A Defence of Thomas Pogge’s Argument for a Minimally Just Institutional Order

by

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ABSTRACT

In an attempt to illustrate that the developed world has obligations to alleviate severe poverty, Thomas Pogge created a theory driven by human rights to focus on negative rights and duties of the avoidance of harm. His theory of global justice is developed on a minimalist account of what it means to harm. For him, the violation of the negative duty not to harm constitutes an injustice. This injustice is enacted against the citizens of developing nations by the global institutional order. Citizens of the developed world are perpetuating injustice by harming individuals through the imposition of a global order that avoidably causes human rights deficits without due compensation or reform to policies.

Many critics take issue with his definition of harm as focused on negative rights, as well as find his theory of causation troublesome. His critics largely object to his assertion that the developed world causally contributes to severe poverty. Critiques of Pogge attempt to demonstrate that it is not the case that the developed world is causally responsible for severe poverty. In doing so, some make reference to domestic factors within developing nations, which they claim Pogge largely neglects. Others argue that the current global institutional order benefits developing nations. Furthermore, some of his critics engage with the normative demands that follow from his argument. They claim he has a minimal definition of harm and injustice that leads to unmanageable maximal obligations. Conversely, there are claims his argument leads to normative demands that are insufficient in redressing injustices.

I argue that Pogge’s theory of global justice has developed the foundation necessary to motivate affluent nations to establish a minimally just global institutional
order that avoids the perpetuation of avoidable human rights violations. This foundation elucidates and establishes, through the global institutional order, an overarching causal relationship between the world’s affluent nations and the severely poor. This relationship, despite critiques, is essential in order to illustrate that developed world citizens do indeed contribute to severe poverty and so must take action to establish a minimally just institutional order.
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CHAPTER ONE
Introduction

As stated by the United Nations Development Programme (UNDP), eighteen countries have the same Human Development Index (HDI) score that they had in 1990. The UNDP defines an HDI score as:

The HDI – human development index – is a summary composite index that measures a country’s average achievements in three basic aspects of human development: health, knowledge, and a decent standard of living. Health is measured by life expectancy at birth; knowledge is measured by a combination of the adult literacy rate and the combined primary, secondary, and tertiary gross enrolment ratio; and standard of living by GDP per capita (PPP US$).¹

Despite arguments that conclude the developing world is improving, for the past eighteen years, eighteen countries have not developed at all. Of these eighteen countries, most are in Sub-Saharan Africa, which also contains twenty-eight of the thirty-one lowest human development countries.² It is estimated that 300 million people live on less than one dollar a day in Sub-Saharan Africa — almost half of the region’s population.³

Conversely, every nine out of ten people in Organization for Economic Co-operation and Development (OECD) countries are in the top twenty percent of the global income distribution. In Sub-Saharan Africa, one person out of every two is in the poorest twenty percent.⁴ Even more surprising is that the amount of people in the poorest twenty percent has more than doubled since 1980—Sub-Saharan Africa now consists of 36% of the total population.

³ Ibid., 9.
⁴ Ibid., 9.
of those living in the poorest twenty percent of the world.\textsuperscript{5} Additionally, “it is estimated that 850 million human beings are chronically undernourished, over 1,000 million lack access to safe water and 2,600 million lack access to basic sanitation (UNDP 2005: 24). About 2,000 million lack access to essential medicines.”\textsuperscript{6} These statistics reveal a world that harbours incredible disparities between poor and wealthy nations. Statistics like these were the impetus for this paper. I hope to establish an argument that sways us, as developed world inhabitants, to do something to address this disparity.

Many arguments have been presented in an attempt to connect the unfortunate circumstances of the global poor to the actions of the world’s affluent. These arguments often aim at elucidating the developed world’s responsibility to alleviate the severe poverty in the developing world. In his famous paper \textit{Famine, Affluence and Morality}, Peter Singer argues that “suffering and death from lack of food, shelter, and medical care are bad” and so, “if it is in our power to prevent something bad from happening, without thereby sacrificing anything of comparable moral importance, we ought, morally, to do it.”\textsuperscript{7} I believe justifications such as the one presented here by Singer, often serve as implicit premises in arguments concerning the eradication or alleviation of severe poverty.

Thomas Pogge argues that we can and should do something about severe poverty in the developing world. He criticises the global institutional order by way of analysing how the affluent world is contributing to severe poverty. In other words: his argument connects our actions and responsibilities to the developing world by showing how the

\begin{footnotesize}
\begin{enumerate}
\item Ibid., 9.
\item Peter Singer, “Famine, Affluence and Morality,” \textit{Philosophy and Public Affairs} 1 (1972): 231
\end{enumerate}
\end{footnotesize}
global institutional order, an order that the developed world has largely created and upheld, violates negative rights—thereby we violate our negative duties by perpetuating harm to the severe poor. Despite the fact that many theorists argue against Pogge’s claims concerning our duty to uphold negative rights that transcend national boundaries, I intend to show that his critics are incorrect. I argue that Pogge’s conception of our duty to establish a minimally just institutional order is not flawed in the manners suggested and that instead, we as members of the affluent world do indeed have a duty to establish a minimally just institutional order.

In what follows, I will present Pogge’s analysis of the contemporary global order by outlining his general argument. I will then explore and explain the critiques of some of the main dissenters from Pogge. I will first explain how they attempt to illustrate flaws in his argument. I will then defend Pogge’s view against these critics. Finally, I will present my own arguments in defence of Pogge’s theory in support of establishing a minimally just institutional order.

i) A Discussion of Pogge’s Argument for a Minimally Just Institutional Order

Pogge’s argument for global justice and health is presented in opposition to a view that John Rawls puts forth in *The Law of Peoples*. More specifically, Pogge is attempting to change the way in which we commonly think of aiding the poor. In *The Law of Peoples*, Rawls states that “peoples have a duty to assist other peoples living under unfavourable conditions that prevent their having a just or decent political and
social regime.” This quote exemplifies what has come to be known as the “duty of assistance.” The duty of assistance is designed to compel people to assist others within their own country. Pogge’s main objection to the Rawlsian perspective concerns the “suggestion that the causes of severe poverty lie within the poor countries themselves.”

Rawls’ duty to assist incorporates positive duties of action in an attempt to aid those who are in need (but is largely limited to national boundaries). Pogge argues that the way the global institutional order regulates global policy is unjust. As a consequence of this injustice, he argues that the institutional order perpetuates harm, and so violates negative rights or human rights. As Pogge states in “Assisting” the Global Poor:

If the global economic order plays a major role in the persistence of severe poverty worldwide and if our governments, acting in our name, are prominently involved in shaping and upholding this order, then the deprivation of the distant needy may well engage not merely positive duties to assist but also more stringent negative duties not to harm.

Pogge creates a theory driven by human rights that is focused on negative rights and duties not to be harmed or not to harm. Pogge develops his theory of global justice on a minimalist account of what it means to harm. For him, the violation of the negative duty not to harm constitutes an injustice. This injustice is the act of harming without due compensation or reform to institutions and policies to protect the victims who are harmed.

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9 Ibid. 261
10 Ibid. 265.
11 It will be helpful to clarify what the ‘global institutional order’ is. It includes the composition of international institutions responsible for comprising and constituting the global markets, including laws and regulations. As Pogge reveals in Assisting the Global Poor, “there is considerable international economic interaction regulated by an elaborate system of treaties and conventions about trade, investments, loans, patents, copyrights… and much else.” (Pg. 263.)
In his paper *Severe Poverty as a Human Rights Violation*, Pogge introduces his general hypothesis, “that any institutional order that foreseeably produces a reasonably avoidable excess of severe poverty and of mortality from poverty-related causes manifests a human rights violation on the part of those who participate in imposing this order.”¹³ This quote leads to an important causal relationship that is drawn between the developed and the developing world; namely, the causal relation is that we, as citizens of a democratic state, are ultimately responsible (participate in imposing an unjust institutional order) for the government that we vote into power. These same governments are responsible for creating the policies, guidelines, and institutions that, according to Pogge, avoidably perpetuate injustice through human rights violations. For Pogge, what is immediately important is not that the developed world is better off because of the discrepancies between it and the developing world, but rather, it is because the developed world avoidably imposes policies that violate negative rights and, in the end, perpetuate severe poverty.¹⁴

If there is a causal relationship between the developed world and severe poverty, then perhaps this can lead to remedial duties. As Pogge argues:

My [Pogge’s] institutional understanding can accept this constraint [minimalist constraint of human rights, not to harm] without disqualifying social and economic human rights. Given the minimalist constraint, such human rights give you claims not against all other human beings, but specifically against those who impose a coercive institutional order upon you. Such a coercive order must not avoidably restrict the freedom of some so as to render their access to basic necessities insecure – especially through official denial or deprivation. If it does, then all human agents have a negative duty, correlative to the postulated social and economic human rights, not to cooperate in upholding it unless they compensate for their cooperation by protecting its victims or by working for its reform.

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¹⁴ In so doing, in many cases, the affluent also benefit from these injustices. This distinction will be clarified later while discussing Pogge’s critics.
Those violating this duty share responsibility for the harms (insecure access to basic necessities) produced by the unjust institutional order in question.\textsuperscript{15}

It is our responsibility to promote the development of institutional reforms designed to make the global institutional order minimally just. In the event that it is not minimally just (i.e. harms the global poor), it is our moral responsibility to compensate for the harms, or reform the policies that cause the harm—harms that violate people’s negative rights not to be harmed. Here, we are introduced to the importance of compensation. An important aspect of Pogge’s theory is that if a current policy violates the negative rights of a developing world citizen, then it becomes the responsibility of each individual in the developed world to compensate for the harm caused by that policy. For Pogge there is an additional negative duty “not to take advantage of… a human-rights-violating institutional order without making adequate protection and reform efforts.”\textsuperscript{16} These “adequate protection and reform efforts” are what Pogge means by ‘compensation.’ We will soon see how Pogge’s arguments for compensatory duties could lead to some potential problems.

First, it is pertinent to discuss how and why Pogge prescribes to institutional cosmopolitanism. As I will show, an institutional approach to cosmopolitanism is an effective position for Pogge to hold as it is largely these institutions (governments, government organizations, pharmaceuticals, multinational corporations) that can instigate or bring about change. Furthermore, it is precisely these institutions that make it possible for the developed world to cause harm on an international level. In other words, because

\textsuperscript{15} Thomas Pogge. \textit{World Poverty and Human Rights}, 73.
of international institutions, the affluent world can be causally related to events in developing countries. Pogge argues that we as individuals have the ability to alter the status quo through altering the policies under which these institutions operate. As Pogge explains:

Three elements are shared by all cosmopolitan positions. First, \textit{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, \textit{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, \textit{generality}: this special status has global force. Persons are ultimate units of concern for everyone—not only for their compatriots, fellow religionists, or suchlike.\footnote{Ibid., 175.}

While there is more than one form of cosmopolitanism, the institutional understanding of cosmopolitanism, as endorsed by Pogge, will become familiar throughout this paper. Institutional cosmopolitanism proposes that “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 its victims and to promote institutional reform.”\footnote{Ibid., 177.}

The crux of the institutional understanding of cosmopolitanism is that people cooperate with institutions. Because many people live in cooperation with institutions, be it throughout the duration of their lives or only momentarily, it is important to establish an argument of global justice that takes these institutions into consideration. This becomes especially apparent when these individuals are envisioned as acting through such institutions and within the parameters that the particular institutions establish. If a person agrees that the domestic institution they are members of violated a negative right without compensation, then that institution, as well as the people that participate in it, has
perpetuated injustice. Institutional cosmopolitanism incorporates a commonly held domestic view that we are responsible for what we are causally related to, though applies this notion across national boundaries.

The impetus behind an institutional approach is the creation of an ‘overarching link.’ The, ‘link’, is the institutions that comprise the global order. They are the institutions that act both in the developed world as well as the developing. It is the policies that they create, the markets that they govern and regulate, that affect on a large scale, the day-to-day lives of individuals around the world. The institutional approach to cosmopolitanism “overcomes the claim that one need only refrain from violating human rights directly, that one cannot reasonably be required to become a soldier in the global struggle against human-rights violators and a comforter of their victims world wide.” He argues that the current global institutional order has been created and maintained by the world’s most powerful governing forces along with the institutions they create and control. As I will show, many of the rules and regulations of the institutional order perpetuate injustices. However, many of the policies that these institutions are regulated by, or the policies they enforce, can be altered so as to decrease the amount of suffering with a relatively small loss to those to the affluent world. I hope to demonstrate that it is reasonable to suggest that these policies can, and indeed should, be reformed.

However, how do we know when an institutional order is unjust? For Pogge, an institutional order is unjust when it avoidably violates negative rights—an institutional order that harms individuals precisely by violating their negative rights. However, further clarification is still required. What does it mean to ‘harm’ people through a global

\[19\] Ibid., 178.
\[20\] Ibid., 178.
institutional order? According to Pogge, “an institutional order harms people when its
design can be shown to be unjust by reference to a feasible alternative design.” Thus, “an
institutional design is unjust if it foreseeably produces massive avoidable human rights
deficits. Such an institutional order, and participation in its creation or imposition, harms
those whose human rights avoidably remain unfulfilled.” In this way, we ‘harm’ when
we take part in the avoidable imposition of an institutional order that denies people access
to their human rights; namely, an institutional order that violates a person’s negative right
not to be harmed. This argument illustrates that we have a duty to establish an
institutional order designed to be minimally just, by not violating the negative rights of
the citizens in the developing world. As we will see, this claim informs the minimalist
scope of Pogge’s theory. This is the case, because his theory is founded on the
minimalist conception of global human rights in focusing on the negative right not to be
harmed.

Another important aspect to Pogge’s argument is his use of counterfactuals, which
is illuminated through the discussion of harm. His use of counterfactuals is intricately
related to his idea of harm and human rights. In all cases, the current status of the global
institutional order is held up to a counterfactual view of how the current order could be,
such that it does not violate human rights—i.e. is minimally just and thus, does not harm
individuals without proper compensation or concerted policy reform efforts. Some critics
argue that this idea, as well as his minimalist conception of harm, potentially lead to
some difficulties. For instance, if Pogge’s theory is based on a minimalist conception of
harm, then perhaps the net he casts is too wide, and as a result, the developed world

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becomes responsible for all poverty. In the next chapter, amongst other critical claims, I will defend Pogge against this line of reasoning.

Pogge provides us with examples of how the global institutional order is causally related to severe poverty by enforcing global policies (as upheld by the global institutional order) that continually deny people access to basic human rights. I will briefly examine two of his main examples: borrowing and resource privileges. My objective is to illustrate more concretely how global policies can and do affect the domestic policies of developing countries. As he reveals, any leading group or person that comes into power of a country has access to borrowing privileges. In consideration of the case of borrowing privileges, the World Bank has rules and regulations that allow a country’s leading group or individual to borrow money without having to pay back any previous debt. As Pogge reveals:

Any group controlling a preponderance of the means of coercion within a country is internationally recognized as the legitimate government of this country’s territory and people – regardless of how this group came to power, of how it exercises it power, and of the extent to which it may be supported or opposed by the population it rules. That such a group exercising effective power receives international recognition means not merely that we engage it in negotiations. It means also that we accept this group’s right to act for the people it rules and, in particular, confer upon it the privileges freely to borrow in the country’s name…and freely to dispose of the country’s natural resources…

As one can imagine, such privileges create an unstable ruling environment by providing an unduly large incentive to take control of the country—an incentive that may not have much to do with wanting to rule a country for its own benefit, but rather the ruler’s own benefit. Pogge provides us with a specific case in order to illustrate the drawbacks to the resource privilege. He argues that this privilege (as well as the borrowing privilege)

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22 Ibid., 73.
23 Ibid, 118-119.
provides incentives for coups and civil wars. For example, Nigeria exports two-million barrels of oil a day, which equates to over a quarter of its GDP. In this specific case, whoever has power gains the revenue associated with these exports. Military men have unstably ruled Nigeria for many years, disseminating income between selfish members, and not for economic growth or poverty eradication.

There are policies supported by the global institutional order that reinforce unstable political environments. In this way, the global institutional support and recognition of these practices contribute to severe poverty due to the instability of governments and the resulting debt that is incurred. As Pogge states, “the incentives arising from the international resource privilege help explain what economists have observed …: the significant negative correlation between resource wealth… and economic performance.” Though these are only two examples, we can see how the global institutional order can contribute to the instability in local factors that in turn, perpetuate severe poverty.

Finally, Pogge illustrates the importance of public responsibility by suggesting a taxation regimen. This regimen is designed to incentivize pharmaceutical research for essential medicines in the developing world. Furthermore, it provides support to the idea that the global order could (counterfactually) be different than it is, and so be designed in such a manner that remedies the current human rights violations by the global institutional order. The following policy reform suggestion is relevant because it highlights particular ways that the developed world can organize the institutional order so

\[\text{\footnotesize \cite{24, 25, 26, 27}}\]

24 Ibid., 119.
25 Ibid., 119.
26 Thomas Pogge, “‘Assisting’ the Global Poor,” 271.
27 Ibid., 271.
that it would be closer to arriving at a minimally just order. His aim is to “develop a concrete, feasible, and politically realistic plan for reforming current national and global rules for incentivizing the search for new essential drugs.”

First, successful developments of essential drugs are to be provided as a public good that all pharmaceutical companies may use. Second, he suggests that we reorient incentives, leaving the current regime in tact, though creating bonuses pertaining to the effectiveness of the drug on a widespread level. By reorienting incentives, another market in the developing world is created. Thus, if a drug, although undesirable in Western markets, alleviates much of the suffering associated with typhus, for example, then the company responsible for such a drug would receive bonuses (provided typhus constitutes a significant health burden on earth). The more widely disseminated the drug is, and the greater the positive effects of the drug, the more money the pharmaceutical company will receive. Third, the incentive program will be funded by the public. Thus, pharmaceutical companies have a special role in alleviating severe poverty—facilitating access to essential medicines by means of research and development. However, it is not the pharmaceutical companies that hold the complete responsibility for violating negative rights; it is each citizen in the developed world as represented by international (i.e. government) institutions that permit these violations.

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CHAPTER TWO  
Literature Review

After having outlined the major aspects of Pogge’s theory, I will present some common criticisms of his view. Many of the criticisms posed against him focus on his arguments that are in support of establishing a just institutional order motivated by negative rights. Many of his critics stress the importance of positive duties in place of, or in line with, negative rights and duties. Other critics focus on the causal relationship that he attempts to demonstrate in order to prove that we must at least fulfill our duty not to harm—which extends across national boundaries. This objection sometimes includes the idea that it is not clear that the global institutional order actually does harm the poor, and, if it does, to what extent. In what follows, I will first introduce the objections that focus on critiquing Pogge’s arguments for the importance of negative rights in comparison to positive duties, by writers such as Debra Satz and Allan Patten. I will then introduce those criticisms that engage with Pogge’s arguments in establishing the injustice of the global institutional order, such as Mathias Risse. Lastly, I will present Tim Hayward’s critique that introduces the idea that Pogge may not be focusing on the right thing, our ecological footprint, when developing policy reforms to better distribute the profit gained from trading resources.

i) Criticisms of Pogge’s Focus on International Causes of Severe Poverty

Debra Satz criticizes Pogge’s causal contribution principle. As Satz illustrates, “Pogge argues for a causal contribution principle, which holds that we are morally
responsible for world poverty because and to the extent that we have caused it.”

Satz objects to one of Pogge’s main arguments concerning how the affluent nations are responsible for perpetuating severe poverty through human rights violations. She raises two main objections, one empirical and one philosophical. Satz’s empirical criticism stems from her belief that it is “dubious that most world poverty is the effect of global institutions.” Her philosophical criticism hinges on another relational ambiguity, though focuses on the extent to which a single citizen can be held responsible for the actions of institutions. Satz is appealing to a view that incorporates both domestic and global arguments to explain severe poverty. In doing so, she is questioning the causal relationship, by means of the institutional order, that Pogge develops between the developed world and severe poverty.

Satz states that “reducing poverty depends on both local and global factors, and there is no fixed recipe… that will assure poverty reduction. It is… implausible to explain all local failure in terms of failures of the global order.” She argues that bribing a developing world official does not show how the global institutional order perpetuates severe poverty. She argues that it does not follow that if the global order is designed and maintained in a particular way (heavily influenced and structured by and for the affluent world), then foreign governments cannot change how their own officials deal with local policies. Satz is not presenting her argument to deny causal global institutional responsibility as a whole, but to question whether or not it can be established by empirical means—as Pogge attempts to do. For her, it is not the case that a causal link to

30 Ibid., 49.
31 Ibid., 50.
severe poverty can be drawn in a way that always leads to the affluent world (external causes).

Her second objection focuses on another potential problem with establishing a causal relationship between a citizen and institutions. Many of her objections focus on an examination of how much easier it is to assign responsibility domestically than it is on an international level. This objection also focuses on whether or not it is possible to empirically illustrate a causal relationship with institutions—especially when those institutions are international. She questions how it is that a global institution can be held responsible for policies that maintain or add to severe poverty. Satz claims that “there is little accountability for international institutions and even less information about their policies than about domestic ones.”32 If this is true, then we must question what responsibilities, if any, we have with respect to global institutions. This is a relevant criticism of Pogge’s view, for it highlights the difficulty in demonstrating causal relationships between citizens and institutions. If the information needed for Pogge’s argument is too difficult to attain and assess through empirical data, then this does indeed weaken his argument. It is difficult enough to assign responsibility at a domestic level, so how do we go about doing this on a global level? Furthermore, how do we assign responsibility on an individual level for global institutions that many do not actively contribute to, or lack knowledge of?

Matthias Risse critiques Pogge’s argument by arguing that the global economic order is not actually harming the poor. He claims that the “global order not only does not harm the poor but can plausibly be credited with the considerable improvements in

32 Ibid., 51.
human well-being that have been achieved over the last 200 years.” It is clear that Risse has a different concept of ‘harm’ and how we are causally related to it. Remember, Pogge argues that we are harming the severely poor if we are violating their negative right not to be harmed. With Pogge’s conception of harm, even if Risse is correct in stating that the global poor are better now than without the global order, we would still be harming the severely poor if we subjected them to global policies that violate their negative rights. Risse does not subscribe to such a view of harm, and so for him, we are not harming the severely poor if they would be worse off without the policies. He proceeds by critiquing Pogge’s benchmarks for severe poverty. More specifically, Risse engages in a statistical battle with Pogge. In the same way Pogge supports his argument through statistics that indicate the severe state of global poverty, Risse has his own interpretations of the data set. According to him, life expectancy “rose from forty-nine years to sixty-six years worldwide, and from forty-four years to sixty-four years in developing countries, and thus has increased more in the last fifty years than in the preceding 5,000 years.” Sub Saharan Africa receives so much aid that it constitutes for 11.5 percent of its GNP. Furthermore, Risse argues that though the WTO may not be perfect, it is certainly better than GATT for regulating international trade.

In addition, he introduces another possible benchmark that answers whether or not developing nations would have been better off without the affluent world’s interruptions. Risse dismisses counterfactuals as irrelevant in the present context as he believes the present scenario is the primary concern. This being the case, he clears the slate of

34 Ibid., 10.
36 Ibid., 11.
Pogge’s appeal to counterfactuals to show how the current global order could be different than it is. He claims it is not the case that “past injustices… make the present order unjust, any more than past kindness makes it kind.” What follows from his criticism of the use of counterfactual worlds is a strong disbelief of Pogge’s argument. For Risse, unlike Pogge, it is not the case that we can use counterfactuals as any kind of benchmark to determine our responsibility to the global poor.

In the end, Risse wants to disprove the argument that the global order is unjust because of certain incentives—borrowing or resource privileges. He attempts to demonstrate that the global order is not unjust, but “it is *imperfectly developed*: it needs reform rather than a revolutionary overthrow.”

Another dissenting perspective comes from Allan Patten who introduces two objections that question Pogge’s claims concerning the possibility of eradicating world poverty through altering global policies. Patten appeals to procedural and substantive interpretations of Pogge’s approach concerned with applying responsibility to affluent states. These appeals can be classified as procedural due to the fact that Pogge elucidates certain steps that can be taken to alleviate severe poverty. Similarly, Pogge's claims are substantive to the degree that he aims at creating a minimally just global order where all citizens are at or above a certain threshold of well being.

Patten claims Pogge’s view fails on either of his two interpretations. First, Pogge’s argument relies on the minimalist conception of harm. As Patten states, Pogge’s argument “is associated with a plausible and fairly minimal account of harm, but it does

37 Ibid., 14.
38 Ibid., 18.
not support the view that ending the harm in question would eradicate world poverty.”

As Patten states, “if the rich countries use their great bargaining power to insist on international rules that are heavily slanted in their own favour, and these rules foreseeably lead to much worse global poverty than would be the case under a fair set of rules, then it seems quite intuitive to say that the rich are ‘harming’ the poor.” However, one of the problems is that the demands derived from Pogge’s arguments are minimal. They are minimally demanding due to the fact that they do not cover all the factors that contribute to and perpetuate severe poverty. If this is the case, then Pogge’s minimal conception of harm may not be demanding enough to get the result that Pogge argues for. Therefore, in order to alleviate severe poverty, one would focus on domestic factors in addition to the international factors Pogge emphasizes.

Second, if Pogge’s argument does not lead to minimal demands, then it appears to lead to maximal ones. If his argument leads to maximal demands, then they are too demanding and so the responsibility placed on the world’s affluent is too great to make a difference at all. Patten argues that if Pogge’s baseline for defining harm is “identified in substantive terms, as involving a distributive outcome in which nobody needlessly falls below a minimum threshold of access to essential goods” then “the scope of ‘harm’ becomes broadened.” Pogge’s minimalist definition of harm could result in too many cases falling under the umbrella of ‘harm’. If this is so, then the duties generated from causing harm to the global poor are broadened to such an extent that it becomes difficult for the affluent world to escape responsibility for all poverty. If this is the case, then

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39 Alan Patten. “Should we Stop thinking about Poverty in Terms of Helping the Poor?” Ethics and International Affairs 19 (2005): 22.
40 Ibid., 23.
41 Ibid., 25.
Pogge’s argument is ineffective due to the fact that it demands too much from the affluent world.

For Pogge, there is a foreseeable institutional order that could be better structured than the one we have now: namely, it could be the case that a proposed global order does not violate as many people’s negative rights as it does now. However, according to Patten, Pogge neglects the domestic causes that lead to severe poverty. With respect to domestic policy, he claims that “…we know from the domestic politics of the developed countries that even fairly democratic countries, operating under an international set of rules that have been shaped for their own advantage, can routinely fail to enact policies designed to help their poorest and most marginalized citizens.”42 Thus, much like Satz, he believes that Pogge has downplayed or even completely neglected the importance of domestic factors.

With respect to Patten’s substantive objection, he claims that Pogge derives maximalist obligations from a purported minimalist foundation to not cause harm. However, Patten attempts to show that what is supposed to be a normatively minimal foundation for Pogge’s argument is in actuality, an overbearing demand. He is attempting to show how Pogge’s definition of ‘harm’ makes it difficult for the affluent to not cause harm. If this were the case, affluent countries could be held responsible in every case where someone falls below the established threshold of well being. Similarly, Patten thinks that the affluent world could be responsible when there is some conceivable institutional order in which no one would be below a threshold, invoking a risk that free riding could occur. Therefore, Pogge’s claims become far too demanding on affluent countries. Whenever there is a conceivable institution that is better, the affluent could be

42 Ibid., 24.
deemed to be causing harm. Thus, it could be the case that Pogge’s conception of harm is too inclusive to reasonably generate duties for the affluent world to alleviate severe poverty.

ii) Criticisms of Pogge’s Focus on Negative Rights

Rowan Cruft argues that it is not the case that negative rights always lead to negative duties. For Cruft, there are positive and negative duties. Positive duties are duties of action or assistance and negative duties are duties to refrain from something or to not interfere with someone. Cruft proposes that in a just world negative rights that are violated can lead to positive duties to assist. However, these positive duties to assist are derived from negative rights, making them derivative positive duties. An example of a derivative positive duty is the personal precautionary duty. In order to explain the idea of personal precautionary duty, Cruft introduces a case in which a judge has been offered a bribe. One’s fundamental negative right to justice through a fair trial imposes upon another (in this case a judge) a derivative positive duty of action to ensure that the person charged has a fair trial. So, in this case, the judge should take any action necessary in order to ensure a fair trial. Thus, as it seems, a positive duty is derived from a possible violation of a negative right. Cruft attempts to illustrate that it is actually positive duties that should be of focus, for they are the duties that are generated from violating negative rights.

However, it is not only Cruft’s intention to establish the importance of positive duties as derivatives of negative rights violations. He also argues for positive duties independent of these violations. Cruft puts forth that even in the case, as Pogge describes

\[ \text{Rowan Cruft, “Human Rights and Positive Duties.” } \text{Ethics and International Affairs} \text{ 19 (2005): 31.} \]
it, where each citizen has the right to a minimally just institutional order, positive duties must still be acted upon. For Pogge, when a person lacks a minimally just share of a nation’s resources, this qualifies as a violation of negative duties. However, as Cruft illustrates, this view neglects those who do not have the ability to access their minimally just share—like severely disabled people. Here, Cruft is pointing out that Pogge’s definition of harm may be exclusionary to those who do not even have the ability to access their rights, even if they are available. Positive duties must come into play in order to ensure that everyone has the ability to enjoy access to their negative rights in order for an institutional order to be minimally just. It takes positive action to enable the severely disabled to access their minimally just distribution of essential goods. For Cruft, such positive duties, thus construed, are independent of negative duties and are therefore, not derivative duties. As Cruft concludes:

These positive duties contrast with our duties not to support slavery, apartheid, or genocide, in that the positive duties require actions from us even if nobody is inclined to act unjustly. Even in a perfectly just world, sitting back and letting events happen is not good enough. Instead, we are required to set up institutions that will sometimes demand that we assist people. 44

Cruft argues that positive duties can be independent of negative rights. He is not attempting to completely reject Pogge’s focus on negative duties, but rather, to illustrate that there are cases where positive duties are fundamental and independent of negative rights.

Similarly, Norbert Anwander draws a distinction between benefiting from and contributing to injustice. His argument is important because it elucidates the importance of Pogge’s argument based on perpetuating justice without proper compensation.

44 Ibid. 37.
Pogge’s argument for a minimally just global institutional order depends on the idea that we, the affluent, have to compensate or motivate policy reform to make up for our injustices. Anwander challenges Pogge’s claim that “there is a negative duty not to benefit from injustice, and that the role that benefiting from injustice plays in determining our duties to work toward reforming unjust practices and mitigating their harmful effects is best understood in terms of compensation.” Furthermore, Anwander states that:

> We have to distinguish between acting wrongly by benefiting and acting in such a way that it both benefits us and is wrong. Heeding this distinction allows us to see that the relevant actions are wrong not in virtue of benefiting from injustice but on account of some other factor, most plausibly that we are contributing to unjust harm.

He argues that it is necessary to make the distinction between benefiting from a wrong, and the wrongness of the original action from which we benefited. In the end, it is not the action of violating a negative right that is an injustice; the injustice is in not following through with the positive duty that is incurred upon those who do the injustice. The practical value of this distinction is in setting up the issue as to whether Pogge can be successful or not in establishing a theory founded on negative rights and duties.

Pablo Gilabert claims that Pogge is wrong in stating that negative duties are the only ones that are important. He argues that it is not the case that the global rich have a duty to assist the severely poor only if they are causally related to perpetuating the injustice of their current scenario. He states that “Pogge’s argument assumes that one has no positive duties of justice to others unless they result from previous causal relationships

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46 Ibid. 41.
with them (e.g. family ties, contracts, or responsibility for having caused harm).”  

Gilabert establishes a more stringent system based upon a strong interpretation of justice. This system would be enforced by states and not entirely dependant upon material responsibility. According to Gilabert, if “wealthy citizens refrain from paying taxes to help the congenitally disabled, we are not merely moved to condemn them…for their lack of beneficence, but to shun them for their lack of sense of justice and to compel them legally to contribute to the protection of those who are vulnerable.”  

According to Gilabert, we must take into consideration the distinction between poverty caused by external agents, natural forces, and the poverty caused by the agents themselves. In this way, positive duties must be enforced to address the different causes that perpetuate severe poverty. He claims that we must engage in activities that attempt to eradicate severe poverty by initiating both negative and positive duties.

Finally, Tim Hayward criticizes Pogge’s proposal for a Global Resources Dividend (GRD). Hayward’s criticism illustrates some difficulties in policy reform as informed by Pogge’s theory. Hayward objects to Pogge’s GRD reform suggestion. It is important to see the possible problems in Pogge’s suggestions, as well as to be clear on the purpose of his proposed reforms. In studying Hayward’s critique, this will become clear and act as a catalyst into a discussion of Pogge’s policy reforms.

Hayward criticizes Pogge’s practical solution to the problem of the unequal distribution and consumption of resources—a plan he calls the GRD. Hayward quotes Pogge, stating that “‘those who make more extensive use of our planet’s resources should

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48 Ibid. 546.
49 Ibid. 547.
compensate those who, involuntarily, use very little’’’ to demonstrate Pogge’s belief that the affluent world should be taxed on transactions of resources.50 The money attained from taxation (through paying a dividend) could then be redistributed to poorer countries in an attempt to alleviate severe poverty. Hayward asks, considering there is a “number of processes in bringing a raw material, crop, or energy source into a usable and marketable state[, at] which point of which process should the tax be applied? Which kinds of costs associated with the processes would be allowable against the tax and at what rate?”51 For Hayward, Pogge’s solution leads to arbitrary conclusions. This is because it does not contain particulars on when or how a country should be taxed. Here, Hayward is taking issue with one of Pogge’s policy reform ideas, and largely disregarding the philosophical foundations informing these suggestions.

Hayward argues that Pogge alters Locke’s proviso of having to leave resources and goods for others in the future. Pogge argues, in this case, for a just distribution of wealth through implementing the GRD. His proposal is not intended to give reason for global redistribution, but merely to allow some of the money attained by the developing world’s affluent, as well as the affluent world, to reach the poor. Hayward proposes that instead of focusing on taxing the extraction of resources (which could lead to the permitted extraction of unlimited resources as long as the economic benefits are shared), the “Lockean proviso should be preserved in a contemporary recontextualization.”52 The contemporary recontextualization he speaks of focuses on ecological space. Hayward introduces the idea of an ecological footprint to present an alternate way with which

51 Ibid., 321.
52 Ibid. 321.
countries could pay a tax for ecological impact. His view stretches further to include all resources as well as the effects of the presence of such resources. Countries would have to pay a tax relative to their ecological footprint. This idea allows nations to make “fiscal arrangements that support some ecologically costly enterprises, provided that they make up for the ecological deficit in other sectors, making domestic ecological subsidies across sectors or firms as they see fit.”

Hayward intends to show the ineffectual nature of Pogge’s focus on only a few resources, and the subsequent neglect of the ecological impact throughout all the stages of extraction and use of those resources.

Numerous theorists have launched critiques toward Pogge's argument for a minimally just institutional order. Debra Satz objects to Pogge’s causal contribution principle as well as his focus on negative duties. By doing so, she criticizes some of his main arguments in attempting to show that it is not the case that the developed world is causally responsible for severe poverty. Rowan Cruft focuses on Pogge’s idea that negative rights always lead to negative duties. According to Cruft, positive and negative duties can be of two types. Norbert Anwander draws a distinction between benefiting from and contributing to injustice. His goal in doing so is to establish that there is no special negative duty when someone benefits from an injustice—there is simply an injustice. Pablo Gilabert argues against Pogge’s focus on negative duties and argues that it is not the case that the global rich have a duty to assist the poor only if they are causally connected to it. Mathias Risse argues that the global order does not harm those in severe poverty, but actually has benefited them by its establishment. Allan Patten introduces a possible problem with Pogge’s argument by stating that Pogge’s demands for the developed world are too normatively demanding or not demanding enough—too maximal.

53 Ibid. 331-332.
or too minimal. If Pogge's demands are maximal, we will not be able to satisfy them. On the other hand, if the normative demands are minimal, they will not be as effective as Pogge desires them to be. Tim Hayward critiques Pogge’s policy reform suggestion of the Global Resource Dividend (GRD). He believes that this policy reform, though perhaps good hearted, is out of focus. Hayward believes that Pogge’s GRD proposal would be more effective if it was centred on ecological impacts of resource extraction, and not on the taxation of transactions of resources.
So far I have introduced Pogge’s argument for a minimally just institutional order, as well as surveyed the relevant literature that surrounds it. In what follows, I will defend Pogge’s argument for a minimally just institutional order by objecting to the critiques that I have presented above. In doing so, I plan to clarify why Pogge’s argument endures in the face of his critics.

Both Debra Satz and Allan Patten appeal to Pogge's demanding normative restraints on the affluent world. Satz categorizes Pogge’s view as an ecumenical argument, and thus, like Patten, believes his demands to be too broad in scope for the affluent world to satisfy. In this way, they both appeal to Pogge’s definition of harm as being minimal though demanding maximal duties from the affluent. However, in response to such a perspective, Pogge states that he “[does] not defend the view ‘that we have a general obligation to aid other human beings in severe need.’” His view is not ecumenical in the sense that we as the affluent world have a duty to end all poverty, but only the harm induced severe poverty causally related to the current global institutional order—the poverty that he argues we contribute to and perpetuate by violating the negative rights of developing world citizens. It is not the case that Pogge’s argument necessarily leads to maximal demands that create insurmountable duties for the affluent of this world. As will be shown, the only poverty that Pogge needs to be concerned with, is the poverty that can be traced to being caused by the global institutional order—that harm that we as citizens of the developed world causally perpetuate. Instead, according

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to Pogge, the affluent are only responsible for the poverty caused by the violation of the negative rights of developing world citizens. Furthermore, an individual can address the generative duties of these violations by compensating for the rights violation through altering their day-to-day behaviour in such a manner that sufficiently compensates for their share of the violation. It is not the case that one must completely remove themselves from society to address such injustices as perpetuated by the institutional order. Instead, one must make compensatory efforts to rid themselves of the injustice of inflicting human rights violations on others.

Satz believes that there is a dubious connection between the global institutions and the individual citizen. This ‘dubious’ connection would render it difficult to trace the causation of harm causing actions through an institutional order. However, Pogge claims that “our politicians and negotiators wield powers we delegate.”55 Even though there are cases of wealthy countries that are non-democratic, a large part of the countries that are the major contributors to the global economic order (USA, Europe, and Canada) are. 56 I concede that it is indeed the case that many politicians implement policies beyond our control and without our explicit consent. However, they do so within the political establishment that we have allowed them to create—they operate with the powers we have delegated to them. Thus, they are operating in a field of action where we have given them tacit consent to act in many of the ways they are—whether we know what they are doing or not. In this way, we are always connected and responsible for political decisions and actions. So, any appeal to covert or obscure political action is an

55 Ibid., 79.
56 I believe that it is necessary for Pogge to discuss the responsibilities of the individual in non-democratic countries. In any case, as I have argued, his argument still holds due to the fact that there are enough democratic countries that can have enough persuasion to reform global institutional policies.
illegitimate one.57 In this way, individual citizens are responsible for the policies their governments enforce. It is because democratic governments represent individual citizens, and these governments form international institutions, that we are causally related to these international institutions. The policies enforced by these institutions, and supported by the governments that the institutions are comprised of have an effect on the lives of people in developing nations to which these policies apply.

Once again, Patten’s substantive interpretation characterizes Pogge as providing maximal normative demands. These demands seem implausible due to the responsibility that would be attributed to individuals in almost all poverty-related situations resulting from a scenario where a global institution could possibly be better formed than it is—a counterfactual world in which the current global institutional order is different, and so affects those involved in a different way. However, what Patten has failed to understand is that Pogge is only concerned with those human rights cases where global institutions are unjust by violating negative rights—human rights. It is not the case that an institution not violating any human rights necessarily produces a society with no poverty. However, I agree with Pogge when he claims that a global institutional order is unjust in light of violating human rights and that it is these violations that are of focus when discussing our causal relation to severe poverty. In this light, Pogge is situating each citizen as responsible for its government in acting out its policies in a just and humane manner toward the developing world. It is not clear how this view has implications resulting in maximal normative demands, although the demands may be greater than we are accustomed to, they are not necessarily maximal. This critique is clarified in a response of Pogge’s:

57 Ibid., 79.
I hold affluent persons morally responsible for a given human rights deficit only if four further conditions are all met: The affluent person must cooperate in imposing an institutional order on those whose human rights are unfulfilled. This institutional order must be designed so that it foreseeably gives rise to substantial human rights deficits. The human rights deficits must be reasonably avoidable … and the availability of such an alternative design must also be foreseeable.\textsuperscript{58}

Pogge’s view is much more restrictive than Satz and Patten claim. It is by no means an argument that acts as an umbrella inviting all poverty under its protection. I believe it is an argument for policy reform that corrects involvement in avoidable human rights violations. These violations can be causally traced to individuals in the affluent world through global institutions. With this in mind, we can note how there are indeed constraints on responsibility and generative duties. As is stated, “the human rights deficit must be reasonably avoidable… and the availability of such an alternative design must also be foreseeable.”\textsuperscript{59} These two constraints, combined with cooperation in the institutional order, dictate that the application of responsibility and generative duties are not necessarily maximal.

Similarly, against Rowan Cruft’s objections, Pogge does not deny or assert that human rights do or do not entail any positive duties. As he states:

At the core of my book is the view that the human rights of others impose upon us a negative duty “not to cooperate in the imposition of a coercive institutional order that avoidably leaves human rights unfulfilled without making reasonable efforts to aid its victims and to promote institutional reform”… The human rights of others may impose further duties upon us, positive or negative ones, but my argument is meant to avoid any commitment, one way or the other, with regard to such duties.\textsuperscript{60}

I believe that Cruft is incorrect in critiquing Pogge’s argument as he is not placing enough focus on Pogge’s institutional perspective of human rights. It is one of Pogge’s

\textsuperscript{58} Ibid., 60.
\textsuperscript{59} Ibid., 60.
\textsuperscript{60} Ibid., 65.
main tenets to argue for the duty to establish a minimally just institutional order—a 
minimally just institutional order is formulated in a manner that does not violate the 
negative rights of those people who live under its rules and regulations.

When the institutional order is established in such a way that violates negative 
duties, it is the case that we have derivative positive obligations (“generative duty” in 
Pogge’s terms) to correct the injustice. As Pogge argues further:

This is a generative duty that, in conjunction with our cooperation in 
imposing an institutional order that foreseeably gives rise to avoidable 
human rights deficits, generates obligations to make compensating 
protection and reform efforts for those whose human rights remain 
unfulfilled under this order. These are positive obligations.  

Positive obligations are generated by the violation of negative rights— the 
imposition of an institutional order that foreseeably violates the rights of others. 

Pogge does not accede to positive duties that are fundamental to human rights, 
however, he does not neglect generative positive obligations that arise from the 
violation of a negative right. It is not the case that the violation of negative rights 
leads to negative duties. If such a circumstance were the case, then it seems 
unlikely that the impact of such a characterization would be maximal. It is 
essential to Pogge’s theory that it be based on negative rights and duties because 
these duties incorporate a common view that transcends national boundaries that 
is essential to his idea of harm. To base a theory on the violation of negative 
rights places the affluent relation to the severely poor on a direct and material 
level. To base a theory on positive duties requires a substantive interpretation of 
the nature of a person’s duties toward a group of people of whom they may not 
necessarily be causally related with. However, most would agree that if

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61 Ibid., 68-69.
individuals are materially involved in the imposition of harm, the obligation to compensate (positive obligation) follows. Therefore, if the institutional order that we are members of harms the global poor, then the generative positive obligation arises to compensate or reform policies to amend as best possible, the harm done. This positive obligation is derived from a violation of a negative right. It is not the case that Pogge needs to incorporate positive duties in order to make his theory viable.

Derivative positive obligations only become obligations once the negative right, in conjunction with certain empirical circumstances, is violated. It is not the case that Pogge argues for or against positive obligations to assist without the violation of the initial negative right. Much of Pogge’s argument is concerned with deriving a causal relation to show that we are indeed responsible for, and causally related to, perpetuating severe poverty. Pogge demonstrates rather vividly that our actions in day-to-day living (in conjunction with cooperating with our government’s involvement in perpetuating unjust rules) violate rights and duties that we would regularly abide by in our interactions with compatriots. Pogge has illustrated a theory based on human rights that shows, given our globalized world, how affluent people can be materially causally responsible for severe poverty based upon a negative rights focused human rights perspective.

Cruft argues for the inability of Pogge’s view to address, or satisfy, the rights of those who cannot access what they have a right to (i.e. severely disabled people). Here, much like with Satz and Patten, Pogge explicitly expresses that his argument does not “endorse the ‘maximalist’ view that a human right to X gives you a moral claim on
everyone else that they each do whatever is in their power to ensure you have X.” 62 Once again, we witness an appeal to Pogge’s potentially problematic definition of harm. However, it is not the case that Pogge needs to address this issue. His argument, and his definition of harm and causation, is illustrated through an institutional understanding of human rights. Pogge does not have to argue for or against a view that we have a positive duty to aid someone who cannot access their rights. In this specific case, Pogge’s only constraint is that others do not cooperate, without compensation, in an institutional order that avoidably violates or restricts access to essential rights. Cruft seems to miss that Pogge’s view is strictly focused on an institutional understanding of human rights. For Pogge, it is not the case that his view blankets us with obligations to ensure that all people have access to right X. It does, however, explicitly outline an institutional “understanding according to which a human right to X gives you a moral claim against all others that they not harm you by cooperating, without compensating protection and reform efforts, in imposing upon you an institutional order under which you lack secure access to X as part of a foreseeable and avoidable human rights deficit.” 63 Pogge need not ascribe to positive duties for his theory of global justice to be successful. Once again, the scope of Pogge's theory concerns the causal link as illustrated through the global institutional order. It is the harm caused by this order that forces responsibility onto us to either compensate for the harm, or reform the policies that cause it.

Norbert Anwander argues that Pogge’s argument is flawed when stating that there is a negative duty not to benefit or profit from injustice. Anwander argues that the mere

62 Ibid., 67.
63 Ibid., 67.
act of contributing to injustice is all that is important—there is no further duty that stipulates that it is a violation of justice to profit from injustice. As Pogge states:

Starkly put, Anwander maintains that I can either charge us affluent with merely passive profiting from injustice (such as breathing less-polluted air) or with active profiting. The former charge is ineffective because, though we are indeed passively profiting from injustice, doing so is not wrong. The latter charge is likewise ineffective because, though active profiting is indeed wrong, we are doing no such thing—at least not over and above our contributing to injustice.64

Pogge claims that it is wrong to benefit from and contribute to something that is unjust without compensation or the reform of policies. To illustrate the distinction between contributing and compensating, Pogge refers to the example of Schindler.65 Schindler paid taxes and was a citizen of an unjust country which was involved in and perpetuated injustice on a large scale. However, because Schindler compensated for the injustices by saving many lives, he compensated for his role in being a part of the original injustice.66

This example shows that it is not simply the case that Schindler contributes to injustice, but that there is also a further dimension that Anwander misses—because Schindler compensated for his individual involvement with a collective injustice, he has not benefited from an injustice without compensation. This is an important distinction because this case illustrates that there is indeed a relevant difference between contributing and benefiting.

Anwander does not focus on one of the main constituents of Pogge’s view. More specifically, he fails to recognize that Pogge focuses on collective injustices and international institutional orders. Anwander strays from Pogge’s argument when he

64 Ibid., 72.
65 Schindler is credited for saving many Jewish people during WWII through hiring them to work in his factory, hence keeping them safe from concentration camps. He was popularized by the movie, Schindler’s List.
66 Ibid., 70.
argues that violating injustice is a wrong in itself. For Anwander, you are either perpetuating injustice or not allowing justice to be restored—both of which are included under the umbrella of “contributing to injustice”. Anwander claims that there is no further negative duty that obligates one to avoid profiting from injustice, there is simply only the injustice. In this case there is no moral significance applied to benefiting from injustice. Anwander believes that we are passive beneficiaries of the global order and not active ones whom violate rights from profiting or benefiting from injustices. As Pogge correctly clarifies, the benefits gained from the institutional order may be passive in the sense that we have received a beneficial market item for a lower cost than had we not imported it from a developing word utilizing cheap labour and potentially unjust working conditions. However, once we buy said market item, we are actively contributing to a potentially unjust order. The affluent are perpetuating a global economic order that is constructed largely to the benefit of the developed world, and in so being, contribute to an institutional order that avoidably violates the negative rights of others. As Pogge clarifies:

Most anything we buy is cheaper than it would be if severe poverty were avoided: If the bottom of the global wage scale were higher than it is today, products containing a poor-country labor component (coffee and textiles, for example) would be more expensive. If the poorer half of humankind were able to exert substantial market demand in competition with ours, or if their autocratic rulers were not recognized as entitled to sell us their countries’ wealth, scarce natural resources (crude oil, metals) would also be more expensive.  

In many cases we are passively benefiting from the current global institutional order. However, once we purchase, without compensation, items produced from a developing country that is being utilized for cheap labour and materials, we then become active

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67 Ibid., 72.
beneficiaries of the institutional order. If the institutional order is not minimally just, then we are actively taking part in perpetuating severe poverty through participating in the global economic order.

To illustrate this point further, it is Pogge’s goal to argue that the affluent are violating the negative rights of developing world citizens through cooperating with an unjust global institutional order. If an individual cooperates with an unjust institutional order without compensation or reform efforts, then they are perpetuating injustice. This cooperation is an example of one violation of a negative duty not to harm. If it is the case that we benefit from a violation of a negative duty, such as monetary gains (or savings), then this is an altogether different violation of a negative duty.

When the developed world benefits from an injustice, there is a different consequence than when such an injustice is simply perpetuated without any benefit. That being said, it is not acceptable to commit injustices if one does not profit from them, but instead, the intent of such a distinction is only to show that there is a different outcome in each case. Furthermore, these differing outcomes result in different sets of possible actions that the violator now possesses. This is especially true when benefits are accrued due to the newly acquired profits creating new opportunities for action. What was not possible before acquiring said profits is now possible precisely due to the attainment of profit or benefit. When such a profit is gained through injustices or at the expense of another’s well being, then it is foreseeable that the profit gained should be weighed when evaluating one’s responsibility to compensate the individual(s) used for the profit making. The outcome or consequences of contributing to an injustice in the case where a person benefits from that injustice is different to merely contributing to an injustice.
Therefore, it seems to be the case that the resulting action should be different in any scenario where benefiting from an injustice occurs. If the benefit is gained without due compensation, then an individual violates two negative duties. Firstly, one would violate the negative duty not to harm by supporting an institutional order that avoidably perpetuates severe poverty. Secondly, they violate another negative duty, which is the duty not to benefit from an injustice without proper compensation.

Anwander argues that there are no additional violations other than that of committing an injustice. For him, what follows from the violations of justice are not further negative duties, but a positive duty somewhat closely related to that of gratitude. There is no real duty not to profit or to compensate, but there is a positive duty of gratitude. As Anwander explains:

This duty might be considered as similar to duties of gratitude: it is not wrong to accept a gift or to benefit from a favor, but when we have benefited in this way we are under a duty of gratitude toward the people who have benefited us. In the same way, while it is not wrong to benefit from injustice, when we have done so we perhaps owe something to the people from whose plight we have benefited. Moreover, not only are such duties not dependent on our having wrongfully caused the harm, it also does not matter whether we benefit from people’s unjust harm or merely their bad luck.

Pogge need not ascribe to such positive duties, for as we have seen, he invokes generative positive obligations. He has shown how we actively take part in an unjust institutional and economical global order. He has argued how there are more duties beyond refraining from causing harm. As one is better able to compensate once benefits are gained, through violations of negative rights, there is an additional duty to not profit from injustice without compensation. For

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68 Anwander, 44-45.
Pogge, the victims of injustice have a “moral claim to additional compensation” that “is stronger than our moral claim to retain our profits from injustice.”

Mathias Risse opposes this view and contends that the global order is not harming the world’s poor, as Pogge thinks, but has instead, benefited the developing world. For Risse, we cause a reduction in severe poverty if the institutional order foreseeably reduces the amount of poverty that came before it. As we know, Pogge appeals to counterfactuals in order to illustrate how the global institutional order currently perpetuates severe poverty by violating negative rights. Risse presents us with a classical view of harm. For him, it is not an instance of harm if the situation we create is merely sub-optimal. For Risse, if we take part in an institutional order that improves severe poverty, in contrast to a world without that order, then we are not really harming them, but actually improving the status of severe poverty. In his case, a counterfactual assessment of how the institutional order could be is not an effective evaluation of the status quo. I suspect Pogge would agree that in many ways the current global order benefits the developing world. However, the fact remains that if the global institutional order can be proven to avoidably violate the negative rights of citizens in the developing world, the order is unjust. If one were to adopt a child, it could arguably be said that the child is now in a better state than it was before. But this improvement does not negate any other injustices in the future or in the home that occur merely because the child is better off than she would be without caregivers.

The affluent world dictates the global economy. Under its rules and regulations, people in the developing world are actors—they engage in world markets. It is undeniable that many in the developing world are affected by our trade patterns and

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69 Pogge. “Severe Poverty as a Violation of Negative Duties,” 72.
fashion movements. Because of the way the economic order is constructed, we as affluent nations are responsible for any severe poverty we foreseeably perpetuate. David Miller develops an argument that illustrates how nations and the individuals comprising them can be held collectively responsible. I will not expound on Miller’s view to any great extent, but I do want to show how his argument illustrates how nations can, and should, be held responsible for their economic affects on poorer nations. He argues:

It is also relevant that national poverty is rarely the sole responsibility of the nation that suffers it. It is, instead, the result of a national culture faced with an external political and economic environment for which other nations are diffusely responsible. One should not treat this external environment as though it were simply a fact of nature. Cultures that might be successful in more benign circumstances may prove incapable of responding to the external circumstances that they actually face. For instance, a culture that encourages traditional, somewhat inflexible, patterns of work may be perfectly viable in an economic environment where commodity prices remain reasonably stable over time but prove unable to cope with rapidly fluctuating prices… we should recognize that national cultures will be partly rather than wholly responsible for the life chances of their adherents.  

Pogge argues for a very similar point. He does not, however, focus on as broad a description of responsibility. In order to support his position, Pogge must only demonstrate how the affluent world is responsible for their economic injustices to the developing nations. As I will argue, Pogge does not need to delve into domestic factors. He argues:

I invoke a minimal standard that merely requires that any institutional order imposed on human beings must be designed so that human rights are fulfilled under it insofar as this is reasonably possible. Nearly everyone believes that justice requires more, that an institutional order can be unjust even if it meets this minimal standard; and there is disagreement about what else justice requires. But I can bypass these issues so long as we can agree that an institutional order cannot be just if it fails to meet the minimal human rights standard. 

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71 Pogge, “Severe Poverty as a Violation of Negative Duties,” 56.
Therefore, if it can be proven that the current global economic order perpetuates injustice, then it is indeed the case that it is not designed so as to be above or at the minimal standard of justice. This point is of importance because regardless of the state of the current order, if it is concurrently violating the negative rights of the people it is benefiting, then the order remains unjust. I believe it is evident that the system that we have put in place violates, vastly, the negative right not to be harmed. The policies of the current global economic and institutional order should be reformed in such a way that minimally harms those who are under its rules and regulations. If the institutional order can foreseeably be redesigned so as to avoid the perpetuation of injustices on such a mass scale, then the order is an unjust one and requires reform. It is conceivable that there are amendments to the current order that could have positive affects on alleviating world poverty with little effect to the affluent world’s wealth.

While Risse and Pogge both employ statistics to support their perspectives, Risse invokes a multitude of averages, while Pogge invokes raw numbers that represent the amount of individuals currently in severe poverty. For example, as Risse claims:

… it is also true that, between 1960 and 2000, real per capita income in developing countries grew on average 2.3 percent (doubling living standards within thirty years). Britain’s GDP grew an average of 1.3 percent during its nineteenth-century economic supremacy. For developing countries, things have been better recently than they were for countries at the height of their power during any other period in history. The average income per capita in 1950 worldwide was $2,114 while in 1999 it was $5,709 (in 1990 dollars PPP).72

However, though these statistics seem to present a much more optimistic case than Pogge would have us believe, it does not take away the fact that severe poverty is perpetuated.

and maintained by our current global economic order. For, if we are to look at the statistics Pogge presents us with, the numbers of individuals suffering from severe poverty, have gotten worse or remained the same, regardless of averages:

According to the World Bank, the number of people living below its $2 per day international poverty line has increased from 2,478 million in 1987 to 2,735 million in 2001. The number of chronically undernourished human beings continues to hover around 800 million.73

Even though it can be illustrated that global averages have increased, and that many people and countries are better off because of the global institutional order, this does not change the fact that the number of individuals living in severe poverty under the same system are increasing or remaining the same. As will be shown to a greater extent later, this is precisely what Pogge has to show—that the global institutional and economic order that we are all responsible for upholding deprives individuals of their basic human rights. It is not the case that Pogge is arguing that the world would be better without the current order. He does argue that if there is to be such an order, that it must be minimally just by causing the least amount of harm possible, while compensating for any further harm done. We benefit from inexpensive products and energy derived from developing nations without providing adequate or just compensation. Our primary concern should not be averages, as Risse would suggest, that illustrate that we as a whole are better off, but should instead focus on establishing a minimally just institutional order. This stance is preferable to Risse’s approach for it opens up the possibility of dealing with the large amount of individuals who are suffering severely, and avoidably, in a system that perpetuates this suffering. As Pogge states: “[Risse] still owes us an explanation of why he thinks that a decline in the plight caused by severe poverty over the last few centuries

73 Thomas Pogge, “Severe Poverty as a Violation of Negative Duties,” 56.
renders justifiable our continued imposition of a global order that is designed so that it foreseeably reproduces avoidable severe poverty on a massive scale.”74

i) **In Support of Thomas Pogge’s Argument for a Minimally Just Institutional Order**

In what follows, I hope to clarify Pogge’s intention while illustrating that many of his critics seem to be misreading his human rights based argument.75 I will defend Pogge’s view by arguing that Pogge's claims originate from a human rights perspective designed to motivate policy modifications of a normative nature. In this way, his theory is designed to incorporate as many people as possible in an attempt to make them responsible for alleviating severe poverty—in this case, severe poverty that they arguably contribute to. It is normative insofar as it is intended to clarify the role of global institutions to individuals. The idea is that the methods whereby these institutions contribute to severe poverty will be clarified and then used to show how affluent individuals are causally related to perpetuating avoidable human rights violations. In so doing, he strives to motivate individuals to establish compensation measures as well as policy reform efforts. I also hope to make clear that many of his critics do not take seriously the importance of his theory as derived from and based on a cosmopolitan perspective. Under this conception, the individual is a moral unit responsible for the assurance of others’ negative rights. I hope to demonstrate why it is of primary importance that we establish and promote a global institutional order that does not perpetuate severe poverty by violating the negative rights of individuals.

74 Ibid., 58.
75 When referring to “human rights” I will mean the minimal duty so as to not violate anyone’s right not to be harmed without compensation, and/or suitable reason (i.e. self defence)
ii) **Domestic Vs. External Injustice**

Simply because there is a great deal of reported domestic injustice does not entail that global policy is not contributing to it or causing it to a large degree. Some thinkers wish to cite unjust domestic polices as a reason against alterations to international policy. For, even if we do reform international policies, this change does not guarantee that the domestic country will act accordingly. In the event this claim were true, one of the primary concerns is to absolve the affluent world of its responsibility in perpetuating severe poverty, and not all forms of reduced well-being as a consequence of poverty.

Satz asserts that simply because the global order is established in such a manner, it does not address how foreign governments view corrupt or unjust international interactions. However, if an international policy is deemed unjust, it should be unjust regardless of how a developing country forms its own policies. If the current order is harming people by violating their negative rights, it is the case that it is unjust. On the other hand, if we can conceive of how a country should respond in light of a just policy, then we have satisfied many of our responsibilities in establishing a minimally just institutional order. If a country chooses to maintain a corrupt domestic policy even after the global institutional policy has altered their conception and practice toward such action, then we can begin to point to domestic factors. However, simply because this is the case does not mean that the global institutional order is not inflicting harm upon those

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76 It is especially important to focus on international policies, first and foremost, due to the fact that it’s these policies that implicate us in perpetuating severe poverty. I do believe that Pogge would not have any problems with a two pronged approach (that being a domestic and international approach to alleviating severe poverty). However, one of his main prerogatives here is to show how the affluent world’s citizens are responsible—due to the fact that he has argued we are causally connected to severe poverty through global institutions and the policies they have created. Therefore, it is not the case that Pogge neglects domestic factors or approaches, but rather that such approaches to alleviating severe poverty do not factor into his argument.
countries that \textit{would} change their internal policy in light of an altered international policy. I believe the affluent world's role in creating a just institutional order would be satisfied regardless of the domestic policy therein. Pogge is trying to establish reasons for affluent countries to ensure they are not perpetuating severe poverty and to guarantee they are not violating negative rights.

It is not the case that Pogge must explore domestic issues as a major player in the perpetuation of severe poverty for his argument to be successful. Again, he is only focused on the affluent world’s causal relationship with severe poverty as illustrated through global institutions. I do not think he would deny that there are many domestic issues that contribute to severe poverty—he would argue that many international policies affect domestic policies. His argument targets the affluents’ involvement in perpetuating severe poverty and in doing so, desires to provide effective and efficient policy solutions that would absolve the affluent of their injustices as well as alleviate avoidable severe poverty.

\textit{iii) Seeing Pogge’s Theory at Work: Possible Policy Reform Suggestions that could Foreseeably Alleviate Severe Poverty and the Affluent World’s Responsibility for it.}

Next, it will prove helpful to discuss Pablo Gilabert’s reservations regarding Pogge’s theory to more clearly illustrate the importance and focus of his argument for a minimally just institutional order. Gilabert desires a strict structure of what it means to violate justice that incorporates both positive and negative duties to generate a large enough scope so as to cover the many different causes of poverty. Gilabert establishes three possible forms of universal solidarity: (a) Beneficence or charity, (b) Reasonable
assistance securing the conditions of autonomous agency, (c) Harm avoidance. He states:

The problem with Pogge’s approach to justice based solidarity is that it assumes that we face only an alternative between (a) and (c). This misses the importance of (b). A Kantian approach to justice could be sensitive to (b) besides focusing only, as Pogge does, on (c). Kant's second formula of the moral law demanding that we treat all rational agents (including ourselves) as always being ends in themselves besides being merely means, and his account of the obligatory ends a virtuous person should have, require us to embrace basic positive duties of help besides negative ones of harm avoidance.

More specifically, due to Pogge’s focus on harm avoidance, Gilabert argues that his theory is unable to address the wide variety of suffering that originates from poverty. This is because to cover the vast amounts and types of suffering, one would arguably need a positive duty structure in order to provide aid. Gilabert and others must bear in mind that Pogge is only arguing for the alleviation of severe poverty that we as developed world inhabitants are causally related to. His argument does not require him to extend to the bounds of all forms of injustice. I believe that Pogge's argument is designed to persuade those in the wealthy nations that they are indeed harming the global poor, and that the institutions that mediate these harms are unjust. As a normative theory, Pogge's conception of global justice is efficient and it does not require the integration of positive duties.

Tim Hayward’s criticisms of Pogge show how possible reform efforts can happen without severely altering peoples’ current lifestyles and benefits or profits. Hayward

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77 Gilabert, 548.
78 Gilabert, 548.
79 Once again, positive duties are important, but only as generative positive obligations derived from the violation of a negative duty. Pogge is merely arguing for a causal connection between our actions/institutions and the global institutional order and the developing world’s severely poor. If he can prove this base connection, which seems to be only possible through negative duties, then he need not to go any further or be concerned with any positive duties.
misinterprets the objective of Pogge’s argument. He develops the idea of an ecological footprint in an attempt to present an alternate justification to demand the taxation of countries on the basis of the ecological impact left. This is presented as an alternative to Pogge’s GRD that attempts to spread the profit gained from resources more equally. Instead of implementing a tax on the trading and extraction of natural resources, Hayward believes that one must examine all of the effects on the environment. As such, countries would be required to pay a tax relative to what he refers to as their ecological footprint.

However, this point is misinterpreting Pogge's purpose. Pogge presents his GRD as an example of how our current institutional order affects the poor and how a simple amendment could be made that leads to positive results in alleviating severe poverty. As Pogge states:

This proposal [GRD] envisions that states and their governments shall not have full libertarian property rights with respect to the natural resources in their territory, but can be required to share a small part of the value of any resources they decide to use or sell. This payment they must make is called a dividend because it is based on the idea that the global poor own an inalienable stake in all limited natural resources…Proceeds from the GRD are to be used toward ensuring that all human beings can meet their own basic needs with dignity. The goal is not merely to improve the nutrition, medical care, and sanitary conditions of the poor, but also to make it possible that they can themselves effectively defend and realize their basic interests…The GRD proposal is meant to show that there are feasible alternative ways of organizing our global economic order, that the choice among these alternatives makes a substantial difference to how much severe poverty there is worldwide, and that there are weighty moral reasons to make this choice so as to minimize such poverty.\(^8\)

While Pogge’s emphasis is on the importance of how to most efficiently alleviate severe poverty, Hayward and others are applying Pogge’s argument to arenas it was never intended to be applied. It is not a GRD that is focused on the environmental effects of

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these resources—the extraction of which has the potential to create severe disparity between those ruling elites having access to the profits of their extraction—nor is it necessarily this GRD proposal that most efficiently deals with alleviating world poverty.

What the GRD is, is an example of a practical method that can amend global institutions so as to alleviate severe poverty. Just as importantly, reforming such policies would also amend affluent peoples’ role in violating justice. The GRD proposal is a very important example that illustrates a way with which to alter policy within the realm of our current global institution that could conceivably reach closer to a minimally just institutional order. Hayward ignores the importance of establishing a minimally just institution, and as a result, loses focus in introducing a new GRD. Pogge’s GRD is focused, and I believe correctly so, on his goal to show how we, as inhabitants in the affluent world, can foreseeably cause a change in policy and establish a minimally just institutional order. Such a change could quickly and positively affect the severely poor. Though this is but one example, it illustrates a way in which global policies can be reformed that would help the cause to alleviate severe poverty.

iv) The role of Multi-National Corporations

I will now introduce Pogge’s arguments concerned with multinational corporations (MNCs), with a focus on their role in establishing a minimally just institutional order. I hope to illustrate the intricate connection from individual to domestic institutions, extending to the developing world via the global order. Moreover, I hope to demonstrate how the individual is responsible for compensation and policy reform efforts toward a minimally just institutional order. MNCs play a large role in
satisfying the individual demands for a minimally just institutional order. This is especially apparent when one considers the amount of power many MNCs hold in controlling international markets. For example, the affluent have the potential to boycott the products produced by MNCs by means of unjust labour laws. MNCs are institutions that individuals can utilize in order to facilitate change.

Many MNCs stimulate market demand, as they are largely responsible for the presence of the market itself. Pogge tends to focus on state and citizen responsibilities, but when it comes to effectively and efficiently alleviating severe poverty, a large portion of indirect responsibility is in the hands of pharmaceutical companies. This is because they have the means to develop much needed drugs that could very quickly put an end to many of the avoidable deaths that are related to severe poverty. It is a so-called, “indirect” responsibility, due to the fact that the ultimate responsibility comes back to individuals to motivate policy change through institutions. Pogge need not step into the complex realm of corporate social responsibility. He can operate outside this realm by taking aim at the institutions that allow pharmaceutical corporations to act as they do.

In an attempt to demonstrate how pharmaceuticals working under global policies can harm the global poor, it may be helpful to introduce a possible policy reform. To do this, I will look into Pogge’s argument for altering the policies that guide how pharmaceuticals perform their business. I will illustrate how there are reasonable policy reforms that can be instituted in order to achieve, or approximate, a minimally just institutional order. As Pogge argues, his “aim is to develop a concrete, feasible, and politically realistic plan for reforming current national and global rules for incentivizing
the search for new essential drugs." I will show how a mere policy change in how drugs are developed and distributed can have positive effects in alleviating severe poverty. In supporting such a reform, an individual would be making compensatory, as well as policy reform efforts to lessen the contribution to severe poverty. Once again, these policy reforms are intended to illustrate how the institutions we contribute to perpetuate severe poverty, how we are thus, causally related to the violation of the negative rights of others—a violation that we would not stand for on a domestic level. However, due to living in a globalized world, negative rights being spread across national borders is becoming an evermore persuasive account as to why the affluent are responsible for severe poverty. This discussion of Pogge’s policy reforms will explore how the affluent are indeed connected to severe poverty, as well as how they can make efforts to reform these policies that are causally relating them to the perpetuation of severe poverty.

The first step in altering the way pharmaceutical companies develop their drugs is to introduce a new policy that states that the results of the development of new drugs are a public good. As such, all pharmaceutical companies may use the information and drug free of charge. This policy adjustment would make the drug available in a large variety of markets. Pogge introduces a two-tiered system concerning market activity. The second side of the policy reform is very important. As a result of Pogge creating a two-tiered system, the proposed policy changes do not have to be as drastic as people envision, and can coincide with our current system. Rather, it is not a complete overhaul of the status quo, but instead, a fine-tuning. That being said, inventor firms should be entitled to take out multi-year patents on any essential medicines they invent. But, during

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the life of the patent, the pharmaceutical company should be substantially rewarded, out of public funds, in proportion to the impact of their drug on the global disease burden. This step reorients incentives. With this policy in play, a pharmaceutical company would manufacture its drugs for as widespread of an effect as possible. This would, arguably, make drugs more accessible to the developing world—where those drugs can have the largest effect garnering greater incentives for the company. The last step in instigating the policy reform is achieved through taxation. Public funds would have to be collected to provide the incentives in order for the pharmaceutical companies to alter their current markets and policies.

With all of these steps in place, essential drugs will be much more widely available. If essential drugs are more accessible the amount of poverty related ill-health would be decreased. While this change would not directly solve poverty itself, it is an example of how we could change policy in order to have an institutional order that perpetuates injustice on a smaller scale. This possible policy reform illustrates how one can effectively make a counterfactual claim in regards to the status-quo. Furthermore, it is not the case that these policies are permanent—they can be altered in a manner that would cause less suffering as well as alleviate the affluent world of many of their responsibilities in perpetuating injustices to the global poor.

However, it is important to note, that according to Pogge, the blame should not be placed on pharmaceutical companies themselves, as MNCs, but on the institutions that permit them to act as they do. The burden is then again on each inhabitant of the affluent world whose government upholds unjust policies to actively motivate policy reform. The global institutions that allow pharmaceutical companies to hold intellectual property
rights violate negative duties by supporting a system that promotes developed world markets and restrict access to essential medicines—medicines of which could be developed by domestic manufacturers for affordable access. In turn, it is the collective responsibility of individuals who allow the global institutions to operate as they do.\textsuperscript{82}

As Pogge argues, “article 28 requires that the rules of the international order be shaped, insofar as this is reasonably possible, so as to afford human beings everywhere secure access to the objects of their human rights.”\textsuperscript{83} The policies that many institutions initiate, the same policies that MNCs function under, are unjust. They are unjust because they create a situation that perpetuates severe poverty by denying people access to their basic human rights. International policies regulating the production and distribution of essential medicines must be structured differently. Whether we choose Pogge’s system or not, it is clear that a policy reform that alters the way pharmaceutical companies develop and distribute drugs has the potential to quickly and efficiently establish an institutional order that is closer to a minimally just one.

\textbf{v) What is the overall Picture?}

After the discussion of Pogge’s argument and an illustration of how we can reform policies, we are left with the following interconnected relationships: The individual moral agent in the developed world interacts with domestic institutions that are intricately related to and interact with the global economic and institutional order. Developing world institutions interact with the same global institutions, albeit in a

\textsuperscript{82} It should be noted that this point is not to absolve MNCs of their responsibility to not violate negative rights, for MNCs are composed of individuals as well. It is only to show the importance of focusing on global institutions and individuals in establishing a minimally just institutional order.

\textsuperscript{83} Ibid., 197.
different manner—the supply side of supply and demand. We then arrive back to the individual moral agent in the causal chain. Though this picture is simplified, it shows how every individual in an affluent country is connected to severe poverty in the developing world. It is precisely because of these connections that I believe Pogge developed his brand of institutional cosmopolitanism. Without the presence of international institutions, it would be much more difficult to attempt to argue for the responsibility of the developed world to establish a minimally just institutional order. Institutions bind affluent and impoverished individuals together by connecting them through the global institutional order. It is precisely the institutions that individuals are cooperating with that perpetuate avoidable injustices through unjust policies. It is precisely these institutions that implicate the developed world citizens. In the same fashion as they implicate them, it is also these institutions that individuals can and must act through in order to reform policies that in turn prevent the perpetuation of further injustices.

vi) A Brief Discussion of the possible Complications of Applying Pogge’s Theory

What happens when you accept the foundations of Pogge’s theory and so appeal to it in order to motivate policy reforms? Even though one may accept the interactions or relationships that Pogge develops, it still may not entail that there are any answers that follow. Pogge adopts the idea of the global institutional order to demonstrate how our policies affect the poor. His answer is to reform particular international policies that regulate trade relationships and the distribution of essential medicines. In suggesting such a solution, I am taking for granted that Pogge’s argument for the affluent world’s
causal contribution to poverty is correct. However, it could be the case that Pogge is underestimating the complexities of policies. As he argues:

> The institutional conception …has a… minimal rationale: we face a choice of economic ground rules that is partly open – not determined by causal necessity, nor pre-empted by some God-given or natural or neutral order that we must choose irrespective of its effects. This choice has a tremendous impact on human lives, an impact from which persons cannot be insulated and cannot insulate themselves. Our present global economic order produces a stable pattern of widespread malnutrition and starvation among the poor, with some 18 million persons dying each year from poverty-related causes, and there are likely to be feasible alternative regimes that would not produce similarly severe deprivations. If this is so, the victims of such avoidable deprivations are not merely poor and starving, but impoverished and starved through an institutional order coercively imposed upon them. There is an injustice in this economic order, which it would be wrong for its more affluent participants to perpetuate.  

Thus, it is important to understand that many established policies remain fluid and unfixed and so open to reform. Granted, in many ways, it is idealistic to attempt to reform a system that has created some of the wealthiest countries that have ever existed—wealth that is generated from the very injustices he speaks of. Not only has this system produced wealth, but correspondingly, it has also provided affluent world citizens with greater opportunities to pursue their own wellbeing.

Regardless of whether people act appropriately in attempts to make the correct decisions toward reforming the relevant policies or not, it remains the case that Pogge has established a connection and a viable solution to the problem of severe poverty. The affluent world contributes to severe poverty in a manner that illustrates how we are causally related through the policies our countries and institutions enforce across international boundaries. Pogge's approach is focused on policy reform to alter

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In order to relieve our responsibility for perpetuating injustices on a global level, our global institutions and policies must be minimally just.

Without an appeal to global institutions, it becomes increasingly difficult to illustrate in a substantial way, how the affluent world is related to severe poverty. If it is true, and we are indeed implicated in perpetuating severe poverty through global institutions, then it seems clear that we should alter the policies that allow these institutions to act in the manner they do. For example, policies that govern the trade of natural resources could be altered to better distribute the profits gained. Thus, policy reform is an answer that can allow us to alleviate our involvement in perpetuating severe poverty on the grand scale that is necessary. Furthermore, the reform of unjust policies will relieve us, as affluent world citizens, of large scale human rights violations.

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This is an important point. Much of Pogge’s argument is aiming at policy reform that does not significantly alter our current system. This is intended to show how change does not have to be drastic for us, but will have drastic positive effects in the developing world.
CHAPTER FOUR
Conclusion

The issue of severe poverty should be at the forefront of the minds of those who reside in affluent countries who have the freedoms and abilities to motivate policy reform. We are now part of a globally connected world that enables our actions (through markets and global policies) to directly and indirectly affect the wellbeing of those who reside in the developing world. I have attempted to show that Thomas Pogge's theory of global justice has developed the foundation necessary to motivate affluent nations to establish a minimally just global institutional order that does not perpetuate avoidable human rights violations. This foundation elucidates and establishes, through the global institutional order, an overarching causal relationship that illustrates the affluent world’s contribution to severe poverty.

I have introduced Pogge's argument for the establishment of a minimally just institutional order. In so doing, I have clarified his definition of harm and his appeal to counterfactuals for declaring the unjust nature of the current global institutional order. These definitions are crucial to understanding the developed world’s causal contribution to severe poverty through the global institutional order.

I surveyed the literature of his major critics and defended Pogge against these common critiques. These critiques questioned Pogge’s definition of harm by suggesting that the focus should shift to positive duties and obligations, rather than a human rights theory based on negative rights and duties. His critics engaged with the potentially troubled view of causation as illustrated through the global order and the violation of negative rights across national boundaries. In addition, Pogge’s normative demands were
questioned in attempts to clarify whether maximal obligations can be derived from a minimalist conception of causing harm.

I followed this defence by a rebuttal to the critiques offered against Pogge. I concluded that Pogge has established a theory that outlines the foundations necessary to implicate the affluent world in perpetuating severe poverty. In so doing, he has also demonstrated the steps necessary for the affluent world's citizens to rid themselves of the responsibility of perpetuating severe poverty—they must establish a minimally just institutional order that does not violate others’ negative rights. As Pogge argues, this is most efficiently done through initiating policy reform and compensation efforts. In reforming policy, the developed world can quickly relieve themselves of their causal contribution to severe poverty, and in so doing, alleviate much of the severe poverty that is witnessed in the developing world today. As Pogge states:

In just seventeen years since the end of the Cold War, over 300 million human beings have died prematurely from poverty-related causes, with some 18 million more added each year. Much larger numbers of human beings must live in conditions of life-threatening poverty that make it very difficult for them to articulate their interests and effectively to fend for themselves and their families. This catastrophe was and is happening, foreseeably, under a global institutional order designed for the benefit of the affluent countries’ political and military elites. There are feasible alternative designs of the global institutional order, feasible alternative paths of globalization, under which this catastrophe would have been largely avoided. Even now severe poverty could be rapidly reduced through feasible reforms that would modify the more harmful features of this global order or mitigate their impact.⁸⁶

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