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 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 because his notion of a negative duty is seriously indeterminate, so much so as to compromise his ability to plausibly appeal to it.

INDEX WORDS: Thomas Pogge, International law, Distributive justice, Human rights, Negative duties, Peter Singer.
POGGE'S INSTITUTIONAL COSMOPOLITANISM

by

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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. His approach, however, has been criticized by those who, like Peter Singer, believe that we (citizens of wealthy states) have extensive moral obligations to assist the global poor. While his ideas are not without their detractors, Pogge’s project marks a fortunate marriage of an otherwise exceedingly odd couple.

The Fortunate Marriage of an Otherwise Exceedingly Odd Couple

Whether the deprivation that afflicts the world’s poor is due to our own actions or to circumstances beyond our control, the responsibility for poverty falls squarely on the shoulders of those who are 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 caused the impoverishment of the impoverished, the Singerian 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.

The distinctive views of those who, like Peter Singer, believe that we (citizens of wealthy states) have extensive moral obligations to assist the global poor with the libertarian view that we have only indirect obligations to those impoverished by circumstances beyond our control are in a position to do so without thereby sacrificing much of moral significance. While the libertarian view is diametrically opposed to the Singerian view, the two sides are at an impasse. If successful, then, Pogge’s project marks the fortunate marriage of an otherwise exceedingly odd couple.

For statistics pertaining to the extent of world poverty, see Pogge (2003, 6-11).

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It should be noted that Singer does not himself defend a particular conception of human rights. Rather, he defends a particular view of what our moral duties require of us that could inform certain (maximally) expansive conceptions of human rights. Whether the rights he defends are best understood as human rights is a matter of dispute. The Fortunate Marriage of an Otherwise Exceedingly Odd Couple

Chapter 1.
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 fit together into one system of institutional frameworks or "basic structures," (Pogge, 2008, 10-12)) 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.

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 human rights of the world's people are upheld and large shaped and sustained by decisions made by the wealthiest states of the world.

Pogge argues that this state of affairs has important moral implications for those of us (average citizens) living in wealthy states. Indeed, he argues, the political activity, consumption (average citizens), living in wealthy states. Indeed, he argues, the political activity, consumption...
The duties that rights—particularly human rights—are thought to entail in chapter three, I explain differences between what Pogge calls “minimalist” (i.e., libertarian) and “maximalist” views of I have divided the body of this essay into four chapters. In the next chapter, I explain the way that would be convincing to someone who did not already believe as much to do. He does not, in other words, show that we have strong duties to assist the global poor in a situation. The outcome, on my view, is that Pogge does not accomplish what he initially sees our duties in the guise of negative duties to refrain from harming through our participation in in- I charge that Pogge has adopted a kind of Trojan Horse strategy that attempts to smuggle in posit- change that Pogge has adopted a kind of Trojan Horse strategy that attempts to smuggle in posit- the libertarian who allows both negative and positive duties. The libertarian might then that of someone who affirms both negative and positive duties. The libertarian might then of his normative appeal. Specifically, I argue that Pogge’s view becomes indistinguishable from Pogge’s account of negative duties in support of a Party’s robust list of social and economic rights loses much. I argue that his invocation of human cosmopolitanism is subject to serious indeterminacy, so much so, I argue, that his invocation does not accomplish what Pogge’s account of negative duties underpins. To what extent is Pogge’s strategy successful? This is the question that I take up in this essay. I attempt to show that Pogge’s account of negative duties becomes indistinguishable from Pogge’s account of positive duties. The libertarian might then charge that Pogge’s account of negative duties underpins. To what extent is Pogge’s strategy successful? This is the question that I take up in this essay. I attempt to show that Pogge’s account of negative duties becomes indistinguishable from Pogge’s account of positive duties. The libertarian might then charge that Pogge’s account of negative duties underpins.
my own arguments and respond to objections, and I offer some concluding remarks in chapter

Pogge hopes thereby to sidestep the impasse in the debate between minimalist and maximalist conceptions. In chapter four, I lay out

are generated by human rights violations. By offering his institutional cosmopolitanism as an al-

maximalist “interactional” views of the duties that human rights entail. Pogge, in short, hopes to

plain how Pogge offers his institutional view in response to the debate between minimalist and
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 the duties that human rights entail. 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 insomuch as we have violated their rights to refrain from harming others or from violating others' rights. On the minimalists' view, our "minimalist" conceptions, according to which rights entail negative duties (that is, duties to refrain from harming others or from violating others' rights), are insufficient. In particular, they are insufficient because social and economic rights (rights, for instance, to education, healthcare, a decent social minimum, and so forth) are thought to entail what are called positive duties (that is, duties to aid and assist), which are said to impose obligations on us regardless of whether or not our duties to aid and assist (which are said to impose obligations on us regardless of whether or not we have directly impiiated in any rights violations).

On the other side are maximalist conceptions, according to which all human rights entail negative duties, and positive duties to which rights entail. On the minimalists' view, for example, human rights entail only negative duties to refrain from violating others' rights. On the other side, they entail both negative and positive duties. For the minimalist, our duties to protect and to assist others can be activated only insomuch as we have violated their rights; 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. On the other side, they are insufficient. In particular, they are insufficient because social and economic rights (rights, for instance, to education, healthcare, a decent social minimum, and so forth) are thought to entail what are called positive duties (that is, duties to aid and assist), which are said to impose obligations on us regardless of whether or not we have directly impiiated in any rights violations.

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 the duties that human rights entail.
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 follows: the minimalists accept that rights (1) entail duties to refrain from violating others' rights; (2) entail only negative duties, (3) entail duties to refrain from violating others' rights. The overarching aim of Pogge's project, as we shall see, is to formulate a conception of human rights that 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 this sense, the global poor now 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 how the salient features of the debate between minimalists and maximalists views of the duties that human rights entail.

For a more thorough treatment of the distinction between positive and negative rights, see Shue (1996, 35-65). In particular, Shue's discussion brings to the fore some problems associated with making too sharp a distinction between positive and negative rights. The central problem is that securing negative rights (for instance, against violations of one's physical security) often requires a host of positive actions in addition to what Shue calls "negative refraining" (39). Thus, my negative right against being attacked requires that others refrain from attacking me but in addition may require positive provision for a police force and legal system to enforce my rights. As Shue notes: "The protection of 'negative rights' requires positive measures, and therefore their actual enjoyment requires positive measures. In any imperfect society, enjoyment of a right will depend on some externs upon prevention and/or positive measures. The prevention of negative rights requires positive measures, and therefore their actual enjoyment requires positive measures. Thus, prevention may require positive provision for a police force and legal system to enforce my rights. As Shue notes: "Wherever there is a negative right, there is a positive obligation to prevent its violation, and vice versa. For more thorough treatment of the distinction between positive and negative rights, see Shue (1996, 35-65)."
A human right, for instance, is the basic necessities required to stay above the absolute poverty threshold meant to assist the global poor rather than merely refrain from causing them harm. The global poor include those who are subject to human rights violations or whose human rights happen to remain unfulfilled, though those who are subject to human rights violations whom we are directly implicated in their impoverishment. In order to discharge our positive duties to 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 those whose human rights violations, though not necessarily the result of some harm committed by an individual or collective agent, threaten to remain unfulfilled. Though the rights of individuals are not the result of some harm committed by an individual or collective agent, the threats to human 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 the rights in question may not necessarily have been directly violated by some other agent(s). The maximalists then argue that such duties require us not only to refrain from directly harming others or depriving them of the objects of their rights but also to assist them in obtaining the objects of their rights. One upshot of the maximalists' understanding of human rights as also entailing positive duties is that we (those of us living in wealthy states) have strong moral obligations to assist those living in extreme poverty, regardless of whether or not they are directly implicated in their impoverishment. In order to discharge our positive duties to 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 to assist those living in extreme poverty, regardless of whether or not they are directly implicated in their exploitation. The maximalists' approach proceeds by arguing that such duties require us not only to refrain from directly harming others or depriving them of the objects of their rights but also to assist them in obtaining the objects of their rights. One upshot of the maximalists' understanding of human rights as also entailing positive duties is that we (those of us living in wealthy states) have strong moral obligations to assist those who are subject to human rights violations of whose human rights happen to remain unfulfilled, though the rights in question may not necessarily have been directly violated by some other agent(s).
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 bad thing from happening, without thereby sacrificing anything of comparable moral importance, we ought, morally, to do it.

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 blameworthy if we did not. Singer extends this idea to the case of extreme poverty, suggesting 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. 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 blameworthy if we did not. Singer extends this idea to the case of extreme poverty, suggesting 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.

Once again, I do not mean to suggest that Singer offers a rights-based approach; rather, his work offers a positive-based approach. Rather than appeal to rights, Singer appeals to a positive duty to help those in need.

Once again, 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 to moral obligations 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.
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 the world's poor. 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 grim. "[T]he whole way we look at moral issues," Singer writes, "our whole moral-conceptual scheme--needs to be altered, and with it, the way of life of millions of people." Singer argues that the moral paradigm that we hold on to needs to be changed, and with it, our whole moral-conceptual scheme.

Singer's concern in "Famine, Affluence, and Morality" is not explicitly to lay out and defend a conception of human rights, but his arguments support the claims that he might wish to make if he were so explicitly to lay out and defend a conception of human rights. His concern is to draw attention to the moral implications of our affluence and to argue that, as a result, we have a moral duty to alleviate poverty in the world.

In 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 he might wish to make if he were so explicitly to lay out and defend a conception of human rights.
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 healthcare, and so forth) and hence for a corresponding 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 entail positive duties in the first place--and, hence, that human rights are inclusive ahems, corporatists, etc.--and hence for a corresponding 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 human rights entail positive duties in the first place--and, hence, that human rights are inclusive ahems, corporatists, etc.--and hence for a corresponding 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 human rights entail positive duties in the first place--and, hence, that human rights are inclusive ahems, corporatists, etc.--and hence for a corresponding list of stringent duties imposed on those who are in a position to promote and protect the rights of the world’s poor.

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 ought to aid others, but we do not owe them a right to receive aid from us. Second, the minimalist claims that there are no positive rights because the corresponding duties of such rights do not impose “clear and definite” requirements on their obligors, which is, the minimalist argues, a necessary condition for something to be a right.

We can gather from the foregoing exposition of Peter Singer’s line of argumentation that there are stringent, positive duties to assist those living in extreme poverty and that these duties...
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 individuals, collectives, or states, rather than to the broader interests of all human beings.” Pogge’s view is “cosmopolitan” insofar as it includes three distinct elements: “First, individualism: the ultimate unit of concern is the human person, or persons—rather than, say, families, tribes, or states. Second, universality: the status of ultimate concern attaches to every human person, 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—no one for herself.”

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 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, bear significant moral responsibility for their condition. Rather, on the institutional paradigm, 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. Interactional cosmopolitanism, by contrast, assigns direct responsibility for the fulfillment of human rights to other individuals, collectives, or states. Second, universality: the status of ultimate concern attaches to every human person, 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—no one for herself.”

In this chapter, I begin by explaining how, on Pogge’s view, interactionalism 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 I outline his reasons for offering it as an alternative to the interactional understanding of human rights.
Our participation in institutional structures with which, as noted, claims that the responsibility for the fulfillment of institutional cosmopolitanism, which, as noted, claims that the responsibility to them and is thus sufficient to activate our negative duties to refrain from harming them in the event that these institutional structures cause them harm. In the remainder of the chapter, I go on to highlight Pogge’s reasons for thinking that the global institutional order does actually cause harm to the poor.

3.2 Interactional Versus Institutional Paradigms

As noted above, the hallmark of the interactional paradigm is that individual and collective agents have direct responsibility for the fulfillment of human rights. This seems to be the case, though maximilists are inclined to downplay the moral importance of the causal connections between agents and harms suffered by the poor. For the minimalists, responsibility falls directly on individual and collective agents because the latter must exercise restraint in their interactions with others and must compensate others when they directly and negatively interfere with them. Likewise, maximilists believe that responsibility for evils such as global poverty falls directly on individual and collective agents because the latter must exercise restraint in their interactions with others and must compensate others for the direct and negative interference they suffer.

Pogge’s innovation lies largely in his rejection of the interactional paradigm in favor of institutional cosmopolitanism, which, as noted, claims that the responsibility to them and is thus sufficient to activate our negative duties to refrain from harming them in the event that these institutional structures cause them harm. In the remainder of the chapter, I go on to highlight Pogge’s reasons for thinking that the global institutional order does actually cause harm to the poor.

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

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, which includes no conceptual tie to institutions and which defines human rights as a set 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 moon is not in the same sense as to say, for example, that I have a right to life.”

Each of these components in turn makes reference to the institutional schemes within which those other are not.
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 to 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 responsibility on the part of anyone and everyone involved in upholding them. Moral responsibility for the human rights record of a given society--and hence moral culpability if human rights are unmet--arises indirectly, then, on the institutional view, because the institutional view does not require that X directly violate Y's rights in order for X to be morally accountable for Y's rights being violated.

Although X may not have directly violated Y's rights, if record of a society to anyone who participates in—and thereby helps to shape and sustain—the institutional structures of that society, although X's moral responsibility for the human rights record of a given society--and hence moral culpability if human rights are unmet--cannot be derived from the institutional view, it is of note that moral responsibility for the protection of human rights, and to promote human rights fulfillment within the current institutional order, involves moral responsibility for the institutional order itself, as Pogge notes: "One cannot be faulted for cooperating in the imposition of a coercive institutional order without making reasonable efforts to promote human rights or to protect its victims and to promote human rights fulfillment within a coercive institutional order" (2008, 70).

The normative component of Pogge's argument, 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) within any coercive institutional order they are involved in upholding." This idea is grounded in Pogge's view that human rights are moral claims on the institutional order of the society in which they are activated. The general idea is that since human rights are moral claims on the institutional order of the society in which they are activated, one who in any way is causally responsible for sustaining the institutional structures within that society is thereby morally responsible for human rights fulfillment within the institutional order in question. This idea is central to Pogge's argument, and it is the key to understanding his view of human rights and their enforcement.

The critical step in Pogge's argument comes about in virtue of the normative component, which requires that human rights be fulfilled within the institutional order of the society in which they are activated. This means that anyone involved in upholding the institutional order is morally responsible for the fulfillment of human rights within that order, and that this responsibility extends to anyone who participates in the institutional order, even if they are not directly responsible for the violation of human rights.
both X and Y live within and participate in the same social institutions, if they should be clear from the preceding paragraph that

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

originate.

which allow X’s human rights to remain unfulfilled, then X shares responsibility for Y’s situation and must, on pain of violating a negative duty to refrain from harming Y, take measures to protect Y and to promote institutional reform such that Y has secure access to the objects of his rights. To illustrate how interactional and institutional views support different understandings of

institutional order that authorize and enforce slavery—even those who own no slaves themselves—

Pogge describes this difference: “On the institutional view...those involved in upholding an inst-

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

interational 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 of

legal and enforcement possibilities of legal and economic institutions.

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

hypothetical allow Y’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, institutional cosmopo-

The effect toward protecting slaves or promoting institutional reform (2008, 177-178) falls in the

cannot be cooperative in the us slavery, even in violation of a negative duty, unless they make reason-

Pogge describes this difference: “On the institutional view...those involved in upholding an insti-

institutional cosmopolitanism (2008, 177). On the minimal institutional view, a moral

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

how the duties entailed by human rights are frustrated. Pogge considers how each view would in-

To illustrate how interactional and institutional views support different understandings of

of other rights.
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 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, it’s unclear how his account can generate counter intuitive harms. Nevertheless, regardless of one’s causal relation to them (2008, 177), an actual or potential source of harm does not automatically trigger the minimalists’ defense of individual action. According to which we may ignore harms that we do not directly cause, minimalists and maximalists understandings of human rights: “Institutional cosmopolitanism then, Pogge’s project strikes a nice balance, while he calls an “intermediate position” between minimalists’ and maximalists’ views. 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. It succeeds, I suggest, in deriving much of what they want (strong duties to aid the global poor for the plight of the world’s poor) from minimalists’ and maximalists’ understandings of human rights.

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. It succeeds, I suggest, in deriving much of what they want (strong duties to aid the global poor for the plight of the world’s poor) from minimalists’ and maximalists’ understandings of human rights.
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 wealthy states allow corrupt governments control over how their country’s natural resources are spent (the "international resource privilege," 118), provide diplomatic recognition, wealth, and access to loans (what Pogge calls the "international borrowing privilege," 118), and third, wealthy states provide corrupt governments with the means of coercion (118). Regardless of how such groups come to power or exercise their power, Second, along with international recognition, wealthy states provide corrupt governments and all of the attendant privileges to, in his words, "any group controlling a preponderance of the means of coercion" (118), regardless of how such groups come to power or exercise their power. First, wealthy states provide diplomatic recognition to governments in poor countries (2008, 118-119). While not denying the claim that much world poverty is engendered by corrupt governments, wealthy states still bear significant responsibility for its persistence and sustenance. While not denying the claim that much world poverty is engendered by corrupt governments, wealthy states still bear significant responsibility for its persistence and sustenance. While not denying the claim that much world poverty is engendered by corrupt governments, wealthy states still bear significant responsibility for its persistence and sustenance. 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

3.3 How the Rich Harm the Poor

next section.
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 the US or EU. For example, decisions that set the US or EU central banks' interest rates can have a significant impact on economies around the world." (2008, 122-123)
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 in the way of providing concrete answers to such questions as: “How stringent are my negative duties when I violate my property rights by stealing?”, “How stringent are the duties entailed by my violation of someone’s rights in particular cases?”, and “When, if ever, are my negative duties fulfilled?”

The interactional paradigm allows me to have some sense of when my obligation has been met in a given case. For instance, I can say that my duty to you 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. Providing some kind of compensation to you then is enough to render my duty to you minimal. Likewise, providing some kind of compensation to you is enough to render my duty to you minimal. If, for instance, I violate your property rights by stealing something of yours, then I owe you a duty to compensate you in value to that which I have stolen. If, for example, I violate your property rights by stealing a family heirloom, then the stringency of my obligation to you varies in proportion to the welfare setback I have caused. By stealing a valuable family heirloom of yours since it is much less significant than it would be had I stolen a covered family heirloom of yours. I ought to honor my negative duty to you by providing some kind of compensation to you in that is roughly equivalent in value to that which I have caused you. I appeal here to what I take to be roughly the commonsensical way of understanding compensation for harms brought upon others.
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. These duties are indeterminate, insofar as they require 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 Poggean negative duties requires that I give endlessly to meet my compensatory obligations, while a less demanding interpretation might require that I give endlessly to meet my comprehensive obligations, but I end up being a kind of decision within the same institutional scheme by meeting the

That first claim that I shall develop 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. 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

Poggean "negative duties" but is not otherwise clear. Poggean negative duties are conceived under institutional cosmopolitanism, particularly in

where a less demanding interpretation might require much less of me. This indeterminacy, I argue, is that it is unclear what I must do to satisfy my negative duties. A more demanding interpretation of Poggean negative duties and decisions within the global institutional order. The result, I argue, is that it is unclear how negative duties are conceived under institutional cosmopolitanism. Negative duties within institutional cosmopolitanism lends itself to a kind of precision and determinacy with respect to its requirements that is nearly
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 for the harms we have caused (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: 

"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 institutional reform" (2008, 176, italics added). Pogge's formulation of the normative component of institutional cosmopolitanism explicitly commits us to ensuring that human rights are fulfilled without neglecting the duty to protect the victims and to promote institutional reform.

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 they have caused. Therefore, we must meet the Compensation Requirement instead. The first premise of the argument can be laid out as follows:

(i) 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 for the harms we have caused (the Compensation Requirement).
This premise captures the idea that most of us are far-removed (causally) from the negative outcomes produced by the institutional structures in which we participate and thus that most of us 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, as a matter of policy, choose to implement Structural Adjustment Package A over Structural Adjustment 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 or no 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 duties 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 primary requirement imposed by our negative duties is the Compensation Requirement. The implication here is that according to the normative component of institutional cosmopolitanism, most people must discharge their negative duties under institutional cosmopolitanism 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 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.

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 produce for harms we have produced and caused to others, it be adequate to or in some sense proportionate to the harm(s) we have 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 have produced X amount of harm to some person(s), then the harm committed provides those whom we have harmed to adequacy to or in some sense proportionate to the harms we have produced. But does strongly suggest that whatever compensation we do provide for harms we have produced in some measure proportional to the harm(s) we have committed.

The foregoing paragraph might raise some interesting questions regarding what the

- duties, though, of course, Positive institutional cosmopolitanism does not attempt to define potential

- normative demands on the wealthy that they seek to justify through their assumption of positive

- assumptions about the human rights maximims. Support for the view that we (individuals living in wealthy states) owe much to the global poor in any feature of negative duties. In other words, institutional cosmopolitanism is able to

- Requirement to aid and protect the poor and to promote institutional reform. We can see, then,
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 (4a) once X has ad-

aceply 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 compensation 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

My duty to the person(s) I have harmed),

demands of the Compensation Requirement (and hence have discharged my negative

(4a) Once I have adequately compensated for some harm I have produced I have met the

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

This has its way into our moral reasoning in any number of cases.

utilitive notion that compensation must be in some sense adequate to the harm is a sound one that

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category of proportionate compensation. How, for example, does one determine proportionality of

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provide you with another car or perhaps something of equal or greater value than the car I

Thanks to A.J. Cohen for the latter suggestion.

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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 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.

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 generates indeterminate duties. The point I want to take note of at this part in the argument is the extent of the indeterminacy. Pogge's institutional cosmopolitanism gives almost no helpful guidance whatsoever that could allow us to determine when the Compensation Requirement of our negative duties to the world's poor has been satisfied. Is my voting for the right political candidate and purchasing fair-trade coffee sufficient for me to remain in good standing with respect to my negative duties? Or, must I give endlessly to Oxfam and perpetually lobby my friends,

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.
neighbors, and Congressional representatives in order to bring about reform? Presumably, both
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
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 concept
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 cosmo-
politanism, hence, attempts to provide support for the maximalist’s list of social and economic
rights without thereby affirming positive duties, and it hopes to do so in a way that will appeal to
the rights minimalists. Why aim in this paper is to deny the latter claim, viz., that Pogge’s view will
appeal to the minimalist in the way that he wants it to. In order to defend this claim, though,
we could make a distinction between what we might call a minimalist (i.e., Poggean, institutional,
compatibility compatible with the claim that we have both positive and negative duties. 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:

Way of knowing which pole we should aim for unless Pogge can give more guidance on this
clear metric for determining when the Compensation Requirement is satisfied, then we have no
giving endlessly and giving little. If my fifth premise is correct (and, hence, if we have no
institutions and cosmopolitanism, as Pogge describes it, is conceptually compatible with
as to what negative duties require under institutional cosmopolitanism, we have no way of know-
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The former because it demands too little, and the latter because it demands too much. The Pole
of these ways of approaching the Compensation Requirement would be unsatisfactory to Pogge,
neighbors, and Congressional representatives in order to bring about reform?
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 can swell to include any number of duties that extends in...
Pogge’s institutional cosmopolitanism as being a minimal 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 global institutions harm the poor, I think that he strengthens the notion of a negative duty nearly to the breaking point. Rather, Pogge’s view, then, would be a less direct connection between X’s actions and some harm produced by X’s action in order to ground X’s obligation toward the poor. Pogge’s view, then, would be a less direct connection between X’s actions and some harm produced by X’s action in order to ground X’s obligation toward the poor.

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 these obstacles.

There is another, slightly different, way of thinking of the matter. Consider the following quote, in which Pogge distinguishes his view from minimalist and maximalist interactional views: “We see...how the institutional approach makes available an appealing intermediate position between two interactional extremes: it 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). We might begin by asking ourselves what exactly Pogge means when he calls his view an “intermediate position.” A natural way of interpreting this passage would suggest that Pogge’s view is “intermediate” in terms of the type of causal relation required to ground some duty. On the minimalist account, there must be a more or less direct connection between X’s action and some harm produced by X’s action in order to ground X’s obligation toward the poor. Pogge’s view, then, would be a less direct connection between X’s action and some harm produced by X’s action in order to ground X’s obligation toward the poor.

In the discussion above, we have seen that Pogge’s view is intermediate between the minimalist and maximalist views. Rather, Pogge’s view is intermediate between the two views because it allows that indirect causal links (of the sort that come from participation in social institutions) are sufficient to ground a causal link between X and some harm produced by X’s action in order to ground X’s obligation toward the poor. More of less, direct connection between X’s action and some harm produced by X’s action in order to ground X’s obligation toward the poor.

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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 is to introduce 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) in which A must choose either X, Y, or Z, A has a moral obligation to choose the course of action that results in the least overall harm. Indeed, the argument I hope to develop

The import of the Least Harm Principle is in part that it seems 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 Least Harm Principle is in part that it seems to capture the situation that
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, "To the extent that the existing global basic structure is 'the only game in town' it may be misleading to say that 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 much room for choice with respect to the various different ways in which we interact with the global order. Given that opt-out of the global institutional order is not a viable option, the obvious objection here is that in committing the least harm, I am still committing some harm and therefore am still violating some harm, and hence I am not satisfying the Least Harm Principle. My response, as will hopefully become clear, is that some kinds of harm can be avoided.

The obvious objection here is that in committee the least harm, I am still committing some harm, and therefore am not satisfying the Least Harm Principle. 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 that of which says that in purchasing stocks in Goldman Sachs and Blackwater is still undertaken voluntarily. Through my choice, for example, to purchase stocks in Goldman Sachs and Blackwater is still undertaken voluntarily, or my choice, for example, to purchase stocks in Goldman Sachs and Blackwater is still undertaken voluntarily.

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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 you will also cause $x + y$ amount of harm to some person(s). If you push Button B, you will receive enough rice to keep you alive for some time but that 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). 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 and 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 shelter, and accordingly I must participate in institutions in order to obtain these things. Yet in meeting the needs that necessitate my participation in the global order, I can often go without food, clothing, and economic and political activity. How, then, can satisfying the Least Harm Principle be seen as sufficient to satisfy our negative duties?

The point I would like to make here is not between not pushing either of the buttons and pushing one of the buttons; the real choice here is not between not pushing either of the buttons and pushing one of the buttons. Given the circumstances, the real choice here is not between not pushing either of the buttons and pushing one of the buttons.
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). I am responsible for the choices that I make within the context of my participation. 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 which I happen to participate. The rough idea here is that Brand B, I can vote for Politician X over Politician Y, and so forth. The rough idea here is that Brand B, I can vote for Politician X over Politician Y, and so forth.
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 under 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 under 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.

CONCLUSION

Chapter 3.


