

Pogge on Human Rights and Global Poverty

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Introduction

This paper discusses Thomas Pogge's moral account of alleviating global poverty through the promotion of basic human rights. Pogge argues that global poverty is causally traceable to unjust global institutional structures, and this injustice necessitates their reformation in order not to deprive the global poor of their basic political and economic rights. The global institutional order is not a fixed system which cannot be altered. It is shaped by collective human decisions and behavior. As John Rawls (1999, 88) says: "The social system is not an unchangeable order beyond human control but a pattern of human action." Severe global poverty is avoidable and foreseeable and there are feasible alternative institutional schemes that do not unduly harm the global poor. So, Pogge proposes to redesign the global order where human rights are respected and realized.

In advocating the notion of redesigning the global institutional arrangements to secure human rights, Pogge draws support from Article 28 of the *Universal Declaration of Human Rights* (UDHR) which states that "everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized." For Pogge, upholding and realizing human rights is a necessary, although not a sufficient, condition of global justice. This does not, however, suggest that if institutional designs fulfill human rights, then they are necessarily just.¹ What Pogge (2008, 25) really means is that "an institutional design is unjust if it fails to realize human rights insofar as is reasonably possible."² For Pogge, fulfilling human rights represents the "universal core criterion of basic justice."

The Concept of Human Rights

In his discussion of human rights, Pogge is mainly concerned with the explication of their moral notion. He does not "address the ontological status of human rights" nor does he engage in "the work of selection, specification, and justification that goes into formulating a full list of conception of human rights" (Pogge 2008, 59). Pogge does not emphasize the content of human rights because he believes that their content is best left to the decisions of a

particular country relative to its values and culture. He says further that "the content of these rights and of any corresponding legal obligations and burdens depends on the legislative, judicial and executive bodies that maintain and interpret the laws in question" (Pogge 2008, 58). What is important for him is that people everywhere as well as all nations recognize and respect basic human rights and they can agree to a certain extent what these fundamental human rights are.

Pogge (2008, 59) aims to answer the following questions: "How should human rights be conceived?" and "What does the assertion of a human right assert, especially in regard to correlative responsibilities?"

Human rights, according to Pogge, are independent of any governmental bodies that enforce them. In fact, these bodies have legitimacy only if human rights are protected. As Pogge (2008, 58) says, "Only if they respect moral human rights do any governmental bodies have legitimacy, that is, the capacity to create moral obligations to comply with, and the moral authority to enforce, their laws and orders." What this implies is that human rights are moral rights and they have an independent existence. As moral rights, they pre-exist their legal expression and foundation. Governments, for example, cannot legislate and oblige people to respect human rights out of nowhere. They can only legislate these rights based on what is morally given and recognized as human rights. "In fact", Pogge (2008, 58) writes, "this acknowledgment seems implicit in the common phrase 'internationally recognized human rights'" and "it is clearly expressed in the Preamble of the UDHR, which presents this Declaration as stating moral human rights that exist independently of itself." Legal rules enforcing human rights merely facilitate and contribute to the realization of such rights.

The moral notion of human rights, according to Pogge, has evolved from and developed out of the earlier notions of natural law and natural rights. The concepts natural law, natural rights and human rights share common features that "express a special class of *moral concerns*, namely ones that are among the most *weighty* of all as well as *unrestricted* and *broadly sharable*" (Pogge 2008, 60).

Natural law, natural rights, and human rights are *weighty* moral demands in the sense that they "ought to play an important role in our thinking and discourse about, and ought to be reflected and respected, in our social institutions and conduct." Moreover, they should take precedence and must have priority over other moral and nonmoral considerations (Pogge 2008, 60). As *unrestricted* moral demands, the compliance and respect persons ought to accord to these three notions of rights depend not on their particular epoch, culture, religion, moral tradition or philosophy. The moral obligations arising from these three notions of rights suggest that they are "relevant to persons of



all times and places and therefore should be understood and appreciated by all" (Pogge 2008, 60). This also explains why the moral demands of the three notions are *broadly sharable*. They are "capable of being understood and appreciated by persons from different epochs and cultures as well as by adherents of a variety of different religions, moral traditions and philosophies" (Pogge 2008, 61).

The evolution of the concept of natural law to natural rights is attained through a secularization process that involves the limitation of the content of moral demands. From the moral demand of respecting the divinely ordained order in the world (natural law), the emphasis is now focused on the moral demand to respect persons who, as right-holders, are "sources of moral claims and thereby recognized as having a certain moral standing and value" (Pogge 2008, 61). Henrik Syse (2005, 232), in his explanation of Pogge's notion of human rights, expresses this conceptual evolution in the following words:

This turn from law to rights contributes to a secularization of the natural-law idea, toning down individual commitment to the harmonious order of the cosmos as created by God which had been so central to most earlier natural-law thinkers and focusing instead on certain moral demands human beings have against one another, these demands being understood to be natural.

The natural law idiom, according to Pogge, does not entail the moral duty to respect persons. Such idiom "need not involve demands on one's conduct toward other subjects at all and, even if it does, need not involve the idea that by violating such demands one has wronged these subjects – one may rather have wronged God, for example, or have disturbed the harmonious order of the cosmos" (Pogge 2008, 61). In other words, if a person violates the natural law, he has offended God or disrupted the natural order more than the other person whom he is supposed to have wronged.

Pogge points out that this shift from natural law to natural rights idiom has also threatened three historically prominent categories of moral demands: namely, religious duties, duties toward oneself, and one's obligation towards animals. Duties towards God is imperiled because one no longer "think[s] of him as having vital interests that are vulnerable to human encroachment" (Pogge 2008, 62). This means that because the emphasis has shifted from natural law to natural rights, duties are no longer understood as obligations a person owes to God. Instead, they are interpreted as obligations a person primarily owes to his fellow human being.

The other categories of moral demands that are jeopardized by this shift

are the conceptions that one has duties towards oneself and towards animals. For Pogge, this notion of one's duties to oneself is problematic because to claim that a person has obligations towards his own self and at the same time protests against and punishes his own self for failing to fulfill these obligations is absurd. The reason for this is that "we do not engage in such claiming, defending, protesting, and punishing against ourselves." Lastly, one's duties towards animals are also threatened by this shift because animals cannot claim against, defend, protest and punish those who violate their interests (Pogge 2008, 62).

To assert that only persons have the ability to claim their natural rights against others does not imply that dead persons or infants possess no such rights for the simple reason that they have no ability to make such claims. One could still argue that it would still matter for dead persons and infants whether their rights are respected or not because one could still imagine how they would protest if they knew that their rights or wishes were violated by other people (Pogge 2008, 62).

According to Syse, the exclusion of human beings from the cosmic or natural order within which they exist as rational entities in the natural rights idiom is both a strength and a weakness. Its strength lies in the idea that "it sets human beings free from obedience to more or less arbitrary conceptions of hierarchies and natural or divine lordship and clearly gives each human being access to equal, rightful claims that forcefully gainsay the reduction of individuals to defenseless beings whose low status is naturally or divinely instituted" (Syse 2005, 233). In other words, the strength in employing this natural rights discourse is that it frees human individuals from an alleged order or system framed by divine or natural powers that may undermine their human dignity. The weakness, however, is that such thinking may spare human beings "from responsibilities toward the larger context and environment on which these individuals to a large extent depend, since all legal and moral responsibilities seem to be reduced to relationships among human beings" (Syse 2005, 23). This weakness, in other words, may encourage the thinking that human beings have no moral obligations towards non-human others because morality is only applicable to the inter-human realm where members are capable of reciprocal moral relations.

The shift from the natural rights to human rights discourse in the twentieth century is a further development of the secularization process mentioned earlier. Pogge mentions four significant implications of this shift. First, the shift marks a continuous departure of the idea of moral rights from its medieval Christian underpinnings. Second, it reorients the meaning of moral rights from "metaphysical" to "political".³ In this way, the term human rights "does not suggest an ontological status independent of any and all human

efforts, decisions, (re)cognition” (Pogge 2008, 63). Such a political conception of human rights accommodates and makes possible the convergence of various metaphysical views on human rights which different people hold. This explains why Pogge claims that human rights are *broadly sharable* and hence universal and have a “global normative reach”. (See Pogge 2005, 17-30). The third implication of the shift is that only human beings are entitled to have human rights and “the special moral status associated therewith” (Pogge 2008, 63). This would then entail the moral equality of all human beings because of their possession of those rights. The moral equality of human beings mean two things: first, they possess exactly the same rights; second, “the moral significance of human rights and human-rights violations does not vary with whose human rights are at stake; as far as human rights are concerned, all human beings matter equally” (Pogge 2008, 63). Finally, the shift to human rights language has in a way confined the claim of these moral rights primarily against governments and their officials. Human rights can also be considered as claims against armies, “leaders of a guerilla movement or of a large corporation” (Pogge 2008, 63-64). This significant shift means that human rights violations are somehow official violations.

There is, however, one significant implication of the shift from natural rights to human rights language which, according to Syse, Pogge seemed to have overlooked. This implication is that, in the natural law language, rights have their origin in nature. “They are *donated* not by any human act or agent, but by nature or God, and are as such an integral part of who I am as a natural being” (Syse 2005, 235). Since these rights are natural endowments, then they are inalienable. But such a conception of rights is not implied in the new idiom of human rights. This would then “open up the possibility that the origin of these rights is human, and that they therefore have all the instability, uncertainty, and limitedness that characterize human affairs in general” (Syse 2005, 235). This may imply that human rights can be revoked since they are merely conferred by humans. Hence, human rights are contingent and subject to the vagaries of human decisions.

The possibility that the modern notion of human rights can be revoked since they are merely conferred by humans can be addressed by alluding to Pogge’s notion of human rights as moral concerns which are weighty moral demands, unrestricted and as having broad shareability. This means that human rights for many people from different cultural and national backgrounds matter to them and they are committed to fulfilling these rights through the mediation of their social institutions. Though the possibility of cancellation remains, their commitment to respect and fulfill human rights reduces that possibility.

The Institutional Approach to Human Rights

For Pogge, human rights are primarily “claims on coercive social institutions and secondarily as claims against those who uphold such institutions” (Pogge 2008, 50-51). He differentiates this institutional conception of human rights from an interactional one where the claims of human rights are directed against persons and collective agents. The institutional approach is based on certain fundamental principles of social *justice*. These principles are then applied to the moral assessment of institutional schemes. These principles are “standards for assessing the ground rules and practices that regulate human interactions” (Pogge 2008, 176). The interactional approach, in contrast, is based on certain fundamental principles of *ethics*. These principles serve as norms for the moral assessment of the conduct of individuals and groups. To further differentiate the distinction between these two approaches in relation to human rights, Pogge writes:

Interactional cosmopolitanism assigns direct responsibility for the fulfillment of human rights to other individual and collective agents, whereas institutional cosmopolitanism assigns such responsibility to institutional schemes. On the latter view, the responsibility of persons is, then, indirect – a shared responsibility for the justice of any practices one helps to impose: one ought not to cooperate in the imposition of a coercive institutional order that avoidably leaves human rights unfulfilled without making reasonable efforts to protect its victims and to promote institutional reform. (Pogge 2008, 176)

So, in the institutional approach to human rights, individuals and collective agents are not spared from the responsibility of human rights violations if they participate and help establish unjust social institutions. Their responsibility will depend on their degree of participation. Jon Mandle puts it nicely when he writes:

People are responsible, both individually and collectively, for ensuring that institutions are just and adequately protect basic human rights. Typically, responsibility for institutions is widely dispersed, since no particular individual has complete control over them, and an unjust institution may persist simply because of the acquiescence of participants who see no realistic alternative. Different people, of course, may be more or less responsible for the injustice of a particular

institution. And just as, other things being equal, those who can assist in the creation of just institutions without excessive costs to themselves have a greater obligation to do so than those for whom it would require a great sacrifice, so too, other things being equal, those individuals who have actively created or supported unjust institutions have a greater responsibility to change them than those who have passively accepted them. (Mandle 2006, 48)

Fulfilling human rights is the primary responsibility of domestic social institutions. Governments and their citizens should uphold human rights. But since in today's world globalization has made different social institutions dependent on one another, it is then implausible to limit the responsibility of realizing human rights as purely isolated efforts on the part of each government and its citizens. There is an existing global structure that affects people's lives everywhere (See Beitz 1999). It is then morally proper that the moral obligation for the fulfillment of human rights should rest in these global social structures and those persons who have a strong influence in the design of these structures.

For Pogge, what this institutional understanding of human rights means is that for persons to have a right to X, "any coercive social institutions", "insofar as reasonably possible", must be "so designed that all human beings affected by them have secure access to X" (Pogge 2008, 52). By secure access to X (the objects of human rights), Pogge means that as long as threats to human rights do not fall below a certain threshold, human rights are secured. Security of access to the object of human rights denotes that it is "sensitive to persons' risk of being denied X or deprived of X officially: by the government or its agents or officials" (Pogge 2008, 70). The absence or denial of these security to access to the object of human right, "beyond certain plausibly attainable thresholds, constitutes official disrespect and stains the society's human-rights record" (Pogge 2008, 70). Therefore, human rights are primarily moral claims on social institutions. But citizens who actively cooperate or participate in the design of such institutions are also collectively responsible for the moral impact of these institutions. They also "share responsibility for official disrespect of human rights within any coercive institutional order they are involved in upholding" (Pogge 2008, 70). As Pogge declares, "A human right is a moral claim *on* any coercive social institutions imposed upon oneself and therefore a moral claim *against* anyone involved in their design or imposition" (Pogge 2008, 52).

It is relevant at this point to clarify what Pogge means when he asserts that the global social institutions harm the global poor. Pogge defines harm in a restrictive manner in the following respects: first, the global poor are harmed if

their basic human rights are unfulfilled; second, this harm is "*causally traceable to social institutions*"; third, moral responsibility is borne by those persons who "*actively cooperate*" in the design and imposition of relevant social institutions and only such persons have "compensatory obligations to do their share toward reforming these social institutions or toward protecting its victims"; fourth, there is active cooperation in harming the global poor when this harm is "*foreseeable*" and that the global design results to "substantial human rights deficits"; fifth, these human rights deficits must be "*reasonably avoidable*" because there is "a feasible alternative design of the relevant institutional order" that yields no "comparable human rights deficits or other ills of comparable magnitude; lastly, this alternative design must be "*knowable*" in the sense that it fares better in fulfilling the basic human rights of the participants (Pogge 2008, 26). The compensatory duties for the harm done on the global poor, as pointed out above, are confined to those who have actively participated in the design of the global institutional order and are commensurate to their share in that harm (Pogge 2008, 26).

In conceiving human rights as a moral claim against coercive institutions, Pogge then says that they can only be undermined or disrespected *officially*. Threats and occasional violations of human rights do not constitute official disrespect as long as persons have secure access to the objects of these rights. To illustrate this, take for example the right not to be tortured. A person may be a victim of torture but it does not mean that he has no secure access to the object of such a right. It could be that his government has necessary and adequate means to protect him and his fellow citizens from such violence. This could be contrasted with another example. A person may not be actually be a victim of torture but his government does not have the adequate protection to secure the physical integrity of its citizens and hence, these people are always threatened by this kind of violence. According to Pogge, only the latter example constitutes *official disrespect*.

Pogge's institutional approach to human rights appears problematic in one sense. According to Leif Wenar, Pogge's conception of human rights rests on a probability that the persons have secure access to the objects of their rights. Wenar thinks that this is implausible because it could be that a government secures the human rights of its citizens but still violates the rights of some of its citizens for official purposes. Imagine, for example, a certain government provides its citizens secure access to the objects of their human rights but orders the kidnapping and torture of ten of its citizens "either for official's own entertainment or to complete some secret medical experiment" (Wenar 2005, 289). When viewed according to Pogge's definition of human rights, this scenario will not be considered as an official violation because of the fact that it is officially sanctioned. The example shows that some persons are

kidnapped and tortured and yet officially, no one's right to physical integrity is allegedly violated. Wenar finds this quite absurd. So in order to avoid this absurdity, he suggests that "we can take probabilities into account where they are relevant and leave them aside when they are not" (Wenar 2005, 289). To illustrate his point, he says,

Officials must never under in any circumstance take into account that they could further their personal or political goals through torture, and if they act on such a consideration they will each instance violate a human right.... Officials must act so as to keep all citizens above some probabilistic threshold of being safe from violent assault in the streets. We can say that some human rights are violated by discrete official actions, and that others are violated if officials fail to create the social conditions where access to some good is reasonably secure. This characterization allows for the important feature in Pogge's account, while not permitting it to consume the whole definition. (Wenar 2005, 289-290)

What Wenar means is that since for Pogge human rights are either officially respected or undermined by governments, then in order to avoid the problematic situation where a government secures the rights of its citizens and at the same occasionally uses its power to authorize human rights violations, Pogge has to qualify that these occasional and officially sanctioned human rights violations are isolated cases and these do not undermine and constitute the rejection of the institutional approach to the protection and promotion of human rights.

In saying that human rights are primarily moral claims against social institutions, Pogge is implying that it is sufficient that these institutions provide secure access to the objects of human rights of all persons who belong to these institutions. The claims need not be legalized. This is so because, according to Pogge, society may be so organized and effective in securing a person's access to the objects of his human rights that it renders its legalization superfluous. In other words, human rights may be fulfilled even without the legal rules that correspondingly uphold these rights. To illustrate, take for example the right to adequate nutrition. This right could be fulfilled through "some other legal mechanisms that keep land ownership widely dispersed, ban usury or speculative hoarding of basic staples, or provide childcare, education, retraining subsidies, unemployment benefits or start-up loans." Other non-legal mechanisms can also help fulfill this right to nutrition "such as a culture of solidarity among friends, relatives, neighbors, compatriots" (Pogge 2008, 52-

53; 2005, 27). Another reason why Pogge thinks that human rights need not be codified into laws is that it is possible that there are laws protecting human rights and yet persons do not have secure access to the objects of their human rights because the government is not doing enough or anything to curb human rights violations (See Pogge 2008, 51).

Pogge does not deny the interactional view of human rights. For him it is difficult to commit to the institutional view and yet disregard the notion that some moral agents, whether individual or collective, are treating others in inhumane and degrading ways (Pogge 2008, 71). And besides, individual moral agents participate in the social systems they create. As participants, they have moral duties to design social institutions that fulfill human rights insofar as it is reasonably possible and reform these institutions if they fulfill otherwise.

In Pogge's institutional view of human rights, agents have the negative duty not to harm individuals. This view also generates positive duties. But these positive duties do not correspond to a specific need or object of human rights. What these positive duties entail is that it should support and advocate programs that help persons have secure access to the objects of their human rights (Pogge 2008, 72). This combination of negative and positive duties within the institutional approach to human rights resolves the conflict between libertarians and utilitarians regarding what duties one owes to the global poor. As Pogge says:

The institutional understanding thus occupies an appealing middle ground: it goes beyond (minimalist interactional) libertarianism, which disconnects us from any deprivations, we do not directly bring about, without falling into a (maximalist interactional) utilitarianism of rights, which holds each of us responsible for all deprivations whatever, regardless of the nature of our causal relation to them" (Pogge 2008, 72).

The human rights Pogge mentioned are those that support his thin concept of human flourishing that is respecting individual autonomy and allowing persons to live, at least, a comprehensively good or minimally worthwhile life. His thin concept of human flourishing accommodates a plurality of ethical world views or variety of ways in which persons would like to live their lives in a meaningful and worthwhile way (See Pogge 2008, 54). Pogge's position on human flourishing, which is met by a general notion of human rights, leaves room for other societies to provide additional rights which they deem necessary for a better human life.

Among the important human rights Pogge mentioned are liberty of



conscience, political participation, physical integrity, subsistence supplies, freedom of movement and action, basic education, and economic participation (Pogge 2008, 54-55). For human rights to be fulfilled, human beings must have “secure access to a minimally adequate share of all these goods” (Pogge 2008, 55).

Since human rights violations are primarily official violations, then these are graver violations because states and governments are supposed to act as protectors of human rights and justice rather than violators. The state has coercive legitimate control over their citizens or subjects. Upholding human rights is an effective way of protecting citizens from illegitimate control and abuses by their states or governments. As Wenar writes:

Officials who fail to fulfill the human rights of the citizens of their state forfeit the mantle of legitimacy for their actions. Such officials fail to attend sufficiently to the dignity of the individuals whose good they have been entrusted with, and insofar as they fail can be seen only as agencies of might, not of right. Human rights thus set the most basic standards of normative recognition for state action, drawing a line that separates the legitimate exercise of power from official crimes of violence, coercion, and neglect. (Wenar 2005, 288)

Pogge’s explication of the concept of human rights can now be summed up in the following words:

A commitment to human rights involves one in recognizing that human persons with a past or potential future ability to engage in moral conversation and practice have certain basic needs. The object of each of these basic needs is the object of a human right. Recognizing these basic needs as giving rise to human rights involves a commitment to oppose official disrespect of these needs on the part of one’s society (and other comparable social systems in which one is a participant). (Pogge 2008, 64)

Conclusion: Freedom from Poverty as a Human Right

In claiming that the global poor have the right to basic necessities, Pogge refers to the *very* poor or those who suffer from *severe* poverty. “This includes”, he writes, quoting from UNDP Report (1996, 222), “those living in so-called extreme poverty, for whom ‘a minimum, nutritionally adequate diet plus essential non-food requirements are not affordable’” (Pogge 2007a, 2).

Moreover, those who are slightly above this extreme threshold of poverty but whose lives are constantly threatened because of their inability to meet their basic needs also have this right to basic necessities.

The right to basic necessities to be free from poverty is controversial. From the libertarian perspective, this appears to be implausible in Pogge's interpretation. Libertarians claim that an individual's primary obligation towards other people is basically the negative duty not to harm them and that the right to basic necessities is implausible because rights necessitate duties but since it is not possible to hold anyone responsible for supplying basic necessities to all human beings, then it follows that these rights have no correlative duties. Unlike in negative duties, it is clear who the obligor is. Everyone has the obligation not to harm.

There are countless people, especially in the third world, who suffer and die from poverty. The fate of these poverty stricken people is deplorable. But a libertarian may argue that failing to help these people is not a serious wrong. Many of the affluent in the developed world are not doing enough (and some are not even aware of the seriousness of the problem) to alleviate poverty worldwide. It is not seriously wrong, for example, for a person to spend an extra of his income on books when he could have used the money to help in poverty reduction efforts. And so it would not be fair to accuse them of violating human rights just because they are not doing something or doing little to help the global poor (See Pogge 2007b, 14).

Utilitarians argue, however, that if the individual has an ability to help someone in need and that his helping does not significantly cost him in doing so, then that individual has the positive duty to help (See Singer 2000). This is based on the utilitarian premise that individuals must promote the general happiness of all human beings. But this utilitarian reasoning may be challenged in the sense that its required obligation is too demanding and that it is always difficult to comply with this moral duty because people have special ties and relationships that may favor some over others and thus hamper the imperative to maximize the general happiness (See Kymlicka 2002, 22-26; Jones 1999, 33-39).

Pogge dispels the argument that the right to basic necessities is plausible only if it has a correlative duty. He thinks that the proponent of this argument assumes that he "already know[s] what the right in question is a right *to*" (Pogge 2007b, 14). Rights, in general, lacks specificity with regard to the conduct agents must perform in order to uphold the rights of the right holder. Though the right in question here is the right to basic necessities, this right is, first and foremost, addressed to agents who must act and protect these rights. Rights, therefore, "are in the final analysis rights to particular conduct (actions and/or omissions)" (Pogge 2007b, 14). They obligate agents to perform or omit

a course of action necessary to aid a person or protect him from harm.

Pogge also rejects the argument that the right to basic necessities is implausible just because it is absurd to hold anyone responsible to supply the basic needs of people who arguably are deemed to have such a right. This argument, according to Pogge, involves a false inference. As Pogge explains: "It is true that human rights to basic necessities, on *some* specifications of them, entail implausible duties. It follows that we should reject human rights to basic necessities *so understood*. But the argument draws a stronger conclusion, namely that there is no (plausible specification of any) human right to basic necessities. This stronger conclusion is unwarranted, because there may be other formulations of such a human right that do not entail the duties shown to be implausible" (Pogge 2007b, 14).

The debate whether the citizens of affluent countries have the obligation to alleviate global poverty by fulfilling the rights of the poor to basic necessities can be resolved, according to Pogge, through his institutional approach to human rights. Everyone has the negative duty not to cooperate in the imposition of an unjust global order. And since the present global order is harming avoidably and foreseeably the global poor, then everyone has also the positive duty to redesign and reorganize this order in such a way that the global poor will not be unduly harmed. Such positive duty does not even require the affluent citizens to directly supply the basic needs of poor citizens in poverty-stricken countries. What this duty requires is that they help reform the global institutional systems so as not to deprive the global poor of their basic human rights.

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Endnotes

¹ Pogge's reasoning goes this way: "All institutional designs that fail to realize human rights insofar as is reasonably possible are unjust". The converse is: "Some unjust institutional designs are those which fail to realize human

rights insofar as is reasonably possible". The converse can be restated in this way (which is actually the obverse of the converse): "Some unjust institutional designs are not those which realize human rights insofar as is reasonably possible". If this obverse is true, then its sub-contrary may also be true, which is the statement: "Some unjust institutional designs are those which realize human rights insofar as is reasonably possible". So Pogge is right, logically speaking, because there could indeed be "some institutional designs that realize human rights insofar as is reasonably possible but may not necessarily be just".

² Pogge maintains that a weaker assertion of this formulation would suffice to constitute injustice. The weaker version runs as follows: "Any institutional design is unjust if it foreseeably produces massive avoidable human rights deficits. Such an institutional order, and participation in its creation or imposition, harms those whose human rights avoidably remain unfulfilled" (2008, 25).

³ Here Pogge is alluding to the phrase "political not metaphysical" in Rawls' two works: *Justice as fairness: Political not metaphysical*, *Philosophy and Public Affairs* 14 (1985): 223-252 and *Political Liberalism* (New York: Columbia University Press, 1993). For the latter work, see pages 10 & 97.