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Michael Freeman

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## World Poverty: Rights, Obligations, Institutions, Motivations

*Michael Freeman\**

### ABSTRACT

A common criticism of international human rights declarations is that they lack an adequate account of the corresponding obligations. This criticism is often thought to be particularly apt when applied to economic and social rights. International human rights law imposes these obligations on states, but critics object that this treats the problem (state behavior) as the solution. This article examines the question of the obligations corresponding to economic and social rights in the context of debates about world poverty. It argues that the legal and philosophical emphasis on obligations must be supplemented by an understanding of both institutions and motivations if practical progress to eradicate world poverty is to be made.

### I. INTRODUCTION: THE PROBLEM OF OBLIGATIONS

The philosopher Onora O'Neill, in her BBC Reith Lectures of 2002, noted that the list of rights proclaimed in the Universal Declaration of Human Rights is often seen as canonical. But, she went on to say, the Declaration says almost nothing about the corresponding duties. International human rights law proclaims universal rights, but fails to tell us who is obliged to do what for whom, and why. Declarations of rights, she maintained, assume a

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\* *Michael Freeman* is an Emeritus Professor in the Department of Government, University of Essex, United Kingdom. He is a former Chairperson of the Human Rights Research Committee of the International Political Science Association and also of the British Section of Amnesty International. He is a former Deputy Director of the Human Rights Centre, University of Essex, and is a member of the Board of Overseers, Human Rights Institute, University of Connecticut. He has lectured on human rights in more than twenty countries, from Japan and China to Mexico and Brazil, and from Sweden and Norway to South Africa. His current research interests are in the philosophy of human rights, world poverty, and cultural relativism.

passive view of human life and of citizenship. They proclaim our entitlements, but they do not tell us our obligations and thus do not guide our actions.<sup>1</sup>

O'Neill appears to have overlooked the preamble to the Declaration, which proclaims it to be:

a common standard for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance.<sup>2</sup>

The Declaration, far from assuming a passive view of human life and of citizenship, imposes a stringent, even unrealistically demanding, set of obligations on all individuals to *strive* to secure the effective observance of the Declaration rights. If it were objected that this is an excessively literal reading of a merely rhetorical text, we should recall that Eleanor Roosevelt, who chaired the Declaration's drafting committee, insisted that the Declaration precisely assumed obligations of active citizenship.<sup>3</sup>

International human rights law is fairly clear as to who should do what for whom. For example, the International Covenant on Economic, Social and Cultural Rights (ICESCR) states, in Article 2 (1), that each state party shall "[undertake] to take steps, individually and through international assistance and co-operation, . . . to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized in the present Covenant by all appropriate means, including the adoption of legislative measures."<sup>4</sup> The wording is, perhaps necessarily, somewhat vague,

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1. ONORA O'NEILL, *A QUESTION OF TRUST: THE BBC REITH LECTURES 2002*, at 27–28 (2002). The BBC Reith Lectures are delivered annually by eminent persons on topics of current importance and broadcast on BBC Radio. At the time of her Reith Lectures, O'Neill was Principal of Newnham College, Cambridge. She currently chairs the Equality and Human Rights Commission of Great Britain.
  2. Universal Declaration of Human Rights, *adopted* 10 Dec. 1948, G.A. Res 217 (III), U.N. GAOR, 3rd Sess., U.N. Doc. A/RES/3/217A (1948).
  3. Eleanor Roosevelt, *In Your Hands*, speech made at the presentation of *IN YOUR HANDS: A GUIDE FOR COMMUNITY ACTION FOR THE TENTH ANNIVERSARY OF THE UNIVERSAL DECLARATION OF HUMAN RIGHTS* (27 Mar. 1958).
  4. International Covenant on Economic, Social and Cultural Rights, *adopted* 16 Dec. 1966, G.A. Res. 2200 (XXII), U.N. GAOR, 21st Sess., U.N. Doc. A/6316 (1966), 993 U.N.T.S. 3 (*entered into force* 3 Jan. 1976). These obligations were elaborated by General Comment No. 3, *The Nature of States Parties' Obligations*, U.N. ESCOR, Comm. On Econ. Soc. & Cult. Rts., 5th Sess., 49th & 50th mtg., U.N. Doc. E/1991/23, annex III at 86 (1991). See also *The Limburg Principles on the Implementation of the International Covenant on Economic, Social and Cultural Rights*, *adopted* 8 Jan. 1987, U.N. ESCOR, Comm'n on Hum. Rts., 43d Sess., Agenda Item 8, U.N. Doc. E/CN.4/1987/17/Annex (1987); *The Maastricht Guidelines on Violations of Economic, Social and Cultural Rights*, 20 HUM. RTS. Q. 691 (1998); Olivier De Schutter, Asbjørn Eide, Ashfaq Khalfan, Marcos Orellana, Margot Salomon & Ian Seiderman, *Commentary to the Maastricht Principle on Extraterritorial Obligations of States in the Area of Economic, Social and Cultural Rights*, 34 HUM. RTS. Q. 1084 (2012).

allowing states to evade their obligations by sophisticated, legal reasoning, but it is an exaggeration to say that it does not tell us who is obliged to do what for whom. Nevertheless, international human rights law imposes obligations on states not citizens, and thus does not seem to address O'Neill's concern about the obligations of active citizens.

O'Neill finds that the allocation by international human rights law of obligations to states is inadequate for three reasons: many states are unable to fulfill their human rights obligations; many states are unwilling to fulfill them; and millions of human beings are stateless.<sup>5</sup> International human rights law is therefore "deluded" to assume that states can be entrusted with human rights obligations. It may be desirable to work towards an ideal world in which all states are both able and willing to fulfill their human rights obligations. Meanwhile, millions suffer from the violation of their human rights. If we take the universalism of obligations as seriously as we take the universalism of rights, we should look to non-state actors to make whatever contribution they can to the implementation of human rights.<sup>6</sup>

Jack Donnelly defends the statist conception of human rights. The idea that human rights obligations are universal, he allows, is "inherently plausible," but it is not "the contemporary understanding." That is, the duties that are correlative to human rights are assigned almost exclusively to states. This state-centric conception of human rights is not necessary, but it has deep historical roots and reflects the central role of the state in modern politics. The need for an active state is especially clear for the fulfillment of economic and social rights. The moral universality of human rights has been codified in a set of authoritative international norms, but in an international system in which government is national rather than global, these international norms must ultimately be realized through national action.<sup>7</sup>

The apparently different assessments of international human rights law by O'Neill and Donnelly arise in part from their different theoretical perspectives. O'Neill approaches international human rights law from the perspective of neo-Kantian moral and political philosophy. She seeks to develop a rational conception of global justice with an appropriate set of rights and obligations. This project entails the identification of appropriate "agents of justice."<sup>8</sup> The statism of international human rights law, she believes, fails to allocate appropriate obligations to a plausible set of such agents. This is

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5. For a discussion of statelessness as a neglected human rights problem, see Kristy A. Belton, *Statelessness and Economic and Social Rights*, in *THE STATE OF ECONOMIC AND SOCIAL RIGHTS: A GLOBAL OVERVIEW* 221 (Lanse Minkler ed., 2013).
  6. Onora O'Neill, *Global Justice: Whose Obligations?*, in *THE ETHICS OF ASSISTANCE: MORALITY AND THE DISTANT NEEDY* 254 (Deen K. Chatterjee ed., 2004).
  7. JACK DONNELLY, *UNIVERSAL HUMAN RIGHTS IN THEORY AND PRACTICE* 28, 32–38, 208, 210 (2013).
  8. Onora O'Neill, *Agents of Justice*, in *GLOBAL RESPONSIBILITIES: WHO MUST DELIVER ON HUMAN RIGHTS?* 39–42 (Andrew Kuper ed., 2005).

particularly apparent when we are considering economic and social rights and the challenge of world poverty.

Donnelly offers a theory of human rights, which he calls “the Universal Declaration Model,” recognizing the central role that the Declaration has played in establishing what he believes to be the contemporary consensus on human rights. Donnelly says that for the purposes of international action, “human rights” means what is in the Universal Declaration, and international human rights law provides authoritative standards for all states in the contemporary world.<sup>9</sup> O’Neill finds international human rights law inadequate because it fails to identify agents of justice with appropriate obligations. Donnelly finds that international human rights law allocates authoritative obligations to states, which are the legitimate agents of justice. Donnelly explicates “the contemporary understanding” of human rights; O’Neill subjects it to critical evaluation and finds it wanting.

Donnelly admits that there are no significant international mechanisms for the enforcement of human rights obligations, and that, in many countries, national legal means of implementation are not very effective. Nevertheless he insists that states remain by far the most important actors in determining whether people enjoy their human rights: their formal endorsement of international human rights obligations is of immense importance.<sup>10</sup>

The empirical evidence about the impact of international human rights law on the enjoyment of human rights is, however, both complex and incomplete. Recent studies suggest that this impact is limited and dependent on several other variables. The ratification of human rights treaties by itself does nothing for human rights. The evidence suggests that ratification makes little or no difference to the human rights performance of established democracies or authoritarian states; it makes more difference in new democracies. Ratification is likely to lead to improvements in respect for human rights if it is followed by civil society mobilization. This is most likely to occur when human rights are highly valued because they are not well respected, but when there is also sufficient freedom to mobilize: this may explain why ratification has most effect in semi-democracies. The statist model of human rights implementation also assumes that human rights violations are committed by states with more or less complete control over their societies and that they commit human rights violations intentionally. Some states are like this, but many developing countries have states with limited capacity to implement human rights. The statist model ignores human rights violations by non-state actors that states cannot control.<sup>11</sup>

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9. Donnelly, *supra* note 7, at 14, 21–24.

10. *Id.* at 95.

11. Oona A. Hathaway, *Do Human Rights Treaties Make a Difference?* 111 *YALE L. J.* 1935 (2002); TODD LANDMAN, *PROTECTING HUMAN RIGHTS: A COMPARATIVE STUDY* 6, 137, 146–47, 157 (2005); Beth A. SIMMONS, *MOBILIZING FOR HUMAN RIGHTS: INTERNATIONAL LAW IN DOMESTIC POLITICS*

The universality of human rights, Donnelly concedes, is a universality of possession (everyone has the same human rights) rather than a universality of enjoyment.<sup>12</sup> O'Neill's objection to human rights proclamations is not only that they fail to specify the obligations of citizens, but also that they fail to specify the institutions that would most properly and effectively bear the obligations to fulfill human rights. Proclamations of universal economic and social rights that fail to identify institutions with the relevant obligations "may seem bitter mockery to the poor and needy, for whom these rights matter most."<sup>13</sup>

## II. AN INSTITUTIONAL APPROACH

Thomas Pogge responds, implicitly, to O'Neill's concerns by adopting an institutional approach to human rights within a theory of global justice.<sup>14</sup> He begins this response with a revised version of Rawls's theory of justice. Rawls's theory specifies that, provided that certain fundamental freedoms and the principle of equal opportunity are guaranteed, any advantages that accrue to the better-off members of a society are justified only if they improve the conditions of the worst-off.<sup>15</sup> The theory accepts the existing system of nation-states. Pogge holds this to be a serious defect because, he believes, the nation-state is a crucial contributor to the current institutional production of global poverty and inequality. He argues that the international legal regime is an instrument developed by governments to serve their special interests. It is not, therefore, the most suitable institutional framework for realizing human rights. Pogge argues that the current global institutional order is unjust in view of the extreme deprivations that it engenders and that acceptance of the states-based regime of human rights inhibits the quest for a more just world.<sup>16</sup>

The global institutional order is the appropriate context for political philosophy. The question is how we should assess the global institutional order from a moral point of view. Pogge's Rawlsian answer is that we should first and foremost consider the consequences for its least advantaged participants.

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(2009); Beth A. Simmons, *From Ratification to Compliance: Quantitative Evidence on the Spiral Model*, in *THE PERSISTENT POWER OF HUMAN RIGHTS* 48–49, 54–58 (Thomas Risse, Stephen C. Ropp & Kathryn Sikkink eds., 2013); Tanja A. Börzel & Thomas Risse, *Human Rights in Areas of Limited Statehood: The New Agenda*, in *id.* at 63–66, 69–70.

12. DONNELLY, *supra* note 7, at 105.

13. ONORA O'NEILL, *TOWARDS JUSTICE AND VIRTUE: A CONSTRUCTIVE ACCOUNT OF PRACTICAL REASONING* 133 (1996).

14. THOMAS POGGE, *WORLD POVERTY AND HUMAN RIGHTS: COSMOPOLITAN RESPONSIBILITIES AND REFORMS* 50–51 (2008).

15. JOHN RAWLS, *A THEORY OF JUSTICE* 60–61, 75 (1972).

16. THOMAS POGGE, *REALIZING RAWLS* 10, 36, 246, 254 (1989).

However, he differs from Rawls in identifying the least advantaged as those who lack the protection of the rights set out in the Universal Declaration.<sup>17</sup> Thus, although he criticizes “the global institutional order,” he appeals to the principles of international human rights.

Pogge answers O’Neill’s objection that the Universal Declaration ignores the institutions necessary to implement human rights by invoking Article 28 of the Declaration, which states that everyone is entitled to an international order in which the rights and freedoms set forth in the Declaration can be fully realized. Under the current global institutional order many millions cannot meet their most fundamental needs for food and physical security. This order is unjust if there is a feasible alternative order that would not engender similar deprivations.<sup>18</sup> Article 25 of the Universal Declaration provides the basis for Rawlsian global justice by proclaiming that everyone has the right to a standard of living adequate for the health and well-being of himself and his family, including food, clothing, housing, and medical care.<sup>19</sup>

Pogge cites estimates that, in the world today, 830 million human beings are undernourished; 1,100 million lack access to safe water; 2,600 million lack access to basic sanitation; 1,000 million lack adequate shelter; about 2,000 million lack access to essential drugs; some 774 million adults are illiterate; and there are 218 million child laborers. According to the World Bank, as of 2004, 2,533 million or 39.7 percent of humankind were living in severe poverty. On average, the people living below this line fell 41 percent below it. About 950 million were living on less than half, that is, below the World Bank’s official extreme-poverty line. Each year some 18 million people die prematurely from poverty-related causes. This is one-third of all human deaths—50,000 each day, including 29,000 children under age five.<sup>20</sup> These numbers are controversial, but there are no non-controversial numbers.<sup>21</sup>

Pogge combines the Rawlsian idea that political justice should give priority to improving the conditions of those who are worst-off with the conception of human rights found in international human rights law. In so doing, he responds to O’Neill’s call to connect the idea of human rights with a theory of corresponding obligations and appropriate institutions.

### III. WHOSE RESPONSIBILITIES?

We have reason, Pogge argues, to view the existing global institutional order as unjust and to hold those collaborating in its perpetuation responsible for

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17. *Id.* at 7–8, 142–47, 239, 256.

18. *Id.* at 238–39.

19. POGGE, *WORLD POVERTY AND HUMAN RIGHTS*, *supra* note 14, at 1.

20. *Id.* at 2.

21. *DEBATES ON THE MEASUREMENT OF GLOBAL POVERTY* (Sudhir Anand, Paul Segal & Joseph Stiglitz eds., 2009).

the imposition of this order on its victims. This unjust institutional scheme is imposed by us. Therefore, we have the obligation to initiate institutional reforms for a global order that does not engender the severe poverty that exists in our current world. Those most disadvantaged by the global institutional order have virtually no means to initiate reforms. We do have such means. Our obligation to rectify the global injustice of severe poverty derives, therefore, from our collaboration with the imposition of an unjust global institutional order and our ability to initiate and support reforms of that order.<sup>22</sup>

We have a moral obligation not simply to accept prevailing institutions; we should examine them from a moral point of view. Where they are unjust, we should see how we might contribute to their reform and help to mitigate some of their harmful consequences. Where just institutions are lacking altogether, we should help to bring them about. A critique of institutions as unjust may imply that there are unjust actions by individuals, namely those who can create, perpetuate, and reform the institutions. However, the injustice of institutions is not reducible to the wrongful actions of individuals because it refers to the rules according to which individuals choose their actions. Slave-owners may act unjustly towards their slaves, but even the most beneficent slave-owners act within an unjust institution. Nevertheless, Pogge holds that the choice of ground rules is to some extent up to us collectively, and the consequences of this choice are “of the greatest moral significance.”<sup>23</sup>

According to Pogge, we are advantaged participants in the global order who help to maintain it, and are collectively capable of changing it. The responsibility for unjust institutions, and for reforming them, is not confined to those who control or benefit from them, but rests also with all participants in the social system, though perhaps in proportion to the benefits they enjoy under the unjust system and surely in proportion to the opportunities they have to support institutional reform. The more advantaged and more powerful participants in the prevailing global institutional scheme impose it on the rest and are collectively responsible for the injustice of the scheme insofar as they actively perpetuate it and resist its reform. Pogge appears to allocate the obligation to reform the global order according to the extent of causal responsibility for it, of benefit from it, and capacity to change it. This might suggest that the obligations rest with the political and economic elites of the richest and most powerful countries. However, Pogge is clear that all citizens of the developed nations are causally and morally responsible for the creation and perpetuation of the current unjust global institutional order.<sup>24</sup>

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22. POGGE, REALIZING RAWLS *supra* note 16, at 11–12, 34, 238.

23. *Id.* at 25–27.

24. *Id.* at 27, 34, 238–39, 276.



Nevertheless, governments and statesmen bear a special responsibility for global injustice. Governments often fail to honor the values they proclaim because they lack the political will to make those values effective; this is a moral failure, primarily of politicians. Notwithstanding his critique of the state system as responsible for global injustice, Pogge considers that states should take the first steps towards a more just world, and that these steps would have to be, at least in the beginning, motivated by prudential considerations.<sup>25</sup>

Although Pogge allocates the primary obligations to rectify global injustice to political elites, he also allocates obligations to reform the unjust global institutional order to “us,” the citizens of the developed nations. But sometimes he qualifies this by prioritizing the obligations of those who benefit most from the injustices of that order and those who have the greatest capacity to initiate the necessary reforms. However this responsibility is allocated, its ground is our collective causal responsibility for the injustice of global institutions. Pogge argues that this causal responsibility gives rise to a moral responsibility for our collective role in imposing these institutions upon their most disadvantaged, involuntary participants. We have a negative duty not to collaborate in the imposition of unjust institutions and we have a positive obligation to promote institutional reform.<sup>26</sup> Thus, Pogge’s pragmatic statism, which closes the gap somewhat between his philosophical theory of human rights obligations and Donnelly’s legal and political approach, is combined with an emphasis on the duties of citizens, as O’Neill required of an adequate theory of human rights.

Some hold that we have positive obligations to the global poor; others deny this. Pogge does not reject the former view, but considers it less contentious that we have a negative obligation not to violate the human rights of distant foreigners than that we have a positive obligation to ensure that their human rights are fulfilled; negative duties to refrain from harming others are more stringent than positive duties to assist others.<sup>27</sup> He holds that articles 25 and 28 of the Universal Declaration give to everyone the negative human right not to be subject to an unjust global order that violates their Article 25 right to an adequate standard of living, and that those who participate in imposing such an unjust global order on the poor violate that negative human right. The negative obligation not to collaborate in unjust practices may, however, require positive action. We have a collective moral obligation to reform the unjust global institutional order.<sup>28</sup>

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25. *Id.* at 227, 234, 234 n. 22, 235.

26. *Id.* at 276.

27. POGGE, *WORLD POVERTY AND HUMAN RIGHTS*, *supra* note 14, at 216–17.

28. POGGE, *REALIZING RAWLS*, *supra* note 16, at 32–34, 238. For the view that the human right to an adequate standard of living entails a positive duty of the rich to help the poor, see PABLO GILBERT, *FROM GLOBAL POVERTY TO GLOBAL EQUALITY: A PHILOSOPHICAL EXPLORATION* 46–47

Pogge does not infer from our collective responsibility for the injustice of the global institutional order that we are blameworthy or guilty. It would, he says, be implausible and counterproductive to claim that most ordinary citizens of the developed Western countries are blameworthy on account of all the existing human misery. It would be moralistic and somewhat silly to blame such persons for starvation abroad. As those who collaborated with slavery or the subjection of women in the past cannot fairly be blamed because they could not reasonably have appreciated the wrongness of their conduct, so ordinary citizens cannot fairly be blamed for the contemporary misery in the world. Nevertheless, we now think that their conduct was wrong, and they ought to have worked toward institutional reforms insofar as they were able to do so. Pogge's theory of moral obligation is unclear here. On the one hand, he assumes that it would be "objectively wrong" not to do what one can easily do toward the reform of unjust features of an institutional scheme for which one shares a collective responsibility. On the other hand, he does not wish to "prejudge" the question whether and to what extent one is blameworthy for not being aware of this responsibility or for being aware but ignoring it. He leaves this question aside because his main concern is the moral assessment of social institutions. It is not clear why we are not blameworthy for doing what is objectively wrong. However, Pogge does suggest that there may be something seriously wrong, morally speaking, with the lives we lead.<sup>29</sup>

Pogge admits that, because of the great differentiation and complexity of the global institutional order, the injustice and our responsibility for it are opaque. In assigning causal responsibility for injustices to particular institutions, we will often have to rely on complex and speculative empirical generalizations. We are not like slaveholders who directly impose the injustice of slavery upon their slaves. We lead ordinary lives, and nothing we do seems to have an adverse impact on the global poor. Consequently global inequality and poverty seem to be produced and reproduced without the intervention of human agency. The injustices of global inequality and poverty are less apparent than those of slavery because they are not intended but rather are the outcome of complex processes that take place over long distances. Those who participate in the transactions of complex institutions cannot be required to anticipate the remote effects of their transactions and are therefore not responsible for them.<sup>30</sup> Again, Pogge's theory of responsibil-

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(2012). Judith Lichtenberg points out that some negative duties—for example, not to contribute to climate change—can be demanding and controversial, while some positive duties—for example, to contribute a small amount for the relief of poverty—can be undemanding and uncontroversial. See JUDITH LICHTENBERG, *DISTANT STRANGERS: ETHICS, PSYCHOLOGY, AND GLOBAL POVERTY* 75, 80 (2014).

29. POGGE, *REALIZING RAWLS*, *supra* note 16, at 31, n.26, 36, n.30, 278.

30. *Id.* at 11–12, 34, 38, 248, n. 11, 278–79.

ity is unclear: we are responsible because we collaborate with the unjust global order, yet we are not responsible for the remote consequences of our transactions in those complex institutions.

#### IV. THE LARGEST HUMAN RIGHTS VIOLATION IN HUMAN HISTORY

Pogge claims that world poverty is a harm that we inflict on the world's poor. This claim, he says, seems completely incredible to most citizens of the affluent countries. We may consider it "tragic" that the basic human rights of so many remain unfulfilled, and we may admit that we should do more to help, but it is unthinkable to us that we are actively responsible for this catastrophe. If we were, then we would be guilty of "the largest crime against humanity ever committed," the death toll of which exceeds every three years that of the Second World War, including the death camps.<sup>31</sup>

Pogge says that responsibility for decisions that foreseeably result in millions of avoidable deaths rests in the first instance with the politicians and negotiators who make them. These politicians and negotiators "have knowingly committed some of the largest human rights violations the world has ever seen."<sup>32</sup> However, by "helping to impose the present global institutional order, we are participants in the largest human-rights violation in human history."<sup>33</sup> "It is not the gravest human rights violation, because those who commit it do not intend the death and suffering they inflict. . . . They merely act with willful indifference to the enormous harms they cause."<sup>34</sup>

#### V. THE ARGUMENT FROM NAZISM

Pogge claims that there are as many poverty deaths in the world today every seven months as all the killings in the Nazi death camps.<sup>35</sup> The global economic regime that our countries designed and impose "kills more efficiently than the Nazi extermination camps."<sup>36</sup> Pogge says that some will wonder how we can possibly be collaborating with the starvation of millions if we have never chosen to do any such thing and our lives feel perfectly fine, morally. Many Nazi sympathizers wondered likewise. They too never chose to support war and genocide, but merely continued to do their jobs; follow-

31. Thomas Pogge, *World Poverty and Human Rights*, 19 *ETHICS INT'L. AFF.* 1, 2 (2005).

32. Thomas Pogge, *Reply to the Critics: Severe Poverty as a Violation of Negative Duties*, 19 *ETHICS INT'L. AFF.* 55, 78–79 (2005).

33. POGGE, *WORLD POVERTY AND HUMAN RIGHTS*, *supra* note 14, at 264.

34. Thomas Pogge, *Severe Poverty as a Human Rights Violation*, in *FREEDOM FROM POVERTY AS A HUMAN RIGHT: WHO OWES WHAT TO THE VERY POOR?* 52 (Thomas Pogge ed., 2007).

35. POGGE, *WORLD POVERTY AND HUMAN RIGHTS*, *supra* note 14, at 31.

36. THOMAS POGGE, *POLITICS AS USUAL: WHAT LIES BEHIND THE PRO-POOR RHETORIC* 2 (2010).

ing orders and perhaps attending rallies. Yet, by acting in these ways, they did contribute to the massacres. Given what they knew about the ongoing war and genocide, and their own causal roles, they ought to have thought, chosen, and then acted differently. "And if this is how we think about most Germans in the early 1940s, then this is how we must surely think about ourselves."<sup>37</sup>

This reference to Germans under Nazi rule is crucial to Pogge's argument about *our* responsibility for world poverty, so it requires careful analysis. First, Pogge refers to "Nazi sympathizers" and "most Germans" as if they are synonymous. There is, however, a moral distinction between Nazi sympathizers and Germans who were not Nazi sympathizers, but who did nothing to resist Nazi policies. Second, Pogge says that Nazi sympathizers, by continuing to do their jobs, to follow orders, and perhaps by attending rallies "contributed" to the massacres. This may be so in the sense that, if they had not done these things, the massacres would not have taken place. Nevertheless, the moral culpability of doing one's job, following orders, and attending rallies, even under Nazi rule, is considerably less than direct participation in the massacres. Third, Pogge concludes that Nazi sympathizers ought to have acted differently because of what they knew about the war and genocide and their own causal roles. He does not say what he thinks they knew about the war and genocide. It is likely that different Germans had different degrees of knowledge about these matters. Fourth, Pogge does not say how most Germans ought to have acted differently. This is crucial because he relies on how we think about most Germans in the early 1940s to determine our obligations for world poverty today.

Pogge links the Nazis to the way in which the international community has addressed the problems of world hunger and poverty in recent years. At the World Food Summit in 1996, the 186 participating governments committed themselves to "achieving food security for all" and to "an on-going effort to eradicate hunger in all countries," with an "immediate view to reducing the number of undernourished people to half their present level no later than 2015."<sup>38</sup> Pogge points out that this declaration envisaged that there would be about 250 million deaths from poverty-related causes between 1996 and 2015. He asks us to imagine President Roosevelt responding, in 1942, to concern about Nazi atrocities, and committing the US to halving their current level by 1961. Would this have been a morally adequate response?<sup>39</sup>

But according to Pogge, it gets worse. When formulating the first Millennium Development Goal (MDG-1) in 2000, the world's governments

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37. POGGE, *WORLD POVERTY AND HUMAN RIGHTS*, *supra* note 14, at 151.

38. Rome Declaration on World Food Security and World Food Summit Plan of Action, *adopted* 13 Nov. 1996, U.N. Food and Agriculture Organization, *available at* <http://www.fao.org/docrep/003/w3613e/w3613e00.htm>.

39. POGGE, *WORLD POVERTY AND HUMAN RIGHTS*, *supra* note 14, at 11.

changed the language of the pledge, so that now they promised to halve, not the *number*, but the *proportion* of those living in extreme poverty, thus taking advantage of population growth. If the number of those living in extreme poverty remains the same, and world population grows, the proportion of the world's population living in extreme poverty declines even if the world's governments do nothing to reduce poverty. The UN then reinterpreted MDG-1 to refer, not to the proportion that the world's extremely poor constituted of the world's total population, but, rather, to the proportion that the world's extremely poor constituted of the population of the less developed countries, a population group that is growing faster than the world's total population. In a third interpretive move, the UN backdated the baseline to 1990, thereby taking advantage both of the population growth between 1990 and 2000 and of the reduction of 160 million extremely poor in China reported for that decade. Pogge calculates that these reinterpretations of the United Nations poverty-reduction goals add 361 million human beings to the number whose extreme poverty is deemed morally acceptable.<sup>40</sup> This amounts to about six million additional premature deaths every year from poverty-related causes.<sup>41</sup>

Pogge tells us that this reminds him of the Wannsee Conference of 1942, where senior Nazi officials planned the deaths of millions as part of their "final solution." Of course, he says, there is an important difference. The German political elite of 1942 intended to engage in the mass murder of the Jews and other people they deemed inferior. The global elite of 2000 harbor no ill will toward the world's poor; they merely do not care. This is a moral difference on the part of the agents, but it does not reduce the suffering and deaths of the victims.<sup>42</sup>

Pogge's claim—that the point of his comparison between the Nazis and our alleged collaboration with world hunger is not to liken our conduct to that of Nazi sympathizers—is not plausible. Contrary to what he claims, Pogge does liken us to Nazi sympathizers. He says that, faced with the charge that we participate in the deaths of millions of our fellow human beings every year, we will wonder how we can possibly be collaborating in these deaths, as we have not chosen to do so, and we feel perfectly fine, morally. He immediately goes on to say: "Many Nazi sympathizers wondered likewise." It is true that he distinguishes world poverty as a human rights violation from Nazi violations on the ground that we do not intend the deaths. However, if we shift our attention from the direct perpetrators of these human rights violations to "the sympathizers," Pogge thinks that we are morally *worse* than the Nazi sympathizers, because we are much more affluent than those

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40. *Id.* at 11–13.

41. POGGE, *POLITICS AS USUAL*, *supra* note 36, at 3–4.

42. *Id.*

Germans were; we have much better sources of information as well as much better means of communication and of political organization; and we enjoy much more freedom to inform ourselves and to act politically because we are much better protected through a set of civil rights that are enforced by an independent judiciary.<sup>43</sup> This overlooks the fact that we do more for the global poor than Nazi sympathizers did to resist the Nazi elite. Pogge believes that we do not do enough, but he concedes that we agree with him on this. Thus, his argument that we have seriously failed to fulfill our obligations towards the global poor depends on his claim that it is feasible for us to do much more.

## VI. IS WORLD POVERTY AVOIDABLE?

Pogge says that the United Nations reinterpretation of its world-poverty reduction targets adds 361 million human beings to the number of those whose extreme poverty in 2015 “is deemed morally acceptable.” Arguably, no government thinks this is morally acceptable; rightly or wrongly, they think that this is the best outcome that is feasible. The dispute between Pogge and the global elite is not about what is morally acceptable but about what is feasible. However, the concept of feasibility raises a number of complex conceptual and empirical problems.<sup>44</sup>

Pogge argues that we are responsible for millions of poverty-related deaths each year because these are avoidable. When he says they are avoidable, he seems to mean that the financial cost of avoiding them would be modest: he calculates it at no more than one percent of the global product. Sometimes he suggests that this cost could be met by a small redistribution of global wealth. He claims that shifting one-seventieth of the consumption expenditure from the 1 billion people in the high-income countries would provide the \$300 billion in annual consumption the 2.5 billion poor need to escape severe poverty. A one percent reduction in the standard of living of the global well-off could eradicate severe poverty worldwide. Pogge also indicates that he believes the solution to global poverty to be a simple redistribution of global wealth by suggesting that the extent of inequality in the world is a rough measure of the avoidability of poverty. The inequality between the consumption expenditure of the global rich and the global poor shows us how cheaply severe poverty could be avoided: covering the

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43. *Id.* at 7–8.

44. See GILBERT, *supra* note 28, at 111–25; LICHTENBERG, *supra* note 28, at 102–04, 122–24; David Wiens, *Demands of Justice, Feasible Alternatives, and the Need for Causal Analysis*, 16 *ETHIC. THEORY MORAL PRAC.* 325 (2013); Christian Barry & Gerhard Øverland, *The Feasible Alternatives Thesis: Kicking Away the Livelihoods of the Global Poor*, 11 *J. POL. PHIL. ECON.* 97 (2012).

collective shortfall from the extreme-poverty line would reduce our share from 78.98 percent of the global product to 78.90 percent.<sup>45</sup>

At other times, Pogge emphasizes not redistribution but simply the low cost of eradicating poverty: for example, he says that one-third of all human deaths are due to poverty-related causes, such as starvation, diarrhea, pneumonia, tuberculosis, malaria, measles, and perinatal conditions, all of which could be prevented or cured cheaply through food, safe drinking water, vaccinations, rehydration packs, or medicines. According to Pogge, some 300 million people, mostly children, died avoidably from starvation and preventable diseases in less than two decades after the end of the Cold War.<sup>46</sup>

However, Pogge admits that, although less than one percent of the gross national incomes of the rich countries would suffice to eradicate severe poverty worldwide, it is not presently feasible to transfer this amount to help the world's poorest people because of corrupt government in the poor countries. The corruption of government in poor countries can be partly explained by the history, culture, and/or natural environment of these countries. However, the global economic order also plays a substantial role by influencing how a poor country's history, culture, and natural environment affect the development of its domestic institutional order, ruling elite, economic growth, and income distribution. The moral debate on global poverty largely concerns the extent to which affluent societies and persons have obligations to help the global poor. Some deny that there are such obligations; others claim that they are quite demanding. Both sides take for granted that we are morally related to the global poor as potential helpers. Pogge does not reject this assumption, but he holds that we are also, and more significantly, related to the global poor as supporters of, and beneficiaries from, a global institutional order that substantially contributes to their plight. Here, Pogge again connects the institutional causation of poverty with the individual obligations of the well-off. He says that one can continue to contribute to the economy of an unjust society and yet avoid collaborating in the undue harming of others by taking compensating action: by making as much effort, aimed at protecting the victims of injustice or at institutional reform as would suffice to eradicate the harms if others followed suit. This conception of the obligation to do one's fair share to remedy injustice has been criticized on at least two grounds: 1) it may leave victims of injustice with less than their fair share; and 2) one may have an obligation to do more than one's fair share if one can rescue a person or persons from severe deprivation or danger at a trivial cost.<sup>47</sup> Pogge cites Oskar Schindler, the famous rescuer of Jews in the

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45. POGGE, *WORLD POVERTY AND HUMAN RIGHTS*, *supra* note 14, at 2–3, 10, 102, 105, 115, 207, 211, 264.

46. *Id.* at 104.

47. GILBERT, *supra* note 28, at 36; CHIARA LEPORA & ROBERT E. GOODIN, *ON COMPLICITY AND COMPROMISE* 26 n.20 (2013).

Second World War, as a role-model, but it is doubtful whether it is feasible to replicate his exceptional character and circumstances.<sup>48</sup>

So Pogge emphasizes the need for institutional reform rather than redistribution, although he holds that institutional reform would have some, minor redistributive consequences. He says that the moral quality of an institutional order under which avoidable starvation occurs depends on whether and how that order is causally related to this starvation, that is, on the extent to which starvation could be avoided through institutional modification. Pogge believes that many types of reform might solve the problem of world poverty at small financial cost. The failure to initiate such reforms can be explained by several factors: some reform proposals have been unrealistic; even if reform proposals are realistic, it is hard to coordinate effort on a common reform strategy; the powerful interests opposing such reforms have generally been much more successful at coordinating than the reformers. Pogge thinks it is nevertheless possible to reform the rules of the global order and eradicate world poverty. Therefore, the privileged citizens of the affluent countries have an obligation to support structural reforms of the World Trade Organization, the privileges of exploitative dictators under international law, and of the global health system to reduce global poverty.<sup>49</sup>

Philosophers generally agree that one cannot have an obligation to do what is impossible, and therefore any obligation to reduce human rights violations in general, and world poverty in particular, implies the ability to do so. In saying that poverty-related deaths are avoidable, Pogge means that we know how to eliminate the proximate causes of these deaths by providing food, safe drinking water, medicines etc., and that it would be cheap to do so. However, he admits that the causal pathways from global institutions to poverty reduction are complex.<sup>50</sup> This admission calls into question the nature and stringency of our obligation because we may not be able to understand these causal pathways sufficiently well to effectuate the necessary poverty reduction.

Is global poverty avoidable? Pogge argues that moral convictions can have real effects in international politics. These may be the moral convictions of political elites, but more commonly politics is influenced by the moral convictions of citizens. A dramatic example of this is the abolitionist movement which, in the nineteenth century, pressured the British government into suppressing the slave trade. A similar moral mobilization may be possible for the eradication of world poverty.<sup>51</sup>

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48. POGGE, WORLD POVERTY AND HUMAN RIGHTS, *supra* note 14, at 117–18, 123, 142, 287 n.180, 293 n.222.

49. *Id.* at 116, 223, 257, 264.

50. *Id.* at 11, 26, 48–49.

51. POGGE, WORLD POVERTY AND HUMAN RIGHTS, *supra* note 14, at 217; Thomas Pogge, *Responses to the Critics*, in THOMAS POGGE AND HIS CRITICS 238 (Alison M. Jaggard ed., 2010).



## VII. THE ANTI-SLAVERY CAMPAIGN

In order to show that we can act effectively to eradicate world poverty, Pogge refers to the precedent of the people of Manchester who, in 1787, joined the battle against slavery with a petition signed by 11,000 citizens. In doing so, they disregarded their own economic interests as an abundance of cotton from slave-labor plantations was processed in Manchester. These ordinary people did not blame slavery exclusively on African or British slave traders, or on British politicians. They did not ponder the degree of their country's complicity, or their own share of responsibility, or how much could reasonably be expected of people like themselves. They did not plead poverty, powerlessness, or ignorance, nor were they deterred by the poor prospects of success. These ordinary people of eighteenth-century Manchester understood their responsibility for the misery inflicted on distant foreigners better than today's political philosophers. If they could recognize and stop their country's crime, then so can the ordinary citizens of the rich democracies today.<sup>52</sup>

Pogge says that he does not profess to know what citizens in Manchester thought and felt in 1787, but he still makes some strong claims about what they thought and felt. He claims, in particular, that what he does know about them suggests that they saw their mobilization not as an onerous task regrettably required by religious or moral duty but as a necessary component of a life worth living and as an urgent service to their country.<sup>53</sup> However, as we shall see, historians of the British anti-slavery movement have concluded that religious and moral duty was probably a significant part of their motivation.<sup>54</sup>

In any case Pogge cites them as the inspiration for the citizens of the affluent countries today. The magnitude of the problem of world poverty, and the power and complexity of the institutions that support it may make the problem seem insoluble. However, an intelligent effort by a relative small number of people could trigger its defeat just as the Manchester mobilization of 1787 triggered the defeat of slavery.<sup>55</sup>

What part did the Manchester anti-slavery petition of 1787 play in the abolition of the slave trade and slavery by the British government? What relevance, if any, does it have for our obligations to contribute to the eradication of world poverty today?

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52. Pogge, *Reply to the Critics*, *supra* note 32, at 81–83.

53. *Id.*

54. *Id.*

55. *Id.*; Thomas Pogge, *Comment: Are We Violating the Human Rights of the World's Poor?*, 14 *YALE HUM. RTS. & DEV. L. J.* 2–3 (2011).

The British campaign against slavery and the slave trade was initiated in 1783 by a group of Quakers.<sup>56</sup> In 1787 the Society for Effecting the Abolition of the Slave Trade was established. In the same year the indefatigable anti-slavery campaigner and renowned orator, Thomas Clarkson, delivered a sermon against slavery at the Collegiate Church in Manchester (later Manchester Cathedral).<sup>57</sup> When Clarkson arrived in Manchester, he found that an abolitionist committee had already been formed there, and that it intended to submit a mass petition to Parliament. Manchester probably had a larger stake in the slave trade than any other inland city in Britain. Manchester's petition for the abolition of slavery bore 10,600 signatures, about two-thirds of eligible, adult males.<sup>58</sup> The 1787 Manchester anti-slavery petition was the product of Clarkson's inspiring sermon and a pre-existing intention to submit such a petition to Parliament.

In 1788 petitions to Parliament for the abolition of slavery outnumbered those on all other subjects combined.<sup>59</sup> In 1791 400,000 people petitioned Parliament against slavery, probably the largest number of petitions to Parliament on one subject at one time.<sup>60</sup> There was support for the anti-slavery movement in several British cities despite the belief that abolition would incur a significant economic cost.<sup>61</sup> In 1792 more people signed anti-slavery petitions to Parliament than were entitled to vote, and more than signed all petitions to Parliament between 1765 and 1784, the period of the American Revolution. On 25 March 1807, Parliament abolished the British slave trade. On 1 August 1838 slavery was abolished in the British Empire.<sup>62</sup> The Manchester petition of 1787 was, therefore, only one moment in a long campaign, although Pogge is correct to say that it was a successful campaign by ordinary citizens in the face of powerful opposition.

It has been estimated that the abolition of the slave trade cost the British people 1.8 percent of its annual income over more than fifty years.<sup>63</sup> In 1833 it was agreed to pay £20 million to the planters when the national debt was 225 percent of gross national product, which was equivalent to a four percent tax rise for ten years. According to Chaim Kaufman and Robert

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56. Quakers began to raise objections to the slave trade as early as 1671, but this amounted to less than a public campaign. See CLAIRE TOMALIN, *SAMUEL PEPYS: THE UNEQUALLED SELF* 179 (2002).

57. ADAM HOCHSCHILD, *BURY THE CHAINS: THE BRITISH STRUGGLE TO ABOLISH SLAVERY* 78, 110, 120–21 (2005).

58. SEYMOUR DRESCHER, *ABOLITION: A HISTORY OF SLAVERY AND ANTISLAVERY* 214 (2009).

59. HOCHSCHILD, *supra* note 57, at 138.

60. DRESCHER, *supra* note 58, at 220.

61. HOCHSCHILD, *supra* note 57, at 221–22; Chaim D. Kaufman & Robert A. Pape, *Explaining Costly International Moral Action: Britain's Sixty-Year Campaign Against the Atlantic Slave Trade*, 53 INT'L ORG. 639 (1999).

62. HOCHSCHILD, *supra* note 57, at 230–31, 307, 348.

63. *Id.* at 5; Kaufman & Pape, *supra* note 61, at 631, 636; SEYMOUR DRESCHER, *THE MIGHTY EXPERIMENT: FREE LABOR VERSUS SLAVERY IN BRITISH EMANCIPATION* 232 (2002).

Pape, almost all parts of British society suffered economic losses from the anti-slavery campaign, including the urban middle-class Protestant Dissenters who formed its core.<sup>64</sup> The slave trade generated huge profits to the British economy, considerable taxes to the government, and tens of thousands of jobs.<sup>65</sup> The suppression of the slave trade has been estimated to have cost about 5,000 British lives.<sup>66</sup> In 1787 the abolition of the slave trade would have been thought utopian by almost everyone, especially because of its economic value to Britain.<sup>67</sup> Many felt that slavery was wrong but that nothing could be done about it.<sup>68</sup>

The British anti-slavery campaign may have been the most expensive international policy based on moral action in modern history. Kaufman and Pape argue that costly international moral action is extremely rare, and is likely to take place when it is part of a program of domestic moral reform. They maintain that the British anti-slavery movement was motivated by the desire for domestic religious and moral reform rather than by cosmopolitan values. Protestant Dissenters believed that British society, especially its ruling class, was radically corrupt, and that slavery was only one component, though an egregious component, of this corruption. For these anti-slavery campaigners, the nation's moral survival was more important than any mere material loss.<sup>69</sup>

This plausible interpretation somewhat contradicts Pogge's speculation that the Manchester petitioners were not motivated by religious or moral duty, but by a sense of a life worth living and service to their country. However, the two interpretations may be reconcilable. There is some evidence against Kaufman and Pape's thesis that the anti-slavery movement in Britain was not motivated by cosmopolitan values. In 1789, metalworkers from Sheffield petitioned Parliament against the slave trade despite the fact that the cutlery they made was exported to Africa to pay for slaves. The petition stated that the petitioners "considered the case of the nations of Africa as their own."<sup>70</sup> The inference to be drawn from the interpretation by Kaufman and Pape of the anti-slavery movement's motivation for Pogge's recommendations for the anti-poverty movement is that such a movement is likely to be successful only if it is part of a strong movement of domestic religious and moral reform. There is some, though not decisive, evidence from the British anti-slavery campaign that cosmopolitan, humanitarian motives can drive a successful movement for international reform against the opposition of powerful economic and political interests.

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64. Kaufman & Pape, *supra* note 61, at 636, 639.

65. HOCHSCHILD, *supra* note 57, at 96–97.

66. Kaufman & Pape, *supra* note 61, at 635.

67. HOCHSCHILD, *supra* note 57, at 7.

68. *Id.* at 86; Kaufman & Pape, *supra* note 61, at 645.

69. Kaufman & Pape, *supra* note 61, at 632–33, 643–45, 648, 663.

70. HOCHSCHILD, *supra* note 57, at 5.

## VIII. THEORY AND PRACTICE

Pogge argues that our responsibility to act against world poverty does not depend on whether a fully just global order is realistically attainable. Rawls's theory of justice can be used to design a blueprint of ideal institutions that would be perfectly just, but much more important for now is its role in the comparative assessment of alternative, feasible institutional schemes. Perhaps we will never achieve a global order in which the condition of the worst-off is the best it could be, but we do not need the assurance that such an order is feasible to recognize that we ought to support institutional reforms that improve the condition of the worst-off.<sup>71</sup>

Pogge acknowledges that states have an important role to play in the eradication of world poverty, but argues that the reform of the ground rules regulating international relations is necessary. It is a moral error to take the global order for granted. It is possible, but unlikely, that there is no feasible and morally justifiable way of making a transition toward a more just global order. The task of the philosophical theory of justice is to provide criteria for the moral evaluation of our global order that allows us to choose among the feasible and morally justifiable strategies for institutional reform, thereby specifying our moral tasks gradually to improve the justice of this order. Pogge admits that we would require a great deal of complex empirical information in order to determine which alternative institutional orders, if any, would improve global justice.<sup>72</sup> This formidable informational challenge is relevant to assessing the moral obligations of ordinary citizens.

## IX. VARIETIES OF RESPONSIBILITY

Whereas Pogge derives our moral responsibility to reform global institutions from their causal role in the production and maintenance of global poverty, David Miller distinguishes between causal and moral responsibility. Causal responsibility for harm involves no moral responsibility if the cause of the harm is not morally wrong. For example, if I, walking down the street and taking ordinary care, trip over a raised paving stone, knock over the person in front of me, and injure them, I am causally, but not morally responsible, because I have done nothing blameworthy. Moral responsibility presupposes some form of blameworthiness: for example, intending or foreseeing harm, or violating a standard of reasonable care. An agent may be causally but not morally responsible for a harmful outcome of their actions if the chain

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71. POGGE, REALIZING RAWLS *supra* note 16, at 12.

72. *Id.* at 257 n.21, 257–60, 277, 279.

of events connecting their action and the outcome is long and complex, so that the agent could not have reasonably foreseen the outcome. We should not be held responsible for the remote consequences of our actions over which we have no control because the point of responsibility is to guide action. An agent is morally responsible for the harmful consequences of their actions only if an agent of normal capacities could have avoided them. The possible complexity of the causal links between actions and harmful consequences may render uncertain normative judgments as to whether causal responsibility does or does not entail moral responsibility.<sup>73</sup>

These distinctions clarify Pogge's account of human rights obligations. Pogge believes that we have some causal responsibility for world poverty, and consequently some moral responsibility. Miller argues that causal responsibility does not entail moral responsibility if the causation is not blameworthy, and/or if the consequences of our action are so remote that we could not have reasonably foreseen them and/or had no control over them. Pogge holds that the elites of the rich states are blameworthy, and thus morally responsible for world poverty, because the harmful consequences of their actions are foreseeable. He is more hesitant about the moral responsibility of the ordinary citizens of the rich democracies. They cannot easily foresee the consequences of their everyday actions for the global poor and they have little or no control over them, but they collaborate collectively in the causation of global poverty and have the capacity to resist this causation, as the 1787 petitioners resisted slavery.

Miller also distinguishes between outcome and remedial responsibility. Outcome responsibility for world poverty may be shared by the poor countries and the global institutional order, whereas remedial responsibility may lie with the rich on the ground that they have the capacity to remedy poverty. In Miller's terms, Pogge argues that the global institutional order and the rich countries have causal, moral outcome and remedial responsibility for global poverty. Miller, by contrast, holds that moral responsibility is not necessary to remedial responsibility; if we have caused harm, we may have an obligation to compensate those who have suffered the harm, even if our actions were not blameworthy. An action may violate the rights of others, yet not be blameworthy. If it does, the agent may have an obligation to compensate the victim of the rights violation.

Moral responsibility is backward-looking and does not consider who can remedy the problem; those morally responsible may not be able to do so. The view that those who are morally responsible are necessarily those who have remedial responsibility risks either leaving suffering unremedied

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73. DAVID MILLER, NATIONAL RESPONSIBILITY AND GLOBAL JUSTICE 88–89, 94–96, 101 (2007); David Miller, *Distributing Responsibilities*, 9 J. POL. PHIL. 455–56, 459 (2001); David Miller, *Holding Nations Responsible*, 114 ETHICS 245 (2003–04).

or imposing intolerable costs on those held morally responsible. Miller suggests that capacity should be given priority over moral responsibility so that suffering may be remedied. This raises the problem that, if those with the capacity have no moral obligation to remedy the suffering, they will not do so, and thus the problem of remedy will remain unsolved. Miller does allow that the responsibility of those with the capacity to remedy suffering depends on the cost.

Capacity to remedy may itself have a moral status: some may be blameworthy for lacking capacity; others may merit their capacity and it may, consequently, be wrong to burden them with remedial responsibility because of their capacity. Responsibility must impose reasonable burdens; people are not required to be superhuman, but ignorance or negligence should not be an excuse. That those with capacity may have remedial responsibility does not absolve those who have moral responsibility, who may have an obligation of compensation if they acquire the appropriate capacity.<sup>74</sup>

A person may be responsible for the harm caused to another because of a connection between them: for example, a parent may be responsible for the neglect of their child while others are not. However, Miller believes that the capacity to remedy may entail an obligation to remedy even in the absence of a special relation between those with the capacity and those in need of the remedy.<sup>75</sup>

Finally, Miller holds that, in democracies, citizens are implicated in collective responsibility even for policies with which they disagree insofar as decisions are informed by principles on which there is agreement, and they are taken according to procedures that they accept.<sup>76</sup> Here, Miller is similar to Pogge: if democratic governments are morally responsible for such harms as the causation of world poverty through their participation in global institutions, then the citizens of those democracies share some moral responsibility simply in virtue of being democratic citizens.<sup>77</sup>

There is causal responsibility; there is moral responsibility; there is responsibility based on special relations; and there is remedial responsibility. There is no algorithm that determines which of these grounds of responsibility apply in particular cases. There are several possible grounds of remedial responsibility: 1) geographical proximity (e.g., regional responsibility); 2)

74. MILLER, NATIONAL RESPONSIBILITY, *supra* note 73, at 103–04, 240, 247, 463–64, 468; Miller, *Distributing Responsibilities*, *supra* note 73, at 459–61, 460 note 11, 463–68; Miller, *Holding Nations Responsible*, *supra* note 73, at 245.

75. Miller, *Distributing Responsibilities*, *supra* note 73, at 463, 469.

76. David Miller, *Collective Responsibility and International Inequality*, in RAWLS'S LAW OF PEOPLES: A REALISTIC UTOPIA? 199 (Rex Martin & David A. Reidy eds., 2006).

77. For an argument that political rights rather than democratic citizenship, the latter being neither necessary nor sufficient for the former, ground the obligations of citizens to bear the burden of compensation for their states' wrongdoing, see Avia Pasternak, *Limiting States' Corporate Responsibility*, 21 J. POL. PHIL. 380 (2013).

cultural similarity (e.g., Islamic solidarity); 3) historical connection (e.g., responsibility of former colonial powers for contemporary problems in former colonies); 4) capacity; 5) fair distribution of burdens; and 6) duty of rectification based on moral responsibility. When some or all of these possible grounds of responsibility have to be weighed against each other, we are left with our intuitions as to how this should be done. The reasons for assigning responsibility are plural, which explains in part why not enough is done to remedy injustice and suffering.<sup>78</sup> Another, arguably weightier explanation is that *none* of these grounds of responsibility has, so far, provided sufficient *motivation* to eradicate world poverty.

## X. CONCLUSIONS

Onora O'Neill criticized international human rights law for failing to identify the "agents of justice," those who have both the obligation and the capacity to implement that law. Jack Donnelly has defended the Universal Declaration model that allocates to states the primary obligations for the fulfillment of human rights. He concedes that the model is far from perfect in practice. O'Neill calls it a "bitter mockery to the poor and needy."<sup>79</sup>

Thomas Pogge holds the existing global order causally and morally responsible for the violation of the rights of the global poor, but allows that states must play a significant role in the reform of this order. He has sought to answer O'Neill's complaint that human rights declarations fail to specify the corresponding obligations by proposing that the political elites of the rich states have the primary obligations to reform the global order, but that citizens of the rich democracies also have obligations because they are collectively complicit in the violations of the rights of the global poor. He further argues that these obligations do not impose unrealistic burdens on democratic citizens, citing the role of ordinary people in the eighteenth-century British anti-slavery movement. His allocation of such obligations to democratic citizens is problematic because he admits that the causal links between citizen action and the eradication of world poverty are extremely complex and uncertain.

Pogge's critique of the global order and of our support for it is reinforced by his claim that world poverty constitutes the largest human rights violation in human history and his comparison of our role in that violation with the

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78. David Miller, *The Responsibility to Protect Human Rights*, in LEGITIMACY, JUSTICE AND PUBLIC INTERNATIONAL LAW 48 (Lukas H. Meyer ed., 2009); Miller, *Distributing Responsibilities*, *supra* note 73, at 471; Onora O'Neill, *Global Justice: Whose Obligations?*, in THE ETHICS OF ASSISTANCE, *supra* note 6, at 254–58; MILLER, NATIONAL RESPONSIBILITY, *supra* note 73, at 107.

79. O'Neill, TOWARDS JUSTICE AND VIRTUE, *supra* note 13.

collaboration of ordinary Germans with Nazi rule. He allows that there is a difference between world poverty and Nazi crimes in that the latter were intended and the former are the product of indifference. His argument must solve two problems: 1) to identify the reforms to the global order that would eradicate world poverty; and 2) to motivate democratic citizens to support such reforms.<sup>80</sup> Miller argues that there are several plausible grounds of obligation to help the poor, and this may be a source of the indifference about which Pogge complains. Pablo Gilibert argues that appealing to the positive obligation of the rich to help the very poor may be motivationally more effective than attributing causal blame to the rich in complex and controversial empirical circumstances.<sup>81</sup>

Pogge is right that the persistence of world poverty is a moral scandal and that it constitutes a massive human rights *deficit* even if it is not a *violation* because it is not intended. O'Neill's claim that the human rights movement fails to identify the agents of justice seems to miss its mark for the following reasons: 1) international human rights law rightly places the primary obligation on states; 2) this obligation is supplemented by a host of nongovernmental organizations whose capacity is, however, limited; and 3) Pogge is probably right that the global institutional order is blameworthy, but experience shows that its reform is an enormous challenge because it is supported by powerful interests. The element missing from the reform project is adequate motivation for powerful institutions to take the human rights of the global poor seriously, and for citizens to take the relevant institutions seriously. Pogge directs our attention to institutional reform. The anti-slavery movement should inspire us to believe that the eradication of world poverty is not utopian. We must harness the motivation of citizens to the reform of institutions. This can and should be done. The first step is for us to believe that it both can and should be done.

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80. For an example of the kind of reforms Pogge favors, see HEALTHIMPACTFUND.ORG, <http://healthimpactfund.org/>. For the argument supporting such a reform, see T. W. Pogge, *Human Rights and Global Health: A Research Program*, 36 METAPHILOSOPHY 182 (2005). For controversy over this project, see Sakiko Fukuda-Parr & Proochista Ariana, *Inside Views: Health Impact Fund: Raising Issues of Distribution, IP Rights and Alliances*, IP-WATCH.ORG (26 Sept. 2011), <http://www.ip-watch.org/2011/09/26/health-impact-fund-%E2%80%93-raising-issues-of-distribution-ip-rights-and-alliances/>; Thomas Pogge & Jake Hirsch-Allen, *Inside Views: A Response from the Authors of the Health Impact Fund*, IP-WATCH.ORG (3 Oct. 2011), <http://www.ip-watch.org/2011/10/03/a-response-from-the-authors-of-the-health-impact-fund/>. See also Thomas Pogge, *Eight Ways to End Poverty Now*, PASSBLUE.COM (1 May 2013) <http://passblue.com/2013/05/01/eight-ways-to-end-poverty-now>.

81. GILIBERT, *supra* note 28, at 100.



## XI. POSTSCRIPT

The report of the International Bar Association's Human Rights Institute Task Force on Illicit Financial Flows, Poverty, and Human Rights emphasizes the obligations of states, individually, collectively, nationally, through international co-operation, and through their participation in international institutions, to confront tax abuses associated with poverty and the denial of human rights. It emphasizes also the responsibilities of the banking industry, including the accountants, lawyers, and other professional service providers that support that industry. Rich people cannot hide their wealth from legitimate tax authorities without the advice of law firms, accountants, insurance companies, and private banks.<sup>82</sup>

While global poverty is declining according to some authorities and some measures, inequality both between and within nations is increasing. This increasing inequality is a potential threat to democracy. Concerns have been expressed that tax abuses are contributing to this increasing inequality. Tax abuses have considerable negative impacts on the enjoyment of human rights. They deprive governments of the resources required to fulfill their obligations to realize economic, social, and cultural rights, and to create and sustain the institutions that protect civil and political rights. Tax abuse may not be a human rights violation in itself, but it may foreseeably lead to failures by states to fulfil their human rights obligations and the inability of citizens to enjoy their human rights. The human rights implications of tax abuses can be understood if the billions of dollars that are said to be flowing out of developing countries are compared with the comparatively small amounts that are required to lift individuals, families, and communities out of the most extreme forms of poverty.<sup>83</sup>

The recently developed UN Guiding Principles on Business and Human Rights respond to O'Neill's concern that the human rights movement fails to allocate obligations to agents of justice. These principles allocate to states the obligation to ensure coherence among corporate law, tax policy and human rights. They also allocate to business enterprises the obligation to avoid any negative impacts on human rights through their operations and business relationships. Contrary to the view of O'Neill and following Donnelly, the most common view among human rights observers is that states must bear the primary responsibility for ensuring that business enterprises operate with due respect for human rights. It may be tempting, and not unreasonable, to be skeptical about the motives of both business

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82. *Tax Abuses, Poverty and Human Rights: A Report of the International Bar Association's Human Rights Institute Task Force on Illicit Financial Flows, Poverty and Human Rights* 54–55, 149 (2013).

83. *Id.* at 89, 93, 95, 103

enterprises and state elites, but it would be mistaken to believe that the UN Guiding Principles have had no positive effects on their human rights policies.<sup>84</sup> Similarly, the UN Human Rights Council's Guiding Principles on Extreme Poverty and Human Rights allocate responsibility for realizing human rights to states, but emphasize that other actors, including international organizations, national human rights institutions, civil society organizations and business enterprises also have human rights responsibilities, especially regarding the rights of the poor. States, however, have, on this account, the primary obligation to create an enabling environment that promotes the capacity of individuals, community-based organizations, social movements, and other nongovernmental organizations to combat poverty and empower the poor to claim their rights.<sup>85</sup>

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84. *Id* at 103–05, 123.

85. Guiding Principles on Extreme Poverty and Human Rights, *adopted* 18 Oct. 2012, Human Rights Council Resolution 21/11, 21st Sess. U.N. Doc. A/HRC/RES/21/11 (2012); Human Rights and Extreme Poverty, *adopted* 20 Dec. 2012, G.A. Res. 67/164, U.N. GAOR, 67th Sess., U.N. Doc. A/RES/67/164.