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# Moral Responsibility in Thomas Pogge's Cosmopolitan Imperative

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Thesis submitted for the degree of Master of Philosophical Studies

Department of Philosophy

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September 2013

## **Declaration**

I hereby declare that the work presented in this thesis is my own and that I have, to the best of my knowledge and belief, appropriately cited and acknowledged the work of others.

Rachelle Dyanne Bascara

## **Acknowledgments**

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## Abstract

Pogge claims that affluent nations and their citizens are collectively morally responsible for severe global poverty. In the absence of collaboration between the agents deemed collectively responsible, how do we justify the ascription of collective responsibility? I begin by showing how Rawls' theory of justice incited Pogge to construct a global justice theory. I discuss how Pogge arrives at the thesis that the global order is unjust, according to various – yet related – conceptions of justice. I then outline the implicated agents in his theory.

Using John Searle's theory of collective intentionality, I demonstrate how collective responsibility can be ascribed in the absence of collective agency or collaboration. Agents who are part of a collective that harms are only deemed responsible for their contributions, where the requirements of moral responsibility are satisfied when an agent foreseeably causes avoidable harm. I then distinguish between two kinds of collective responsibility, namely, collective responsibility in the absence of collective agency and collective responsibility *of* collective agents. Invoking the work of collective agency theorists, I argue that it is possible to ascribe Pogge's broadly Kantian conception of moral responsibility to collective agents.

Finally, I claim that the ascription of merit-based moral responsibility to ordinary individuals is unjustified, on the grounds that they have no accessible alternative courses of action. I nevertheless argue that, on a roughly consequentialist construal of moral responsibility, we should be able to hold people to a higher standard than the status quo, for this would enable moral progress.

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## 1. Introduction

Thomas Pogge wrote his PhD dissertation under John Rawls' supervision at Harvard University. He earned his doctorate in 1983, just a few years prior to the publication of *Realizing Rawls*. Pogge dedicated this book to Rawls, with the words: "For John Rawls, who made it possible – and necessary."<sup>1</sup> Rawls' *A Theory of Justice* is considered by many to have single-handedly revived political philosophy after the rise of logical positivism with its commitment to non-cognitivism in morality and politics. When Rawls wrote *A Theory of Justice*, political philosophy was virtually non-existent in mainstream Anglo-American academia. Philosophers of the time considered politics to be a domain where statements could neither be true nor false but are in fact expressions of approval or disapproval. Rawls did not try to refute the logical positivists. Instead, he demonstrated how a philosophical method could be used to think about morality and politics. This is perhaps why Jonathan Wolff says that Rawls' political theory is the most important work of political philosophy of the 20<sup>th</sup> century.<sup>2</sup>

If Rawls' theory is indeed of pivotal importance, it is hardly surprising that Pogge's own philosophy is greatly indebted to Rawls. He was, after all, Rawls' student. *Realizing Rawls* is both a defence and criticism of Rawls. Returning to Pogge's dedication to his mentor, what did Rawls make possible for Pogge? And how did Rawls make it necessary for him to write this particular book?

One very important idea in *A Theory of Justice* is Rawls' description of how morally arbitrary factors contribute to the determination of a person's starting point and consequent place in society. Rawls identified two main types of morally arbitrary factors and dubbed them the 'natural lottery' and the 'social lottery.' A person's physical appearance, intellectual potential, and athletic abilities are manifestations of the natural lottery. Since these qualities are randomly bestowed upon people by nature, "no one deserves his place in the distribution of natural endowments."<sup>3</sup> The social lottery, on the other hand, is the political, social, and economic circumstances into which each person is born. The best example of the social

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<sup>1</sup> Pogge, T. 1989. *Realizing Rawls*. Ithaca: Cornell University Press.

<sup>2</sup> The American Conservative. 2008. *Going Off the Rawls*. [online] Available at: <http://www.theamericanconservative.com/articles/going-off-the-rawls/> [Accessed: 28 June 2013].

<sup>3</sup> Rawls, J. 2003. *A Theory of Justice, Revised Edition*. Cambridge, Massachusetts: Belknap Press of Harvard University Press, p. 87.

lottery is the social class of a person's parents, which plays a significant role in the determination of one's social status.

Rawls argued that we must not let such morally arbitrary factors determine or significantly influence the distributive share that a person receives. In his view, justice required that the effects of these morally arbitrary factors be eliminated or at least mitigated. His criticism of the free market economy was that it allowed such morally arbitrary factors to influence one's place in society or one's share in public resources. Justice therefore required that "free market arrangements must be set within the framework of political and legal institutions which regulates the overall trends of economic events and preserves the social conditions necessary for fair equality of opportunity."<sup>4</sup> Given that such morally arbitrary factors significantly contribute to the determination of one's access to opportunities, we must calibrate our social institutions so that "chances to acquire cultural knowledge and skills should not depend on one's class position."

Rawls did not consider the distributive effects of the natural lottery to be conducive for the assessment of justice.<sup>5</sup> He argued that the distribution of goods "is determined in part at least by the natural lottery in native assets, and as such it is neither just nor unjust."<sup>6</sup> The physical characteristics and level of potential intelligence with which people are genetically endowed are random, and are matters of good or bad fortune. No one "deserves"<sup>7</sup> her physical appearance or intellectual potential. Likewise, a person does not deserve to have a better or worse position in society due to her physical appearance or intellectual potential. It is not, strictly speaking, unjust that some people are genetically good looking or intelligent, but it would be unjust if they fared better *because* of these qualities. Let us not reward people twice by allowing them to reap the undeserved benefits of their genetic endowments, and let us not penalize people twice by allowing their genetically determined misfortune to affect the administration of justice.

Unlike the effects of the natural lottery, there is a sense in which the consequences of the social lottery can be interpreted as unfair or unjust. The division of society into different socio-economic classes is not a natural phenomenon. Socio-economic stratification is an

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<sup>4</sup> Ibid, p. 63

<sup>5</sup> Ibid, p. 89

<sup>6</sup> Ibid, p. 89

<sup>7</sup> Ibid, p. 274. Rawls writes that "no one deserves his place in the distribution of natural endowments."

artifact, created and upheld by our institutions and practices. As such, it could be construed as a form of injustice, insofar as we have designed and institutionalized arbitrarily acquired inequalities in opportunity and distributive shares. There are agents who uphold and perpetuate the social lottery. Certainly, there is still an element of luck involved, since people do not choose the social standing of their parents, although their socio-economic status is to a considerable extent determined by that of their parents. The lottery aspect of this institutionalized, morally arbitrary inequality is that people are born into societies where economic stratification is already in place, and where they do not have a say in their initial starting point.

Rawls thought that something must be done about the state of affairs. He criticized the differentials in people's opportunities based on morally contingent factors partly because his particular version of liberalism involved a commitment to moral egalitarianism, or the view that all human beings are entitled to equal consideration. He was heir to a history of liberal political criticism, where the underlying principle of moral egalitarianism has been utilized to argue against the systemic and institutionalized inequalities found in societies. In *The Subjection of Women*, for example, John Stuart Mill discussed how the treatment of women was in breach of the most sacred principle upon which liberalism was founded, namely, the liberty principle.<sup>8</sup> Versions of the same liberty principle had been invoked in the arguments against institutionalized racism in the Western world. Rawls himself did not engage with the issue of gender and race in a satisfactory manner. But his liberal commitments and methodological style of attacking arbitrarily institutionalized inequality is reflective of a similar concern for a characteristically liberal emphasis on the liberty of individuals.

Rawls could be construed as extending the application of the principle of liberty to the realm of the distribution of access to economic benefits in society. A liberal conception of justice, and its concomitant principle of moral egalitarianism, requires that we treat people with equal concern and consideration. Departures from equal treatment may be permitted on certain morally relevant grounds, such as, individual choices or levels of industriousness, because this improves the conditions of the worst off. This issue is controversial in political philosophy, as the vast literature on luck egalitarianism attests. However, the important thing for our current purposes is to emphasize that, in Rawls' view, we must *not* let departures from

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<sup>8</sup> Mill, J. and Okin, S. (1988). *The Subjection of Women*. Indianapolis: Hackett Pub. Co.

equal treatment be based on morally arbitrary factors, such as the social standing of one's parents.

Pogge takes up from Rawls the significance of this notion of morally arbitrary determinants of status. In *Realizing Rawls*, he reiterates the significance of Rawls' natural and social lottery distinction, but he also points out an important deficiency in Rawls' explanation of this phenomena. Pogge contends that "the natural/social distinction is problematic in various ways, and Rawls does not draw it precisely. Concerning inequalities related to differentials in natural talent – his paradigm example for natural contingencies – Rawls suggests that insofar as socioeconomic inequalities are talent-induced, they can be explained by reference to two factors: the natural distribution of talents and the prevailing institutional scheme."<sup>9</sup> According to Pogge, this explanation is "too simple" and neglects a third significant explanation, "namely, how valuable the various natural talents are considered to be in the relevant social system."<sup>10</sup> A person could have the potential to become a great basketball player, due to height, speed, endurance, kinesthetic intelligence, etc. But this ability or potential is of negligible significance in a society where basketball is not a popular sport. In other words, the third factor that Pogge identifies "ensures that so-called natural contingencies (the distribution of valuable talents) will have a considerable social component."<sup>11</sup>

Pogge presses this point further when he says that "race- and gender-induced inequalities, neglected in *A Theory of Justice*" play a significant role in "a person's prospects for social primary goods."<sup>12</sup> He points out that such inequalities are "related to natural contingencies in Rawls' sense,"<sup>13</sup> since being born black or female is a genetic or natural incident when, in fact, they should be understood in terms of the social lottery conception. Pogge argues that "although it is plausible to say that lack of talent is a natural handicap and that the natural diversity of talents is a fact to which social institutions must adjust themselves in some way, it is at least doubtful that being female or black make one naturally handicapped or that social institutions must adjust themselves to the diversity of skin colors or genders."<sup>14</sup> Whilst being born with certain physical characteristics that makes one a member of a particular race or

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<sup>9</sup> Pogge, T. 1989. *Realizing Rawls*. Ithaca: Cornell University Press, p. 164.

<sup>10</sup> Ibid.

<sup>11</sup> Ibid.

<sup>12</sup> Ibid.

<sup>13</sup> Ibid.

<sup>14</sup> Ibid, pp. 164-165

gender is a product of a natural lottery, the effects of such genetic accidents are not natural in such a way that we must adjust our institutions to merely *accommodate* such inequalities.

To further differentiate the effects of the natural lottery from the effects of the social lottery, let us consider transportation and mobility in industrial cities. Most people have two legs and two feet, and as such we have constructed cities that are convenient for two-legged people to get from one place to another. However, since there are also people who do not have the normal function of their legs and are dependent on wheelchairs for their mobility, we have tried to *accommodate* this fact by making buildings and public transport vehicles wheelchair-accessible. Being born or rendered wheelchair-bound due to an accident or illness is a natural misfortune that the design of social institutions and infrastructure must take into account and try to accommodate. The point about accommodating such misfortunes is that we take it as a given that some people have special mobility requirements, whereas most people do not. We see physical disabilities and handicaps as a misfortune, and we do our best to mitigate their unfortunate consequences.

Whilst being born female or black is a naturally occurring phenomenon, and, just like being born with or no legs, is determined by the natural lottery, its effects are not ones that we need to merely accommodate, as if they were a natural misfortune or accident. Such inequalities are institutional and artificial, because they are socially produced and socially maintained. In short, there is a sense in which gender and racial inequalities are an injustice to the people who suffer from their consequences. Hence, we must consider how our institutions produce these inequalities in the first place. We should not restrict ourselves to acknowledging that, since half of the population is made up of women, we should do our best to accommodate this fact. Instead, we should recognize that, since women constitute half of the population, we should design our institutions in such a way that being female is not a disadvantage that requires accommodation. That a person cannot be a professional basketball player because she is short and clumsy is not the same kind of ‘misfortune’ as that suffered by a woman who cannot own property in her society because she is female.

According to Rawls, justice is a feature of social institutions, “as truth is of systems of thought. A theory, however elegant and economical, must be rejected or revised if it is untrue; likewise laws and institutions no matter how efficient or well-arranged must be

reformed or abolished if they are unjust.”<sup>15</sup> In *Justice, Gender, and Family*, Susan Moller-Okin launches a sustained criticism of the way that Rawls and political philosophy in general ignores and glosses over the pervasive gender-induced inequalities of modern democratic societies.<sup>16</sup> Okin defines gender as “the institutionalized differences between the sexes.”<sup>17</sup> Institutionalization here refers to the normalization of gender-based differences in our customs, practices, attitudes, and beliefs. The point that Okin sets out to argue for is that the real and undeniable inequality between men and women in many societies is not something endemic in the biology of males and females, but is instead a product of the way we have designed our social world. This idea corroborates Pogge’s point about the inevitable social component of what could, if we were to follow Rawls’ distinction, be considered a natural contingency.

By focusing on the morally arbitrary determinants of one’s place in society, Pogge takes a Rawlsian idea even further than Rawls himself. In pointing out the difficulty in Rawls’ distinction between the natural and the social lottery, Pogge criticizes Rawls’ analysis of his own idea. This insight allows Pogge to present the case for classifying race and gender as manifestations of the social lottery. This argumentation lays the groundwork for Pogge’s own cosmopolitan theory of justice. He makes a case for the view that gender and race are morally arbitrary determinants and are unjustly socially perpetuated. However, Pogge is primarily concerned with making the case against awarding any moral relevance to nationality. Using the same Rawlsian tools, Pogge goes on to argue that nationality is yet another morally arbitrary determinant of one’s place in the social order. It, too, is socially produced and perpetuated, and must be challenged because it leads to injustice.

Although Pogge defends Rawls against objections from Robert Nozick and Michael Sandel, he himself is critical of the way Rawls applies his principles of justice to a global setting. In his last major work, the *Law of Peoples*, Rawls recoils from the suggestion that he should apply his two basic principles of justice, the liberty principle and the difference principle, to the international arena.<sup>18</sup> In Rawls’ view, a basic structure of society is a pre-requisite for the application of his two principles of justice. In order to count as a basic structure, a system

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<sup>15</sup> Rawls, 2003, p. 3

<sup>16</sup> Okin, S. (1989). *Justice, Gender, and the Family*. New York: Basic Books.

<sup>17</sup> Okin, S. 2013. *Women in Western Political Thought*. Princeton: Princeton University Press, p. 41.

<sup>18</sup> Rawls, J. 1999. *The Law of Peoples*. Cambridge, Mass. [u.a.]: Harvard Univ. Press.

must be both self-sufficient and self-contained, and the international setting does not, according to Rawls, fulfill this precondition. It is therefore not a candidate for the realization of the two principles of justice. For Rawls, then, the ideal of a just international order “would have to be the ideal of a world of internally just states.”<sup>19</sup>

In *Realizing Rawls*, Pogge argues that, in adopting this position, Rawls is being incoherent. A consistent application of a Rawlsian theory of justice requires us to recognize the moral arbitrariness of citizenship or state lines. As Pogge puts it, “nationality is just one further deep contingency (like genetic endowment, race, gender, and social class), one more potential basis of institutional inequalities that are inescapable and present from birth. Within Rawls's conception, there is no reason to treat this case differently from the others. And so it would seem that we can justify our global institutional order only if we can show that the institutional inequalities it produces tend to optimize (against the backdrop of feasible alternative global regimes) the worst social position.”<sup>20</sup> The point that Pogge is trying to drive home here is that our liberal commitments have already required us to analyze, and attempt to rectify, the gender and racial inequality that our institutions have generated. The next on our list of morally arbitrary determinants is the parallel contingent inclusion in or exclusion from a particular nation.

Rawls' theory of justice requires that we must have a special consideration for the worst off members of society and that the justice of a social arrangement is to be measured by how well the worst off members fare. For Pogge, this translates into a requirement that we must have a special concern for the global poor because, contra Rawls, we do in fact share an institutional global order with them. In fact, his next major work in philosophy after *Realizing Rawls*, *World Poverty and Human Rights* (henceforth, *WPHR*), focuses specifically on the case of the global poor.<sup>21</sup>

To return to our initial question: What Rawls seems to have made possible for Pogge is the ability to assess and criticize social institutions on the basis of how they affect the worst off members of society. More generally, Rawls made it possible for Pogge to develop an institutional conception of justice. Furthermore, what Rawls seems to have made necessary

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<sup>19</sup> Nagel, T. 2005. The Problem of Global Justice. *Philosophy & Public Affairs*, 33 (2), p. 115.

<sup>20</sup> Pogge, 1989, p. 247.

<sup>21</sup> In between *Realizing Rawls* and *WPHR*, Pogge wrote *John Rawls: His Life and Theory of Justice*, but he does not present his own theory in this book.

for Pogge is that he must extend Rawls' institutional conception of justice to the international setting, because Rawls explicitly refused to do it himself. This, I think, is how Rawls made it both possible and necessary for Pogge to construct and defend a cosmopolitan theory of justice.

Pogge claims that affluent nations and their citizens are the main agents morally responsible for severe global poverty. This thesis attempts to justify moral responsibility in Pogge's theory of global justice. I address the question of how far Pogge's theory of moral responsibility takes us in terms of ascribing responsibility for the alleviation of severe global poverty. As such, I take great pains in making Pogge's account as strong as possible. Though I raise significant objections along the way, I have attempted to deal with them as constructively as I can. The goal is still to justify the ascription of moral responsibility, rather than to refute its possibility.

In Pogge's account, an agent is morally responsible for a harm that she foreseeably caused. This conception of moral responsibility makes sense when construed as Kantian more than any of the other leading competing theories of moral responsibility. Hence, the attempt to ascribe collective moral responsibility immediately faces a problem. How can a collective foreseeably cause harm? Is it even possible for a collective to foresee? Collective agency theorists give an affirmative answer to these questions, but they also typically require collective agency in order to be a site for ascription of collective responsibility. In the absence of global government, there is no such collective agent that we can try to ascribe the responsibility for severe global poverty.

A main objective of this thesis is to justify the ascription of collective responsibility in the absence of agency. To this end, I use John Searle's theory of collective intentionality and argue that it is plausible to ascribe collective moral responsibility in the absence of collective agency. I make an analogy between the irreducibility of collective intentionality and collective responsibility and claim that, though the responsibility lies in the collective, such collective responsibility may be, in principle, distributable to the agents in the collective. I further qualify the moral responsibility being ascribed to ordinary Westerners by pointing out that Pogge's theory makes most sense if we only try to implicate affluent Westerners rather than all citizens of developed nations. After such refinement, I differentiate between two kinds of collective responsibility: collective responsibility in the absence of agency and

collective responsibility *of* collective agents. But the main focus of this thesis is to justify how collective responsibility can be justified in the absence of collective agency. The justification of collective responsibility in cases where there is collective agency is only a subsidiary aim. Given this subsidiary aim, I rely on the work of collective agency theorists and argue that a Kantian conception of moral responsibility can be justifiably ascribed to collective agents.

Finally, I challenge Pogge's account of moral responsibility. Most Kantian conceptions of moral responsibility have been developed as merit-based accounts and require that agents have other courses of action available to them if the ascription of moral responsibility is justified. I point out that, whilst powerful actors such as nations, multinationals, and international economic organizations may have other available courses of action, it is arguable that most affluent Westerners have no choice about their contributions to the unjust global order. As such, we would be unsuccessful in our project of ascribing moral responsibility to them if we insisted on a merit-based conception of moral responsibility. Drawing on the work of feminist philosophers, I propose a recasting of Pogge's attempt to ascribe moral responsibility to affluent Westerners in consequentialist terms, pointing out how such ascription, though unjustifiable on merit-based grounds, can be warranted if our goal is moral progress.

## **2. Pogge's Cosmopolitan Theory of Justice**

### **2.1. There is a shared institutional global order.**

The first requirement for any political theory of justice is a context to which it can be applied. Pogge's main criticism of Rawls is that he is inconsistent in adopting two different theories of justice, one local and another global. The first task that Pogge needs to fulfill is to show us that his project of applying Rawls' principles of justice to the global context is warranted. Such warrant is dependent on whether the principles are indeed applicable, that there is an institutional order that meets the requirements for the assessment of justice.

Before we proceed with the discussion of whether there is a singular world order, it is worth noting that some theorists argue that justice can only exist within some sort of state order. Thomas Nagel is a proponent of the Hobbesian view that justice is "a property of the relations

among human beings (and also injustice, for the most part) requires government as an enabling condition.”<sup>22</sup> Nagel thinks that we can only discuss the issue of the justice of a system when there is “some form of law, with centralized authority to determine the rules and a centralized monopoly of the power of enforcement.”<sup>23</sup> This means that a sovereign or state power is a precondition for the discussion of justice. From this perspective, it is “chimerical”<sup>24</sup> to speak of global justice in the absence of global governance. Although our current global order has a shared legal system, corresponding international trade relations, and shared inter-governmental institutions, these are *insufficient* to justify assessments of justice. Nagel is convinced that the only way that we can subject our global order to the standards of justice is if we create “supranational institutions” that can exercise “centralized power” over the order as a whole.

Pogge’s conception of justice is markedly different from this Hobbesian conception, in that it does not require the existence of a sovereign power. Justice, as he sees it, is institutional, and only requires that there is a shared social arrangement, perpetuated by agents, with important effects on people’s lives, which regulates and enables the activity and practices of its participants.<sup>25</sup> Thus, the factors stated above – the shared legal order, international trade relations, and inter-governmental institutions – are, for Pogge, sufficient for the establishment of an institutional entity to which standards of justice can be applied.

No matter how starkly Pogge disagrees with Rawls on the issue of global justice and what counts as a basic structure, his institutional conception of justice is distinctively Rawlsian. Rawls states that “the primary subject of justice is the basic structure of society, or more exactly, the way in which the major social institutions distribute fundamental rights and duties and determine the division of advantages from social cooperation.”<sup>26</sup> Thus far, Pogge agrees with Rawls. The dispute between them only concerns the question of whether an institutional order could count as a basic structure of society, or if it possesses the hallmarks of a state. This basic structure is open to interpretation, as the contention between Rawls and Pogge attests, but the important point to remember is that this institutional conception of justice does not, on the face of it, require a sovereign or state.

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<sup>22</sup> Nagel, 2010, p. 116

<sup>23</sup> Ibid.

<sup>24</sup> Nagel’s term

<sup>25</sup> Electronic correspondence, 2013

<sup>26</sup> Rawls, 2003, p.3

Therefore, Rawls' theory of justice – and Pogge's too – fundamentally depends on the notion of an institution. What, then, is an institution? Regrettably, neither Rawls nor Pogge offer an account of the nature institutions, despite the fact that their normative theories of justice are designed to apply to these very social institutions. It is useful to turn here to a view developed by John Searle. According to Searle, a basic and general thing about institutions, and the institutional facts<sup>27</sup> generated by such institutions, is that they are dependent on collective intentionality. The institutions of marriage, private property, economic markets, money, family, social classes, etc., would cease to exist if there was only one person left in the world. Searle defines an institution as a “system of constitutive rules,”<sup>28</sup> where a constitutive rule is encapsulated in the formula “X counts as Y in context C.” A good way to understand what a constitutive rule is, is by contrasting it with a regulative rule. A regulative rule is meant to “regulate antecedently existing forms of behavior,”<sup>29</sup> whereas a constitutive rule not only regulates but also “create[s] the possibility of the very behavior that [it] regulate[s].”<sup>30</sup> The regulative rule, which says that we must drive on the right side of the road, specifies how we should drive, “but driving can exist independently of this rule.”<sup>31</sup> Contrast this with the rules of chess. The rules of chess do not just regulate how we should play chess; they *constitute* chess itself in such a way that chess is not possible without them.

The reason for introducing the distinction between regulative and constitutive rules at this point is to emphasize that “all of human social-institutional reality has a common underlying structure.”<sup>32</sup> We make the social world by iterating constitutive rules. For example, being born with this set of sex organs counts as being female; being female counts as being a woman; and being a woman means having a lower social status, lower salary, etc., than men. We live in a world where we play by the constitutive rules that have been put in place; rules that are manifested and perpetuated by our practices, customs, laws, and norms in general. The insight from this elucidation of what an institution is, is that the very institutions that have produced injustices are dependent on the collective will of the people who uphold them.

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<sup>27</sup> Searle, J. 2010. *Making the Social World*. Oxford: Oxford University Press. On p. 10, he writes that “Some facts exist independently of any human institution. I call these brute facts. But some facts require human institutions in order to exist at all.”

<sup>28</sup> Ibid.

<sup>29</sup> Ibid., p.9

<sup>30</sup> Ibid., p.10

<sup>31</sup> Ibid.

<sup>32</sup> Ibid., p. 13

This conception fits with how Pogge uses the notion of an institution. He uses the terminology of constitutive and regulative rules in his discussion of the “basic structure of a social system” in the beginning of *Realizing Rawls*.<sup>33</sup> Pogge admits that “there seems to be no very clear way of defining institutions,”<sup>34</sup> but I think that, at least for now, our intuitive understanding of this notion, coupled with the insight that such institutions are dependent on collective intentionality, will suffice. Roughly, then, an institution is a system of constitutive rules governing, enabling, and constraining the behavior, practices, and interaction of agents.<sup>35</sup>

With this working definition of an institution, let us return to the earlier point about how there is a shared global order. Establishing that there is a global institutional order is the most crucial step in Pogge’s theory. He needs to be able to say that there is a shared institutional global order, *because this order is then going to be subjected to standards of justice*. Pogge first addresses this question in *Realizing Rawls*. In this book, he sets out to convince his readers that Rawls’ requirements for a basic structure are fulfilled in the international case. To this end, he challenges Rawls’ theory of global justice with the following question: “If the world at large seems to fit Rawls’ stipulations, (being self-contained, more or less self-sufficient, and a closed system isolated from other societies) – certainly better than any national societies do – how about restructuring it in accordance with the public criterion of social justice Rawls proposes in his domestic theory?”<sup>36</sup> The global order, it seems, fulfills Rawls’ requirements of a basic structure even better than the domestic setting that Rawls insists on exclusively applying it to.

Pogge is concerned with global distributive justice. As such, he puts a heavy emphasis on economic activities. The fact that we have international economic institutions, trade between countries, and interdependence of local economies, plays a huge part in unifying the global order. This economic interaction usually occurs within an international legal system – hence,

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<sup>33</sup> Pogge, 1989, p. 21

<sup>34</sup> *Ibid.*, p. 22

<sup>35</sup> For the purposes of defining terms, let us rely on the sociologist’s, Jonathan Turner, definition of an institution as “a complex of positions, roles, norms, and values lodged in particular types of social structures and organizing relatively stable patterns of human activity with respect to fundamental problems in producing life-sustaining resources, in reproducing individuals, and in sustaining viable societal structures within a given environment.”

<sup>36</sup> Pogge, T. 2003. The Incoherence Between Rawls’s Theories of Justice. *Fordham L. Rev.*, 72, p. 1755.

we have a shared legal global order – which regulates and makes possible international trade. Pogge contends that the economic interaction between trading countries makes them sufficiently causally connected to render them a cohesive singular entity. Prior to the recent high level of globalization, the interdependence of domestic markets, and the unifying legal framework within which these economic activities occur, it would have been difficult to justify this assertion. Nowadays, Pogge argues, we are in an “era of global interdependence when social institutions influence one another and their effects intermingle.”<sup>37</sup> The existence of the United Nations, where many national collectives are signatories, also corroborates this claim. The fact that the WTO imposes international trade laws and practices, where representatives of many countries participate, is another manifestation of the cohesive singularity of our global order. Thus, Pogge seems to have a reasonable case for claiming that there is a unified global order because (a) it fulfills Rawls’ requirements of what constitutes a basic structure, namely, self-sufficiency and self-containment, and (b) because there is a high degree of economic subsumed within the framework of a regulatory and enabling legal system, which importantly affects the lives of most of the world’s inhabitants. To reiterate, it is of utmost importance that there is a shared global order for Pogge’s theory, as it enables him to subject such an order to the assessment of justice. In the succeeding section, we shall engage with the various arguments that Pogge offers to defend the view that this global order is unjust.

## **2.2. Our shared global order is unjust.**

If we accept Pogge’s conclusion that there is a global institutional order, there is in principle nothing to prevent us from subjecting it to standards of justice. But before we do so, we must first specify what standards of justice we are applying. Pogge seems to appeal to various conceptions of justice throughout his philosophical writings. This is one of the main ways in which Pogge’s approach differs from Rawls. Whereas Rawls aims to construct a systematic and universal analysis of justice, Pogge seems to take a more pragmatic stance. In this section, I shall enumerate the different conceptions of justice to which Pogge appeals, and, in the process, ascertain whether there is any unifying notion of justice at work.

In *Realizing Rawls*, as we have said, Pogge aims to show that Rawls’ domestic principles of

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<sup>37</sup> Pogge, 2008, p. 55

justice apply to the international setting. Given this, it would have been reasonable to expect that his next major philosophical work would show how to apply the difference principle to the international setting.<sup>38</sup> But this is not the direction that Pogge's work took. In *WPHR*, he offers a different definition of justice: "any institutional design is unjust when it foreseeably causes unnecessary and avoidable human rights deficit."<sup>39</sup> This definition departs from Rawls' conception, since Rawls states that the justice of a social order is dependent on what contracting parties under the Veil of Ignorance would agree to. But Rawls also clearly states that the two principles of justice, the liberty principle and the difference principle, which he puts forward for the domestic setting, will be agreed upon by everyone. One of the trailing Rawlsian thoughts in Pogge's later definition seems to be that people would not agree to an institutional arrangement where there is foreseeable unnecessary and avoidable human rights deficit and suffering because, unaware of certain facts about themselves, there is a possibility that they end up being the people who suffer.

In *WPHR*, Pogge no longer *explicitly* emphasizes Rawls' principles of justice. But the guiding principles on which he relies are still reminiscent of Rawls' principles of justice, especially the difference principle. Rawls' difference principle required a special concern for the plight of the worst off members within a social arrangement. Pogge constructs a theory of global justice that specifically targets the issue of severe global poverty because the global poor are, at least in Pogge's conception, the worst off members of our institutional order. Hence, we can assess the justice of our global order by considering how the worst off members fare, and, as Pogge's barrage of empirical statistics show, the answer is that they fare very badly. There are "830 million human beings [that] are chronically undernourished, 1,100 million lack access to safe water, 2,600 million lack access to basic sanitation, 1,000 million lack adequate shelter, and 1,600 million lack electricity."<sup>40</sup> Hence, under the Veil of Ignorance, no one would agree to this global order. By the standards of the difference principle, which permits departures from equality if and only if it would improve the conditions of the worst off, this world order – marked by extreme economic inequality which results in monumental suffering for about half its people – is not just at all.

The original Rawlsian thought, which runs deep throughout Pogge's theory, places special

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<sup>38</sup> He wrote a biography of Rawls in between *Realizing Rawls* and *WPHR*, but this is, unlike the *WPHR*, not a presentation of his own philosophy.

<sup>39</sup> Pogge, 2008, p.25

<sup>40</sup> *Ibid.*, p.2

emphasis on how we design our institutions, and how our institutions enable and constrain the ways in which we relate to each other. Returning to Pogge's earlier point, that there is an unavoidable social component even in the products of the natural lottery, we can see that Pogge is pushing this thought even further. In denying any special concern for the global poor, Rawls is effectively denying justice to millions of people, on the basis of the morally arbitrary distinction between co-nationals and foreigners. As such, Rawls' international theory of justice, as it is expounded in the *Law of Peoples*, contradicts the very foundations of the principles of justice for which he is known.

Pogge attempts to further drive home Rawls' point about the significance of morally arbitrary factors. He argues that another deficiency in Rawls' analysis is that "it considers only how [people] are *affected* by a particular [institutional arrangement], as opposed to how they are *being treated* by this [institutional arrangement]."<sup>41</sup> We must not only look at existing inequalities and figure out a way in which we can mitigate and eradicate them. More importantly, we must look at the institutional origin of these inequalities or the "particular causal pathways on which goods and ills arrive at"<sup>42</sup> persons. We must get to the root cause of such inequalities and not merely try to deal with them as they become manifested in society. We see that Pogge takes his own criticism against Rawls to heart, because his goal is to motivate people into rearranging the global order so as to stop *producing* such massive "foreseeably avoidable and unnecessary" suffering.

In making his case about the injustice of our global order, Pogge helps himself to a discourse popular amongst Western peoples in general, and to political activists in particular, namely, the language of human rights. He uses this to uphold the notion of a shared global order. Human rights, he says, "are claims primarily on coercive social institutions and secondarily on individuals who uphold them."<sup>43</sup> As such, the human rights of individuals can only give rise to "obligations [that] are limited in scope to those relevantly affected by institutional arrangements we contribute to upholding."<sup>44</sup> We can only be held accountable for other people's rights, and make claims on them, when we share an institutional order. Hence, if we discover that there are human beings on Venus and that they are suffering extreme deprivation, we would not have human right-based obligations that require us to provide them

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<sup>41</sup> Pogge, 2003, p.1742

<sup>42</sup> Ibid.

<sup>43</sup> Pogge, 2008, p. 50

<sup>44</sup> Pogge, 2010, p. 197

with their necessities.<sup>45</sup> To be sure, some other forms of duties might apply. Nevertheless, we would not have rights-based obligations towards the people on Venus, because we do not share an institutional order with them, as their suffering happens in isolation from institutional arrangements. As Pogge says, “responsibility for a person’s human rights falls on all and only those who participate with this person in the same social system.”<sup>46</sup>

Pogge’s current project, made evident by the title of his book, *World Poverty and Human Rights*, is to articulate a global theory of justice, which advances the view that severe poverty is a human rights violation. The remainder of this thesis will be mainly focusing on, and drawing from, this book. The introduction of *WPHR* opens with a quotation from the Universal Declaration of Human Rights:

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. Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized.

Prior to this UN Declaration, it would have been very difficult for Pogge to claim that severe poverty is a violation of human rights. In his account, the right to be free from severe poverty is “recognized and violated by international law.”<sup>47</sup> For Pogge, recognition of a right is necessary in order for a violation to occur. The UN clearly requires that people should have access to a standard of living that permits the meeting of their basic necessities. Yet global institutions, like the World Bank and the WTO, have blocked access to these explicitly guaranteed basic necessities. The notion of justice that Pogge is pointing to here is that our global order, based on the very standards of justice that it endorses, is unjust. The point here is that “global poverty [is] a grievous injustice according to Western normative political thought.”<sup>48</sup>

A further important consideration in establishing that an order is unjust is that the foreseeable suffering it causes is unnecessary and avoidable. More than half of the world’s current population subsists below the poverty line. Since we now have the means to bring everyone

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<sup>45</sup> Pogge, 2008, p. 204

<sup>46</sup> Pogge, 2008, p. 72

<sup>47</sup> Pogge, T. 2005. Recognized and Violated by International Law: The Human Rights of the Global Poor. *Leiden Journal of International Law*, 18 (4), pp. 717--745.

<sup>48</sup> Pogge, 2008, p. 217

to a minimum standard of living, due to our technological advances in food production and resource distribution, the order is, in Pogge's view, unjust. Pogge points out that "fifty years ago, the eradication of severe poverty worldwide would have required a major shift in the global income distribution, imposing substantial opportunity costs upon the advanced industrialized countries. Today, the required shift would be small and the opportunity cost for the developed countries barely noticeable."<sup>49</sup> In Pogge's account, demands of justice can only be substantiated when an alternative is possible. We cannot complain of injustice when people die at age 100 years or older. We have not developed the technology to prolong life, and so we cannot say that to die at the age of 100, however sad that may be, is an instance of injustice. Contrast this with the 1.5 million annual diarrhea death toll of children under five in developing countries. Diarrhea is an easily treatable disease, and it is an injustice that this disease claims so many lives. There is an available and feasible institutional design of the global order wherein diarrhea does not claim an exorbitant amount of lives. And more generally, there is an alternative way of designing our global institutional order wherein the majority of the world's population is not trapped in a vicious cycle of poverty.

We have seen that Pogge appeals to various conceptions of justice to substantiate his claim that the world is unjust. It is unjust according to the original principles of justice, because massive economic inequality has been produced and perpetuated at the devastating *expense* of the global poor, when the difference principle clearly specifies that inequality will only be allowed if it betters the conditions of the worst off. The world is unjust on a conception of "minimal justice"<sup>50</sup> that does not subscribe to the principle of moral egalitarianism. It is unjust even on the Western world's own normative political standards, because whilst many nations are contracting parties to the United Nations, they have, at the same time, authorized and imposed an institutional design which ensures that half of the world's people lack access to their basic needs. It is unjust because it produces foreseeable, unnecessary, and avoidable suffering, despite the fact that we now have the resources and means to feed, clothe, and shelter everyone in the world, twice over. The world is unjust because, based on morally arbitrary factors, namely, the economic class and citizenship one's parents, half the world's population are living in conditions of abject poverty, extreme hardship, and suffering.

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<sup>49</sup> Ibid., p.98

<sup>50</sup> Ibid., p. 264

Before we conclude this section, I want to return to the question from which we began. Readers may wonder why Pogge appeals to different conceptions of justice. Though I have tried to show that there is some continuity between the different conceptions of justice on which he draws, a critic might insist that his use of the concept is simply variable and inconstant. If Pogge really believes that Rawls is being inconsistent in having two theories of justice, the question still stands, why didn't he apply the difference principle to the global setting and claim that this is what is required to attain a just world order? I am not sure that I can give a more robust philosophical answer than the one I have offered in this chapter, i.e., that an institutional conception of justice requires a special concern for the worst off members. Nevertheless, I think that there is another salient – though possibly not quite as philosophically fulfilling – answer to this puzzle. Pogge is undoubtedly concerned with the misery and suffering of the global poor, and utilizes whatever resources he can lay his hands on in order to incite people to do something about it. He presumably believes that a strict application of the difference principle to the global case will not be appealing to many people. In fact, given the current state of our global order, it is an ideal that would simply be impossible to attain in the foreseeable future. On the other hand, Pogge thinks that some institutional reform, for example, in medical patenting, would have significant effects on the situation of the global poor, and that these changes are realizable and attainable. He is thus trying to construct a global theory of justice that will be acceptable and persuasive to as many people as possible and, consequently, effective in improving the conditions of the global poor. With this in mind, he may have resorted to invoking only a minimal conception of justice, one that is already extolled by Western morality.

### **2.3. Harm and Institutions**

According to Pogge, there is, as we have seen, a shared global order that is unjust on various conceptions of justice. What do we now do with this assessment? Pogge does something ingenious with his verdict by introducing the notion of harm and relating it to his conception of injustice. More specifically, he conceives of harm “in terms of an independently specified conception of social justice.”<sup>51</sup> Insofar as an institution is unjust, those who contribute to its design and imposition are harming people who suffer under said institutional order. In relating the concepts of harm and justice, Pogge avoids making the claim that the global order

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<sup>51</sup> Pogge, 2010, p. 190

is harming the global poor. Instead, the claim is that the global order is unjust because it causes avoidable and unnecessary suffering. An institutional order is not an agent, capable of harm or wrongdoing. The only applicable standard of assessment for an institutional order is justice. But since institutions are human artifacts, and depend on agents for their persistence, the harm caused in an unjust institutional order can be ascribed to the agents who uphold the order. The harm is nevertheless mediated through and enabled by an institution.

To better understand the relationship between harm and institutions, Pogge posits two domains for the realization of moral constraints, namely, the interactional and the institutional. On the one hand, the actions of agents are subject to interactional constraints. One important reason for this is that our actions have consequences that affect other people. Morality requires that we regulate our behavior, because our behavior affects other moral agents who deserve as much moral consideration. However in Pogge's theory, the constraints on our actions do not stop at the interactional level, since we are also involved in social institutions and practices. These institutions are "human artifacts (produced and abolished, perpetuated and revised by human beings), and it would be unprecedented not to take account of the predictable effects of human artifacts."<sup>52</sup>

The point Pogge is emphasizing here is that morality requires us to be sensitive to the institutions that we produce and the practices that uphold them for the very same reason that we must regulate our personal conduct. Institutions, like individual actions, need to take into account the fact that all human beings require equal consideration. Hence, we must do our best to ensure that the institutional order is just. We can do this by taking full account of the interests and wellbeing of all the people who participate in and are affected by an institutional order.<sup>53</sup> This takes us back to Pogge's earlier point to the effect that we must not restrict ourselves to examining how people are affected by our institutions but must also consider how our institutions *treat* people. We can do this by examining the effects of particular institutional arrangements. We ask what inequalities our institutional arrangements produce, and then we further ask whether such inequalities are morally justifiable or arbitrary. If they are justifiable based a particular conception of justice, then we may leave such inequalities untouched. But if we find that some institutionalized inequalities are morally arbitrary (and here again the cases of race and gender are paradigmatic), we must attempt to find the

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<sup>52</sup> Pogge, T. 1992. Cosmopolitanism and Sovereignty. *Ethics*, 103 (1), p. 54.

<sup>53</sup> Electronic correspondence

institutional origin of such inequalities and redesign our institutions accordingly. If we fail to do so, the agents who uphold and design unjust institutions are guilty of moral failure. Moreover, such agents could be construed as harming those who suffer from the injustices of an institution. Justice requires that we do our best to eliminate morally arbitrary institutionalized inequalities because, on this conception, justice is grounded on morality. Morality is, in turn, founded on the network of interpersonal relations between human beings, because we are social creatures whose actions, inactions, and support of institutions have important effects on people's lives. The relationship between harm and institutions, on this account, is bridged by a conception of morality that requires that we take seriously the interests and wellbeing of others. This is how Pogge is able to (a) relate the notion of harm and institutions, and (b) assign agents the responsibility for the harms suffered in an institutional order.

#### **2.4. Severe poverty as a human rights violation.**

Pogge, then, postulates that our institutions must be subjected to moral constraints, to the same extent that we subject our interactions to moral constraints. This relation enables us to assign responsibility for harms suffered to agents who uphold the unjust institutional arrangement. One conception of justice that allows us to generate the conclusion that our global order is unjust is the human rights based conception of justice. Since this conception of justice is the one that Pogge currently invokes, I shall focus on this conception of injustice for the remainder of this dissertation.

Pogge's current project, as noted earlier, is to articulate a global theory of justice, which advances the view that severe poverty is a violation of human rights. As we have already seen, he conceives of rights primarily as claims on social institutions and that human rights claims and obligations only arise towards and between people who participate in the same institutional order. Since we have related the notion of harm to social institutions, we can describe the agents who harm as human rights violators of the global poor. It is crucial for this account that the injustice of the institutional order is cashed out as a form of harm or violation perpetrated by those who uphold the institution, for Pogge is attempting to ground the duty to alleviate severe poverty *solely* on negative duties, namely, we have a human rights-based obligation to not harm others.

Why does Pogge want his account of global justice to be construed in terms of negative duties? It is worth remembering, at this point, that he sometimes chooses to endorse particular arguments on the grounds that they advance his goal of reducing poverty. Thus, we should consider whether any pragmatic considerations underlie his decision to defend his case as he does. One salient reason for why he tries to base the duty to alleviate severe poverty on negative duties might be that *WPHR* was published thirty years after Peter Singer's *Famine, Affluence, and Morality*. In the latter work, Singer argues, on consequentialist grounds, that we have a moral obligation to help people in severe poverty, by denying the moral relevance of the distinction between positive and negative duties.<sup>54</sup> Positive duties are duties of aid or to assist others and are typically considered as weaker than negative duties, which only require us not to harm others. According to Singer, we are morally responsible for the harms that we could and yet fail to alleviate.

Singer's work received a lot of attention from the philosophical community, although much of it was critical. For example, Susan James articulates a significant criticism to Singer's account.<sup>55</sup> According to James, the problem with Singer's account is that his arguments require the transmogrification of our morality and contravene our most commonly held moral beliefs. In collapsing the moral distinction between harming and failing to save someone from harm, Singer is invoking a conception of morality that goes against our entrenched moral convictions. Singer's argument for the duty to relieve the suffering of the global poor is now largely considered to be unsuccessful, and Pogge has learned from Singer's mistakes. Taking seriously the objections that Singer's critics raised, he attempts to ground the moral imperative to alleviate poverty solely on negative duties.

According to Pogge, his arguments, unlike those of Singer, "do not challenge the morality prevalent in the West"<sup>56</sup> and that on the contrary, "[they] invoke the very core of this morality."<sup>57</sup> Pogge is trying to ground a global theory of justice solely on negative duties because he wants his arguments to be persuasive. He wants to convince and convert the libertarian to the position that, from the basic and incontestable principle that we must not harm innocent people for minor gains, we can derive the conclusion that we are obligated to

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<sup>54</sup> Singer, P. 1972. *Famine, Affluence, and Morality*. *Philosophy & Public Affairs*, 1 (3), pp. 229--243.

<sup>55</sup> James, S. 1982. *The Duty to Relieve Suffering*. *Ethics*, 93 (1), pp. 4--21.

<sup>56</sup> Pogge, 2008, p. 32

<sup>57</sup> *Ibid.*

restructure our global order so as to ensure that no one falls below the poverty line.<sup>58</sup>

Since Singer failed to convince the philosophical community that we must help the global poor, Pogge makes great efforts to avoid the pitfalls into which Singer fell. As previously noted, one major pitfall of Singer's account was his reliance on positive duties. Of course, our commonsense intuitions seem to be more aligned with that of Singer's, i.e., that the required action is to help the poor. Positive duties seem more aligned with positive action or doing something. Since Pogge is telling us that we must do something or take positive action on the issue of severe poverty, Pogge's critics have argued that this task of grounding the obligation to alleviate severe poverty is destined to fail.<sup>59</sup> On this point, Pogge claims that the idea that negative duties can only entail negative action or inaction is based on a misconception. He agrees that "promoting institutional reform is doing something,"<sup>60</sup> but he argues that some negative duties necessarily entail positive action. To substantiate this claim, he points to the practice of keeping one's promises. A person must "do what one has promised or contracted to do pursuant to one's negative duty not to promise/contract without performing."<sup>61</sup> The point here is that keeping a promise to do something is a negative duty, and yet the person who makes a promise is required to take positive action in order not to violate a negative duty. Somewhat like keeping one's promises, Pogge insists that alleviating poverty is neither supererogatory nor optional. Unlike Singer's theory, we are not being asked to *help* the global poor; all that he requires is that we *stop harming* them and is thus a precondition for minimal human decency. We must stop harming them by ceasing to participate in upholding the unjust institutional global order, which foreseeably causes unnecessary and avoidable suffering in half of its population.<sup>62</sup>

There is another important distinction to make between Pogge's and Singer's moral imperative to alleviate severe global poverty, which is tangentially related to the distinction between helping the poor and not harming the poor. Unlike Singer's prescriptions, the required action does not involve donating to charities or volunteering to aid organizations –

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<sup>58</sup> On p. 195 of *TPHC*, Pogge writes (in response to one of his critics) that his "objective was not to 'placate' the libertarians... but to convert them."

<sup>59</sup> Ci, J. 2010. What Negative Duties? Which Moral Universalism?. In: Jaggar, A. eds. 2010. *Thomas Pogge and His Critics*. Cambridge: Polity, pp. 84-102.

<sup>60</sup> Pogge, 2008, p. 178

<sup>61</sup> *Ibid.*

<sup>62</sup> Later, we will show that Pogge is aware that most agents are unable stop participating in upholding this unjust institutional order. But it is useful to phrase it this way, at least for now, to show that mere participation is sufficient for implication.

though of course Pogge would support such activities. He is adamant that what is required to solve the problem of poverty and the heinous human rights violations across the globe is that we must restructure the way in which this global order is designed and executed. The most that aid agencies can do is mitigate the effects of the unjust global order. As Pogge points out, “institutional reform, by contrast, could reduce or eradicate the problem at the root, greatly reducing the need for continuous mitigation efforts.”<sup>63</sup>

This prescription of restructuring our institutional order corroborates the earlier point about how Pogge’s institutional conception of justice requires sensitivity to how people are being treated by the institutional order. Not only does Pogge want to convince people that the requirement to eradicate poverty is not merely optional; his project is to eradicate, not merely poverty, but *the institutional origins of poverty*. This goal also underlies his propensity for instrumental reasoning and his project of convincing the libertarian. If we were to restructure the institutional order, then we would not need to devote our efforts to mitigating severe poverty. According to Pogge, institutional change “involves more *realistic* demands than a solution through private initiatives and conventional development aid.”<sup>64</sup> This approach should also appeal to the libertarian, who tries to minimize the demands that morality imposes on her liberty, because “continual mitigation of poverty leads to fatigue, aversion, and contempt.”<sup>65</sup>

Lastly, the decision to ground the moral imperative to alleviate poverty in the language of rights again reflects Pogge’s use of instrumental reasoning. The discourse of rights is accessible and utilized in general public political discussions. In couching the injustice in terms of human rights violations, Pogge is thus able to reach a wider audience than just philosophers and political theorists. He is capitalizing on a tried and tested approach against the eradication of morally arbitrary institutionalized inequality, a method that has been used for decades to challenge the prevailing status quo.

We have now reached the end of our discussion and summary of Pogge’s cosmopolitan theory of justice. We began with his arguments for the claim that there is a unified institutional order. We then proceeded to examine the different conceptions of justice that he

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<sup>63</sup> Pogge, 2010, p. 213

<sup>64</sup> Pogge, 2008, p.18, my italics

<sup>65</sup> Pogge, 2010, p. 218

uses to assess this global order. We saw that it is unjust on various specifications of justice, including the minimal justice generally championed in Western normative political theory. We then introduced the notion of harm by relating it to an independently specified notion of institutional justice, which allowed us to attribute the responsibility for the suffering in the unjust order to those who uphold the institutional arrangements that constitute it. This allowed us to claim that those who uphold the order are harming people who suffer from it. As such, they are violating their negative duty not to severely harm innocent people. Pogge then utilizes the language of rights to argue that people who harm are human rights violators of the global poor. The question that should now be at the forefront of our minds is the question of who counts as human rights violators of the global poor in this account. Who are the agents responsible for upholding this unjust institutional global order? The following chapter is devoted to answering this question.

### **3. Implicated Agents**

#### **3.1. Overview of the General Problem and Related Worries**

In Pogge's account, those who contribute to upholding this unjust institutional global order are implicated as human rights violators of the global poor. Perhaps this is a good time to take a step back, at least for a brief moment, and consider the range of agents who are candidates for the kind of responsibility that Pogge is talking about. Remember that Pogge wants to make these agents morally responsible, and not just causally responsible. Moral responsibility theorists typically argue that, in order to be the kind of entity to which moral responsibility can be ascribed, an entity must meet *some minimal standards of agency*. Most normal adult human beings usually meet conditions of minimal agency. States, corporations, and other structured collectives that are capable of organized intentional action are also plausible candidates for the ascription of the kind of responsibility that Pogge talks about.<sup>66</sup> Pogge does not go into the details of what kinds of entities he thinks are appropriate for ascriptions of moral responsibility. Instead, he discusses the roles and contributions of different actors and institutions to the perpetuation of severe global poverty, and labels them as morally

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<sup>66</sup> See List, C. and Pettit, P. 2011. *Group Agency: The Possibility, Design, and Status of Corporate Agents*. Oxford: Oxford University Press, and Isaacs, T. 2011. *Moral Responsibility in Collective Contexts*. Oxford: Oxford University Press.

responsible. Part of this chapter's goal is to try to extract and construct a plausible account of moral responsibility that would suit Pogge's global justice theory.

For Pogge, causal responsibility and foresight of harm are sufficient for grounding moral responsibility.<sup>67</sup> Given this conception, it seems like agency is required, since agency is what gives an entity the ability for both causing harm and having foresight. According to Pogge, this is just another way of saying that agents are morally responsible for the harms of the worst off members of the institutional order when they are aware of the injustices that the order perpetuates and yet continue to contribute to upholding it.<sup>68</sup> Of course, there is no agent, not even a collective agent, who causes and perpetuates severe poverty. The ascription of responsibility for this type of harm rests in the first instance with a *collective entity*. Severe poverty is not something brought about and maintained by this, that, or those agents; it is the consequence of the accumulation of a multitude of complex, inter-related, and predominantly agent-caused factors. There is a sense in which everyone in the world contributes to the perpetuation of the global order. This is why the ascription of responsibility rests with some sort of collective entity, which is not a collective agent.

Before we proceed, we should make explicit some worries about Pogge's attempt to ascribe collective moral responsibility in the absence of collective agency. Although we shall not be discussing them in depth here, keeping these worries whilst exploring the list of perpetrators will lay the groundwork for a more thorough analysis of responsibility, which is the topic of the next chapter.

This first level of ascription of responsibility immediately faces a difficulty. If a collective entity,<sup>69</sup> or an aggregate collection of agents in the absence of a unifying agential structure, is responsible for severe poverty, then how exactly can we say that this collective entity foresees the harm that follows from its actions? The project of assigning a mental state to a collective agent is already problematic. Presumably, it is even more problematic if we are trying to assign a mental state to a collective entity that is *not* even a collective agent.

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<sup>67</sup> Electronic correspondence

<sup>68</sup> Electronic correspondence.

<sup>69</sup> I shall be using "collective entity" to refer to a collective or an aggregation of agents, which does not meet the minimal requirements of agency.

It is important to appreciate that giving up “foreseeability” in Pogge’s requirements for moral responsibility is not an option, as this would produce an account of mere causal responsibility. Causal responsibility, although important in this conception of moral responsibility, cannot be equated with moral responsibility. So the specific question is: how can an aggregate collection lacking the structure required for agency *foresee* its causal responsibility? To foresee something is to have thoughts or beliefs about it. It is a mental state with a propositional content. The reason why foreseeing is necessary for moral responsibility is because it takes into account the mental states of agents and, as TM Scanlon points out, an account of an agent’s mental state is necessary in order to give moral meaning to an action.<sup>70</sup> So the problem with ascribing moral responsibility to a collective agent is that it seems to require us to posit something like a collective mind capable of propositional mental representation. We will return to these problems – the moral meaning of an action and the problem of foresight in the context of collective agency – in more detail after this chapter.

Pogge does not seem to think that assigning collective responsibility in the absence of agency is a problem. In *Thomas Pogge and His Critics (TPHC)*, Pogge states that in calling the imposition of an unjust global order “collective, [he is] not implying that this imposition is collaborative.”<sup>71</sup> Pogge thinks that “collective imposition is compatible with anarchy in international relations.”<sup>72</sup> He ascribes moral responsibility to discrete agents, both individual and collective agents, based on their capacity to foresee that they are causally contributing to the persistence of severe poverty. It seems that, for Pogge, there is no explicit differentiation between individuals and collective agents. What matters for the ascription of moral responsibility is agency. Participants in the imposition of this unjust global order are only deemed responsible for their *contributions*. Although the general cause is a non-unified aggregate of agents’ causal powers, these agents foresee that they are part of an institutional order that cause and enable the persistence of severe poverty and suffering in about half the world’s population.

To help us think about the responsibility of discrete, non-collaborative agents, Pogge offers a scenario where two corporations dump their waste into a river, where there is a community

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<sup>70</sup> Scanlon, T. 2008. *Moral Dimensions*. Cambridge, Mass.: Belknap Press of Harvard University Press.

<sup>71</sup> Pogge, 2012, p. 222

<sup>72</sup> Ibid.

downstream that lives off of the resources offered by the river.<sup>73</sup> Each corporation's waste is, on its own, non-toxic. We can even say that each corporation's waste is of negligible harm, say, it just makes the water taste slightly different. But the combination of their waste conjoins and forms a lethal chemical that harms and kills members of the community downstream. Let us also say that each corporation is aware that the other corporation is dumping waste and that the mixture of both corporations' waste is lethal. Pogge points out that neither one of them can appeal to the fact that, if the other corporation were not dumping their waste in the water, there would be no harm. Although this is true, it is irrelevant because both corporations are aware of what the other was doing, and hence both corporations are culpably implicated in this story. Rather than neither one being responsible for the harm inflicted by the dumping of waste, *both* companies are jointly responsible for the harm they each foreseeably and jointly caused.

Although the harm that the global poor suffers is a byproduct of the conglomeration of the actions and interactions of distinct, non-collaborative and different kinds of agents, such *agents are responsible for their contributions*. They cannot evade responsibility by appealing to the fact that their particular contribution would not, by itself, be sufficient for causing poverty. By highlighting their contributions, Pogge assigns moral responsibility to the discrete agents that collectively, yet non-collaboratively, *foreseeably contribute to the perpetuation and exacerbation of severe global poverty*.

There is another matter to contend with in this way of addressing the initial difficulty. In focusing on the contributions of discrete non-collaborative agents, the foreseeability of the harm caused is significantly complicated. Agents are not only required to try to predict the harms that their actions could cause; more specifically, they need to consider how their actions become intermingled with other agents' causal actions. Having to gauge the harmful consequences of a particular action is complicated enough on its own, since probabilistic reasoning and the fact of non-perfect knowledge of the factors involved could be an impediment to foresight. Taking into account the cumulative effect of an agent's particular action when it interacts with others' actions could prove to be an obstacle to foreseeability. We shall see this difficulty at play in the discussion of the responsibility of particular agents, which, as I said, is the main topic of this chapter.

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<sup>73</sup> Pogge, 2005, p. 14

Finally, it is vital to emphasize what was mentioned earlier in passing. There are two kinds of agents that Pogge tries to implicate, namely, individual agents and collective agents. Individual agents are leaders, representatives, citizens, and affluent Westerners (sections 3.2, 3.6.1, and 3.6.2 in this chapter). Collective agents are nations, corporations, and other structured organizations (sections 3.3, 3.4, and 3.5). I am leaving the issue of moral responsibility *of* collective agents until the latter part of the next chapter. I shall not differentiate between two kinds of agents. The reason why I do not differentiate is because, as I have said, Pogge himself does not make a distinction. In the first level of ascribing collective moral responsibility, I shall be treating collective agents *as if* they were individual agents, and I shall abstain from saying more about how the responsibility ascribed to group agents distributes to the individual members of the collective agent, at least until the next chapter. I bracket these concerns in order to proceed with the identification of responsible agents. Rest assured, we shall be focusing on these worries immediately after this chapter.

### **3.2. The leaders and elite of developing nations**

The first perpetrators in Pogge's account are the leaders and elite of developing nations. Given that Pogge believes that the responsibility for the fulfillment of human rights fall on those who share an institutional order, the leaders and elite of nations are most clearly and definitively implicated in this story. He says that "national societies are the paradigmatic example of relevant social systems, and the responsibility for the fulfillment of your human rights falls on your government and your fellow citizens."<sup>74</sup>

However, since Pogge's theory is a global justice theory, he does not focus on what happens on the internal, domestic level. He emphasizes that the leaders and elites of developing nations culpably play a huge role in the persistence and exacerbation of the suffering of the global poor. He is explicit that his global theory of justice "should not lessen the moral responsibility we assign to dictators, warlords, corrupt officials, and cruel employers in poor countries."<sup>75</sup> But as the project he has undertaken is to provide a theory of *global* justice, he can be relatively silent or scant in his analysis of injustice within the countries of the global

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<sup>74</sup> Ibid, p. 72

<sup>75</sup> Ibid., p. 122

poor. For sure, global poverty is the result of both local and global forces, but pointing at the local forces cannot exculpate the foreign actors for their role in this injustice.

However, Pogge does discuss the part played by international actors in sustaining the rule of corrupt, tyrannical unrepresentative leaders of developing countries. He points out that this unjust international order plays a significant role in how unrepresentative leaders in poor nations persist because these people would not be able to “maintain their horrendous misrule without foreign support.”<sup>76</sup> Many tyrannical rulers come into power with the help of powerful nations, who support these despots in order to bypass the moral requirement to benefit the peoples of a country, whose natural resources they buy. Pogge writes that the international community in general, and developed countries in particular, “are offering a price for every would be autocrat or junta anywhere: whoever can gain effective power by whatever means will have the legal power to incur debts in the country’s name and to confer internationally valid ownership rights in the country’s resources.”<sup>77</sup> Pogge thinks that this practice is similar to buying goods from thieves. It is morally unacceptable, and the global community must not “recognize the authority of tyrants to sell the natural resources of the countries they rule.”<sup>78</sup> Moreover, when the international community engages in business transactions with despots, they culpably ignore how these leaders came into power and how they rule, selling them arms and weapons that help perpetuate an already corrupt and tyrannical system of leadership.

As we shall see again in the section on international economic organizations, international banking practices provide a safe haven for the stolen wealth of corrupt leaders of poor nations. Corrupt leaders are able to take government money out of their respective countries and into private bank accounts. The World Bank permits unrepresentative leaders to borrow money. This not only fails to benefit the citizens of the nation in whose name the debt is incurred, but doubly penalizes the people by making them responsible for the repayment of stolen government money.

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<sup>76</sup> Ibid., p. 263

<sup>77</sup> Ibid., p. 116

<sup>78</sup> Ibid., p. 148

The leaders of developing nations are significantly and culpably implicated because they are corrupt and tyrannical. But, and this point is repeatedly stressed throughout Pogge's work, implicating the leaders of the poor nations do not diminish the responsibility of other actors. In fact, as the points outlined above suggests, other actors are doubly implicated, not only for their part in upholding the unjust global structure, but also for their part in the maintenance of the rule of corrupt and tyrannical leaders of poor nations. Pogge's moral outrage and condemnation of the role of the international community in the persistence of unrepresentative leaders in developing countries is captured when he said that "our governments have instigated the violent installation of many oppressive rulers in poor countries, are selling juntas and autocrats the weapons they need to stay in power and have fostered a culture of permitting firms to bribe foreign officials, by blessing such bribes with tax deductibility and by providing safe havens for such illicit wealth."<sup>79</sup>

Another related reason why Pogge does not focus on the analysis of the local/national causes of poverty is because he is wary of what he calls "explanatory nationalism." He argues that "explanatory nationalism traces present human misery to bad national policies and institutions to poor countries."<sup>80</sup> Pogge argues that people in the Western world are under the "illusion" that local factors – corruption in government, civil wars, backward practices, and other poverty-perpetuating practices in the developing world – are capable of completely explaining severe poverty. Affluent Westerners have developed a resistance bias, preventing them from seeing that they are connected to the "unimaginable deprivations suffered by the global poor. This biases Westerners against data, arguments, and research liable to upset our preferred world view."<sup>81</sup> People in the developed world like to focus on the success of South Korea and Taiwan and infer from these that the persistence of severe poverty must be caused by domestic problems. This is the preferred story because it exonerates the West from having a role in what Pogge considers to be the "largest human rights violation in human history."<sup>82</sup> For Pogge, this is an instance of fallacious reasoning that is motivated by Westerners' self-interest in wanting to be absolved of responsibility.

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<sup>79</sup> Pogge, 2008, p. 29

<sup>80</sup> Ibid., p. 149

<sup>81</sup> Ibid., p. 206

<sup>82</sup> Ibid, p. 264

### 3.3. International Economic Organizations

Since the focus of Pogge's account is the severe economic deprivation of almost half of the world's population, international organizations are important actors. Pogge assigns significant responsibility on the World Trade Organization (WTO) and the World Bank (WB) for their role in the design and structure of this unjust global order.

The WTO supervises and mandates international economic trade transactions. The problem is that its policies are biased against developing countries. Pogge argues that developed nations dominate and significantly control the proceedings in the organization. Although officially the WTO operates on the principle of "one member one vote," critics argue that "developing nations, which form an overwhelming majority in numbers in the WTO, have not had any success in pursuing their objectives."<sup>83</sup> As Pogge points out, "the US, EU, Japan, Canada, and Australia, which only has about 13.7 percent of the world's population, have over three-quarters of the world's income, and can therefore exact a higher price for access to their all-important markets."<sup>84</sup> This superior bargaining power enables the leaders of developed nations to impose, through the WTO, unilateral trade terms and economic policies that detrimentally affect billions of the impoverished in developing nations. Pogge quotes *The Economist*, a magazine which he claims is committed to the defence of the WTO and the free market and hence cannot be accused of being biased against the WTO. According to the magazine, "rich countries are particularly protectionist in many of the sectors where developing countries are best able to compete, such as agriculture, textiles, and clothing."<sup>85</sup> Moreover, the tariffs "on manufacturing imports from poor countries are four times higher than those on imports from other rich countries."<sup>86</sup> In effect, international economic institutions, acting in the interests of their more powerful members, force developing countries to "to open [their] markets to the corporations and banks of the affluent countries and ... to commit [themselves] to the costly enforcement of [the developed countries'] intellectual property rights."<sup>87</sup> Pogge is adamant that his theory is not a socialist critique of

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<sup>83</sup> Twinside.org.sg. 1999. *Why the WTO decision-making system of 'consensus' works against the South*. [online] Available at: <http://www.twinside.org.sg/title/bgl3-cn.htm> [Accessed: 28 Marc 2013].

<sup>84</sup> Pogge, T. 2007. Severe Poverty as a Human Rights Violation. *Freedom from Poverty as a Human Right: Who Owes What to the Very Poor*, p. 21.

<sup>85</sup> Ibid.

<sup>86</sup> Pogge, 2008, p. 20

<sup>87</sup> Pogge, T. 2007. Montreal Statement on the Human Right to Essential Medicines. *Cambridge Quarterly of Healthcare Ethics*, 16 (01), pp. 97--108.

the evils of capitalism. He insists that his complaint is not with the free market as such but with the hypocritical invocation of the free market mantra whenever it is beneficial to the powerful nations.<sup>88</sup>

As noted, the WB is particularly guilty of lending money to unrepresentative leaders of developing nations, and this has monumental repercussions for the economy and the lives of citizens of developing nations. There are people in power in developing nations who are blatantly corrupt and tyrannical. And yet, as we have said, the WB authorizes tyrants to “incur debts in the country’s name.”<sup>89</sup> This significantly implicates the WB because this practice is one of the vicious cycles in which developing nations remain caught in. Instead of providing the much-needed economic relief for developing countries, the WB actually reinforces the poverty in developing countries by making its citizens pay for the money borrowed and stolen by their unrepresentative leaders. Compliance to WB policies is a main reason why many developing nations “cannot generate domestic investment capital because they struggle under a mountain of foreign debt accumulated by previous dictators and military rulers and must service these debts on pain of being shut out of the international financial markets.”<sup>90</sup>

It is worth noting that there is a sense in which the responsibility ascribed to economic trade organizations seems to amount to the responsibility of developed nations, due to their dominating control of the organizations. Later in this chapter, we shall discuss in more detail the implications of this particular claim.

### **3.4. Multinational and Transnational Corporations**

MNCs and TNCs are also perpetrators in Pogge’s global justice theory. Such corporations are particularly guilty of exploiting moral loopholes within the legal system, enabling them to bypass moral requirements. Pogge points out that “corporations are endlessly searching for loopholes and other methods of tax avoidance which keep their clients in compliance with the law.”<sup>91</sup> For example, when a company is “concerned about the harsh working conditions in a

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<sup>88</sup> Pogge, 2008, p. 30

<sup>89</sup> Pogge, 2008, p. 148

<sup>90</sup> Ibid., p. 149

<sup>91</sup> Ibid., p. 5

foreign plant,”<sup>92</sup> instead of working towards the improvement of such conditions – something that morality would require – they opt to “sell” the factory and then “buy its products from its new local owner.”<sup>93</sup> This strategy enables them to evade legal sanctions despite the fact that the motivating reasons are morally suspect. Powerful corporations are also particularly guilty of evading their fair share of taxes in developing countries. Corporations typically set up their trademark and licensing in low tax jurisdictions, thus legally avoiding the moral requirement to contribute their fair share to society. As Pogge points out, “many of these multinationals produce in the developing world, they produce their goods there, they sell their goods there,” but “they don’t pay their taxes there.”<sup>94</sup>

Large corporations also use their advantaged financial position to lobby for their interests in the political arena. They do so by lobbying “for rules that stifle emergent competitors.”<sup>95</sup> According to Pogge, the lobbyists of such corporations are essentially bribing government officials, in both the developed and the developing countries, in order to get unfair profitable business deals and other tax breaks, all wrapped under the guise of “incentive payments.”<sup>96</sup>

Corporations are increasingly implicated when they sanction the rule of corrupt and tyrannical leaders by engaging in business transactions with them. Pogge points out that “a corporation that has purchased resources from the Saudis or Suharto, or from Mobuto or Abacha, has thereby become entitled to be – and actually *is* – recognized anywhere in the world as the legitimate owner of its resources.”<sup>97</sup> Whilst the Western world pretends to condemn the oppressive rule of such leaders, their corporations have exploited the opportunity to access a rich country’s natural resources at a bargain price. As noted, such practice is, in Pogge’s view, tantamount to doing business with armed robbers.

Though Pogge definitively tries to implicate MNCs and TNCs in his theory, like the WTO and WB, there is a sense in which the responsibilities of these powerful corporations are also within the purview of affluent nations and their citizens. These corporations are usually

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<sup>92</sup> Ibid.

<sup>93</sup> Ibid.

<sup>94</sup> Academicsstand.org. 2000. *Thomas Pogge | ASAP | Academics Stand Against Poverty*. [online] Available at: <http://academicsstand.org/projects/the-global-poverty-consensus-report/resources/thomas-pogge/> [Accessed: 28 Jul 2013].

<sup>95</sup> Pogge, 2008, p. 15

<sup>96</sup> Ibid.

<sup>97</sup> Pogge, 2008, p. 119

owned by, or have markets predominantly dominated by, Westerners. In the next section, we shall be discussing the role of affluent nations and their citizens in this global injustice account.

### **3.5. Affluent Nations**

Throughout *WPHR*, it becomes evident that Pogge's focus is on ascribing moral responsibility for the persistence of severe poverty to affluent countries and their constituents. They are responsible because the unjust global order is essentially under the control of such developed nations. We noted earlier that the representatives of powerful countries dominate the WTO and the WB. He argues that "the design of this order is fashioned and adjusted in international negotiations in which our governments enjoy a crushing advantage in bargaining power and expertise."<sup>98</sup> We also said that corporations play an important role in the injustice of this global order. People from developed nations typically own these implicated corporations. Moreover, given that the main issue at stake is global economic distributive injustice, the current economic distribution of resources is an important consideration. As Pogge notes, the wealthiest people in the world are typically citizens of developed nations. The average citizen of any given developed nation has stronger consumer power than most other citizens and consumers of poorer countries. Hence, his frequent use of the word "affluent" as opposed to democratic, developed, or industrialized highlights that what is at stake is the issue of economic distribution. In this story, economic power plays a role in shaping the unjust economic order. Given all this, Pogge contends that the main actors responsible for the harms that the global poor suffer are the affluent nations and their citizens.

Let us first focus on affluent nations, since nations are, after all, collective agents. As such, it seems plausible to ascribe responsibility to them for their contributions. By affluent nations, Pogge is probably referring to the conglomeration of the "the US, EU, Japan, Canada, and Australia." This conglomeration, however, does not form a collective agent, since these sovereign powers are not subsumed within an identifiable structure, which satisfies conditions of agency. Under the description "affluent nations," we can designate such countries as our referent, though we are aware that we are not attributing unified agency to these discrete collective agents. Hence, when we say that affluent nations are morally

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<sup>98</sup> *Ibid.*, p. 27

responsible for their contributions to this unjust global order, we are saying that a conglomeration of discrete collective agents are collectively, though not collaboratively, responsible for upholding and designing this unjust global order. The US is morally responsible for its contributions to this unjust global order; the EU is morally responsible for its contributions to this unjust global order, and so on.

Pogge does not seem to think that the ascription of moral responsibility to a collective agent warrants a distinct conception of moral responsibility. He takes it for granted that nations – construed as collective agents – are appropriate entities to which moral responsibility could be ascribed. What matters for the ascription of moral responsibility is their agency, and what makes it a case of collective moral responsibility is the fact that nations are collective agents. Agents can be ascribed responsibility, and it is the nature of the agent in question that converts the moral responsibility into collective responsibility.

Affluent nations are probably the most powerful actors in this story. Through various institutional arrangements, affluent nations use their superior economic and political power in order to benefit their constituents to the detriment of the global poor. Such nations have highly structured and organized decision-making procedures, which enable them to have the capacity for foresight or the ability to assess possible consequences of their actions. There is a state, which has monopoly of coercive power, and governmental branches that have specialized tasks for the execution of their projects. As such, when they perform actions – through laws, treaties, trade agreements, declare war, etc. – that result in foreseeable and avoidable harms to the global poor, Pogge is arguably justified in deeming them as morally responsible.

### **3.6 Implicated Individuals from Affluent Nations**

Leaders and ordinary citizens of affluent countries are also perpetrators. But before we proceed with how Pogge tries to implicate people in the West, it is worth noting that the referent of the distinct set of individuals called the “leaders of affluent nations” and “citizens of affluent nations” designates a group of discrete individuals or a collective non-agent. I just said that the term “affluent nations” identifies a conglomeration of nations or a collective non-agent, the same is true for the terms “leaders of affluent nations” and “citizens of affluent nations.” Thus, we say that the US is morally responsible for its contribution to this unjust

global order; the leader of the US is morally responsible for her contribution to this unjust order; a US citizen is morally responsible for her contribution to this unjust global order, and so on. When we are trying to implicate them for the harms that they collectively produce, we are not assigning collective agency to them. We are implicating each of the individual agents for their contributions. Hence, the issue for the ascription of moral responsibility hinges on the plausibility of assigning each agent's (e.g., leader's, citizen's, nation's) responsibility for harm that is only produced collectively.

### 3.6.1. Leaders of Affluent Nations

Am I seriously accusing those who represent us in WTO negotiations and at the International Monetary Fund, and also governments and corporations that sustain corrupt and oppressive elites in poor countries with aid, loans, arms sales, and resource purchases of being hunger's willing executioners?<sup>99</sup>

Pogge asks this question in the introduction of *WPHR*, and the rest of the book is designed to defend an affirmative answer. Much responsibility rests on the shoulders of the leaders of affluent countries. Through their political positions, they have effective control over economic institutional organizations. They are morally responsible because such leaders foresee that their actions, as enabled by various legal and economic institutions, contribute to the persistence of severe global poverty. These leaders are human agents and, as such, they are exactly the kind of agents that are fit to be held responsible.

Pogge points out that we cannot simply reject the responsibility of the leaders of affluent nations on the grounds that the very point of governments and government leaders "is to safeguard the interests of their nation"<sup>100</sup> and peoples. Pogge concedes that such authorized representatives have special responsibilities towards the people that they represent, but that "these agents are bound by the same moral constraint."<sup>101</sup> As he puts it, "Clinton could not permissibly do for his constituents what they could not have permissibly done for themselves."<sup>102</sup>

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<sup>99</sup> Ibid., p. 31

<sup>100</sup> Ibid., p. 132

<sup>101</sup> Ibid.

<sup>102</sup> Ibid.

Pogge likens this scenario to that of the relationship between a lawyer and her client who is a landlord.<sup>103</sup> The landlord (the counterpart of citizens) wants to renovate his property in order to charge higher rent. However, if he were to do this, the landlord would be effectively evicting his geriatric tenants from his property because they would be unable to afford the increase in rent. In order to circumvent this morally unpalatable assessment of the landlord's action, he hires a lawyer (counterpart of leaders), who has a special fiduciary responsibility to him and therefore is able to push through the renovation. The landlord can say that he did not evict his geriatric tenants for all he did was hire a lawyer. The lawyer can assert that her primary responsibilities are to her client and thus, in evicting the tenants, she was simply fulfilling her duties to her client.

The moral that Pogge is trying to draw from this analogy is that we cannot evade responsibility for our actions by authorizing someone else to do the dirty work for us. To put it crudely, hiring an assassin to kill someone for you is just as bad as committing the murder yourself. Hence, the actions of the authorized representatives of the citizens of affluent countries cannot rely on the fact that their primary responsibility is to advance and protect the interests of their constituents for such a reason is not a free pass to harm. The leaders of developed nations must advance the interests of the people they represent within the same ethical constraints.

### **3.6.2. Ordinary Citizens of Affluent Nations**

*As ordinary citizens of the rich countries, we are deeply implicated in these harms.*<sup>104</sup>

The project of ascribing moral responsibility for severe poverty to ordinary citizens of affluent countries is probably among the most difficult tasks that Pogge took upon himself. For a start, the claim that ordinary citizens of affluent countries are human rights violators and are harming the global poor is plainly counter-intuitive. However, one of the hurdles that his attempt to ascribe responsibility to ordinary citizens of affluent countries lies in conflating two kinds of responsibility that are implicit in his account.

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<sup>103</sup> Ibid., p. 83

<sup>104</sup> Ibid., p. 148

Although he predominantly uses the term “citizens,” he is adamant that his focus is on moral, and not political, responsibility. Yet the ubiquitous use of “citizen” and the phrase “affluent nations and their citizens” betrays a form of derivational responsibility, one that citizens acquire through their political association. Though he does not make a distinction between the moral and the political responsibilities of people in affluent countries, it is possible that his theory has a latent, unexplored political dimension. We see this latency whenever he calls to attention that the leaders of affluent nations are the authorized representatives of ordinary Westerners. Throughout *WPHR* and his other works on this issue, Pogge points to the fact that affluent nations are democratic. As he says, “these governments are elected by [their citizens], responsive to [their] interests and preferences, acting in [their] name and in ways that benefit [them].”<sup>105</sup>

Obviously, things are never as simple and straightforward in democracies. Although democratic power is sourced from its constituents, there is never a case where such representation is absolute and unambiguous. However, the point here seems to be not so much that democratic governments do represent their citizens so much as we could, in *principle*, hold citizens accountable for the actions of their governments, regardless of whether they are in fact being represented by them. This is the sense in which there is a latent conception of political responsibility in his theory.<sup>106</sup> I bring this up to show how there could be two domains of realization of the responsibility of ordinary citizens of affluent countries, namely, the (forward-looking) political responsibility *for* alleviating severe poverty, and the (backward-implicating) moral responsibility for foreseeably causing avoidable poverty. It seems that a case could be made that citizens acquire responsibilities due to the structure of democratic nations.

The other domain of realization for the responsibility of ordinary Westerners is, of course, moral responsibility. The moral responsibility of the people in affluent nations is grounded mainly in the foreseeable harms they contribute towards the unjust global order. Pogge, like other cosmopolitans, make an aspirational analogy between how we view slavery now and how we will view severe poverty in the future. According to Pogge, we violate our entrenched negative duty not to harm when we “help sustain a social order in which [access

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<sup>105</sup> Ibid., p. 28

<sup>106</sup> A possible reason why Pogge wants to focus on moral as opposed to political responsibility is that, at least in *Realizing Rawls*, he wanted to deny the moral relevance of national boundaries.

to the objects of people's human rights] is not secure."<sup>107</sup> He contends that most people who lived in slave society share responsibility for the human rights violations of the slaves – even if they did not own any slaves themselves. One acquires responsibility for the harms that slaves suffered simply by “contributing [their] labor to the society's economy, [paying] taxes to its government, and so forth.”<sup>108</sup> The same is said to be true for the case of the global poor. People are human rights violators in virtue of their mere contribution to this global order. When people pay their taxes, participate in economic transactions, or contribute their labor to the workforce, they are just like ordinary Germans in Nazi Germany who played no direct role in the genocide but are nevertheless implicated for their complicity in the human rights violation of their government.

Causing harm is very important in Pogge's theory. In Western law, causation is neither necessary nor sufficient for grounding moral responsibility. Michael Moore argues that this conception is philosophically sound and that causation increases the moral responsibility of an already blameworthy person.<sup>109</sup> Since we can say that many people in affluent countries could be construed as knowing about the severe suffering of the global poor, then the first step in grounding foreseeability is relatively easy. The tricky part, however, is the second step where these people must make the connection between their actions and behavior and the suffering of the global poor. Since establishing foreseeability is necessary in order to convert causal responsibility to moral responsibility, individuals must foresee that their actions cause harm.

As noted earlier, foreseeability is complicated by the fact that harm is caused by the fusion of diverse, discrete, and non-collaborative actions and behaviors. Pogge agrees that his “causal explanation passes through complex global institutional arrangements,”<sup>110</sup> where “the effects of my... decision[s] intermingle with the effects of billions of decisions.”<sup>111</sup> As such, foreseeability, especially on this individual level, could be compromised to a point of uselessness: I cannot pinpoint to one or any aspect of my actions as causing the poverty and suffering of any particular member of the global poor. However, this does not dissuade Pogge, as he seems to think that a general understanding of the causal factors, which situates

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<sup>107</sup> Ibid., p. 72

<sup>108</sup> Ibid., p. 72

<sup>109</sup> Moore, M. 2009. *Causation and Responsibility*. Oxford: Oxford University Press.

<sup>110</sup> Pogge, 2010, p. 212

<sup>111</sup> Pogge, 2007, *Severe Pov...*, p. 5

an agent as involved in the collective perpetuation of poverty, is sufficient. All that he thinks he needs to say is that the global economic order is “a significant causal contributor” to the persistence of poverty and that people are contributing to the upholding of this order.

Whenever people do not see that (a) the global order causes severe poverty and (b) they contribute to the perpetuation of this global order, Pogge accuses them of culpable or motivated ignorance. We discussed this briefly in our discussion of the implication of the leaders and elite of developing nations. Ordinary citizens, in their project of resisting the ascription of moral responsibility, close themselves off from arguments and data that could implicate them. People in the developed world prefer stories that emphasize the incompetence of the people in the developing world at ruling themselves and for their tendency towards corrupt leaders and civil wars. And what about those who aware that their actions are part of an unjust global order? They are guilty of “willful indifference to the enormous harms they cause in the course of advancing their own ends.”<sup>112</sup> To recap, Pogge does not require foreseeability to be cashed out in terms of the foreseeability of particular harms, because the ability to make the connection between the causal role of the unjust global order in the persistence of poverty and one’s contribution to the global order is sufficient. The convoluted causal chains make it impossible to ground the foreseeability of specific harms, but the foreseeability that Pogge requires operates on a macro-level understanding of the global order and situating oneself within it

Ultimately, all the actors in this story – whether they are human beings or collective agents – are deemed morally responsible for their contributions. The WB, WTO, affluent nations, citizens of affluent countries, MNCs, and TNCs are together collectively responsible for severe global poverty. Nonetheless, each actor is only deemed responsible for her/his/its own contributions and not global poverty *per se*. The next chapter is devoted to showing how collective responsibility can be ascribed in the absence of collective agency, engaging in more detail the various worries raised throughout this chapter.

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<sup>112</sup> Ibid., p. 52

## 4. Collective Moral Responsibility

### 4.1. Collective Responsibility in the Absence of Collective Agency

Let us now return to the problem pointed out at the beginning of the previous chapter, namely, the fact that the ascription of moral responsibility for severe global poverty is on a collective entity that lacks the typical requirements for agency. Since there is “anarchy in international relations,”<sup>113</sup> there seems to be no identifiable, unified collective upon which the responsibility could fall. Defenders of collective responsibility typically argue that the ascription of collective responsibility requires collective agency.<sup>114</sup> Nations, corporations, and other collective entities that have a decision-making procedure and are organized in such a way that they have the ability to carry out intentional actions are typical examples of collective entities that satisfy the requirements for agency. In the absence of some form of global government, we cannot identify a collective agent responsible for severe poverty. How can we assign collective moral responsibility in the absence of collective agency?

This difficulty is further complicated by Pogge’s conception of moral responsibility. If this is a broadly Kantian conception, Pogge will have to explain how it is possible to ascribe a Kantian account of collective moral responsibility in the absence of collective agency. Some critics may object anyway to the very project of ascribing a Kantian notion of moral responsibility to a collective agent. For example, Marion Smiley argues against the possibility of a Kantian conception of collective moral responsibility, because such a conception would require an account of intentions, which she claims a collective entity cannot have.<sup>115</sup> If Smiley is correct, the difficulty implicit in Pogge’s attempt to ascribe collective responsibility to a collective non-agent is exacerbated by Kantianism.

In assessing Pogge’s position, the first order of business is to explain why I am justified in construing Pogge’s conception of moral responsibility as Kantian. In Pogge’s theory, agent causation plus foresight of harm is sufficient for moral responsibility.<sup>116</sup> This conception seems to be markedly Kantian because causal responsibility here is a way of cashing out a

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<sup>113</sup> Pogge, 2010, *TPHC*, p. 221

<sup>114</sup> List and Pettit, 2011; Isaacs, 2011

<sup>115</sup> Smiley, M. 2010. From Moral Agency to Collective Wrongs: Re-thinking Collective Moral Responsibility. *JL & Pol’y*, 19 p. 171.

<sup>116</sup> Electronic correspondence, 2013

version of agency, where an agent's action is the cause of something. Causation could be attributed to an agent, as if it were an exercise of a person's will. Foresight seems to be an account of the mental state, or the intentions, of an agent. Foresight is utilized to capture the moral meaning of an agent's action, which we shall discuss in more detail shortly. Kantian moral philosophy focuses on individuals as the ultimate units of moral agency. Hence, when Pogge says that the citizens and leaders of affluent nations are morally responsible for their contributions towards the perpetuation of severe poverty, the fact that citizens and leaders are individuals makes us confident that we can construe this claim in Kantian terms. As such, they are capable of intentional action and are uncontroversially apt recipients of moral blame. Can a Kantian account of moral responsibility be ascribed to collectives as well? To be clear, Pogge does not explicitly commit himself, at least in the *WPHR*, to a Kantian conception of moral responsibility. I am attributing a Kantian conception to his account in part because among the three prevailing types of moral responsibility – Kantian, consequentialist, and virtue theoretic – his conception makes most sense when construed in broadly Kantian terms.

Before we try to justify a Kantian conception of collective moral responsibility, it might be helpful to consider the context of this topic. Our discussion of the distinction between collective and individual moral responsibility is subsumed within a longstanding debate, which has its roots in competing theories of holism and methodological individualism as approaches to the explanation of social phenomena. Susan James attributes at least part of this debate to the goal of some natural scientists to reduce major branches of natural science to a more basic or fundamental scientific theory.<sup>117</sup> Reduction in the natural sciences is concerned with the issue of “whether the properties, concepts, explanations, or methods from one scientific domain (typically at higher levels of organization) can be deduced from or explained by the properties, concepts, explanations, or methods from another domain of science (typically one about lower levels of organization).”<sup>118</sup> For example, can thermodynamics be reduced to statistical mechanics or classical genetics to molecular biology? Methodological individualism, according to James, seems to take its cue from this trend in the natural sciences. Methodological individualists insist that “any statement about social wholes... can be translated into a statement about individuals, and... that the laws of

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<sup>117</sup> James, S. 1984. *The Content of Social Explanation*. Cambridge: Cambridge University Press.

<sup>118</sup> Brigandt, Ingo and Love, Alan, "Reductionism in Biology", *The Stanford Encyclopedia of Philosophy* (Summer 2012 Edition), Edward N. Zalta (ed.), URL = <<http://plato.stanford.edu/archives/sum2012/entries/reduction-biology/>>.

theories about social wholes can be expressed in individualist terms.”<sup>119</sup> In short, methodological individualism attempts to reduce theories and explanations about social wholes into theories and explanations about individual agents. Analogously, one might try to reduce collective moral responsibility to a theory of the responsibilities of individual agents.

James argues against methodological individualism and proposes a concessive form of holism, which permits the reduction of *some* social phenomena to individual terms. She points out that in order for methodological individualists to win the debate, they need to be able to prove that *all* social explanation can be achieved by reference to individuals alone. In order for non-reductive holism to triumph, all that needs to be proved is that some social phenomena cannot be explained in these terms.<sup>120</sup>

Now how do we situate Pogge’s theory within this debate? If I am correct in construing Pogge’s conception of moral responsibility as Kantian (and hence probably individualistic), how can he be justified in ascribing moral responsibility to a collective? A Kantian conception of moral responsibility typically focuses on individuals because they have wills, are capable of intentional action, and are uncontroversially apt recipients of praise or blame. Ascribing a Kantian account of moral responsibility is already problematic when we are dealing with a collective agent, presumably even more so when no such collective agent exists. To get a grip on this issue, let us first consider Smiley’s reasons for why holding a Kantian conception of moral responsibility is unlikely to be successful in collective contexts.

According to Smiley, the main problem with attempting to ascribe moral responsibility to collectives concerns the difficulty of showing how a collective can have intention (and hence foresight), conceived as a mental state that is typically realized in individual minds. She claims that “groups are not able to act and to intend in the sense required by the prevailing [Kantian] notion of moral responsibility.”<sup>121</sup> She points out that if we want a Kantian account of collective moral responsibility, we shall have to make sense of shared intentions. But the postulation of shared intentions may lead us to the postulation of “shared mental states and

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<sup>119</sup> James, 1984, p. 20

<sup>120</sup> Ibid., p. 37

<sup>121</sup> Smiley, 2010, p. 171

hence, shared minds,”<sup>122</sup> an outcome that philosophers have tried mightily to avoid, even at the cost of denying the possibility of collective responsibility.

Against Smiley, there is a way to make sense of a Kantian conception of collective responsibility, without having to posit the improbable and unpopular notion of a shared mind. In what follows, I shall argue that John Searle’s account of collective intentionality can provide the basis of a Kantian notion of collective moral responsibility. If Searle’s account of collective intentionality can indeed achieve this goal, then it would seem that Pogge’s account can withstand Smiley’s objection and successfully ascribe a Kantian conception of collective moral responsibility after all. But before we can proceed with this suggestion, two things need to be done. First, we must clarify what foresight really means here. Second, we must say something about the ramifications of this justification for the debate between methodological individualists and holists.

What does foresight do in Pogge’s account of moral responsibility? Foreseeing is not the same as intending. Hence, philosophers have often attempted to make a distinction between the moral status of an agent’s action where the agent specifically intended to cause harm, and the moral status of an agent’s action where the agent merely foresaw harm as a side effect. In the first case, there is an unambiguous and culpable motivation, which typically makes the meaning of an action morally bad. In the latter case, we have to delve into the gargantuan literature on the doctrine of double effect, or the distinction between doing and allowing, in order to make the appropriate moral assessments. Without going into the controversial cases where we are unsure whether an action is bad because it was only a side effect, let us state for the purposes of simplicity that, *ceteris paribus*, when an agent has no intention to cause harm, but performs an action which has harm as a foreseen and avoidable side effect, what they do is not as bad as an action which originates from a specific intention to cause harm. Hence, when an agent acts in a way in which she foresaw that an avoidable harm would occur as a consequence of her action, then she could be judged as morally responsible for the harm. Her action is not as bad as when she specifically intended to cause harm, but it nevertheless warrants a morally bad assessment.

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<sup>122</sup> Sadler, Brook Jenkins, 2006, “Shared Intentions and Shared Responsibility” *Midwest Studies in Philosophy*, XXX: 115–144.

We can clearly see that Pogge appreciates the distinction between intending and foreseeing when he writes that severe poverty is “not the *gravest* human rights violation... because those who commit it do not intend the death and suffering they inflict either as an end or as a means. They merely act with willful indifference to the enormous harms they cause in the course of advancing their own ends, while going to great lengths to deceive the world (and sometimes themselves) about the impact of their conduct.”<sup>123</sup> In Pogge’s account, then, foreseeing harm is not as bad as intending to cause harm, but it is bad nevertheless.

On the second issue, namely, the debate between holists and individualists, it is acceptable for us to abstain from taking a side. We should not be required to decide whether Pogge is a methodological individualist. I am leaving aside the question of how responsibility devolves to individuals who are members of a collective agent throughout this dissertation, so I cannot comment on this particular issue. Moreover, as James points out, even if we can reduce this particular type of collective responsibility to individual responsibilities, it simply does not follow that we can reduce all forms of collective responsibility to the responsibilities of individuals.

With these clarificatory points in mind, we are now ready to proceed with the question of how Pogge can ascribe a broadly Kantian construal of collective moral responsibility to a collection of discrete, non-collaborative agents, namely, the WTO, WB, MNCs, TNCs, affluent nations, and their citizens. But since we have said that the WTO, WB, MNCs, and TNCs could be captured by the term “affluent nations and their citizens,” I shall sometimes use this term as shorthand for all implicated agents.

Searle defines intentionality as “the capacity of the mind by which it is directed at, or about, objects and states of affairs in the world, typically independent of itself.”<sup>124</sup> Intentionality is important in social explanation because “to understand society, you have to understand collective human behavior. Collective human behavior is a manifestation of collective intentionality, and to understand this you have to understand individual intentionality.”<sup>125</sup> Searle is quick to point out that “intending, in the ordinary sense in which I intend to go to the movies, is just one type of intentional state among many others such as belief, desire, hope,

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<sup>123</sup> Pogge, 2010, *Politics as Usual*, p. 51

<sup>124</sup> Searle, 2010, p. 25

<sup>125</sup> Ibid.

and fear.”<sup>126</sup> Intentionality is thus a very broad notion. But we are here interested in a very particular kind of intentionality. We are interested in an intentional state that is relevant to the moral meaning or blameworthiness of an action.

Intentionality is vital to a Kantian notion of moral responsibility because a main focus of Kantian ethics is on the moral meanings of actions. When we consider an agent’s intentional state, we are asking what reasons the agent has in her practical deliberations. We are trying to assess the moral blameworthiness or praiseworthiness of an action. As mentioned earlier, Scanlon attempts to distinguish between the meaning and the permissibility of an action.<sup>127</sup> The permissibility of an action is dependent on whether the action is going to produce good effects, whereas the meaning of an action determines the moral blameworthiness of the agent. Such meaning is derived from the intentional states (typically, in the form of a propositional content) of the agent whose moral responsibility is in question. For example, A wants to harm B by giving her a poisonous substance. Unbeknownst to A, B is ill and requires a special medication in order to recover. What A thought to be a poisonous substance will actually cure B’s disease. Given these objective conditions, it is not impermissible for A to give B the substance. However, since A’s motivation is to harm B, her action is morally blameworthy. When we say that agents intend or foresee that their actions will cause harm, we are talking about a particular morally loaded intentional state. We assign a moral meaning to the agent’s mental state by taking into account how the agent regards or disregards the consequences of her actions for other people. Hence, an agent is blameworthy when she foresaw that her action would cause avoidable harm to others and yet still proceeded with the harmful action.

In Pogge’s theory, an agent is morally responsible for the avoidable harms that she both caused and foresaw. This definition of moral responsibility is comparatively easy to apply to individuals because they have an uncontroversial capacity to foresee. Smiley would contend that this conception does *not* make sense in the case of a collective, because collectives do not have “full blown mental lives.”<sup>128</sup> In particular, according to Smiley’s account, a collective cannot have the capacity for foresight. However, Smiley’s objection to Kantian accounts of collective responsibility rests on the mistaken assumption that collective or shared intentions require collective or shared minds.

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<sup>126</sup> Ibid.

<sup>127</sup> Scanlon, 2008

<sup>128</sup> Smiley, M. "Collective Responsibility", *The Stanford Encyclopedia of Philosophy* (Fall 2011 Edition), Edward N. Zalta (ed.), URL = <<http://plato.stanford.edu/archives/fall2011/entries/collective-responsibility/>>

Searle's work on the ontology of society places a strong emphasis on the intentionality of agents, and also employs the common-sense notion of intending. He contends that group actions and intentions are not reducible to individual actions and intentions. He is therefore a proponent of a non-reducible account of collective intentionality, but he justifies such a notion, contra-Smiley, without positing shared minds. He argues that collective intentionality is primitive in the sense that it is not reducible to individual intentionality. When there is a collective intention or activity, we cannot explain it in purely individualistic terms because the collectivity goes beyond the mere aggregation of each particular individual's intentionality. Despite this, he does not think that his account requires the existence of, or appeals to, entities that cannot be ontologically reduced to physical bits of matter. The reason for this is because "there is no reason why we cannot have an irreducible we-intention in each of our heads."<sup>129</sup> Searle claims that we-intentions form a plural subject that bottoms out in individual minds. He objects to the view that methodological individualism requires that "we intentions be reducible to I-intentions."<sup>130</sup> According to him, "the requirement that all intentionality exists in individual brains does not imply that the content that exists in the individual brains cannot exist in a plural grammatical form." The statement that "we are baking a cake" cannot be translated into "I am baking a cake, and (I know that) you are baking a cake." The plurality of the subject of the verb "baking a cake" cannot be broken down or reduced by providing a paraphrase of the sentence that contains no plural subject.

Searle's account of collective intentionality is peculiar in that he seems to straddle the holist/individualist divide. Like methodological individualists, he tries to ensure that we can explain everything by reference to individuals. But, like holists, he insists on the non-reducibility of collective actions and intentions. Searle says that we can have non-reduction without the requirement of a shared mind, because all intentionality is realized in individual minds. Collective actions and intentions supervene on the actions and intentions of individual agents.

As a broadly Kantian account of moral responsibility, Pogge's conception requires responsible agents to have a particular mental state. To be morally responsible, an agent must foresee that her action will cause harm to others. If an individual acted in a way that

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<sup>129</sup> Searle, 2010, p. 47

<sup>130</sup> Ibid.

foreseeably caused avoidable harm, she is deemed morally responsible for the harm. If a collective agent, like a government or a corporation, acted in a way that foreseeably caused avoidable harm, then that collective agent is morally responsible for the harm. Further, if a collection of agents, each of which acted in a way that foreseeably contributed to causing avoidable collective harm, then they are deemed collectively morally responsible for the harm. The harm is from the collective or the accumulation of each agent's contributive action, and each agent is deemed morally responsible for their part in the collective harm, despite the fact that each agent harms only within the context of the collective. This collective responsibility is not reducible in the same way that we-intentionality is non-reducible. We cannot say that David Beckham lost a football game, because it would have been the team itself that lost the game. I cannot say that my mother sent me to this school, when it was both my parents' decision where I went to school. We say that the class left the room messy because it is the class – taken in its entirety – that left the room messy.<sup>131</sup> In a similar way that we attribute a primitive “we” to some group actions and intentions, we could also attribute a primitive “they” when holding collectives responsible.

When we identify a collective, we are simultaneously pointing to the involvement or membership of agents to a collective. We do this in order to point out that an agent's actions and behavior can be assessed as part of a collective action or behavior. And, importantly, agents can view themselves as part of a collective. They can make judgments about their actions within the context of others' actions. An agent can judge her action to be wrong because she foresees that it intermingles with others' actions and causes harm. In these cases, we can use Searle's account of the plural subject by saying that the agents in the story each foresaw that, under a particular description of their action, their actions are part of a collective that is harmful. This means that the responsibility rests collectively on the agents who comprise the collective, and the collective responsibility is irreducible in the same way that collective intentionality is irreducible. I said earlier that foreseeability is our key to the moral meaning of an agent's action. But I neglected to point out that part of determining the moral meaning of an agent's action is to examine how an agent considers the context in which her action takes place or how her action is part of a collective. Later, I shall discuss an objection to my account where we will focus on what foresight in collective contexts really amounts to.

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<sup>131</sup> Example from Robert Bassett

Returning to Searle's plural subject account of collective intentionality, as we can now see, we-intentionality does not require the postulation of shared minds. It enables us to posit irreducible we-intentions whilst grounding such intentions in the agents who make up the collective. To spell it out in Pogge's terms, we can say that the affluent nations and their citizens are responsible for the harms suffered by the global poor when they – as discrete agents – foresee that their contributions result in cumulative causal harm. Each agent's contributions are nested within a larger causal context of other agents' actions.

Notice that Searle's way of cashing out collective harms not only dispenses with the need to postulate a shared mind; it also foregoes the requirement of collective agency altogether. And since severe global poverty is not due to a single identifiable collective agent, Searle's theory seems to be exactly what the doctor ordered. Since severe global poverty is the consequence of the amalgamation of a multitude of complex agent-caused actions, then each discrete agent's capacity to foresee that her actions are part of a larger causal system is essentially what grounds collective moral responsibility in this story. Notice further that, by ascribing primary responsibility onto the collective, it is no longer possible or, for that matter, necessary (at least in the case of responsibility for severe global poverty) for the individuals to be able to clearly distinguish which of their specific actions was the cause of what specific harm. It is no longer possible because we have conceded that the collective does the harm. It is no longer necessary because the collective harm is irreducible. Since the responsibility for the harm is irreducibly assigned to the collective, then we no longer have to say which particular agent or action caused the harm. In the classroom scenario mentioned earlier, when we say that the class left the room messy, we are not thinking in terms of the individual contributions of the particular students. We are referring to the class as a collection of discrete agents that together produced the messy classroom. We could say that each student's mess, when taken on its own, is insufficient to leave the classroom messy, but that the amalgamation of each student's mess is what substantiates the claim that the class made the classroom messy. Collective responsibility for severe global poverty is, like the classroom case, irreducible.<sup>132</sup> What essentially grounds individual moral responsibility is that they each foresee that their individual contributions are part of a collective harm.

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<sup>132</sup> Though the responsibility is irreducibly collective, in the absence of collective agency, moral responsibility is, in principle, distributable in terms of their contributions. According to Virginia Held (1970), "a significant difference between the moral responsibility of a random collection as opposed to the moral responsibility of an

## 4.2. The Sufficiency of Foresight for the Postulation of a Plural Subject

Now that we have shown the irreducibility of collective responsibility, we return to the issue about the sufficiency of foresight in warranting the postulation of a plural subject. Someone might object to the way that I have ascribed responsibility to a non-collaborative collective entity and point out that Searle grounds collective intentionality by appealing to joint commitments. When people go for a walk together, play in an orchestra, co-author a paper, or decide to have children, they voluntarily bind their wills to the will of others. Hence, one can plausibly speak of collective responsibility in these particular cases. But foreseeability, it may be objected, is not strong enough to bind agents' wills and make them a plural subject. I agree that this objection can weaken the grounding of collective responsibility, but I do not think it can refute it.

Earlier, we said that causing foreseeable and avoidable harm is not as bad as intending to cause avoidable harm. The same reasoning applies to the above objection. When a group of people, such as Nazi officials, bound their wills and decided to participate in genocide, they, as a collective and as individuals, intentionally caused avoidable harm in the gravest and most morally objectionable sense. What about the people in Germany who were not actively affirming their allegiance to Nazism? They might have been personally against Nazism but felt they had very little choice about "supporting" their government because there were severe penalties for non-compliance. These people foresaw that their contributive actions caused avoidable harm, but they did not intend the harm.

Somewhat like the harm caused by unwilling supporters of Nazism, the harms that the global poor suffer are often foreseen, but in most cases are not, intended by individuals or group agents. Someone who challenges my account may point out that her quarrel is *not* about the morally significant difference between intending and foreseeing, but is rather about the sufficiency of mere foreseeability to ground collective responsibility. The question here is not about the difference in degree of badness of an intended harm and a foreseen harm. It is about whether having mere foresight that one's action is part of a harmful collective can ground we-intentionality, and hence collective responsibility. Not only did the agents *not* intend the

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organized group is that the former seems distributive – that is, if random collection R is morally responsible for failure to do A, then every member of R is morally responsible for the failure to do A, then every member of R is morally responsible for failure to do A, although, perhaps, in significantly different proportions.”

harm that they caused, *they also did not commit to participating* with others in causing the harms. Hence, while we may be able to ground individual responsibility on foreseeability, we cannot similarly justify ascriptions of responsibility to non-collaborative collectives when there is no collective binding of wills. In the specific case that matters to us, there is no joint commitment and thus no ground for collective responsibility.

I hope it has become apparent that foreseeability, in this account of collective responsibility, is being used to ground two distinct *aspects* of responsibility, namely, *the moral meaning or culpability* of an agent's action and the ability of agents to *postulate a plural subject*. As I said, I shall insist that the response to the former problem could also be applied to the latter. In the case of the former, the foreseen harm is not considered as bad as when the harm was specifically intended. An uncontroversial case of a morally bad action is when the agent intended, in the strictest sense, to cause the harm. Similarly, in the latter case, the postulation of a plural subject is nowhere near as secure as when a group of agents strictly intended to form a collective. An uncontroversial case of a collective action is when agents intentionally bind their wills with others through joint commitments. Members of the Nazi Party are definitively implicated because they intentionally joined the collective effort to eliminate Jewish people. Moreover, there is collective agency involved in the case of Nazi Germany. On the other hand, a group of agents that merely foresaw that their actions – as they intermingle with others – are harmful is not an ideal collective entity upon which collective responsibility can be ascribed straightforwardly.

This objection draws its strength partly from the idea that if we are willing to justify the ascription of collective responsibility in the absence of agency or even joint commitments, then we may lose the significance of ascribing collective responsibility. A main reason why we are concerned with collective responsibility is that, in denying its possibility, we may end up with “serious deficits in responsibility.”<sup>133</sup> If we cannot justify ascriptions of collective responsibility, we may end up in a position where responsibility and hence the possibility of redress or reform is lost to us. Moreover, we may end up condoning collective harms when we do not associate the harms to people. If we accept my suggestion that mere foreseeability can do the work in grounding collective responsibility to an arbitrary collection of discrete individuals, then why stop at just saying that affluent nations and their citizens are

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<sup>133</sup> List and Pettit, 2011, p. 153

responsible for severe global poverty? Why not make the same case for the many ills that humanity currently suffers from? Why not say that all white people are responsible for racism and all men responsible for sexism? My critic could say that by claiming mere foreseeability as sufficient for the postulation of a plural subject, I may be going down a slippery slope, where every problem could be ascribed to any unorganized collective, and this would undermine the reason for why collective responsibility is vital to us. As Tracy Isaacs puts it, this account “might be too broad because any conceivable collective action could be required of any conceivable collection of individuals.”<sup>134</sup>

This objection is potentially debilitating, but I do not think that it undermines my justification altogether. Firstly, we do in fact sanction the ascription of some responsibility – at least in the forward-looking sense of having to share reparative costs of a collective harm – to individuals based on their membership to a loose collection of individuals. For example, a commitment to affirmative action could mean that, when facing a situation where there are two equally qualified candidates for a job, one man and one woman, barring special considerations, we should give the job to the woman. Given the historical injustice of excluding women from the workforce, resulting in the current under-representation of women, we want to be able to include them now as much as we can. If women were never systematically excluded from the workforce, then a fair strategy for how to deal with two equally qualified candidates may be to flip a coin. But given the historical injustice, which still has tangible effects on the current situation, it makes sense to give the job to the female.

Secondly, common sense morality licenses us to blame an accidental discrete set of individuals in cases when there is severe harm involved and sufficient clarity on what needs to be done. The murder of Kitty Genovese in New York City with thirty-eight onlookers in 1964 resulted in moral outrage in the community. This is the reason why the video documentation of the death of a two-year old girl in a factory in Guangdong, China in 2011, where a total of eighteen onlookers did nothing to help the girl incited global news coverage, numerous editorials, and millions of posts from ordinary individuals on social networking platforms condemning the apathy of the bystanders in the video.<sup>135</sup>

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<sup>134</sup> Isaacs, 2011, p. 151

<sup>135</sup> It is not obvious that these cases require the sort of collective action that I have in mind. Nevertheless, these cases show that we experience moral outrage when people can do and yet fail to do something about serious harm.

To think about this in the manner more familiar to philosophers, let us engage in a thought experiment. Imagine that you are in a train with five other people, and you are all strangers to one another.<sup>136</sup> One of the people, for no apparent reason, starts physically attacking one of the other passengers. If this continues, the victim is likely to suffer severe physical damage. It is obvious that if you and the three other passengers attempt to restrain the violent person, you will succeed and therefore save the innocent person. This foresight should propel you and the three other people to restrain the violent person. Public moral outrage is the typical response to news stories when a serious harm occurs despite the presence of discrete bystanders that could have done something collectively to stop the harm. The moral outrage that people feel toward the failure of discrete individuals to collectively intervene when a harm is happening is due to our intuition that, when the situation is grave enough, we expect people to be prompted into collective action.

Returning to the imaginary case of two corporations who pollute a river, each corporation's foresight of harm resulting from their waste conjoining with the other's is enough for us to be able to say that they share collective moral responsibility for the harms suffered by the river's inhabitants. They each foresee that their actions are part of a lethal causal process, and they are each responsible despite the absence of willing collaboration. Due to the gravity of the harms that the river inhabitants suffer, we are entitled to hold these two non-collaborative companies responsible. Admittedly, the strength of the ascription of collective responsibility is in part drawn from the direct and clear causal relationship of the two discrete agents to the harm. This means that what weakens the responsibility ascribed to the collective non-agent, or what weakens the viability of positing a plural subject, is not so much that we cannot posit a plural subject or ground collective responsibility based on mere foreseeability as much as, when there are too many agents and the causal relations are distant and circuitous, then foreseeability is severely impugned.

Lastly, the lethality and gravity of severe global poverty warrants the ambitiousness of trying to ascribe responsibility to a collective, despite the arguably tenuous grounds of the postulation of a plural subject. Remember that according to this objection, a worry with trying to ascribe responsibility in the absence of agency or joint intentions may result in the impairment of the underlying motivation behind attempts to justify collective responsibility.

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<sup>136</sup> Example borrowed from Virginia Held, 1970

We want to convince the world that some harms need to be addressed collectively and that we must arrange our society with the goal of eliminating as much foreseeable harms as we can. By permitting too many instances to be cases of collective responsibility, we are compromising collective responsibility. This objection is an instrumental objection since it focuses on the possible effects of my goal. Given the gravity of the problem of global poverty, an effective solution will have to be a collective one. In reply, I counter this objection with the graver consequence that, given that we know that the solution required is a collective one, if we do not even try to ascribe responsibility for severe global poverty to a collective, then we shall be permitting the situation to persist and worsen.

Implicit in Pogge's descriptive theory of global justice is a strong normative tone. People should know that, among other things, buying gasoline from firms that buy oil from tyrants, buying clothes made in sweatshops, using banks that accept stolen wealth, and consuming goods produced under exploitative conditions, are morally objectionable practices that contribute to global injustice. Leaders of affluent nations should know that they are not authorized to act in ways that foreseeably cause avoidable harms to the global poor. Corporations should ensure that they are not contributing to severe poverty in the production of their goods and services. These kinds of behavior condone and help perpetuate the structures that produce and maintain the suffering of the global poor.

Given that it could be justifiable to ascribe responsibility to discrete non-collaborative agents when the causal connections are straightforward, then the problem with my attempt to justify the ascription of moral responsibility in the absence of a joint commitment lies mainly in the impugned status of the required foresight. But because, if not in fact, then at least in principle, agents are able to understand or foresee that their actions are part of a collective that causes harm, then we should be able say that they are collectively responsible for the avoidable harms that they foreseeably caused. Invoking the severity of the undeserved suffering of the global poor, it does not seem too unreasonable to suppose that agents can have statements of the form "I foresee that *we* are harming the global poor." The agents in this collective entity each foresaw that their actions, as they combine with others' actions, produce avoidable harm.

In the earlier discussion of foreseeability, we said that it might be asking too much to require agents to constantly assess how their actions intermingle with the actions of others. But I do

not think this is always necessarily true. Whilst there are many cases where it would be unreasonable to require an agent to think about the consequences of her actions as they combine with others' actions, there are just as many cases where to think about the consequences of one's actions means to think about how one acts in the context of others.

It is a fact of life that our actions do not exist in isolation. Hence, it is part of considering the consequences of our actions that we gauge how our actions intermingle with those of others. When we hold a speeding driver morally responsible for the injuries of a pedestrian, the driver cannot appeal to the fact that, had the pedestrian stayed home, the harm that she suffered would not have occurred. Of course, this is true. But it is nevertheless irrelevant to the matter at hand. We take for granted the requirement that agents must take account of the foreseeable harmful effects of their actions. This response is in no way sufficient to address the problem of the lack of clarity in foresight, but it at least substantiates my claim that it is not beyond warrant to postulate a plural subject in the absence of joint commitments and that it is not necessarily unreasonable to require agents to think about their actions as part of a larger causal story.

#### **4.3. Deriving Individual Responsibility from Collective Responsibility in the Absence of Collective Agency**

Once we have justified the ascription of collective responsibility, the next question concerns the responsibility of individuals. If we are ascribing collective responsibility to an organized collective agent, the structure of the collective can give us an idea about how the responsibility devolves to individuals. For example, if we say that a particular company is responsible for the harms that its consumers suffered due to the malfunction of a product that they created and distributed, we do not infer that the caretaker – who had very little to do with the company's actual business – gets implicated. But here, we are dealing with the moral responsibility of a collective non-agent, and there is no organizational structure that we can look to for how responsibility is or should be distributed.

Margaret Gilbert claims that collective moral responsibility, regardless of whether there is or there is no collective agent involved, does not imply the moral responsibility of its individual members. This means that the issue of the moral responsibility of a collective is distinct from the responsibility of its members. She argues that personal responsibility in the context of

collective responsibility “depends on the precise details of [the individual’s relationship to the] wrongdoing.”<sup>137</sup> Hence, we can leave open to discussion the specific question of what collective responsibility means for the agents who comprise the collective entity.

Let us now return to the two non-collaborative corporations dumping their wastes into a river harming the inhabitants downstream. Earlier, I said that the main difference between this case and the global poor case is that, in the river scenario, the causal link between the harm and the agents is unambiguous and direct. In the global poor case, the causal chain of events from the agents who produce the harm and the harmed is convoluted, circuitous, and is of on a level of complexity that makes it impossible to trace which particular harms are caused by which particular agent. This significantly impairs the foresight that discrete agents could have.

There is another important difference between the river and the severe poverty case. In the river scenario, there are only two agents involved and both agents know that the combination of their contributions is lethal to the river inhabitants. In the case of global poverty, it would be unreasonable to assume that *all* who contribute to the unjust global order are aware that their economic activities are detrimentally lethal to the global poor. Many ordinary citizens are oblivious or have not had the chance to think about the repercussions of their actions to the global poor. After all, as Pogge himself notes, “the global poor are *emotionally* distant: most of them live far away and one knows almost none of them personally and is not engaged by statistics that document deprivations in the millions. The global poor are *causally* distant: it is not wholly unknown and knowable what net impact (if any) my donating or demonstrating – co-dependent on the conduct of a few billion other human agents – is going to have on the lives of poor people in distant lands. And the global poor are also *morally* distant: one is sorry that they are having a hard time, but one does not think that one owes their problems any attention or concern.”<sup>138</sup>

A critic could argue that due to the fact that since everyone, namely, Company A and Company B, who contributes to the harm in the river case knows that their contributions are lethal, then we are justified in saying that they are collectively morally responsible. On the other hand, since not everyone knows that they are contributing to the harms to the global

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<sup>137</sup> Gilbert, 2001, p. 2

<sup>138</sup> Pogge, 2010, p. 212

poor, then what we have is collective *causal* responsibility and not collective moral responsibility. The analogy between the river case and global poverty fails, not only due to the simplicity of the river and the complexity of the poverty cases, but also because, in order to be a case of collective *moral* and not just causal responsibility, we must say that *all* the agents are at least aware that they are contributing to the harm. Though perhaps it is not unreasonable to assume that not all implicated agents know that there is extreme poverty overseas, it seems that there is a massively unjustified assumption that everyone knows that they are causally involved in this injustice. If this is the case, then how are we justified in claiming that affluent nations and their citizens are collectively morally responsible for severe global poverty? All that we can reasonably claim is that they are collectively *causally* responsible for severe poverty. The moral responsibility of particular agents constituting the collective entity, as Gilbert claims, is a completely separate discussion because, as it turns out, not everyone is culpably unaware and therefore cannot be deemed morally responsible.

A first line of defence against this attack may be to point out that, even if we concede that not everyone in the collective being ascribed responsibility knows that they are part of a causal chain of events that exacerbates poverty, the gravity of the harm turns the *causal* responsibility into *moral* responsibility. This response may not be sufficiently convincing, but it at least shows how something that may be more appropriately considered as collective causality may nevertheless acquire or develop a moral character.

A second method for addressing this objection may be to pay closer attention to how Pogge identifies the individuals implicated in this story. Pogge says that “as ordinary citizens of rich countries, we are deeply implicated in these harms.”<sup>139</sup> But every so often, in *WPHR*, he uses the word “affluent” instead of just saying ordinary citizens. In *TPHC*, which is his response to critics of *WPHR*, the insertion of the “affluent” qualifier occurs even more frequently. I am not sure whether this is deliberate, but I do think that such a shift contains a plausible response to the objection above.

We said that by saying that affluent nations and their citizens are collectively morally responsible and not just collectively causally responsible for global poverty, Pogge seems to be assuming that all agents know about how their causal contributions amounts to avoidable

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<sup>139</sup> Pogge, 2008, p. 116

harms. This assumption seems uncalled for because it simply does not seem to be the case that truly all identified agents (ordinary Westerners in particular) are aware of the lethal causality of our economic transactions. However, it does seem like this assumption could be substantiated in Pogge's terms if we exclude the poor in developed countries and only refer to affluent people in developed nations.

Remember that Pogge contends that Westerners have developed a resistance bias, making them unresponsive to data or research that are "liable to upset [their] preferred worldview."<sup>140</sup> Whilst there are some who do know – leaders of affluent nations, the WB and WTO, MNCs and TNCs – that they are causally contributing to the harms to the global poor, the rest of them who do not know could be accused of motivated ignorance. Here is where limiting the ascription of moral responsibility only to affluent Westerners works. The poor in the developed world are not benefiting from the current global order. There is a sense in which they, like the global poor though not to a similar extent, are victimized by the unjust global order. Hence, it might be incorrect to say that poor Westerners are culpably ignorant. Moreover, many of the poorest people in the West are, like the global poor, uneducated, which might mean that they do not have the resources to make the appropriate judgments and connection. Lastly, the poor people in the West also do not have much causal responsibility since, in this economic theory of global justice, one's economic power is inextricably tied to one's contribution to the unjust global order.

In contrast, affluent Westerners are clearly benefiting from the unjust global order, which makes them apt candidates for developing the so-called resistance bias. Affluent Westerners are usually educated, which means that they have the means to access the necessary information as well as the cognitive resources to make the necessary connection. As Pogge writes, "affluent citizens of the rich countries know at least in broad outlines what living conditions are imposed on the global poor, and [they] also know, or at least should know and can easily find out, how [their] national laws and policies affect these conditions either directly or through.. global institutions."<sup>141</sup> Moreover, affluent Westerners – unlike their poorer compatriots – "use vastly more of the world's resources, and they do so unilaterally, without giving any compensation to the global poor for their disproportionate

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<sup>140</sup> Ibid., p. 174

<sup>141</sup> Ibid., p. 150

consumption.”<sup>142</sup> As Pogge puts it, one’s moral responsibility for the harms they cause “depends on how much one is contributing to, and benefiting from, their maintenance.”<sup>143</sup>

All this seems to point to how we should not be implicating all the ordinary citizens of the West. The Western poor have little causal responsibility, are inculpably lacking awareness of the global injustice, and they do not benefit from the unjust global order. On the other hand, affluent Westerners, due to their larger causal responsibility and benefit from the injustice are implicated because they have awareness of the global injustice. When they do not have such awareness, they are arguably culpably ignorant because they do not want to disrupt the comfortable environment that they have grown accustomed to. This is the sense in which *all* ordinary *affluent* citizens of developed countries could be held morally responsible for their contributive actions that exacerbate severe global poverty.

Before we proceed, it probably makes sense to stress what has been already mentioned in passing. One’s causal responsibility increases or decreases in accordance with one’s economic power. This means that even if my account of justifying the responsibility of individual agents within this theory is plausible, then the responsibility ascribed to most ordinary affluent individuals is still quite small, or at least commensurate with their economic capacity. Ordinary individuals in this story are deemed morally responsible for their foreseeable incremental contributions to the perpetuation of an unjust global order. Unlike powerful actors, like leaders of affluent countries who have significant responsibility due to their considerable contributions to the global order, most ordinary affluent individuals (who are not members of the global economic elite) have small causal contributions to the unjust global order. Hence, it is safe to say that, though we are trying to implicate them or ground their blameworthiness, their moral responsibility is also dependent on how much they are causally contributing to the global order. Recall that Moore says that causation is neither necessary nor sufficient for moral responsibility, but it is nevertheless important because it increases or decreases the moral responsibility of an already blameworthy agent.<sup>144</sup> In the

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<sup>142</sup> Ibid., p. 208

<sup>143</sup> Ibid., p. 56

<sup>144</sup> Moore, 2009

case of ordinary individuals, their individual causal contributions are likely to be quite minor when considered in isolation.<sup>145</sup>

#### 4.4. Collective Responsibility of Collective Agents

It is imperative that we point out how there are two notions of collective responsibility at work here. There is collective responsibility in the absence of collective agency, as Searle's account shows. But there is also collective responsibility where there is a collective agent involved. Since Pogge ascribes responsibility to two kinds of agents – citizens and leaders are individual agents, whilst affluent nations, economic organizations, and multinational corporations are collective agents – then Smiley's objection could continue to persist.

So far, I have only considered how one might develop a Kantian conception of collective responsibility in the absence of collective agency. I have not explained how collective responsibility works in cases where it is arguable that collective agency is present. We have been treating collective agents (nations, the WTO and WB, MNCs and TNCs) as if they were exactly like individual agents. I now need to show that such treatment is justified.

A critic, such as Smiley, could point out that my argument seems to work precisely because there is no collective agent involved. Because there is no collective agent, the intention (or foresight) that grounds responsibility is necessarily realized in the individuals who comprise the collective. Smiley could still object to my justification of Pogge's account by arguing that, although my account could work when we are trying to ascribe collective responsibility to a collective non-agent, the Searlian way of justifying a Kantian account of collective responsibility would not be fruitful because we will need to say that the collective agent *itself* has the ability to foresee. Remember that Smiley thinks that we cannot have a Kantian account of collective responsibility because it would require that the collective can foresee. In the absence of collective agency, it is necessary that the foresight is realized in the individuals. In the case of collective agency, if we grant that a structured group can act and cause harm, are we also saying that they have the capacity to intend and foresee? When push comes to shove, Searle's theory, though seemingly straddling the holist/individualist debate,

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<sup>145</sup> For a discussion of the problem of the futility of individual contributions, see Glover, J. and Scott-Taggart, M. 1975. It Makes No Difference Whether or Not I Do It. *Proceedings of the Aristotelian Society, Supplementary Volumes*, 49 pp. 171--209.

is individualistic because he requires that collective intentionality be realized in individual minds. If there is collective agency, then perhaps Searle's individualistic-leaning account may not be as helpful anymore.

When we say that affluent nations, their leaders, and their citizens are collectively responsible for severe poverty, we are able to ground moral responsibility in leaders and citizens, rather than nations, because they are individuals who obviously have the capacity for foresight. What do we do now? Do we attempt to construct two different notions of moral responsibility? Do we try to show how a Kantian conception of moral responsibility works in a collective agent? Of course, we need to be able to ascribe responsibility to affluent nations, especially since Pogge claims that they are the most powerful actors in this story. Since he ascribes moral responsibility to both affluent nations and their citizens, do we now try to construct two versions of moral responsibility, one for the nations and one for the citizens? Recall that Smiley argues that collective agents are constitutionally incapable of satisfying the requirements of a Kantian conception of moral responsibility because they do not have "full blown mental lives"<sup>146</sup> and hence foresight. Should we now try to show that the collective agents in question – and not just the individuals that comprise the collective agent – have the capacity for foresight?

I think that Pogge, despite his broadly Kantian notion of moral responsibility, can ascribe collective moral responsibility even in cases where there is collective agency, even though Searle's theory may no longer be as applicable here. Philosophers who work on collective agency and collective responsibility argue that nations and corporations are among the most plausible candidates for collective moral responsibility due to their structured and well-ordered decision-making procedures and capacity for intentional action. If we accept the judgments of theorists of collective agency, nations are capable of meeting the requirements for agency, even when construed in Kantian terms. In particular, Philip Pettit and Christian List seem to think that certain collective agents satisfy the requisite conditions for moral responsibility. According to them, "an agent can be held responsible for its actions if the agent faces normatively significant choices, is evidentially and otherwise in a position to judge on their normative merits, and is in control of those choices."<sup>147</sup> This conception of

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<sup>146</sup> Smiley, 2010

<sup>147</sup> List and Pettit, 2011, p. 158

moral responsibility – with its emphasis on action, judgment, and control – seems markedly Kantian, and thus applicable to Pogge’s theory.

List and Pettit point out that “a group can be organized for agency and to act so as to pursue a collectively endorsed body of desires according to a collectively endorsed body of beliefs.”<sup>148</sup> We can construe this as their capacity for intentional action or the capacity to cause harm. This is a relatively uncontroversial claim, since even Smiley would contend that groups are capable of causation, and her main contention against Kantian accounts of collective moral responsibility is with a group agent’s capacity for foresight.

According to List and Pettit, a collective agent must have “understanding and access to evidence required for making normative judgments about options.”<sup>149</sup> Since we are talking about a specific set of collective agents (organizations, nations, and corporations), and since these entities typically have committees, voting systems, or authorized subgroups that have access to evidence, then they have a built-in decision-making procedure. We can construe such structured decision-making procedures as giving them a capacity for foresight.

Admittedly, this claim needs spelling out. Which of the individuals in the collective can foresee the avoidable harms? What exactly do we mean when we say that a nation can foresee something? Are we talking about the politicians, military intelligence, or other powerful actors in the state? Are we including their citizens? These are hard questions. But I think that Pogge (and I) can leave this job to those who work on how collective responsibility, where there is collective agency, devolves or distributes to individuals. Another reason why I required that we treat collective agents as if they were individual agents is because I am leaving open to discussion the details of how the responsibility of collective agents devolves to individuals.

Though I agree that nations and corporations as paradigmatic forms of collective agents can be ascribed moral responsibility, I suspect that this conception of responsibility is unable to capture the entire picture. Like I said, there could be a latent conception of political responsibility in Pogge’s account. When we say that a nation is responsible for its contributions to severe global poverty, we may be invoking a different conception of

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<sup>148</sup> Ibid.

<sup>149</sup> Ibid.

responsibility due to the peculiar nature of what a nation is. Whilst causation plus foresight of harm can morally implicate many agents in this story, some individuals may be excused when it is arguable they lack foresight due to their inability to make the connection between their daily economic practices and the distant suffering of the global poor. The general public have not read or heard of Pogge's global justice theory. They are not aware of their status as human rights violators of the global poor. Perhaps even some affluent people are inculpably ignorant and are arguably excused from their moral responsibility to the global poor. But whilst genuine ignorance may render the project of grounding backward-looking moral responsibility for severe global poverty unsuccessful, the project of ascribing responsibility to nations could include even people who are inculpably ignorant by appealing to their (forward-looking) political or associative responsibilities. Avia Pasternak claims that assigning collective responsibility to a collective agent is "only a first step."<sup>150</sup> When we say that affluent nations are responsible for severe global poverty, we can remain open to suggestions about how this should translate into the individual responsibilities of the members of the nation. This strategy is congruent with Gilbert's claim that the responsibility of individuals who comprise, or are members of, a collectively responsible body is a separate matter altogether.

The most important thing for the purposes of ascribing collective responsibility for severe poverty is that it is plausible to hold some clearly identified agents responsible – regardless of whether it is a collective or an individual agent – even though there is no effective collaboration between them. This means that nations, corporations, and other collective agents – like their individual counterparts – are responsible only for their contributions. In a way, when we say that agents are responsible for the avoidable harms that they foreseeably caused, it seems almost redundant to point out that that includes collective agents, since we are already calling them agents anyway. This should provide some warrant to my earlier plea to treat collective agents as if they were individual agents. One of the motivating thoughts here is that we have authorized some entities to act as if they were agents, we must therefore be justified in subjecting them to the same moral constraints that we subject individual agents.

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<sup>150</sup> Pasternak, A. 2011. Sharing the Costs of Political Injustices. *Politics, Philosophy & Economics*, 10 (2), pp. 188--210.

This treatment of collective agents as if they were apt recipients of responsibility coincides with my earlier claim about the strong pragmatic tendencies in Pogge's theory of global justice. In claiming that affluent nations are responsible for severe poverty, he is banking on the already established practice of holding governments or nations responsible.<sup>151</sup>

We started this section with the problem of ascribing responsibility to a collective entity, which lacks agency. We said that this problem seems to be exacerbated by Pogge's broadly Kantian notion of moral responsibility. We considered Smiley's claim that Kantian accounts of moral responsibility are inapplicable to collectives, and we saw that, through Searle's account of collective intentionality, Smiley is mistaken in her assumption that shared intentions require shared mental states. We are thus able to make plausible the ascription of collective responsibility on the capacity of individuals to foresee that their actions will (in context) cause harm, and we say that they are irreducibly and collectively responsible for the harms suffered by the global poor, even in the absence of collective agency.

Earlier in this section, I argued that Pogge's notion of moral responsibility could be construed as a Kantian conception. Kantian accounts of moral responsibility, in the current literature, have been developed as largely merit-based. As such, they are concerned with the appropriateness or fairness of the ascription of moral responsibility to agents. According to a merit-based account, one must only be justified in ascribing moral responsibility to an agent to whom other courses of action were available. Whilst Pogge may have presented us with sufficient evidence that, on an institutional level, there are available alternative designs of the global order, we do not have enough reason to suppose that, at least in the case of ordinary individuals, there are alternative courses of action available to them. When I incorporated List and Pettit's criteria for holding agents responsible, I related the first two requirements – foresight and capacity for intentional action – to Pogge's conception of moral responsibility. However, there is a third requirement that they mentioned, namely, that the agent be in control of different courses of action. In the following section, I shall argue that Pogge's project of assigning moral responsibility to affluent Westerners falls short in meeting the requirements of a merit-based conception of moral responsibility.

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<sup>151</sup> We hold Germany responsible for the crimes committed under Nazi Germany, the US for the war on Iraq, Japan for war crimes committed by Japanese soldiers in World War II, etc.

## 5. Moral Responsibility of Affluent Westerners

In this chapter, I demonstrate that the ascription of moral responsibility to affluent Westerners is unjustified on a merit-based conception. I thus propose to redescribe Pogge's account of moral responsibility in broadly consequentialist terms. By holding affluent Westerners responsible even when the appropriate control conditions are lacking, we could be creating the conditions which would engender actual responsibility. By reproaching people for their participation in an unjust global institutional order, we are holding people to a higher moral standard than the status quo, and this could be the key to moral progress.

### 5.1. The Ascription of Moral Responsibility Fails on a Merit-Based Conception of Moral Responsibility

Though Pogge has shown us that there are accessible alternative designs of the global order where the suffering of the worst-off is not as severe, he has not shown us that alternative courses of action, on the individual level, are available. If there are no available courses of action open to the individuals in this story, then Pogge's attempt to ground (what I have interpreted as a broadly Kantian conception of) moral responsibility is unsuccessful.

If we are assigning a Kantian notion of moral responsibility to Pogge, then it must be the case that the agents whom he focuses on have an opportunity to do otherwise. In ascribing moral responsibility to ordinary affluent Westerners on the basis of their participation and contribution to this unjust global order, it may seem that Pogge is holding people morally responsible for something that they cannot help but do. People need to work, pay their taxes, buy groceries, etc. Most people are, in general, unable to do anything about their contribution to and support for this unjust global order. As Leif Wenar notes, "Even fairly wealthy people feel that (short of risking prison) they have little choice but to support national and global institutions by paying taxes and obeying other laws. So even if these wealthy people were to agree that they harm by upholding the global order, they may feel that they are being forced to harm. And being forced to harm normally cancels any moral responsibility to compensate for harms caused."<sup>152</sup>

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<sup>152</sup> Wenar, L. 2010. Realistic Reform of International Trade in Resources. In: Jaggar, A. eds. 2010. *Thomas Pogge and His Critics*. Cambridge: Polity.

Recall that for Pogge causal responsibility plus foresight of harm is sufficient for moral responsibility. We have agreed that this is based on a broadly Kantian conception of moral responsibility. Elucidations of Kantian conceptions of moral responsibility, as Smiley noted, have taken center-stage in the current literature of moral responsibility. Many who work on this topic are worried about the possibility of determinism because they think it would undermine the requirements of agency, and hence moral responsibility. If an agent's actions are caused or predetermined, they are at a loss to explain how we can ascribe moral responsibility. The threat of determinism would undermine a Kantian account of moral responsibility because, as non-compatibilists argue, it would mean that the agent is not the ultimate source of her action, that external factors caused her to do what she did. I shall not engage the deeper and more fundamental issue of the threat of determinism to moral responsibility. I shall be staying on the surface of the problem of Kantian accounts of moral responsibility in that I only require that other courses of action be, in principle, available to the agent in question.

A Kantian construal of moral responsibility is particularly concerned with the issue of agent-causation because it would be unfair to hold an agent responsible for something that she could not help but do. Put another way, we should only hold agents responsible for actions when they merit or deserve the ascription of responsibility. As such, a Kantian conception has also been developed as a merit-based account of moral responsibility.

Causation plus foresight can ground a merit-based account of moral responsibility, but only when there is enough control over other relevant factors. For example, this seems to be the rationale for holding drunk drivers morally and legally responsible for the harm they cause. Drunk drivers do not intend to harm other people, and yet they display a culpable disregard for the safety of others when they decide to drink alcohol whilst knowing that they will probably be driving home. We say that they are causally responsible for the harm when they run over a pedestrian. We say that they had foresight of the harm because people who drive are expected to know that driving under the influence of alcohol is dangerous. This foresight is necessary to establish the intention and the blameworthiness of an agent. We also say that they were not coerced into getting drunk, or that they could have opted to spend the night somewhere instead of driving home in an inebriated state.

There is a further requirement that the harm the agent foreseeably caused is avoidable. We can only ascribe moral responsibility in cases when there are other courses of action available to the agent. Given this, we could argue against Pogge that the affluent Westerners, whom he contends are morally responsible for the harms that the global poor suffer, do not meet the requisite control conditions. Even if we grant Pogge's claim that many of the actions of affluent Westerners foreseeably eventuate in harms to the global poor, this may not be sufficient for ascribing moral responsibility to them. For not only do they not intend to cause the suffering of the global poor, they have very little choice but to cooperate in the design and imposition of this unjust global economic order. Even if we accept Pogge's claim that there is a feasible alternative to this unjust economic world order, on the individual level, it is hard to translate this into available courses of action that do not demand too much from the typical affluent Westerner, as the earlier quote from Wenar suggests. Individuals have very little control over their participation in the institutions that create and maintain poverty. Moreover, if this is true, then it does not seem fair to blame them or hold them responsible for actions that could be construed as something they were almost coerced into doing. Hence, Pogge's account falls short of meeting the requirements of a merit-based conception of moral responsibility, at least for most of the ordinary affluent Westerners that he attempts to ascribe moral responsibility to.

But things do not look as bleak as they seem for our project of justifying moral responsibility for severe global poverty. Whilst most ordinary individuals fall short in meeting the requirements of a merit-based account of moral responsibility, there are more important agents in this story. Recall that List and Pettit contend that specific collective agents can be held morally responsible when they satisfy three conditions, namely, foresight, causation, and control. If we concede that the ascription of moral responsibility is unjustified because most individuals have very little control over their contributions to the unjust global order, then we should be able to say that some responsibility could be ascribed to agents who have significant control and other courses of actions available to them. Powerful collective agents such as affluent nations, the WTO and WB, multinational and transnational corporations usually exert significant power over large-scale economic and political transactions. Unlike most ordinary affluent Westerners, it is at least arguable that powerful actors do have other courses of action available to them.

## 5.2. Abnormal Moral Contexts

Cheshire Calhoun and Tracy Isaacs discuss the moral status of individuals who participate in entrenched racist and sexist practices. According to them, there is such a thing as a normal and an abnormal moral context, and the practice of praising or blaming people needs to take into account the context wherein a wrong action occurs. We are in a normal moral context when the “rightness and wrongness of different courses of action is ‘transparent’ to individuals, where ‘transparent’ does not mean self-evident, but simply that participants in normal moral contexts share a common moral language, agree for the most part on moral rules, and use similar methods of moral reasoning.”<sup>153</sup> For instance, we all generally think that stealing and lying are wrong and that promises ought to be kept. Contrast this with an abnormal moral context, where “only a small group of people is aware that some social practice is wrong or morally charged. In such a context, when a reasonable person could not be expected to know that the behavior is wrong, moral ignorance excuses.”<sup>154</sup>

To elucidate their point, Calhoun and Isaacs refer to the institution of slavery. Slavery is wrong. But given the culture and the level of knowledge possessed by people in Ancient Greece, it would be unreasonable to blame them for their participation in slavery. They believed in mythical creatures, magic, and supernatural powers. They had legends and folklore that validated their view that human beings are essentially unequal, and they did not have sufficiently advanced scientific knowledge to dispel their fantasies. People did not know better, and we should not expect them to do otherwise. Calhoun and Isaacs contend that something similar can be said about the use of the pronoun “he” as a gender-neutral term. Most people have been taught that “he” is gender-neutral and have had no opportunity to question this convention.

This account concedes that a wrongful social practice can be rendered legitimate in the eyes of its participants by culture and convention. When this is so, at least some individuals should be regarded as unwilling participants in the perpetuation of oppressive social practices. According to Isaacs, there are circumstances where ignorance of the wrongfulness of a practice can excuse an individual. Remember that excusability does not amount to justifiability. We can excuse someone while maintaining the view that their action is wrong,

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<sup>153</sup> Calhoun, 1989, p. 394

<sup>154</sup> Isaacs, 2011, p. 170

whilst nevertheless judging that the person is not blameworthy. Hence, when we excuse the ordinary person for using “he” as a gender-neutral term, we are still saying that that person is wrong to do so.

However, when we excuse someone, it seems that we could be sanctioning the wrongful action, and we would end up being complicit in the perpetuation of the wrongful social practice. So it seems that we have reached an impasse. On the one hand, we cannot blame people for things that they could not be expected to know. On the other hand, failing to blame them would increase the likelihood of perpetuating the wrongful practice. What should we do?

The answer that Calhoun and Isaacs both give is that we must engage people in dialogue. We should reproach the erring individual, despite her ignorance. The move from the abnormal to the normal moral context is made possible through reproach and dialogue. When we call attention to someone’s use of the pronoun “he,” we confiscate that person’s excuse for not knowing that “he” is not gender-neutral. Reproach means “pointing out that what they have done is wrong and letting them know their part in a larger scheme of wrongful practice.”<sup>155</sup> An effective way of reproaching is through labeling. Terms like “racist,” “sexist,” and “homophobic” will sometimes do the job. According to Calhoun, “if someone, even if unknowingly, exploits, then that person is an ‘exploiter.’ Those who violate rights are ‘rights violators’; those who oppress are ‘oppressors.’”<sup>156</sup> We should notice how Pogge’s claim that affluent Westerners are rights violators of the global poor also fits Calhoun’s picture.

The method of reproach and dialogue enables us to escape the apparent dilemma because, as Calhoun puts it, “our entitlement to use reproach is independent of the blameworthiness of individuals.”<sup>157</sup> Pogge insists that, even though his project is ascribing moral responsibility to various agents, he is not trying to “raise issues of blame or guilt, which [he is] leaving aside throughout”<sup>158</sup> in *WPHR*. But the *WPHR* itself is doing exactly what Calhoun requires in order for us to be able to transcend an abnormal moral context. If we reproach or bring people into dialogue often enough, then we are letting more and more people know that such a practice is wrong. When enough people are in the know about the wrongful social practice,

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<sup>155</sup> Isaacs, 2011, p. 168

<sup>156</sup> Calhoun, 1989, p. 390

<sup>157</sup> Ibid.

<sup>158</sup> Pogge, 2008, p. 154

then the move from an abnormal to a normal moral context begins. All of Pogge's work on global justice is a way of bringing people into dialogue about the morality of our global economic system and practices.

It is interesting to note that feminists and race-theorists have often banded together, since they both self-identify and identify each other as an oppressed collective. As oppressed collectives, they contend that they have been unjustly institutionally subjugated, and that pervasive legitimating forces have concealed their subjugation. It may also be interesting to note that, whilst feminists frequently refer to racial oppression, and race-theorists to gender-oppression, they do not always extend the analogy to class-based oppression.

Using the apparatus developed by race- and gender-theorists, we can say that we exist in an abnormal moral context with respect to global justice. If we are in an abnormal moral context, then there is a sense in which the general population does not grasp the implications of the interdependence of national economies on our actions and behavior. In pointing out that there is an unjust shared institutional order, Pogge is trying to dispel people's ignorance about the extent to which morality has claims on us.

At this point, we should perhaps acknowledge the fact that, though Pogge explicitly tries *not* to countervail common Western morality, his conception of harm is not immediately available to the general population. As Wenar notes, "the natural home for the concept of harm is what Pogge would call an interactional setting,"<sup>159</sup> and yet the conception of harm that he uses in his theory is an institutional conception. Despite Pogge's claim that he invokes "the very core of Western morality,"<sup>160</sup> such conception of harm countervails common Western morality, and I think that he should welcome it. Moral progress is only possible if we countervail at least some aspects of the status quo. In calling affluent Westerners human rights violators of the global poor, Pogge is hoping that the labeling would be an impetus for moral progress, because this would enable us to progress from an abnormal to a normal moral context.

In a way, this institutional conception of harm is not completely alien to the general population. If we look at our laws, they evidently recognize that there is such a thing as a

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<sup>159</sup> Wenar, 2010, p. 126

<sup>160</sup> Pogge, 2010, p. 32

harm that is enabled by our social institutions and that some social practices have been outlawed. Rendering some practices illegal requires the acknowledgement that they exist, that they are wrong, and that our institutions must do something to protect those who have been rendered vulnerable by them. Marital rape and sexual harassment are two salient cases in point. Both are recent introductions into our legal vocabulary, and yet we do not think that these things did not occur prior to their criminalization. So what Pogge seems to be trying to do is to include economic practices into the realm of morally charged issues. Viewing Pogge's project in this way allows us to address the objection discussed earlier, namely, that individuals have no genuine alternative to supporting an unjust global order.

Now that we have conceded that individuals may not have other courses of action available to them, what is the next step? As we had already said, Pogge is already reproaching people and raising awareness about the abnormal moral context that he takes us to be in. By making his project an issue about global justice, he is making people aware of the problem. Once people are aware that this is a problem, their foresight that their participation in this unjust global order causes suffering and misery to half of the world's population is heightened.

Now we turn to the main problem at hand. Even affluent Westerners seem to lack other courses of action. They have very little choice about their participation in this unjust global order. It seems like there are "coercive conditions that generate fear of the consequences of non-compliance"<sup>161</sup> in a similar way that ordinary Germans who were against Nazism were somewhat coerced into participating in genocide.

Pogge claims that affluent Westerners can escape their moral responsibility "by emigrating to a poor country, by living as hermits in an affluent country, or by fully compensating for their fair share of the avoidable human rights deficit through efforts that protect some of the victims of injustice. The word 'compensate' is meant to indicate that how much one should be willing to contribute toward reforming unjust institutions and toward mitigating the harms they cause depends on how much one is contributing to, and benefiting from, their maintenance."<sup>162</sup> Notice that the first two options are quite demanding, and possibly counter-productive. Firstly, the first two options are not available to many, if not most, people in the developed world. Pogge himself acknowledges this when he says that discontinuing

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<sup>161</sup> Isaacs, 2011, p. 174

<sup>162</sup> Pogge, 2010, p. 196

involvement in the unjust global order is “often not a realistic option.”<sup>163</sup> But even when possible, requiring someone to move to a poor country to escape the label of human rights violator seems to trivialize the issue at hand. Living as a hermit in an affluent country, likewise, seems equally trivializing and counter-productive. The last option, which is really what Pogge wants people to do, is vague and open to interpretation. What can people do to compensate for their contribution to an unjust global order that causes avoidable human rights deficit? The answer is open to discussion. There is no clear single course of action that an individual can take in order to fulfill this obligation.

Here, it is helpful to return to Held, Isaacs, and Calhoun. As they see it, people can become obligated to avoid a certain pattern or course of action when a clear alternative is available. We are familiar with this phenomenon in many contexts. For example, when a person sees a child drowning in a shallow pond and can easily save the child, we say that she has an obligation to do so because it is clear (to her and to us) that she can easily do so. Now, let us revise this thought experiment to make it applicable to a collective context. This scenario is borrowed from Isaacs and is called the Coordinated Bystander Case:

Four bystanders are relaxing on a riverbank when six children on a raft run into trouble when they and their raft end up on rapids. They are hurtling helplessly toward a dangerous waterfall downriver and are unlikely to survive if they go over it. Nothing any of the four bystanders can do as an individual will make a difference, but there is an obvious course of coordinated action they could take to divert the raft into calmer waters. This measure would pose little risk to the bystanders and would save all the children.<sup>164</sup>

In this story, we want to say that the clarity of the solution ought to propel the four strangers to act collectively to save the children. The lethal danger that the children are facing “can create the conditions under which a random group reconfigures itself into a goal-oriented collective capable of intentional action as a collective.”<sup>165</sup> When there is a clear collective solution to a problem, people can become obligated. As Virginia Held puts it, “if, then, the action called for is obvious to the reasonable person, it seems we can sometimes conclude that the judgment ‘Random collection of individuals R is morally responsible for not doing A’ is valid.”<sup>166</sup>

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<sup>163</sup> Pogge, 2008, p. 56

<sup>164</sup> Isaacs, 2011, p. 143

<sup>165</sup> Ibid., p. 145

<sup>166</sup> Held, 1970, p. 478

Perhaps something similar could be said of the problem of the persistence of severe poverty overseas. Since no individual could ever make a difference due to the magnitude of the problem, the solution to severe global poverty definitely requires *collective action*. If we are going to obliterate severe poverty, we must organize ourselves so that we can act as a collective and deal with the problem. As collective solutions become clear, then they “can help to define and narrow down the range of contributions [that] individual participants might take.”<sup>167</sup> Once there is a clearer alternative action for the individual who has been coerced into participating in the unjust global institutional order, then we can deem her as, at least to some degree, morally responsible.

If this is right, then Pogge is mistaken. Foresight plus causal responsibility is not sufficient for grounding a broadly Kantian merit-based account of moral responsibility. In a situation where there is insufficient clarity on what must be done, a potential obligation may fail actualization. If we revised the Coordinated Bystander Scenario where there is no clear course of collective action that the individuals could take, then we would no longer be able to say that they have the moral obligation to save the drowning children. The attempt to ascribe moral responsibility fails because the collective solution has not yet been clarified to the individuals. But he is at least pointing us in the right direction. For by reproaching people and bringing them into dialogue about how international trade is a morally charged issue, we are already gesturing people towards a solution. Individuals currently do not have an accessible way to stop contributing to the unjust global order; but we at least know that an unjust global order exists and that our individual actions unwittingly contribute to its perpetuation. We also know that the solution will be a collective one. And here is where some clarity may be evident. We need to start considering collective solutions to the problem of severe global poverty, and institutional reform, as Pogge insists, may be a good place to start. Changing the way in which we incentivize pharmaceutical research so that the poor can afford medicine could have real and lasting benefits to the global poor. As we define and articulate collective solutions, we shall simultaneously generate individual obligations.

Before we proceed, we must now mention that there is an important distinction between the harms that the drowning children in the Coordinated Bystander Case face and the harms

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<sup>167</sup> Isaacs, 2011, p. 144

suffered by the global poor. In the former, the bystanders had absolutely nothing to do with the lethal threat to the children, and yet we are inclined to say that they are obligated to act collectively to save them. On the other hand, if Pogge is correct that many are causally and morally implicated for the harms suffered by the global poor, then, presumably, there is an even stronger moral imperative to collectively do something about the avoidable harms that our global order produces.

### 5.3. Towards a Consequentialist Account of Moral Responsibility

I now want to return to the objection that Pogge's account of moral responsibility is unjustified because there are no available courses of action available to individual agents. We say that it is not fair to hold people responsible when they could not have done otherwise.<sup>168</sup> We say that causation plus foresight of harm is not sufficient for grounding responsibility because there is an issue about the relevant control conditions that are required for agency and moral responsibility. I now want to propose that this picture of moral responsibility does not give us a complete account of our notion of moral responsibility.

Let me introduce the notion of *responsibilizing* or the instrumental regulation of the behavior of agents. If Pogge's account of moral responsibility does not fulfill the requirements of a merit-based conception of moral responsibility, it may nevertheless fit a consequentialist one. Consequentialist accounts of moral responsibility have become unpopular in recent analytic philosophy. A consequentialist account of moral responsibility says that we should hold people responsible if doing so "promises to yield the best results overall."<sup>169</sup> This suggests that the question of whether someone deserves to be held responsible should be determined by whether doing so would have desirable consequences. "That would be like thinking that whether a proposition deserves to be believed depends on whether believing it would have desirable consequences."<sup>170</sup> For this reason, many moral philosophers have abandoned a consequentialist justification of moral responsibility for a merit-based view.

But in rejecting consequentialist accounts of moral responsibility, we may be losing an important aspect of moral responsibility, namely, the importance of regulating the behavior of

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<sup>168</sup> Harry Frankfurt's Principle of Alternative Possibilities produced a lot of

<sup>169</sup> List and Pettit, 2011, p. 156

<sup>170</sup> Ibid.

agents. Hence, a consequentialist conception of moral responsibility can help us shed light on ways to regulate behavior. I claimed earlier that Pogge invokes a broadly Kantian account of moral responsibility. But I have also repeatedly stressed Pogge's tendency towards instrumental reasoning. His project of eliminating poverty shows that he wants to speed up moral progress. This is why he is holding people to a higher moral standard than the status quo. When the goal is moral progress, holding people morally responsible, despite insufficient control over relevant factors, is justifiable on instrumental or consequentialist grounds.

Remember that the objection to Pogge is that the agents he identifies who are human rights violators do not have other courses of action available to them. In other words, they do not have enough control over the relevant factors to justify the ascription of moral responsibility to them. But do we only hold agents morally responsible when there are available alternative options? Do we only hold agents responsible when they satisfy these supposedly required control conditions? Think of the way that we treat children: "parents often deal with their growing children in domains of behavior where the children may not be fully fit to be held responsible. While recognizing this lack of fitness [or control over relevant factors], parents may announce that they will hold the children responsible for the good and bad they do."<sup>171</sup> Why do this? List and Pettit say that "the most plausible answer is that by treating children as if they were fit to be held responsible,"<sup>172</sup> we are teaching them how to be responsible. It seems to show that we do hold agents responsible even when they lack control over the relevant factors because doing so will hopefully direct them towards gaining control over those factors.

When we repeatedly say that participating in an unjust global institutional order makes one a human rights violator, then we are also telling the person to find a way in which she could stop participating in the perpetuation of this unjust global order. This notion of responsabilizing is even more important in the context of a collective agency. Where we can say that the child's lacking control over the relevant conditions is not analogous to the fully-developed ordinary citizen, the case of the child could be more analogous to the case of a putative or potential group agent. The child is not yet a fully-fledged agent, but by sometimes

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<sup>171</sup> Ibid.

<sup>172</sup> Ibid., p. 157

treating the child as if she were a fully-fledged agent, we are in the process of producing a fully-fledged agent.

Earlier, I stressed that the referent of the term “affluent Westerners” does not designate a collective agent. But in giving them this description we are selecting a discrete yet specific set of agents, which could create conditions under which they form a collective agent or convert into a goal-oriented collective. The conglomeration of discrete affluent Westerners lacks the organizational structure and intentional states required of an agent. But in identifying them as a collective, we are in the process of forming a collective agent or at least we are inciting a loose collection of individuals to arrange themselves in a way that would enable them to act as a goal-oriented collective. As List and Petit say, “we are naturally disposed to ascribe responsibility... not just to fully responsible agents but also to responsabilizable entities.”<sup>173</sup>

## 6. Conclusion

I am not proposing that we should treat individuals as if they were morally responsible in order to make them find alternative courses of action that do not involve participating in an unjust global institutional order. We already pointed out that this is currently not possible and that the solution to global poverty requires collective action. This is a proposal about how we should treat people, affluent Westerners, as a potential group agent. As List and Petit say, “it may not be strictly appropriate to hold such a loose grouping responsible, since some of the conditions necessary for fitness to be held responsible may actually prompt the grouping to incorporate and organized against the condemned behavior.”<sup>174</sup>

Towards the end of *WPHR*, Pogge admits that his attempt to ascribe moral responsibility for severe global poverty to affluent nations and affluent Westerners is not conclusive.<sup>175</sup> He acknowledges that a hostile reaction to his thesis that ordinary people are human rights violators is to be expected. But one of the main motivations for writing this book is to at least open the lines for communication and discussion, with the hope that “moral convictions can

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<sup>173</sup> Ibid., p. 169

<sup>174</sup> Ibid.

<sup>175</sup> Pogge, 2008, p. 220

have real effects even in international trade politics.”<sup>176</sup> Like Pogge, I recognize that my own attempt to spell out the steps in ascribing moral responsibility to the agents that we have identified may be nothing more but an attempt. But I hope that I have at least constructively carried on the dialogue and added to the conviction that the project of alleviating severe global poverty is neither pointless nor implausible. Ultimately, I share his sentiment that “what now seems like an eccentric and utopian view will be an exemplar of what justice commands.”<sup>177</sup>

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<sup>176</sup> Pogge, 2008, p. 217

<sup>177</sup> Ibid., p. 32

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