# 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, 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

SCOTT P. NEES

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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, his approach generates a significant amount of scholarly discussion on the topic of international distributive justice and human rights. Pogge, therefore, has been credited with opening a new debate on these issues.

Pogge's approach gives short shrift to such notions because they tend either to ignore completely or at least to downplay the moral significance of the causal relationships (or lack thereof) between us and the deprivations that affect the world's poor. If successful, then, Pogge's project marks a turn in the debate that in large part has been characterized by a lack of interest in the moral significance of the causal relationships (or lack thereof) between us and the deprivations that affect the world's poor. The Poggean approach takes a position in opposition to the view that we owe no significant portion of our wealth to combat poverty because we occupy a place on the continuum of approaches to moral obligation that is diametrically opposed to that of the libertarians, and by all appearances, the two sides are an impressive distance apart.

The Poggean approach is in a position to do so without thereby sacrificing much of moral significance, while the libertarian approach demands that we give a significant portion of our wealth to combat poverty because we have extensive moral obligations to assist the global poor. According to the poet, the Poggean approach is in a position to do so without thereby sacrificing much of moral significance, while the libertarian approach demands that we give a significant portion of our wealth to combat poverty because we have extensive moral obligations to assist the global poor.

A particular view of what our moral duties require of us that could inform certain (maximalist) conceptions of human rights. Whether he concludes that we should act to reduce the extent of world poverty, see Pogge (2003, 6-11).
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 function together and operate) "hold the key to whether or not human rights "values" can be realised. The view that institutional cosmopolitanism takes as its starting point is that the core elements that each of these accounts has in common is the idea that the notion of human rights is grounded in certain needs and that these needs are crucial to the notion of human rights. 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" of a society as the way in which the main political and social institutions of society function together and operate. Pogge's view is that the core elements that each of these accounts shares with Rawls' view is that they focus on the role that institutions play in securing the objects of human rights. Moreover, Pogge argues that these institutional frameworks are crucial to the notion of human rights because they provide the background social framework within which the activities of associations and individuals take place (Rawls, 2001, 10). Pogge's view is that the core elements that each of these accounts shares with Rawls' view is that they focus on the role that institutions play in securing the objects of human rights. Moreover, Pogge argues that these institutional frameworks are crucial to the notion of human rights because they provide the background social framework within which the activities of associations and individuals take place (Rawls, 2001, 10).
patterns, and the like of citizens living in wealthy states contribute—however indirectly—to the overall character of the global institutional order, and to the extent that this is the case, the wealthy are causally and morally implicated in the human rights deficiencies of poor states. Thus on Pogge’s telling, our participation in the global institutional order is sufficient to activate our negative duties to refrain from harming others and also thereby generates obligations on our part to the poor and to promote institutional reform. Pogge’s argumentative strategy, then, has the twin virtues of attempting to appease the libertarian-minded by tying our moral obligations to our own activity within social institutions, while simultaneously possessing obvious appeal for those who fall in the Singerian camp.

I have divided the body of this essay into four chapters. In the next chapter, I explain the way that would be convincing to someone who did not already believe as much.

To what extent is Pogge’s strategy successful? This is the question that I take up in this essay. In the first place, I attempt to show that Pogge’s account of negative duties under institutional cosmopolitanism is subject to serious indeterminacy, so much so, I argue, that his invocation of negative duties in support of a fairly robust list of social and economic rights loses much of its normative appeal. Specifically, I argue that Pogge’s view becomes indistinguishable from that of someone who affirms both negative and positive duties. The libertarian might then charge that Pogge has adopted a kind of Trojan Horse strategy, that attempts to smuggle in positive duties in the guise of negative duties to refrain from harming others through our participation in social institutions.

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 that we have strong duties to assist through our participation in social institutions. Interestingly, in the first place, I attempt to show that Pogge’s account of negative duties under institutional cosmopolitanism is subject to serious indeterminacy, so much so, I argue, that his invocation of negative duties in support of a fairly robust list of social and economic rights loses much of its normative appeal. Specifically, I argue that Pogge’s view becomes indistinguishable from that of someone who affirms both negative and positive duties. The libertarian might then charge that Pogge has adopted a kind of Trojan Horse strategy, that attempts to smuggle in positive duties in the guise of negative duties to refrain from harming others through our participation in social institutions.

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In the next chapter, I explain the differences between what Pogge calls “minimalist” (i.e., libertarian) and “maximalist” views of human rights—specifically, I argue that Pogge’s view becomes indistinguishable from that of someone who affirms both negative and positive duties. The libertarian might then charge that Pogge has adopted a kind of Trojan Horse strategy, that attempts to smuggle in positive duties in the guise of negative duties to refrain from harming others through our participation in social institutions.

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my own arguments and respond to objections, and I offer some concluding remarks in chapter.

Pogge, in short, hopes to reframe the way we think about human rights and with it the way 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 I offer some concluding remarks in chapter.
MINIMALIST AND MAXIMALIST CONCEPTIONS OF DUTIES

Chapter 2.

Introduction

MINIMALIST AND MAXIMALIST CONCEPTIONS OF DUTIES

Chapter 2.
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 affirms: the minimalist accords that rights (2) entail duties (1) which entail duties (2) entail duties (1). What Pogge does is 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). In what follows, I shall explain what I mean by all of this by discussing in greater detail what Pogge calls "maximalist" conceptions of human rights entail both negative and positive obligations.

The overarching aim of Pogge's project, as we shall see, is 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). In what follows, I shall explain what I mean by all of this by discussing in greater detail what Pogge calls "maximalist" conceptions of human rights entail both negative and positive obligations.

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man rights entail, and in the subsequent chapter, I go on to explain Pogge’s position vis-a-vis the minimalists / maximalists debate.

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 in being unfulfilled, they may not result from harm committed by an individual or collective agent. For instance, we need to ensure, regardless of whether or not human rights violations have occurred, that rights remain met. The maximalist then argues that such duties require us to do something to assist the global poor rather than merely refrain from causing them harm.

Thus, the global poor are said to be the minimalists’ cause, whereas rights are something more, and we must do more to assist them. For example, donating 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 those who are subject to human rights violations, regardless of whether or not human rights violations have occurred. In order to discharge our positive duties to those who are directly implicated in their impoverishment, we must not only refrain from directly harming them by depriving them of the objects of their rights, but also to assist them in obtaining the objects of their rights. The maximalists argue that such duties require us not only to refrain from directly harming others by depriving them of the objects of their rights, but also to assist them in obtaining the objects of their rights. The maximalists argue that such duties require us not only to refrain from directly harming others by depriving them of the objects of their rights, but also to assist them in obtaining the objects of their rights. The maximalists argue that such duties require us not only to refrain from directly harming others by depriving them of the objects of their rights, but also to assist them in obtaining the objects of their rights. The maximalists argue that such duties require us not only to refrain from directly harming others by depriving them of the objects of their rights, but also to assist them in obtaining the objects of their rights. The maximalists argue that such duties require us not only to refrain from directly harming others by depriving them of the objects of their rights, but also to assist them in obtaining the objects of their rights. The maximalists argue that such duties require us not only to refrain from directly harming others by depriving them of the objects of their rights, but also to assist them in obtaining the objects of their rights. The maximalists argue that such duties require us not only to refrain from directly harming others by depriving them of the objects of their rights, but also to assist them in obtaining the objects of their rights.
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: "If it is in our power to prevent some impending evil, without thereby sacrificing anything of comparable moral importance, we ought, morally, to do it." 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 moral importance.

To appreciate fully the intuition supporting Singer's principle, consider the following counterfactual scenario that Singer famously develops in order to marshall support for his argument: Suppose you are walking near a shallow pond, and you see a child floating in it face down. Singer contends that provided that wading into the pond to save the child poses no appreciable risk to your own well-being (e.g., the risk of drowning), most of us would think that we ought to save the child and, further, that we would be blame-worthy in not doing so. In wading into the pond, says Singer, we may ruin our clothes, but this is not sufficiently important to outweigh the serious harm that would result should we choose to do nothing.

Once again, I do not mean to suggest that Singer offers a rights-based approach, rather his work provides a rights-based approach; rather he offers an at least potentially rights-based approach, rather he offers an at least potentially rights-based approach. The point I wish to highlight is how a maximalist approach to rights can be seen to support a more inclusive and demanding list of duties, which in turn could provide the normative core of a more robust, rights-based approach. No single approach is sufficient to specify the moral obligations of the citizens of wealthy states to those of poor states, but the point I wish to emphasize is how a maximalist approach offers a rights-based approach, rather he offers an at least potentially rights-based approach, rather he offers an at least potentially rights-based approach.

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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. Hence, Singer argues, the same principle that motivates our intuitions with respect to 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. 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 and fundamental. He claims that the consistent failure of the wealthy to discharge their positive duties to help 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 equally compelling. Singer writes: "The whole way we look at moral issues, the whole way we look at moral issues, our whole moral conceptual scheme—needs to be altered, and with it, the way of life of the wealthy."
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 the material goods required for subsistence, to education, to health care, and so forth) and hence for a correspondingly robust list of stringent 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 rights in general--and, hence, human rights in particular--entail any positive duties (that is, duties to promote or protect rights).

On Allen Buchanan’s reconstruction of the argument (2004, 195-201), two reasons are commonly offered in support of the minimalist’s claim that rights entail only negative duties. First, the minimalist claims that we have a “duty of charity” to support others’ welfare, though this duty is not a requirement of justice. Thus, we owe to and “support of the minimalist’s claim that rights entail only negative duties. First, the minimalist claims that we have a

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Chapter 3. POGGE'S INSTITUTIONAL TURN

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 "interactionalism" or, alternatively, "interactional cosmopolitanism." Briefly, the latter view, says Pogge, "assigns direct responsibility for the fulfillment of human rights to other individual or collective agents" (2008, 176). In this chapter, I begin by explaining how, on Pogge's view, "interactional cosmopolitanism allows Pogge to go beyond the dispute between minimalist and maximalist versions of interactionalism 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 so 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, moral responsibility for their condition 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, moral responsibility for their condition does not require that we have direct interaction with the world's poor in order to bear significant moral responsibility for their condition.

The move toward institutional cosmopolitanism allows Pogge to go beyond the dispute between minimalist and maximalist versions of interactionalism 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 so 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, moral responsibility for their condition does not require that we have direct interaction with the world's poor in order to bear significant moral responsibility for their condition.

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. The latter may be units of concern only indirectly, in virtue of their individual members or citizens. Second, universality: the status of ultimate unit of concern attaches to every living human being equally--not merely to some subset, such as men, aristocrats, Aryans, whites, or Muslims. Third, generality: this special status has global force. Persons are ultimate units of concern for everyone--not only for their compatriots, fellow religionists, or suchlike" (2008, 175).
our participation in institutional structures, 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 falls directly on individual and collective agents. This means to a great extent that the responsibility for the fulfillment of human rights falls directly on individual and collective agents. Which, as noted, claims that the responsibility for the fulfillment of human rights falls directly on individual and collective agents. This means to a great extent that the responsibility for the fulfillment of human rights falls directly on individual and collective agents. Which, as noted, claims that the responsibility for the fulfillment of human rights falls directly on individual and collective agents. This means to a great extent that the responsibility for the fulfillment of human rights falls directly on individual and collective agents. 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or nonfulfillment of human rights falls directly on institutional schemes, in the first place, and in individual and collective agents only indirectly, that is, only insofar as they contribute to the relevant 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 disaggregated: first, there is a definitional component that lays out how Pogge understands the concept of human rights, and second, there is 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 succinctly 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 so (re)organized 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 conception of human rights differs from an interactional conception: on the institutional view, human 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 as a species of moral rights that attaches to persons qua their humanity (that is, not in virtue of their race, gender, religion, or nationality). To say, for example, that I have a right to the me-

connection of one's society (2008, 70).

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 so (re)organized 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:

Each of these components in turn in the paragraphs to follow.

Pogge's institutional view that should be disaggregated. First, there is a definitional component that lays out how Pogge understands the concept of human rights, and second, there is a normative component that human rights entail. It is helpful here to understand that there are two distinct aspects of interactional cosmopolitanism and how the two views yield different understandings of the duties and institutional schemes. To understand precisely what it is that distinguishes institutional from individual and collective agents only indirectly, that is, only insofar as they contribute to the realization of mutually fulfilling human rights falls directly on institutional schemes, in the first place, and in

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

The critical step in Pogge's argument comes about in virtue of the normative component of his view, which characterizes the duties that his view generates in light of the definitional component. The general idea is that since human rights are moral claims on the institutional organization of one's society, they generate moral responsibilities for the human rights record of that society and hence moral culpability if human rights are not met. Thus, indirectly, then, on the institutional view, because the institutional view does not require human rights to be met directly for a given society and hence moral culpability, it human rights are met--human rights record of a given society and hence moral culpability, or society--

absence of human rights--within any coercive institutional order that avoidably leaves human rights unfulfilled without making reasonable efforts to promote institutional reform in the institution of a coercive institution. In an alternative formulation: "[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 promote institutional reform."

The normative component, then, can be summed up in terms of a single principle: persons share responsibility for official disrespect of human rights (i.e., human rights violations) in any coercive institutional order they are involved in upholding. (Pogge 2008, 70).

Pogge points out 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 not activated. 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 required for me meet the minimal subsistence threshold. To have a right to live within a social system that provides me with secure access to the goods meant by "my humanity," that is to say, to have a right to these goods that attaches to me qua my humanity, but is to say internal goods required for a minimal level of subsistence, is according to the institutional view, not..."
both X and Y live within and participate in the same social institutions, if should be clear from the preceding paragraph that

A few words should be said here regarding the importance of institutional cosmopolitan-

other.

ought to work toward promoting shares of promoting institutional reform” (2008, 177-178), follows in the

count as cooperating in the enslavement, in violation of a negative duty unless they make reason-

institutional 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 insti-

selves own slaves or otherwise participate in the institution of slavery in any direct sense. As

interactional view arises here concerning the moral responsibility of those who do not them-

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.

own any slaves, participate in slave trafficking, and the like. On the institutional view, on the

and assist them, I remain in good standing, morally speaking, so long as I do not personally

slaves. Supposing that I do not have obligations to the enslaved arising from a positive duty to

right against enslavement places constraints on individual behavior by prohibiting ownership in

repeat a right not to be enslaved (2008, 177-178). On the minimal institutional view, a moral

how the duties enabled by human rights are triggered. Pogge considers how each view would in-

To illustrate how interactional and institutional views support different understandings of

or her rights.

project X and to promote institutional reform such that Y has secure access to the objects of his

agreement and must, on pain of violating a negative duty to refrain from harming Y, take measures to

hypothetical allow X’s human rights to remain unfulfilled, then X shares responsibility for Y’s situ-

both X and Y live within and participate in the same social institutions, institutions which ex-
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 minimalist and maximalist understandings of human rights: "[Institutional cosmopolitanism] goes beyond simple libertarianism, according to which we may ignore harms that we do not directly bring about, without falling into a utilitarianism of rights, which commands us to take account of all relevant harms whatsoever, regardless of our causal relation to them" (2008, 177).

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 world's 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 institutional order that leaves Y's human rights unfulfilled is that both X and Y must live under a common set of coercively-imposed social institutions. An argument could be made to the effect that the global poor and the global rich tend to live in different states--and, hence, under different institutional schemes--and that the rich bear no responsibility for the poor's poverty because this poverty is a function of domestic factors that are indigenous to poor states and that the rich,
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 primarily determined by local, rather than global, factors. The primary reason for this is that the government of the state in question has significant influence on the character of governance in poor countries (2008, 118-119). First, wealthy states provide diplomatic recognition, which is essential for the survival and sustenance of corrupt governments in poor countries. In support of this claim, wealthy states have a significant impact on the character of governance in poor states, as they often encourage and sustain corruption in the poorest states. While not denying the claim that much world poverty is engendered by corrupt governments, wealthy states still bear significant responsibility for the plight of the poor in those states because they are encouraged to engage in activities that undermine and sustain corruption in the poorest states.

While not denying the claim that much world poverty is engendered by corrupt governments, wealthy states still bear significant responsibility for their role in encouraging and sustaining corruption in the poorest states. This is because wealthy states often provide diplomatic recognition, which is essential for the survival and sustenance of corrupt governments in poor countries. In support of this claim, wealthy states have a significant impact on the character of governance in poor states, as they often 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 shaped by the wealthy, leaving the poor vulnerable to "exogenous shocks through decisions and policies made without input or concern for the poorer societies" (2008, 122-123).
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 address these 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 provided some kind of compensation to you. I refer here to what I take to be roughly the commonsensical way of understanding compensation for harms that result from one’s negligence.

The interactional paradigm yields fairly precise guidance on how I ought to compensate you in such cases. If, for example, I have stolen property from you, then my compensation obligation is much less stringent than it would be had I stolen a covered family heirloom of yours since the significance of my obligation to you varies in proportion to the welfare setback I have caused. Likewise, providing some kind of compensation to you that is roughly equivalent in value to that which I obtain to honor my negative duty to you in this case.

In this chapter, I begin my criticism of Pogge’s argument by raising several questions...
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 generate 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, a more demanding interpretation of Pogge's negative duties looking like positive duties in disguise. Indeed, the argument I develop in this chapter claims that the thoroughgoing minimalism would find Pogge's invocation of negative duties in disguise in the human-rights minimalism, because it leaves Poggean negative duties looking a lot like positive duties in disguise, at least partly because Poggean negative duties blur, if not obliterate, the distinction between positive and negative duties, or so I argue.

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

The first part of the argument that I develop here points to a peculiarity with respect to how negative duties are conceived under institutional cosmopolitanism. The peculiarity in question derives from the fact that most people living under a given institutional scheme cannot discharge their negative duties toward others within the same institutional scheme by meeting the
I take the second premise of the argument to be no more controversial than the first. It runs as follows:

Most people cannot meet the Harm-Avoidance Requirement with respect to harms.

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: 

"One ought not to cooperate in the imposition of a coercive institutional order that avoidably leaves human rights unfulfilled without making reasonable efforts to protect the victims and to promote other non-coercive means of improving them."

Pogge's formulation of the normative component of institutional cosmopolitanism explicitly states that:

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

He has produced the Compensation Requirement and (ii) that if we do harm others, we must compensate them sufficiently 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).
This premise captures the idea that most of us, being far-removed (causally) from the outcomes produced by the institutional structures in which we partake, cannot avoid harming others through our participation in social institutions.

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, is not a matter of policy, choose 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 implemented. But this is surely not the case with the rest of us non-powerful, individual agents, whose actions, taken individually, have little effect on the institutional order and the outcomes it produces. Accordingly, most of us cannot, under institutional cosmopolitanism, fulfill the Harm-Avoidance requirement that is the primary requirement imposed by our negative duty to refrain from harming others.

If the first two premises of the argument I have laid out thus far are true, then it follows that the implication here is that according to the normative component of institutional cosmopolitanism, most of us must fulfill our negative duties under institutional cosmopolitanism by meeting the Compensation Requirement.

The implication here is that according to the normative component of institutional cosmopolitanism, most of us 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 second-ary feature of negative duties. In other words, institutional cosmopolitanism is able to guarantee that institutional cosmopolitanism derives much of its normative force by exploiting this second-ary feature of negative duties. It does not attempt to defend 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 roughly 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 must be adequate to or in some sense proportionate to the harm committed.

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 to those whom we have harmed be adequate to or in some sense proportionate to whatever compensation we have produced, but it does strongly suggest that whatever compensation we provide is adequate to the harm committed.

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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 must be adequate to or in some sense proportionate to the harm committed.
In (4) and (4a), I have highlighted what I take to be some of the "normal" or intuitive
corollary of the Compensation Requirement:

Compensation Requirement is not indefinite or open-ended, but rather ends once X has ade-
quate met the demands of the Compensation Requirement.

This point is important because it clearly defines the extent of our obligations to atone for harms.

(4a) Once I have adequately compensated for some harm I have produced, I have met the
duty to the person(s) I have harmed.

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

In a way into our moral reasoning in any number of cases, the intuitive notion that compen-
sation must be in some sense adequate to the harm is a sound one that
speaks to certain Languish harms such as rape or kid-napping. I submit, though, that the rough-
ly analogous with respect to Compensation for intangible harms such as broken promises or oth-
ers.

How, for example, does one determine proportionality or
readily to an overly-simplistic calculus that allows us to determine precisely what compensations or
have stolen. I should mention here their many examples of harms do not admit themselves to

- Providing you with another car or, perhaps, something of equal or greater value than the car I

- Many examples of harms do not admit themselves so

- Wars that we tend to think about the how to satisfy the Compensation Requirement in order to

- Equally met the demands of the Compensation Requirement.

- Compensation Requirement is not indefinite or open-ended, but rather ends once X has ade-

- Have been satisfied. If X commits some harm to Y, then X’s commitment to Y according to the

- 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.

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have stolen. I should mention here their many examples of harms do not admit themselves to

- Providing you with another car or, perhaps, something of equal or greater value than the car I
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 perpetrated ought to be adequate to or in some sense proportionate to the harm that 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 definite harm caused at some other part of the institutional order. There is accordingly no metric that would allow me to determine my compensation requirement or term of compensatory duties. The point I want to take note of at this part in the argument is that Pogge’s argument is itself, as Pogge is no doubt aware, in need of some general reformulation. The premise that the negative duty as conceived under institutional cosmopolitanism is subject to serious indeterminacy with respect to what it requires of most of us needs some clarification. Therefore, the negative duty as conceived under institutional cosmopolitanism: therefore duty as conceived under institutional cosmopolitanism:

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

Before I proceed to the final premise of my argument, I shall briefly rehearse some of the points that have been made thus far. To begin, recall that Pogge's objective is to offer a conception of human rights that squares the minimalist's insistence that rights entail only negative duties with the maximalist view that we have stringent obligations to aid the poor. Institutional cosmopolitanism, hence, attempts to provide support for the maximalist's list of social and economic positive duties without thereby affording positive duties, and it hopes to do so in a way that will appeal to both the rights minimalists that squashes the minimalists' insistence that rights entail only negative duties.

Institutional cosmopolitanism is here defined as a hybrid conception of rights that is neither purely negative nor wholly positive. Rights are realized in a way that reflects the interests of those who are impacted by the requirements of the Compensation Requirement. Thus, we could make a distinction between between what we might call a minimalist (i.e., Pogge) approach and a more cosmopolitan approach. Institutional cosmopolitanism is compatible with the claim that we have both positive and negative duties. The former because it demands too little, and the latter because it demands too much. The Poggean optimum, then, would likely fall somewhere in the middle, but without further specification, both of these ways of approaching the Compensation Requirement would be unsatisfactory to Pogge.
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. Without some criterion

seems that the class of negative duties can swell to include any number of duties that exceed in-
criteria in the context of our negative duties under Poggean institutional cosmopolitanism. Without further spe-
eatly), 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 indeterminacy characteristic of Poggean negative
of institutional cosmopolitanism

cannot determine whether Pogge's view represents a maximalist or a minimalist version
with respect to what it requires of us (in other words, if my premise six is true) then we

institutions account of institutional cosmopolitanism is subject to serious indeterminacy.

7. If Pogge's account of institutional cosmopolitanism is subject to serious indeterminacy, then it

isn't becomes relevant because I want ultimately to claim 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

between institutional cosmopolitanism à la Singer."

desery 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 them human rights avoidably unfulfilled, but in addition to this, we would have positive

would be 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 to

toward the poor. The latter, maximalist, conception of institutional cosmopolitanism might assert

and then those duties are sufficient to generate substantial obligations on the part of the wealthy

view is that which I have been discussing all along: if claims only that we have negative duties

reach institutional cosmopolitanism and a maximalist institutional cosmopolitanism. The former

27
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 arguments highlight an important way in which the positive obligations of wealthier individuals to the poor hold, I think that the stronger negative duty on the part of the powerful states to help the poor is more compelling. Indeed, Pogge’s view is more consistent with his overall cosmopolitan stance.

4.3 Making Negative Duties Concrete

There is another, slightly different way of thinking of the matter. Consider the following argument. The power of institutions over the poor is undeniable. The negative duties imposed by the global institutional order are real, and they must be taken seriously. However, Pogge’s view is not immune to criticism. Pogge’s view is intermediate between the minimalist and the maximalist view, in that it does not require a direct causal link between the actions of the powerful and the harms suffered by the poor, but it does not consider the indirect causal link through participation in the global institutional order.

18 There is another, slightly different way of thinking of the matter. Consider the following argument. The power of institutions over the poor is undeniable. The negative duties imposed by the global institutional order are real, and they must be taken seriously. However, Pogge’s view is not immune to criticism. Pogge’s view is intermediate between the minimalist and the maximalist view, in that it does not require a direct causal link between the actions of the powerful and the harms suffered by the poor, but it does not consider the indirect causal link through participation in the global institutional order.

19 For a criticism that argues that the global institutional order has not harmed the poor, see Risse (2001).
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 is by introducing what I shall call the Least Harm Principle. The Least Harm Principle allows for a range of possible courses of action (say, X, Y, and Z) where each prospective action will produce some harm and where we must choose either X, Y, or Z has a moral obligation to choose the course of action that results in the least overall amount of harm. Indeed, the argument I hope to develop goes some way toward honing my negative duties in choosing the least harmful option.

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 that I must choose between X and Y. Suppose further that X is produced in a country with lax environmental laws and that X’s production generates a significant amount of pollution, whereas Y is produced in a country where Y's production results in a net welfare reduction for the citizens of the country in which Y is produced. If so, it seems plausible to say that I cannot avoid choosing at least one of the options in such a way as to ensure that any given choice will result in some harm elsewhere in the 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.

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in 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 also to 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 in it is not voluntary, we are left with a significant degree of voluntariness with respect to the choices we make within the context of our participation.

The obvious objection here is that in committing the least harm, I am still committing some harm and therefore am still violating 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 real sense. My response is that though I am still violating some harm and therefore am still in violation of a negative duty, I can be held morally accountable for the choices I make with respect to my interaction with the global institutional order in a genuine sense.
order is not sufficient to ground our moral responsibility for its harmful effects, and Pogge's view, according to which we are responsible for the effects of the global order notwithstanding the choices we make as consumers, voters, etc.

As a kind of intuition pump for the point I am making, consider the following counterfactual scenario. Suppose you are starving--on the brink of death--and you are locked in a room with a computer that has two buttons (say, Button A and Button B). You are told by your captors that if you push Button A, you will receive a delicious three-course dinner, but that in pushing Button A you will also be causing x + y amount of harm to some person(s). If you push Button B, you will receive a delicious three-course dinner, but you will also be causing x amount of harm to some person(s).

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 draws on the analogy between pushing Button A over Button B and my participation in the global institutional order through my economic and political activity. There are indeed many aspects of our participation in the global institutional order that are significantly nonvoluntary: I cannot go without food, clothing, and economic and political activity. Yet in meeting the needs that necessitate my participation in the global order in the first place, I can often choose what I will buy and from whom I will buy it.

In pushing Button A, I would likely have a choice, as it is slow starvation, about whether to push it or not; in pushing Button B, I would likely have no choice, because you do not really have a choice as to whether or not you will receive a delicious three-course dinner, and you will also cause x + y amount of harm to some person(s). If you push Button A, you will receive a delicious three-course dinner, but you will also cause x amount of harm to some person(s). If you push Button B, you will receive a delicious three-course dinner, but you will also cause x amount of harm to some person(s).
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 corner of the global institutional order in which I happen to occupy, and it can go some way toward defining the extent and duration of my negative duties without thereby running afoul of the Least Harm Principle with respect to the choices I make as a participant in the global institutional order (in cases in which my participation is nonvoluntary). Hence I cannot be held responsible for my participation in the global institutional order (in cases in which my participation is nonvoluntary), and I am responsible for the choices that I make within the small corner of the global institutional order in which I happen to occupy. The upshot of the view is that in a significant number of cases 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 (in cases in which my participation is nonvoluntary). Hence I cannot be held responsible for my participation in the global institutional order (in cases in which my participation is nonvoluntary).
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 according to which ordinary citizens in wealthy states are not in violation of their negative duties.

I have concluded the paper by offering a more modest interpretation of negative duties under institutional cosmopolitanism. The argument I have developed claims that the cosmopolitanism falls short, given its aim of providing a plausible account of the duties that human rights entail. The argument I have developed claims that the cosmopolitanism falls short, given its aim of providing a plausible account of the duties that human rights entail.

In this thesis, I have attempted to call attention to one respect in which I believe that...


