are culpable in practices that encourage and sustain corruption in the poorest states.

While not denying the claim that much world poverty is engendered by corrupt governments of the states in question, not on individuals living in other states, the argument that helps us get a clearer understanding of the character of the argument is the discussion on how the rich harm the poor. As noted above, one might argue that my obligations to aid the poor cannot plausibly extend to those who live beyond the borders of the state in which I live, as the institutional structures of any given state are shaped by local, rather than global, factors. This, I think, is mistaken. First, wealthy states have had no hand in shaping international relations, and third, wealthy states have had no hand in shaping international borrowing privileges and third, wealthy states have had no hand in shaping international resource privileges. Second, along with international recognition, wealthy states provide corrupt governments with the means of coercion (118). Regardless of how such groups come to power or exercise their power--and all of the attendant privileges--to in his words, "any group controlling a preponderance of a state's resources provides diplomatic recognition." While not denying the claim that much world poverty is engendered by corrupt governments in poor countries (2008, 118-119), Pogge argues that the wealthy countries bear significant responsibility for the plight of the poor in those states because, he argues, wealthy states are culpable in practices that encourage and sustain corruption in the poorest states.
engage in practices that encourage and sustain corrupt governments, and hence wealthy states are also implicated in the human rights deficits that are the result of such practices. 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 or concern for the poor--in Washington, DC or Brussels."

Also implicated in the human rights deficits that are the result of such practices
Chapter 4.

NEGATIVE DUTIES AND INSTITUTIONAL COSMOPOLITANISM

4.1 Introduction

In this chapter, I begin my criticism of Pogge's argument by raising several questions pertaining to the nature and extent of our negative duties under institutional cosmopolitanism. I begin with the observation that the interactional paradigm seems much better equipped to provide concrete answers to such questions. The interactional paradigm allows me to have some sense of when my obligation has been met in the case under consideration. I have fulfilled my obligation to you as soon as I have adequately compensated you for the harm I have caused. By stealing from you, I have violated your property rights. If, for instance, I steal a pencil from you, then my compensatory obligation is of course less stringent than it would be had I stolen a coveted family heirloom of yours. Since the stringency of my obligation to you varies in proportion to the welfare setback I have caused, I provide some kind of compensation to you that is roughly equivalent in value to the harm which I have caused. 

I appeal here to what I take to be roughly the commonsensical way of understanding compensation for harms brought upon others.
The first claim that I shall defend in this section is that the interactional view of rights lends itself to a kind of precision and determinacy with respect to its requirements that is nearly absent under Pogge's institutional paradigm. Negative duties under institutional cosmopolitanism, I argue, are indeterminate insofar as they require obligations that are compensatory (requiring that I compensate for harms I have produced), yet that are not tied in any clear way to my specific actions and decisions within the global institutional order. The result, I argue, is that it is unclear what I must do to satisfy my negative duties.

4.2 The Indeterminacy of Poggean Negative Duties

Perhaps, how we normally understand the distinction between positive and negative duties, or so I propose, how we normally understand the distinction between positive and negative duties...
Primary requirement that negative duties demand that we meet, viz., the requirement to refrain from harming others. Thus, the standard way of discharging negative duties under institutional cosmopolitanism is by meeting the secondary requirement that in the event that we harm someone we must compensate them for the harm we have caused. The first premise of the argument can be laid out as follows:

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

I take this first premise to be an uncontroversial statement about what negative duties require. Pogge’s formulation of the normative component of institutional cosmopolitanism explicitly employs this two-part understanding of negative duties. Recall the normative principle: “[O]ne ought not to cooperate in the imposition of a coercive institutional order that avoidably leaves human rights unfulfilled without making reasonable efforts to protect its victims and to promote another non-coercive institutional order that equally respects human rights unfulfilled” (2008, 176, italics added). Pogge’s formulation of the normative component of institutional cosmopolitanism explicitly employs this two-part understanding of negative duties.

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

(2) Most people cannot meet the Harm-Avoidance Requirement with respect to harms
This reflects the obvious point that the outcomes produced by an institution that I cooperate in are not tied specifically to my actions, my decisions, and my patterns of behavior in a way that would allow me to have control over these outcomes. There are, of course, some noteworthy exceptions to this rule with respect to powerful collective agents who can through their actions wield tremendous influence over the character of the global institutional order. The International Monetary Fund, for example, as a matter of policy, chooses to implement Structural Adjustment Package A over Package B in the developing world, which in turn might alter outcomes significantly in the countries in which Package A is introduced. But this is surely not the case with the rest of us non-powerful, individual agents, whose actions, taken individually, have little-to-no net effect on the institutional order and the outcomes it produces. Accordingly, most of us cannot, under institutional cosmopolitanism, meet the Harm-Avoidance requirement that is the primary requirement imposed by our negative duties under institutional cosmopolitanism.

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

If most of us must fulfill our negative duties to the global poor by meeting the Compensation Requirement:  

The implication here is that according to the normative component of institutional cosmopolitanism, most people must discharge their negative duties by meeting the Compensation Requirement.
Requirement to aid and protect the poor and to promote institutional reform. We can see, then, that institutional cosmopolitanism derives much of its normative force by exploiting this secondary feature of negative duties. In other words, institutional cosmopolitanism is able to generate support for the view that we (individuals living in wealthy states) owe much to the global poor in the way of aid and assistance precisely because we cannot avoid harming them through the institutions that we collectively and coercively impose on them. In this way, institutional cosmopolitanism is able to satisfy the human-rights maximalists by generating more or less the same list of normative demands on the wealthy that they seek to justify through their ascription of positive duties.

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

(4) 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 for harms we have committed be adequate to or in some sense proportionate to the harm committed.

Again, I understand this premise as attempting to make a rough, though uncontroversial, indication of what compensation for harms we have committed requires of us. If I produce X amount of harm to some person(s), then the harm committed provides a basis for me to harm others. So strong a suggestion that whatever compensation we provide for harms we produce to others, I would even go so far as to say that the intuition embodied in premise (4) is something of a fixture of our moral reasoning.

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providing you with another car or, perhaps, something of equal or greater value than the car I have stolen. I should mention here that many examples of harms do not admit themselves so readily to an overly-simplistic calculus that allows us to determine precisely what constitutes adequate or proportionate compensation. How, for example, does one determine proportionality or adequacy with respect to compensation for intangible harms such as broken promises or offensive and insulting behavior, or for that matter, how does one determine proportionality with respect to certain tangible harms such as rape or kidnapping?

I submit, though, that the rough intuitive notion that compensation must be in some sense adequate to the harm is a sound one that finds its way into our moral reasoning in any number of cases.

In (4) and (4a), I have highlighted what I like to be some of the “normal” or intuitive ways that we tend to think about how to satisfy the Compensation Requirement in order to equitably meet the demands of the Compensation Requirement.

In (4) and (4a), I have brought about (4a), in other words, is one way of stating an intuitive moral principle that we have been satisfied. If X commits some harm to Y, then X’s commitment to Y according to the Compensation Requirement is not indefinite or open-ended, but rather ends once X has adequately met the demands of the Compensation Requirement.

In addition, we might also add a corollary to premise (4):

\[ (4a) \quad \text{Once I have adequately compensated for some harm I have produced, I have met the duty to the person(s) I have harmed.} \]

This point is important because it clearly defines the extent of our obligations to atone for harms we have brought about. (4a) in other words, is one way of stating an intuitive moral principle that finds its way into our moral reasoning in any number of cases.

Determination whether or not one has satisfied the Compensation Requirement under institutional cosmopolitanism, which leads me to my fifth premise:

Determining whether or not one has satisfied the Compensation Requirement under institutional cosmopolitanism must be in some sense adequate to the harm in a sound one that is specific to certain tangible harms such as rape or kidnapping, but the roughness inherent in moral intuition combined with respect to compensation for intangible harms such as broken promises or offenses against and insulting behavior, or for that matter, how does one determine proportionality with respect to compensation? How, for example, does one determine proportionality of compensation? How do we know how much compensation is required? What constitutes a proportionate amount of compensation?

I should mention here that many examples of harms do not admit themselves so readily to an overly-simplistic calculus that allows us to determine precisely what constitutes adequate or proportionate compensation. Providing you with another car or perhaps something of equal or greater value than the car I have stolen.
Poggean institutional cosmopolitanism is practically impossible. By this, I have two specific points in mind. First, institutional cosmopolitanism does not comport well with (4), which says, once again, that my compensation for some harm I have committed ought to be adequate to or in some sense proportionate to the harm that I have committed.

Guidance whatsoever that could allow us to determine when the Compensation Requirement of harm caused at some other part of the global institutional order with some definable contribution to some harm-causing portion of the global institutional order with some definable harm cause is an institutional morality. There is, accordingly, no metric that would allow me to determine the extent of my compensatory obligations in any straightforward way. Likewise, with respect to (4a), there is no practical way for me to determine when the term of my compensatory obligation has expired; under institutional cosmopolitanism, I have unending obligations to the global poor so long as they exist and partake in the same harm-causing institutional order.

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

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

In anticipation of a potential objection here, I should note that this conclusion does nothing to damage Pogge's argument by itself, as Pogge is no doubt aware that institutional cosmopolitanism gives almost no helpful guidance whatsoever that could allow us to determine when the Compensation Requirement of my compensatory obligation has expired. Indeed, if Pogge is unending by itself, as Pogge is no doubt aware that institutional cosmopolitanism gives almost no helpful guidance whatsoever that could allow us to determine when the Compensation Requirement of my compensatory obligation has expired, I should note that this conclusion does nothing to damage Pogge's argument by itself, as Pogge is no doubt aware that institutional cosmopolitanism gives almost no helpful guidance whatsoever that could allow us to determine when the Compensation Requirement of my compensatory obligation has expired. Indeed, if Pogge is, once again, that my compensation for some harm I have committed.

The reason for this is that, practically speaking, there is no way for me plausibly to match up my contribution to some harm-causing portion of the global institutional order with some definable harm caused at some other part of the global institutional order. Therefore, there is no way for me plausibly to match up my contribution to some harm-causing portion of the global institutional order with some definable harm caused at some other part of the global institutional order.

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Thus, we could make a distinction between between what we might call a minimalist (i.e., Pog-)
individual is conceptually compatible with the claim that we have both positive and negative duties.
the 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
some conceptual points are in order.
Before I proceed to the final premise of my argument, I shali briefly rehearse some of the
point.
way of knowing which pole we should aim for unless Pogge can give more guidance on this
way of knowing which pole we should aim for unless Pogge can give more guidance on this
This, we could make a distinction between between what we might call a minimalist (i.e., Pog-)

neighbors, and Congressional representatives in order to bring about reform? Presumably, both

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

The point I hope to highlight here is that given the indeterminable character of Poggean negative duties, the
distinction between minimalist and maximalist conceptions of institutional cosmopolitanism becomes
relevant because I want, ultimately, to claim that if Pogge's account of institutional cosmopolitanism is subject
to serious indeterminacy, it becomes impossible to draw any lines between Poggean institutional cosmopolitanism
and a normatively beefed-up, maximalist institutional cosmopolitanism. Without further specifi-
cation as to the extent of our negative duties under Poggean institutional cosmopolitanism, it becomes impossible to
draw any lines between Poggean institutional cosmopolitanism and a normatively beefed-up, maximalist
institutional cosmopolitanism. Therefore, I have drawn between minimalist and maximalist conceptions of institu-
tional cosmopolitanism with respect to the argument that I have been developing up to this point, the
discrimination between them becomes relevant because I want, ultimately, to claim that if Pogge's account of
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lines between Poggean institutional cosmopolitanism and a normatively beefed-up, maximalist
institutional cosmopolitanism. Without further specification as to the extent of our negative duties under
Poggean institutional cosmopolitanism, it seems that the class of negative duties can swell to include any number of
duties that extend implausibly beyond what we would normally think of as negative duties. Without some
criterion for specifying the extent of our negative duties, then, it makes little difference whether we talk of
minimally or maximally negative duties. The class of negative duties turns out to be much more
vague and amorphous than we might call this version "institutional cosmopolitanism a la Singer." 

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positive duties toward the poor generated by our participation in a coercively-imposed institutional scheme that
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and that these duties are sufficient to generate substantial obligations on the part of the wealthy.

If Pogge's account of institutional cosmopolitanism is subject to serious indeterminacy, it becomes impossible to
draw any lines between Poggean institutional cosmopolitanism and a normatively beefed-up, maximalist
institutional cosmopolitanism. The former

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

The upshot of this argument is that I do not think that a thoroughgoing minimalist would be satisfied with Pogge’s invocation of the negative duty in the context of his institutional cosmopolitanism. While I do not deny that Pogge’s argument highlights an important way in which the negative duty comes into play, I think that he stretches the notion of a negative duty nearly to the breaking point.

In this section, I offer some positive suggestions as to how Pogge might circumvent the worry for the minimalist, viz., that global institutions harm the poor, but I have argued that Pogge’s account of the obligations that our negative duties toward the poor impose is unsatisfactory, given its aim of appealing to minimalists. In this section, I offer some positive suggestions as to how Pogge might circumvent the worry for the minimalist, viz., that global institutions harm the poor, but I have argued that Pogge’s account of the obligations that our negative duties toward the poor impose is unsatisfactory, given its aim of appealing to minimalists.

4.3 Making Negative Duties Concrete

Up to this point, I have not denied the main empirical premise of Pogge’s argument, viz., that global institutions harm the poor. But I have argued that Pogge’s account of the obligations that our negative duties toward the poor impose is unsatisfactory, given its aim of appealing to minimalists.

In this section, I offer some positive suggestions as to how Pogge might circumvent the worry for the minimalist, viz., that global institutions harm the poor, but I have argued that Pogge’s account of the obligations that our negative duties toward the poor impose is unsatisfactory, given its aim of appealing to minimalists.

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the problem I have raised. The central point of the strategy that I outline here is that at the very least Pogge needs to specify the requirements of negative duties under institutional cosmopolitanism more concretely in order to appease the minimalist critic. One way of doing this, I suggest, is by introducing what I shall call the Least Harm Principle. The Least Harm Principle is by introducing what I shall call the Least Harm Principle. The Least Harm Principle states that when some agent A is faced with a range of possible courses of action (say, X, Y, and Z) and must choose either X, Y, or Z, A has a moral obligation to choose the course of action that results in the least overall amount of harm. The import of the Least Harm Principle is in part that it seeks to capture the situation that most ordinary citizens face with respect to their interaction with the global institutional order. The institutional structures in which we participate make available a finite range of choices across a number of different domains (e.g., the economic and political domains), and it is often the case that in our economic and political lives we must choose from among the options made available to us where any given choice will result in some harm elsewhere in the institutional order. The import of the Least Harm Principle is in part that it seeks to capture the situation that most ordinary citizens face with respect to their interaction with the global institutional order. The institutional structures in which we participate make available a finite range of choices across a number of different domains (e.g., the economic and political domains), and it is often the case that in our economic and political lives we must choose from among the options made available to us where any given choice will result in some harm elsewhere in the institutional order. The import of the Least Harm Principle is in part that it seeks to capture the situation that most ordinary citizens face with respect to their interaction with the global institutional order.
What follows claims that satisfying the Least Harm Principle with respect to my interaction with the global institutional order, through, for instance, my consumption patterns and political activity, is often sufficient for meeting my negative duty towards the global poor.

My understanding of how satisfying the Least Harm Principle can be thought to also satisfy our negative duties under Pogge's institutional paradigm draws its motivation in part from an objection laid out by Allen Buchanan against Pogge. Buchanan's concern is that our participation in the global institutional order is largely involuntary and that this makes it difficult for Pogge to claim that we are morally responsible for our participation. Buchanan writes, "[T]o the extent that the existing global basic structure is 'the only game in town' it may be misleading to say that the participation of ordinary people in it is voluntary; yet it would seem that voluntariness is a necessary condition for responsibility" (2004, 95).

Buchanan's charge here seems to oversimplify the matter. Given that opting out of the global institutional order is not a viable option for most, there is a sense in which our participation in it is not voluntary. However, there is still much room for choice with respect to the various different ways in which we interact with the global order, and hence there is a sense in which though our participation as a whole is involuntary, there is still room for choice with respect to the various different ways in which we interact with the global order. Given that opt-out is out of the global institutional order, it is not viable to say that the participation of ordinary people in it is voluntary; yet it would seem that voluntariness is a necessary condition for responsibility. Buchanan argues, "If we claim that we are morally responsible for our participation, Buchanan writes, "[T]o the point I hope to make is that in such a case we can no longer make sense of choices we make in our participation in the global institutional order and the 'voluntary choices' all in any rigorous sense. In addition, Buchanan's view is that some kind of duty to act is owed to the global poor."

The obvious objection here is that in combination the least harm I still still satisfy some harm and therefore am not satisfied with Buchanan's view, according to which our participation in the global institutional order is still undertaken voluntarily. Thus, I hope here to make our middle ground between Buchanan's view, according to which our participation in the global institutional order is still undertaken voluntarily, and the view that our participation in the global institutional order is not voluntary.

The obvious objection here is that in committing the least harm, I am still committing some harm and therefore am still in violation of a negative duty. My response, as will hopefully become clear, is that some--indeed many--choices we make in our participation in the global institutional order are not really choices at all in any rigorous sense. For instance, I cannot really choose not to eat in a situation in which any food item I can choose between will result in some harm elsewhere. The point I hope to make is that in such a case we can no longer make sense of the choices we make in our participation in the global institutional order and the "voluntary choices" all in any rigorous sense. In addition, Buchanan's view is that some kind of duty to act is owed to the global poor.
As a kind of intuition pump, consider the following counterexample. Suppose you are starving—on the brink of death—and you are locked in a room with a computer that has two buttons: button A and button B. You are told by your captors that if you push button A, you will receive enough rice to keep you alive for some time, but that in doing so you will also cause x + y amount of harm to some person(s). If you push button B, you will receive a delicious three-course dinner, but that in doing so you will also cause a penalty of a negative duty. The idea here is a relatively simple one: that decisions on the analogous between pushing button A over button B are not between not pushing and pushing buttons A and B, but rather between pushing one of the buttons. The real choice here is not between not pushing and pushing buttons A and B.

How, then, can satisfying the Least Harm Principle be seen as sufficient to satisfy our negative duties? The idea here is a relatively simple one: that in pushing button A in violation of a negative duty, you are not in violation of a negative duty. Given the circumstances, the real choice here is not between not pushing and pushing button A (because you do not really have a choice) as it is slow starvation leading to a painful death otherwise. You are in violation of a negative duty in pushing button A (because you do not really have a choice) as it is slow starvation leading to a painful death otherwise. You are in violation of a negative duty in pushing button A (because you do not really have a choice) as it is slow starvation leading to a painful death otherwise. You are in violation of a negative duty in pushing button A (because you do not really have a choice) as it is slow starvation leading to a painful death otherwise. Yet in pushing button A, you are not in violation of a negative duty. The points I would like to make are that (a) you are not in violation of a negative duty in pushing button A (because you do not really have a choice) as it is slow starvation leading to a painful death otherwise. You are in violation of a negative duty in pushing button A (because you do not really have a choice) as it is slow starvation leading to a painful death otherwise. You are in violation of a negative duty in pushing button A (because you do not really have a choice) as it is slow starvation leading to a painful death otherwise. You are in violation of a negative duty in pushing button A (because you do not really have a choice) as it is slow starvation leading to a painful death otherwise.
than Brand B, I can vote for Politician X over Politician Y, and so forth. The rough idea here is that though I cannot be held morally responsible for my participation per se in the global institutional order (in cases in which my participation is nonvoluntary), I am responsible for the choices I make within the small sphere of my participation. The upshot of the view is that I can meet my negative duties under institutional cosmopolitanism simply by fulfilling the Least Harm Principle with respect to the choices I make as a participant in the global institutional order because my nonparticipation is not a viable option (and hence I cannot be held responsible for my participation).

The interpretation I offer of negative duties under institutional cosmopolitanism is surely much more modest in what it demands of us than anything that Pogge has in mind. However, it has the virtue of tying my obligations to the global poor to the choices I make within the small sphere of my participation. The upshot of the view is that I can vote for Politician X over Politician Y, and so forth. The rough idea here is that though I cannot be held morally responsible for my participation per se in the global institutional order (in cases in which my participation is nonvoluntary), I am responsible for the choices I make within the small sphere of my participation. The upshot of the view is that I can meet my negative duties under institutional cosmopolitanism simply by fulfilling the Least Harm Principle with respect to the choices I make as a participant in the global institutional order because my nonparticipation is not a viable option (and hence I cannot be held responsible for my participation).
Chapter 5.

CONCLUSION

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

In this thesis, I have attempted to call attention to one respect in which I believe that Pogge's institutional cosmopolitanism falls short, given the aim of providing a plausible account of the duties that human rights entail.


