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Jean-Christophe Merle *Editor*

# Spheres of Global Justice

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## Chapter 48

# Do We Have a Negative Duty Towards the Global Poor? Thomas Pogge on Global Justice

Roland Pierik

*My main claim is then that, by shaping and enforcing the social conditions that foreseeably and avoidably cause the monumental suffering of global poverty, we are harming the global poor—or, to put it more descriptively, we are active participants in the largest, though not the gravest, crime against humanity ever committed. Adolf Hitler and Joseph Stalin were vastly more evil than our political leaders, but in terms of killing and harming people they never came anywhere near causing 18 million deaths per year. (Pogge 2005a: 33)*

**Abstract** Who has the duty to guarantee that basic human rights are fulfilled globally? This is one of the central questions in the current global justice debate. The answer to this question must be based on some principle of justice that distributes rights and duties in the global sphere. This paper analyses Thomas Pogge's answer to this question, which does not rest on notions of charity, benevolence, or supererogatory duties, but on the *negative duty not to harm the global poor*. His central claim is that "we, the citizens and governments of the affluent societies, in collusion with the ruling elites of many poor countries, are harming the global poor by imposing an unjust institutional order upon them" (Pogge. 2005a. *Journal of Ethics* 9: 33).

Although I am very sympathetic to Pogge's project, my discussion of it is mainly critical of his negative duty argument. Section 48.2 discusses Pogge's *explanatory globalism* arguing that global poverty is caused by a *global institutional order*, and that affluent societies, by setting up this global institutional order in an unjust way, are responsible for global poverty. Section 48.3 describes and discusses Pogge's argument that we, the citizens and governments of affluent societies, have a negative duty not to

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cause global poverty. Although Pogge's *explanatory globalism* is convincing, his negative-duty argument cannot be sustained. The main problem in his argument is the unspecified "we" that have a duty: does it refer to governments of affluent societies, their citizens, or both?

## 48.1 Introduction

Discussion and disagreement on justice is as old as time. Debates on global justice are of more recent days; most contributions to the current debate stipulate section 58 of Rawls' *Theory of Justice* as the starting point of this debate (1971: 377–382).<sup>1</sup> The most important topic in these global justice-debates is global poverty: millions of people around the world die prematurely in severe poverty, deprived of access to the most basic necessities: safe food and water, clothing, shelter, basic medical care, and primary education.<sup>2</sup> Most participants in these debates agree that such dire poverty is a violation of basic human rights as formulated in the *Universal Declaration of Human Rights*. Article 25 of the UDHR states:

Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services [ . . . ].

Which duties correspond to these human rights? Who has the remedial responsibility to stop these human rights-violations? The term remedial responsibility refers to the special obligation of an actor to alter a specific bad situation that is not shared with other actors (Miller 2001: 454). Such a remedial responsibility must be based on some principle of justice that distributes rights and duties in the global sphere.

This paper focuses on the answer to these questions as presented by Thomas Pogge, one of the most prominent participants in the global justice debate. His central claim is that "we, the citizens and governments of the affluent societies, in collusion with the ruling elites of many poor countries, are harming the global poor by imposing an unjust institutional order upon them" (Pogge 2005b: 59). Pogge's contribution is interesting for at least two reasons. Firstly, unlike moral cosmopolitans like Peter Singer and Peter Unger, Pogge's argument does not rest on notions of charity, benevolence, or supererogatory duties, but on the negative duty not to harm the poor (Singer 1972; Unger 1996). Pogge thus embraces a libertarian normative principle that the most stringent obligation of the well-off is to avoid harming the poor. At the same time, he draws conclusions similar to those made by moral cosmopolitans, claiming that people in the affluent world have extensive obligations of toward the global poor. Pogge thus claims to have transcended the traditional debate by deriving fairly maximalist conclusions about our obligations to the poor from a normatively minimalist premise (Patten 2005: 20). The question I want to discuss is whether this

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<sup>1</sup> Although the real starting point of this debate is most probably Kant's *Zum Ewigen Frieden* (1795). Rawls's argument is developed later in his Oxford Amnesty lecture (1993), and finally resulted in his monograph on *The Law of Peoples* (1999).

<sup>2</sup> For an up-to-date summary of the numbers see Pogge (2005a: 31, n. 2) for data.

defense of thick obligations from thin presumptions can be sustained. Although I sympathize very much with Pogge's project, my discussion is mainly critical.

The plan of the paper is as follows. Section 48.2 discusses Pogge's *explanatory globalism* arguing that global poverty is caused by a *global institutional order*, and that affluent societies, by setting up this global institutional order in an unjust way, are responsible for global poverty. Section 48.3 discusses Pogge's translation of moral claims on the global institutional order into moral claims against collective and individual actors participating in this institutional order. He argues that we, the citizens and governments of affluent societies, have a negative duty not to cause global poverty. Although I agree that citizens and governments of affluent societies have responsibilities to fight global poverty, but I disagree that this responsibility follows from a negative duty. My main problem is the unspecified "we" that have a duty: does it refer to governments of affluent societies, their citizens, or both? I will conclude that Pogge's defense of negative duties of governments need to be supplemented with more arguments and that his defense of negative duties of citizens is unconvincing.

## 48.2 Causes of Poverty

Who has the remedial responsibility for the plight of the globally worst-off? In this section I discuss Pogge's position by comparing his arguments to those put forward in Rawls' *Law of Peoples* (1999).

### 48.2.1 Pogge on the Global Institutional Order

Pogge situates the determinants of poverty in the global institutional order. He argues that the societies of the world interact in one global institutional order that severely deprives the globally worst-off of their basic necessities and by unfairly favoring affluent societies. He describes the significance of the global institutional order in two claims: (1) States are interconnected through a global network of market trade and diplomacy. (2) This global institutional order is shaped by the better-off, and imposed on the worse-off:

Our new global economic order is so harsh on the global poor, then, because it is shaped in negotiations where our representatives ruthlessly exploit their vastly superior bargaining power and expertise, as well as any weakness, ignorance, or corruptibility they may find in their counterpart negotiators, to shape each agreement for our greatest benefit. (2002: 20)

He does not argue that this global institutional order is inherently unjust, but rather that the current version thereof is designed in an unjust way, since Western governments have pushed their self-interest to the extreme and thus managed to arrange these institutions in such a way that their societies benefit more than others societies. The global institutional order affects the position of the globally worst-off in a direct and an indirect way.

An example of a direct effect is the current WTO treaty. The treaty permits the affluent countries to protect their markets against cheap imports, e.g. agricultural products, textiles, steel, and so on, through quotas, tariffs, anti-dumping duties in ways that poor countries are not permitted, or cannot afford, to match (Pogge 2004: 12). Such protectionist measures reduce the opportunities of developing countries by hampering their exports to the affluent countries. Moreover, subsidizing domestic producers enables them to sell their products below the market price, pushing more efficient poor-country producers from the world markets:

This particular aspect of the existing WTO treaty system may thus have a rather large impact on the incidence of severe poverty in the developing countries, understanding “impact” here in a counterfactually comparative way: If the WTO treaty system did not allow the protectionist measures in question, there would be a great deal less poverty in the world today. (Follesdal and Pogge 2005: 7)

Pogge’s complaint is not that the WTO treaty opens markets too much, but that it opens our markets not enough.<sup>3</sup> Affluent societies reap the benefits of international trade, but refuse to accept the burdens thereof.

Examples of the indirect effect of the global institutional order on global poverty are the international borrowing-privileges and resource-privileges. Any group that exercises effective power within a country is internationally recognized as the legitimate government of this country’s power, regardless of how they came to power. This gives them the privileges to borrow in the country’s name (international borrowing privileges) and sell the country’s natural resources (international resource privileges). These advantages give potential oppressors a strong incentive to try to take power by force. Therefore these institutions foster oppressive and corrupt governments in developing countries. In this way:

The current global order shapes the national culture and policies of the poorer and weaker countries [...] it affects what sorts of persons exercise political power in these countries, what incentives these people face, what options they have, and what impact the implementation of any of their options would have on their most disadvantaged compatriots. (Pogge 2001a: 19)

Rules and institutions of the global institutional order affect the global poor indirectly by affecting the national institutional orders under which they live, encouraging non-democratic oppressive regimes, and reducing the prospects of the worst-off in those societies (Pogge 2002: 146–176, 2001a: 18–19).

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<sup>3</sup> In fact, Pogge presents three disjunctive arguments, addressing the adherents of three different strands of Western political thought (Pierik 2004). The first focuses on shared institutions in the global institutional order. The second is a Lockian argument referring to *uncompensated exclusion*: the better-off enjoy significant advantages in appropriating wealth from our planet, such as the use of a single natural resource base like crude oil. The worse-off are largely, and without compensation, excluded from the gains of this appropriation (2002: 201–203). His third argument refers to *violent history*: the inequalities in the social starting positions of the better-off and the worse-off have emerged from a single historical process that was pervaded by massive, grievous wrongs, such as a history of conquest and colonization with oppression and enslavement (2002: 203–204).

### 48.2.2 Rawls's Emphasis on Domestic Responsibilities

Pogge has developed his argument as a critique of, and alternative for Rawls's work on international justice (Pogge 1989, 1994, 2001b). Rawls denies the normative importance of the global institutional order and argues that poverty is primarily caused by the incompetence, corruption, and tyranny entrenched in the governments, institutions and cultures of developing countries:

The causes of the wealth of a people and the forms it takes lie in their political culture and in the religious, philosophical, and moral traditions that support the basic structure of their political and social institutions, as well as in the industriousness and cooperative talents of its members, all supported by their political virtues. I would further conjecture that there is no society anywhere in the world—except for marginal cases—with resources so scarce that it could not, were it reasonably and rationally organized and governed, become well-ordered. (1999: 108)

Poverty is mainly caused by local factors, which implies that affluent societies do not have a responsibility for poverty abroad. Instead, Rawls emphasizes the remedial responsibility of domestic governments in developing countries. Although affluent societies might have a duty to assist burdened societies to overcome specific unfavorable conditions, they have no structural responsibility for poverty in developing countries. As a result, Rawls's principles of justice for the international society, as presented in *Law of Peoples*, only includes a very minimal duty for developed societies to fight global poverty, limited to assistance for burdened societies in overcoming their unfavorable conditions, that is, in lifting them above a minimum threshold to be able to “manage their own affairs reasonably and rationally” (1999: 111). Thus assistance should primarily be focused on building a well-functioning domestic basic structure of society and its major social and political institutions.<sup>4</sup> Of course, this might imply dispensing funds but also an emphasis on human rights, to force ineffective regimes to take the well-being of all their citizens into account (1999: 109).

### 48.2.3 The Causes of Poverty: A Conclusion

The primary distinction between the two approaches is that they emphasize different causes of global poverty. Pogge's *explanatory globalism* emphasizes the global institutional order as the main explanation of poverty in developing countries, whereas Rawls's *explanatory nationalism* focuses on the quality of domestic institutions.<sup>5</sup> Consequently, they locate the remedial responsibility for global poverty in different institutions. Pogge emphasizes the responsibility of affluent governments

<sup>4</sup> See for an elaboration of a Rawlsian emphasis on domestic institutions as the primary cause of the wealth of peoples (Risse 2005).

<sup>5</sup> For the terms explanatory globalism and explanatory nationalism see (Pogge 2005a: 49; Patten 2005: 23R).

for creating an unjust global institutional order whereas Rawls emphasizes the responsibility of domestic governments for the plight of their citizens.

Rawls's emphasis on domestic institutions in the explanations of poverty seems to be perfectly sound. No society can flourish without strong domestic institutions, and cosmopolitans like Pogge don't disagree (Cf. Pogge 2002: 21–22). Less convincing, however, is that Rawls only mentions domestic institutions in his explanation of poverty and does not take the normative the global basic structure into account. Given the enormous global interdependence that already exists today—and that will only grow in the foreseeable future—we can safely conclude that Rawls's description of national states as state being “more or less self-sufficient”; “a closed system isolated from others” and “self contained” (1971: 4, 8, 457) has lost its descriptive power.

The global institutional order is not a monolithic whole, but it consists of many institutions. Some of them might be beneficial for the global poor, others detrimental. Singer concludes his survey on the relation between economic globalization and world poverty that no evidence enables us to form a clear view on this relation: Some research indicates a positive effect, other a negative effect (Singer 2002: 89). Research on the effects of global interaction on the global poor is too premature to draw firm conclusions. Given the indirect effects the global institutional order might have, e.g. via resource or borrowing privileges, it is very hard to distinguish the effects on poverty of domestic from global institutions (cf. Beitz 2001: 113). But I agree with Pogge that bad government and corruption in the developing world cannot be simply explained as “wholly native ingredients of a lesser culture” without acknowledging that they are sustained by institutions within the global institutional order (Pogge 2002: 22, see also 142–143; cf. Buchanan 2004: 212).

Rawls and Pogge do not present mutually excluding approaches and, in the end of the day, it is an empirical question to what extent domestic and global institutions contribute to global poverty. But it is plausible to assume that the global institutional order contribute to global poverty. Since the global institutional order is most likely to have profound and enduring effects on national states and individuals within them, and since these effects are neither chosen nor consented by those affected—especially those negatively affected—this structure itself should be assessed from the standpoint of justice.

### 48.3 Negative Duties

Pogge argues that the societies of the world interact in one global institutional order that unfairly favors the affluent societies and therefore deprives the globally worst-off of their basic necessities and violates their human rights. What are the responsibilities of governments and citizens of affluent societies for global poverty? Pogge argues that we, the citizens and governments of affluent societies, should stop thinking about world poverty and development aid in terms of a supererogatory duty of helping the poor. “They need help because of the terrible injustices they are being subjected to. [We should see our support] as protecting them from the effects of global rules whose injustice benefits us and is our responsibility.” Pogge explicitly distinguishes positive



and negative duties and his defense involves “solely negative duties: specific minimal constraints . . . on what harm persons may inflict upon others” (2002: 13). He leaves positive (supererogatory) duties aside:

I do not assert that there are no positive duties, or that such duties are no positive duties, or that such duties are feeble. Rather I avoid claims about positive duties so as to make clear that my case does not depend on such claims. (2005a: 34)

Pogge’s defense is limited to a *negative duty* not to harm others, not to uphold a system that generates injustices. Affluent societies have not lived up to their negative duty because, in setting up the global basic structure, they have ruthlessly pushed their self-interest to the extreme, thus harming the globally worst-off. Having failed to fulfill the negative duty generates a positive duty to make-up for the harm inflicted:

To be sure, promoting institutional reform is doing something (positive). But the obligation to do so may nonetheless be negative for those who would otherwise, through their involvement in upholding the relevant institutional order, be harming its victims. This is analogous to how the libertarians’ favorite negative duty may entail positive obligations: one must do what one has promised or contracted to do pursuant to one’s negative duty not to promise/contract without performing. In both cases, the negative duty gives rise to positive obligations only through prior voluntary conduct: one’s promise, or one’s involvement in upholding a coercive institutional order. (2002: 172)

Our derived positive duty thus implies that we should stop imposing the global institutional order on others and “prevent and mitigate the harm it continually causes” (Pogge 2002: 22–23). By solely focusing on negative duties, Pogge seems to attempt to convince a larger audience, by including libertarians, without losing the support of those who were already convinced by positive duty arguments. Indeed, Pogge develops an “ecumenical strategy” trying “to convince the adherents of *all* the main views now alive” thus “fielding parallel arguments that address and appeal to diverse and often mutually incompatible moral conceptions and beliefs” (2005a: 36). This is *ipso facto* a smart strategy because negative duties, based on the principle that one ought to compensate for the harm one inflicted, appeal stronger to our moral intuitions than positive duties, based on the principle that we ought to help a stranger in need:

The advantages are that this narrower moral content is more widely acceptable and focuses attention more sharply on the kinds of misconduct it is most urgent to end. (Pogge 2004)

But the question is whether this limited focus on negative duties is as painless and unproblematic as Pogge assumes. I will develop my critique by analyzing Pogge’s negative duty argument in its quintessential context, namely the law of tort.

### 48.3.1 *The Foundation of Negative Duties*

The proclaimed strength of Pogge’s argument is that it only defends a *negative duty* not to inflict harm upon others, making actors only responsible for (rectifying) the harm they’ve caused. The negative duty argument has a libertarian pedigree and

relies on considerations of corrective justice instead of distributive justice. Corrective justice uses very specific arguments as employed in private law, and its intuitive strength is derived from the analogy to tort law. If person A wrongfully harms B, A must pay compensation to B.<sup>6</sup> Corrective justice can be described in three characteristics. Firstly, it is backward looking: it looks at events that already have occurred, and seeks to find a causal connection between specific action(s) and the resulting harm. Secondly, it seeks to assign responsibility to one or a specific set of agents, absolving responsibility of all other possible candidates for the fault. Finally, it determines how the person who is responsible can rectify for the harm by giving the proper compensation. In short, this model of corrective justice is so convincing and insightful because it conveniently arranges cause and effect, action, responsibility and rectification. It presupposes a direct relation between the wrongdoer and the victim, single instigation and direct causation. Comparing Pogge's use of the negative duty-argument to the way it is used in its quintessential context might be helpful in evaluating it.

#### 48.3.1.1 Causal Responsibility and Remedial Responsibility

Not every claim in tort law is an equally solid ground for compensation. Three main categories of claims are distinguished. The least controversial category claims compensation for intentional harm, because the link between causal responsibility and moral responsibility is evident. This is the paradigmatic example in corrective justice. More controversial is negligently caused harm, and the most controversial form is strict liability, holding someone liable for actions that caused harm, even if it was not intended. The latter two cases are less self-evident, precisely because the link between causal responsibility and moral responsibility is far from evident. Pogge's negative duty argument cannot be analogous to the strongest claim in tort law concerning *intentional harm*. Why? It is unlikely that western governments or citizens did *intent* to harm the globally worst-off. So it cannot be grounded in the paradigmatic claim in corrective justice and can at best be supported by the weaker versions of tort-law claims: negligently caused or non-intended harm. This is important because only in cases of intentional harm causal responsibility automatically implies remedial responsibility. In other cases this link is not self-evident. If my restaurant lost its clientele because you opened a restaurant across the street and your food is much better, you are causally responsible for my misery, caused by the bankruptcy, but not *ipso facto* to blame or even morally responsible. The question of moral responsibility implies a judgment of the agent's conduct (Miller 2001: 458). It depends whether your quality as a cook has forced me into bankruptcy or your connections to the mafia. Thus, causal responsibility in itself is not sufficient to generate remedial responsibility. Remedial responsibility cannot be determined only by looking empirically at who brought what about; we also have to consider

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<sup>6</sup> Cf. Nozick's rectification principle (1974).

normative assumptions on what is allowed and disallowed (Miller 2001).<sup>7</sup> Causal explanations in themselves are enough to generate remedial responsibility and negative duties. We cannot conclude that “causing” global poverty automatically implies that we are “harming” the global poor.<sup>8</sup>

### 48.3.1.2 Corrective Justice and Distributive Justice

Pogge’s theory is not based on considerations of distributive justice but of corrective justice. Distributive justice focuses on the fairness of the overall distribution of burdens and benefits across the members of society. Corrective justice is linked to the negative duty not to harm others and the derived duty to make-up for the harm inflicted. The goal is to restore the status quo, to ‘make whole’ that was disturbed. But Pogge’s argument cannot rely only on considerations of corrective justice alone, because they implicitly or explicitly presuppose principles of distributive justice. The aim of corrective justice is to make ‘whole’ what was disturbed, by compensating for the harm done. But we cannot determine whether distortions of the status quo, the baseline, are unjust until we know which baseline comprises a just distribution of burdens and benefits. Thus, corrective justice necessarily presupposes an exogenous baseline of justice that can only be provided by a theory of distributive justice (Kutz 2004: 302). Indeed, in the end of the day, Pogge’s negative duty argument relies on a human rights baseline:

I hold affluent persons morally responsible for a given human rights deficit only if four further conditions are all met: The affluent persons 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. These human rights deficits must be *reasonably avoidable* in the sense that an alternative design of the relevant institutional order would not produce comparable human rights deficits or other ills of comparable magnitude. And the availability of such an alternative design must also be *foreseeable*. (Pogge 2005b: 60)

Although Pogge is right to emphasize that the global institutional order has some role in global poverty, it remains unclear what this precise role is. He gives plausible examples of how global institutions might contribute to global poverty, but he never really shows how the international factors cause global poverty. Pogge might be right to hold affluent persons “morally responsible” but it is not evident whether his argument can account for *negative duties*.

Negative duty-arguments are more widely acceptable *because* they are more constraining: such an argument critically depends upon the direct and causal link between the actions of the wrongdoer and the harm done to victims. Pogge needs to

<sup>7</sup> And even Pogge’s causal claims are formulated very carefully: saying that international factors “play an important role in,” or “might contribute substantially to,” the incidence of global poverty (Pogge 2002: 49, 112, 115).

<sup>8</sup> “If more of us understood the true magnitude of the problem of poverty and our causal involvement in it, we might do what is necessary to eradicate it” (Pogge 2005c: 1).

show the causal connection between the participation of specific actors in the global institutional order —citizens or governments of affluent societies—and the harm done to the global poor through their participation. While describing the responsibilities of affluent societies, Pogge insists in using terms like “us” and “we,” thereby conflating (the responsibilities of) governments, firms, and citizens. But I think it is very important to discuss these different actors separately.

### 48.3.2 *Negative Duties of Governments*

What are the minimal conditions to successfully conclude that affluent governments have negative duties? We need to be able to determine that a poor country is harmed by a policy of a specific affluent country, and that the latter has causal and moral responsibility. Especially in the context of the global institutional order it is often difficult, if not impossible, to conclusively confirm that a specific policy contributed to actual deprivations. For one thing, who has the burden of proof in these debates on remedial responsibility? Must the developing country show that the policy contributed to the deprivations in question, or must the affluent country show that it has not done so? Moreover, what evidential threshold must be reached for it to count as proven that policy did or did not contribute to deprivations amongst the poor country’s people? Finally, what kinds of evidence will be taken to substantiate the thesis that the policy has contributed to deprivations amongst poor country’s people (Barry 2005: 214)? There are no obvious answers to these questions and no neutral standards that can serve as a default. To conclude that a government has not fulfilled its negative duty, we have to conclude that their morally objectionable behavior has caused human rights deprivations in a developing country.

In sum, the causal responsibility of affluent states cannot be presented in Pogge’s general way but need to be substantiated by actual descriptions of the causal path that leads from objectionable acts of actual governments to harm and the consequential remedial responsibility. I do not claim that that it is impossible to establish negative duties of affluent societies. On the contrary, I am convinced by Pogge’s *explanatory globalism* emphasizing the global institutional order has an important role in generating global poverty. But the negative duty-rationale requires more than general descriptions but, instead, precise arguments linking specific actions of specific actors to specific harms. Pogge thus needs to show the causal connection between the participation of governments of affluent societies in the global institutional order and the harm done to the global poor through this participation. He provides many plausible examples asserting such a relation, but he never really shows how the international factors he emphasizes account for global poverty (Cf. Patten 2005: 21L; Satz 2005: 50L). Negative duties cannot be established in general but only in concrete cases.

### 48.3.3 *Negative Duties of Citizens*

Massive and severe poverty manifests a violation by the affluent of their negative duties: an immense crime in which we affluent citizens of the rich countries . . . are implicated. (Pogge 2005a: 37)

Pogge argues that the more advantaged citizens of the affluent countries “are actively responsible for most of the life-threatening poverty in the world” (Pogge 2005a, Cf. 2002: 3, n. 5, 15). Again, he needs to presuppose such direct causal links between actions of citizens in affluent societies and harm done to the globally worst-off to substantiate his negative duty-argument. But in the case of individual citizens it is impossible to fulfill an essential condition of the corrective justice model. It is impossible to trace the causal connection between actions of particular agents in Western societies and deprivation in developing countries. There are too many intermediate actions and events between my actions here and the resulting injustice on the other side of the globe. The division of labor and specialization has reached a global level, and the plans, actions, and expectations of the members of the world community depend in many ways on an infinite number of (anonymous) others. Buying a pair of running shoes presupposes the actions of many people involved in the process of transforming raw materials into shoes and transporting them to my local sports shop. It is very difficult to hold on to tort law arguments when harm it is not traceable to single agents and their separate actions. Global poverty cannot be understood as caused by specific actions by isolated agents, but is the result of the participation of millions of people in institutions and practices. For example, buying running shoes might contribute to the occurrence of child labor or sweatshops; however, purchasing sneakers does not make one responsible for the occurrence of child labor as a structural feature of our global basic structure. Child labor will persist as long as there is a global structure that connects the individual purchase of expensive running shoes in a specialized shop in London via a long chain of incentives to small workshops in some developing country where young children produce these shoes.<sup>9</sup> Individuals might not be aware that participating in these institutions has these unjust effects; they simply follow the accepted rules and conventions of their society and its institutions, and focus only on their immediate goals and the particular institutions and persons they need to interact with to achieve these goals (Young 2005: 22). In our day-to-day life, we participate in a global economic system and if we need new shoes or clothes we simply go to a local shop to buy some without questioning how these clothes were produced.

Responsibility for global injustice cannot be pinned down to an individual responsibility or a violation of one’s negative duty. The paradigm case of a responsible individual meets two conditions: she makes a decision on her own behalf and with full information of the consequences of that decision and she has the possibility to choose otherwise. But this full information of the consequences of

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<sup>9</sup>For the responsibility of Western governments towards child labor see (Pierik and Houwerzijl 2006).

one's decisions cannot be presupposed in a world dominated by a global institutional order. Moreover it is virtually impossible not to participate in the global institutional order, in the world we live today. A person can only be held responsible for those consequences of her actions that she can reasonably foresee. Can we really describe "upholding a shared institutional order" as an individual action of a citizen? And do we really think that this citizen can reasonably foresee the consequences of that action? Indeed, the term 'global institutional order' is introduced precisely to emphasize the complex and multilevel character of the current global scheme of interaction and mutual interdependence. This argument might look like being too critical, but this nitpicking is the consequence of Pogge's choice for the negative duty argument. A negative duty argument presupposes direct causation and single instigation. But the link from global poverty via the global institutional order, national governments to individual responsibility is too indirect. The move from the paradigmatic case in tort law to such indirect claims saps the intuitive strength of the corrective justice rationale.

Pogge could accuse me of introducing a moral loophole by emphasizing how difficult it is for citizens to understand their responsibility in a global context.<sup>10</sup> My objection would be that political theorists have to go beyond sweeping statements, describing citizens as "active participants in the largest, though not the gravest, crime against humanity ever committed" and have to investigate the causal paths between relatively innocent actions of citizens and the resulting global poverty. Can we hold citizens of affluent societies responsible for the far-and-away effects of the daily choices and economic decisions? Pogge's general assertions should be substantiated by explanations of how consumer behavior generates child labor and sweatshops. Moreover can citizens be held responsible for policies of the IMF and the World Bank? The IMF is accountable to finance ministers and central bank governors, and its officers are not elected but rather appointed by agreement of governments. Because IMF policies are most often debated in secret, most people are unaware of the policies they debate (Satz 2005: 50R). Pogge's general assertions should be substantiated by explanations how the behavior of their governments generates specific WTO and World Bank policies, and how NGO's can counteract the worst effects of the global institutional order. It remains unclear how the responsibilities of global institutions and national governments and corporations pass over to citizens. Pogge's argument is too general to warrant his far-reaching conclusions.

Instead of emphasizing individual responsibility, we should focus on civic responsibility (Fullinwider 2000).<sup>11</sup> In Section 48.3.2, I argued that, under specific conditions, negative duties of governments could be established. The civic responsibility-model conceives citizens as members of a society that is more or less

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<sup>10</sup> Cf. Pogge's reply to Satz's critique in (2005b: 79).

<sup>11</sup> This civic responsibility is a shared responsibility which should be distinguished from more individual positive and negative duties. In this sense, an argument for civic responsibility goes beyond Pogge's dichotomy between positive and negative duties.

stable over time. This view of society views citizens or members of a society with a shared history and a common future. Citizens can identify with the positive achievements of one's society and can participate in the institutions that have been developed over time—educational, infrastructural, medical, etc. However, at the same time, one cannot take pride of their society's achievements without also acknowledging its (moral) failures (Abdel-Nour 2003). Citizens can acknowledge the achievements of one's society and admit that it has taken some wrong turns that should be rectified. They can acknowledge these failures without taking personal blame for any of them. Individual citizens might not have an individual and personal responsibility for injustices on the global scale. But individuals do have a shared responsibility for the way the major institutions are currently organized, and a civic duty to share in the burdens of justice of their society for correcting injustices—domestically and internationally (Tan 2004: 27–28; Fullinwider 2000: 5). The duty of justice of citizens is to help to sustain and improve the institutions of their society, not by virtue of their own past actions—including faults – but by virtue of being a citizen of that society and therefore participating in—and benefiting from—it major institutions. The main aim is not to attribute personal blame but is, instead, forward looking: to understand how past injustices create and recreate new injustices.<sup>12</sup>

Pogge's provocative strategy might stir up the 'willful ignorance' towards world poverty in affluent societies. At the same time, however, Pogge's style might be counterproductive. Giving citizens a negative duty—thus making them personally responsible for the human rights violation of half of the world population without explaining how this duty came about or supplying information on how to deal with the duty in a responsible way can generate indignation, resentment, and defensiveness among those who would in principle be willing to take their responsibilities seriously. More importantly, we need to determine the proper locus of remedial responsibility. I agree that citizens of affluent societies have a civil responsibility to use their democratic and market power in order to influence their governments and multinational corporations in order to achieve more global justice. But I disagree with Pogge's conclusion that this responsibility is the result of the violation of negative duties.

## 48.4 Conclusion

Pogge's work on global justice as published in the last 15 years has proven to be very important. His provocative arguments have motivated many political philosophers to engage in this discussion and contribute to the debate. His emphasis on the global institutional order has dragged debates on global justice away from the realm of charity, benevolence, and supererogatory duties and in this way he changed the terms of the debate. I endorse the general thrust of his theory and agree with many of his

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<sup>12</sup> Due to lack of space I can only give a sketchy description of this civil responsibility. I have developed this argument further in another paper that is available on demand.

arguments. Let me conclude the paper by outlining where I agree with his argument and where I start disagreeing.

*I agree fully* with Pogge's explanatory globalism arguing that the current global institutional order might contribute substantially to global poverty and human rights violation. *I agree conditionally* with the second step in the argument, on negative duties for governments of affluent societies. But such negative duties cannot be argued for in a general way. Governments of affluent societies can have negative duties towards the global poor for as far as they are actively involved in the way global institutions are designed. Negative duties can only be established in specific cases in which the participation of governments of affluent societies in the global institutional order causes global poverty.

*I disagree fully* with the last step in the argument where Pogge translates moral claims on the global institutional order into moral claims against individuals participating in this institutional order. Pogge's claim that *individual citizens* of affluent societies are violating their negative duties towards the global poor is unconvincing. His claim that they "harming the global poor" because they "are upholding a shared institutional order" and "imposing unjust social institutions upon them" is too abstract to convincingly establish individual negative duties, given the specific requirements of such claims discussed above. Sure, they should do more than they do to fight poverty and this is not a supererogatory duty. Sure, they have a civic duty to help to sustain and improve the institutions of their society because they are citizens of that society and therefore participating in—and benefiting from—it major institutions. Such a civic duty is very much in line with the actual advice he gives to such citizens: making reasonable efforts to aid the global poor and to promote institutional reform (Pogge 2002: 170, 2005a: 65R). But supporting such advice by negative duty claims is unwarranted and counterproductive.

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