Global Poverty, Human Rights and Obligations

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The moral seriousness of the existence of global poverty is hard to dispute. According to recent United Nations figures, 1.2 billion people have to survive on less than one dollar a day (United Nations Development Programme 2000, p.8). Furthermore, 790 million people are in hunger and cannot readily obtain food (United Nations Development Programme 2000, p.8). The same report records that “More than a billion people in developing countries lack access to safe water, and more than 2.4 billion people lack adequate sanitation” (United Nations Development Programme 2000, p.4). Some political leaders have recognised the moral urgency of this situation. The United Nations Millennium Development Goals, for example, include as their first goal a commitment to “Eradicate extreme poverty and hunger” where this requires commitments to “Reduce by half the proportion of people living on less than a dollar a day” and to “Reduce by half the proportion of people who suffer from hunger” (www.un.org/millenniumgoals/index.html). These were agreed upon by the United Nations, IMF and World Bank at the United Nations Millennium Summit, held in September 2000. Also, importantly, these meetings were followed by discussions of what practical policies should be adopted to achieve these goals, most notably at the International Conference on Financing for Development held in Monterrey in Mexico on 18-22 March 2002.

People may condemn the existing global poverty for a number of different reasons. Some, for example, may think that we ought to alleviate global poverty out of a duty of charity or philanthropy. They might think that it would be callous and selfish not to help the needy. My aim in this paper is to motivate some support for the idea that there is a human right not to suffer

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3 For further details see: http://www.un.org/esa/fid/.
poverty. On such an account, people are entitled not to be subject to poverty and can claim relief as a matter of justice. Having sought to defend this claim, I aim to address a serious and pressing challenge raised against this proposed right, namely the challenge that there cannot be a human right not to suffer from poverty because one cannot give an adequate account of who is duty bound to protect this right.

How might one ground a human right not to suffer poverty? The best argument for such a human right would, I think, make two claims. The first maintains that:

(1) An adequate account of human rights must rely on, and be informed by, an account of persons’ human interests.

(1), note, does not claim that an account of human interests entails a set of human rights and, as such, it is not vulnerable to the objections directed against that claim. It makes the more modest claim that interests are a necessary feature of an argument for a specific set of human rights and it is not committed to the claim that the former are sufficient to ground human rights.4

(1) is, I think, hard to dispute. It might be supported by two considerations. First, it draws support from the recognition that the language of human rights is invariably employed to refer to rights to protect fundamental and important interests. The standard lists of human rights bear this out, referring always to interests (such as the interest in being able to practise one’s religion or associate with others) that we deem valuable. Second, we might note that it is hard to see how one can derive any specific content for any human rights without drawing on an account of persons’ interests. Notions like ‘respect for persons’ or ‘treating persons as ends in themselves’ are far too thin to yield specific human rights. As James Griffin points out, “[w]e cannot begin to work out a substantive theory of rights – what rights there actually are – without a substantive theory of goods. We need to know what is at the centre of a valuable human life and so requires special protection” (1986, p.64: chapter XI in general). What we need, if we are to generate a concrete account of particular human rights, is an account of persons’ interests.

4 For a canonical discussion of the relationship between rights and interests see Raz (1986, chapter 7 in general and p.166 in particular).
The next step in the argument is:

(2) Persons have an interest in not suffering poverty.

This view is hard to dispute. Persons vary, of course, profoundly in terms of their conception of the good but common to all of them is the belief that poverty is a bad. This point can be illustrated in numerous ways. Poverty, of course, simply and straightforwardly restricts someone’s ability to pursue his or her conception of the good. Furthermore, since the poor cannot afford an adequate diet it frequently leads to poor health. In addition to this, it leads to vulnerability and a susceptibility to exploitation for it undermines their bargaining power. We might also note, in support of (2), that it enjoys ecumenical appeal. That is, one does not need to arbitrate between competing accounts of persons’ interests to evaluate it because they all condemn it whether one’s account of persons’ interests is, say, the Rawlsian notion of the two moral powers (the capacity for a sense of justice and the capacity to form, revise and rationally pursue one’s conception of the good) (2001, pp.18-24) or Sen (1993) and Nussbaum’s (2002) notion of the capability to function.

At this point in the argument, a critic might dispute (2), arguing that some persons do not think poverty is a bad. Such a critic might cite the example of religious ascetics (ranging from St. Francis of Assisi to Buddhist monks) to show that many do not think poverty an evil. Several points might be made against this kind of objection. First, it is of negligible relevance in the context of contemporary global poverty. Second, on a more philosophical level, one can address this concern by modifying (2) to state:

(2*) Persons have an interest in having the opportunity not to suffer poverty.

(2*) recognises that for almost all poverty is an evil but it also recognises that some may not wish to take up the opportunity to avoid poverty. The point is well-made by Martha Nussbaum who, when faced by the claim that food is not a human interest because some choose to fast, replies: “[t]he person with plenty of food may always choose to fast, but there is a great difference between fasting and starving, and it is this difference that we wish to capture” (2002, p.131: see more generally pp.131-132).

Now (1) and (2*) together provide some support for:
(C) An adequate account of human rights will include the Human Right not to Suffer Poverty (where this refers to the right to avoid poverty). Hereafter this right shall be referred to as HRP. The preceding discussion is, of course, very cursory and more needs to be said. My aim, though, is to indicate a rationale for it and then to respond to a powerful objection to HRP.

II

One of the commonest, and most serious, objections to the claim that there is a human right not to suffer poverty is voiced by Onora O'Neill. O'Neill objects that this kind of claim is misconceived because it does not, and cannot, provide an adequate account of who is duty bound to uphold this right. O'Neill employs the language of negative and positive rights, arguing that one can easily identify who is at fault when a negative right is violated. There is, however, no easy or obvious answer, she claims, to the question of who has the duty to protect positive rights. This defect is not simply a theoretical one for it also has severe political ramifications. The failure to specify who is duty bound to protect the human right to avoid poverty has, she argues, contributed to a lack of progress. Unless one can specify who is duty bound to do what, it is hard to see how one can make any practical contribution to the matters at hand (O'Neill 2001, especially pp.185-186).

My aim in the rest of this paper is to address this pressing issue and to provide an account of who is duty bound to protect this right. To do so it is useful to consider three accounts of the duties to ensure that persons enjoy the human right not to suffer poverty (hereafter duties\textsubscript{hrp}):

**Account I: the Nationalist Account:** this maintains that the duty to ensure that a person’s human right not to suffer poverty is met falls on his or her fellow-nationals.

**Account II: the Institutional Account:** this maintains that the members of an ‘institutional scheme’ have a responsibility for the justice of this scheme and hence that the duty to ensure that a person’s human right not to suffer poverty is met falls on the other members of his or her ‘institutional scheme’.

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5 This is a longstanding aspect of O’Neill’s work. She presses it in Faces of Hunger (1986, chapter 6 especially pp.101-103 & 118-120); Towards Justice and Virtue (1996 pp.129-135); Bounds of Justice (2000 pp.134-136); and “Agents of Justice” (2001).
Account III: the Interactional Account: this maintains that the duty to ensure that a person’s human right not to suffer poverty is met falls on all other persons who can help (whether or not they are co-nationals and whether or not they belong to a common ‘institutional scheme’).

Before proceeding further we should note that the concepts employed to characterise Accounts II and III (namely the terms “institutional” and “interactional”) were coined by Thomas Pogge (2002, especially pp.45, 64-67, 170-172, 174-176). We also need to flesh out what is meant by what Pogge calls an “institutional scheme” (1989, p.8). As Pogge employs this term, it refers to systems of interdependence. Institutional schemes refer to existing schemes of trade, production, consumption, law and interaction in general. An institutional scheme is, I think, equivalent to what Rawls terms the ‘basic structure’: it denotes those economic, political, social and legal institutions that structure people’s lives (Rawls 1999a, pp.6-10). Two other points should be borne in mind. First, we should note that the concept of an ‘institutional scheme’ is not to be understood in a communitarian sense as a group of people with a common cultural identity for Pogge explicitly rejects this (2002, p.176). Second, we should also note that membership of a common institutional scheme requires more than that people are aware of other people’s existence. Institutional schemes, to repeat, refer to systems of economic interdependence.

With these clarifications in mind, let us now consider each of the accounts, starting with the Nationalist Account.

III

This is affirmed by David Miller in On Nationality. Miller holds that although there is a human right not to suffer from poverty this does not entail that each person is duty bound to ensure that all persons can enjoy this right. Rather the duty$_{hrp}$ should be ascribed to people’s fellow nationals (1995, pp.75-77; 1999, pp.200, 202). Why should this be so?

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6 For earlier discussions see Pogge (1994, pp.90-98 especially pp.90-91; 1995, pp.113-119). Both papers have been incorporated into Pogge (2002). For other earlier discussions of the distinction see also Pogge (1992, pp.90-101; 2000a, pp.51-69).
One answer to this question proceeds as follows: first, it maintains, persons, in virtue of their membership of a nation, acquire special duties to their fellow nationals. This is, moreover, a duty of justice (1995, chapter 3 and chapter 4 (especially pp.83-85 & p.98). The argument then claims that since persons have special duties of justice to their fellow nationals this entails that they have a responsibility to ensure that their fellow nationals can exercise their human rights. As Miller puts it:

"Who has the obligation to protect these basic rights? Given what has been said so far about the role of shared identities in generating obligations, we must suppose that it falls in the first place on the national and smaller local communities to which the rights-bearer belongs" (1995, p.75).

Hence the duty$_{hrp}$ accrues to one's fellow nationals.  

This line of reasoning is problematic for a number of reasons. First, it is far from clear that persons do have special obligations to fellow nationals. Whether persons have obligations to other people who belong to the same group as them should surely depend, in part, on the moral decency or otherwise of that group. We cannot think that morality demands that antisemites are bound by moral duties to put the interests of fellow antisemites above others. But then, given this, we need an argument to establish that a nation is a morally decent institution before we are entitled to conclude that persons have a duty to their fellow nationals (Caney 1996). Second, suppose that we concede that persons have special duties to their fellow nationals. This is insufficient to support Account I. We need also to be shown that these duties are duties of justice and, in particular, duties$_{hrp}$. Many duties that arise from our membership of groups are not obligations of justice at all. We are bound by duties of love and community and it often misrepresents some of our duties to other members of our communities to

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7 In addition to the argument in the text, two reasons might be given in defence of Account I. Consider a nation, A, that contains people who are in dire need. First: according to one common argument, to ascribe a duty$_{hrp}$ to all people would sanction intervention in A. It then objects that such intrusion into a nation is prima facie wrong, and hence, the duty to ensure that the members of A do not suffer from poverty should fall on their fellow nationals (Miller 1995, pp.77-78). Second: it is sometimes argued that since A is responsible for its own decisions the duty to ensure that impoverished members of A are granted their HRP should not be ascribed to foreigners. Rather since A makes the decision, the members of A should pick up the bill (Miller 1995, p.108; Miller 1999, pp.193-197; Rawls 1999b, pp.117-118). Certainly non-members should not have to bale them out. For a critique of the first argument see Caney (2000, pp.135-139) and for a critique of the second argument see Caney (2002, pp.114-117; 2003, pp.301-305).
construe them as duties owed as a matter of justice that others can demand as a right. Given this, we need further reasoning to show that the duties yielded by our membership of nations are duties of justice (Caney 1999, pp.128-133). Let us suppose, however, that persons have duties of distributive justice to their fellow nationals. Even this does not yield the conclusion for a third problem with Account I is that it contains a non-sequitur. Just because X has a right to alpha and I have a duty (of justice) to X, does not show that I have a duty to provide X with alpha (Caney 2001, p.983).

Consider, for example, a person’s right to medical care and consider a specific individual. Let us focus on an individual who is an academic. We would say that academics have special duties of justice to their departmental colleagues. It does not follow, though, that the duty to ensure that an academic enjoys the right to medical care falls on his or her departmental colleagues. She cannot plausibly say to her colleagues: ‘You have a duty of justice to ensure that I possess the right to health care: you owe me this’.

A fourth problem with the Nationalist Account is evident if we ask why nationality should play the privileged role that Account I ascribes to it. Let me explain. The nationalist position maintains that a person’s cultural identity leads to duties to other members of this cultural group. But given this premise it follows that members of religious communities have duties to fellow members of their community; members of a class have duties to fellow members of their class and so on. But then, given this, why can we not equally conclude that the duty\text{hrp} falls on members of a person’s religious community, class etc? Why should the duty\text{hrp} be allocated to those belonging to a person’s nation instead of being allocated to those belonging to that person’s class, ethnic community, caste, region, profession and so on?

The final problem with Account I is that it is radically incomplete. Consider an impoverished country A. According to Account I, the duty to ensure that the members of A enjoy the human right not to suffer from poverty should be attributed to other members of A. But, of course, given its impoverished nature, the members of A are likely not to be sufficiently wealthy to ensure that the right is met. This then entails that if the human right is to be honoured duties must fall on non-nationals. Account I, thus, needs to be supplemented for we need an account of who has the duty to uphold the human right if fellow
nationals cannot.\(^8\) Is it everyone else? Or those who are part of the same socio-economic system? Or some other group of people?\(^9\)

**IV**

With this in mind, let us turn now to Account II. This position has been developed and defended by Pogge. For Pogge, principles of justice apply to systems of economic interdependence. Duties of justice extend to those who are members of the same scheme of trade, co-operation, and economic interdependence in general (2002, especially pp.45, 64-67, 170-172, 174-176). This claim about the scope of justice is then combined with a second, empirical, claim, namely that the world we live in is a global system of interdependence (2002, especially pp.13-26, 111-117, 139-144, 172-175: cf also 1998, pp.504-510, especially pp.504-507). This yields the conclusion that the duty\(_{hrp}\) falls on all persons.\(^10\)

Institutional accounts are also affirmed by many other thinkers. Rawls, notably, is committed to it although, of course, he does not think there is a global institutional scheme in the strong sense that thinkers like Pogge maintain (1999a, pp.6-10).\(^11\) Thomas Scanlon (1985, p.202) and, more recently, Darrel Moellendorf (2002, pp.30-40, 43, 48, 53, 62, 72) too both

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\(^8\) Miller himself notes that Account I is incomplete stating that if a nation’s government “cannot send relief [to its impoverished people], then there is a good case for saying that outside agencies have a duty of justice to supply it)” (1995, p.77 footnote 30). He does not say which “outside agencies” are duty bound. He examines the question of who (outside of a nation) has the duty to ensure that people enjoy the HRP in a later work (1999, pp.201-204).

\(^9\) Someone might query this last point, arguing that the latter assumes, without warrant, that if human rights can be protected then there is a duty on the part of some people to protect this human right. To reply: my final objection to Account I does indeed make this assumption. However, I believe it can be justified: for if human rights are to be more than idle and empty promises as to what people are entitled to do then it must be the case that others act in such a way as to enable the rights-holder to be able to exercise the capacities the right promises to protect.

\(^10\) We should note that Pogge defends an institutional approach only as an account of our duties of justice. He would thus allow that one can have “a positive duty of beneficence” to aid those outside of one’s institutional scheme (2002, p.198). See further (1992, p.91; 2002, p.170).

\(^11\) Although critical of the language of rights, O’Neill, like Pogge, thinks that duties of justice apply among persons who are interconnected: O’Neill (1996, pp.105-106 & 112-113). Also, like Pogge, she maintains that the scope of justice in our world is global or pretty much so: O’Neill (1996, pp.113-121 especially p.121).
adopt an institutional approach. They both maintain that justice applies within systems of interdependence and that there is a global system.\(^\text{12}\)

Prior to evaluating Account II, it is essential to distinguish between two versions. According to one version, all the duties of justice that one has are owed only to fellow members of one’s institutional schemes. This view adopts what might be termed a Wholly Institutional Approach. According to a second version, some, but not all, of the duties of justice that one has are owed only to fellow members of one’s institutional schemes. This adopts what might be termed a Partially Institutional Approach. It allows that one may have some duties of justice to persons whether there is interdependence or not.

In what follows I shall construe Account II as affirming a Wholly Institutional Approach. I shall also argue that a Wholly Institutional Approach is implausible. My aim is to show that we should accept some duties of justice to all persons -- including duties of justice to eradicate poverty -- regardless of whether everyone belongs to a universal institutional scheme. But I shall not be disputing the claim that there are some duties of justice that pertain only to members of schemes. My position is therefore compatible with a Partially Institutional Approach. The following section completes the analysis by adducing further considerations in support of an interactional approach according to which there are positive duties of justice owed to all persons independently of the existence of global interdependence. To show that a Wholly Institutional Approach is unfounded I wish to make five points.

**IV.i** First: we can begin our enquiry by asking why membership of institutional schemes should bear on one’s duty to eradicate poverty? What reason do we have for thinking that membership of institutional schemes generates duties of justice? The most powerful and sophisticated answer to these questions comes from Pogge. His argument relies on the distinction between positive and negative duties: it contends that, as a matter of justice, persons have a negative duty not to participate in an unjust socio-economic structure. Relying on this, Pogge maintains that persons are bound by justice to distribute

\(^{12}\) Charles Beitz is a more complicated case. He maintains that some global principles of distributive justice (such as a principle governing the distribution of natural resources) apply even without there being a global institutional structure (1999, pp.136-143). However, he also maintains that some other global principles of distributive justice (such as a global difference principle) apply only if there is a global institutional structure (1999, pp.131, 143-154).
resources to the needy in their own scheme because not to do so would be to impose an unjust system on them. Persons, he writes, have a “negative duty not to uphold injustice, not to contribute to or profit from the unjust impoverishment of others” (2002, p.197: cf also 1989, pp.276-278; 1994, pp.92-93; 2002, pp.13, 66-67, 133-139, 144-145, 172, 197-198, 201, 203, 204, 210, 211). Membership of institutional schemes, some of whose members are impoverished, is morally significant because through one’s membership one supports an unjust regime and thereby violates a negative duty.

This is an ingenious and appealing argument. What is worth noting for our purposes, though, is that it is insufficient to establish a wholly institutional approach. What it can show -- using the idea of negative duties -- is that persons are under some duties of justice that they owe only to other members of their institutional schemes (the duty not to perpetuate unjust structures). In itself, however, it does not show that there can be no positive duties of justice that are owed to all persons regardless of whether all are interlinked by global economic-social-political relations. Nothing it says gives us reason to reject an interactional component to a political morality. Put otherwise: it is an argument for an institutional component not a refutation of an interactional component.13

IV.ii Consider now a second different defence of a wholly institutional approach. Many argue that duties of justice apply within systems of economic interdependence because such systems have a tremendous effect on people’s lives. Their claim is that principles of justice (including a principle condemning poverty as unjust) apply to the ‘basic structure’ because the latter exercises a profound impact on individuals’ lives. Institutional schemes have moral significance because of their effects on people’s interests.14 Let us call this the Outcomes Argument.

13 On this point see Caney (2004, pp.113-114). I should stress that my argument is not (and is not intended to be) a criticism of Pogge for he does not reject the claim that there are positive duties of justice. His central claims, rather, are: that persons are under negative duties of justice that are owed to other members of their institutional set-up; that these include a duty to eradicate global poverty; and that, given this, we do not need to invoke positive duties of justice to combat global poverty. He is, therefore, neutral on the question of whether there are positive duties of justice. I argue below that we should not be neutral on this question and must, if we are to eradicate global poverty, embrace positive duties of justice.

14 For examples of this kind of reasoning see: Jones (1999, pp.7-8); Moellendorf (2002, pp.32-33 & 37-38); and, most famously, Rawls (1999a, p.7; 2001, pp.55-57).
The problem with this argument as a defence of a wholly institutional approach stems from its starting assumption that what is of fundamental importance -- what really matters -- is that people can exercise their abilities and further their interests. For if this is what matters does it not generate duties on everyone even if they are not part of any common association? The criterion being invoked to justify the moral significance of an institutional scheme is concerned with outcomes, in particular, the capacity to act and to pursue one’s conception of the good. But if this is the case, parties external to an institutional scheme also equally have moral responsibility because by omitting to act in certain ways they too affect outcomes within that scheme. An outcome-inspired rationale cannot vindicate a wholly institutional account of the duties of those to whom the rights are owed.

IV.iii Having seen how neither of the arguments considered can support a wholly institutional account of who is duty bound to uphold the human right not to suffer poverty we may now also observe three additional problems it encounters. First, one puzzling feature of a wholly institutional perspective is evident if consider a point commonly made by institutionalists themselves about what constitute morally arbitrary influences on people’s entitlements. One institutionalist, for example, writes that “[s]ince one’s place of birth is morally arbitrary, it should not affect one’s life prospects or one’s access to opportunities” (Moellendorf 2002, p.55: cf also p.79). But, if we accept this, (and it is a powerful line of reasoning) it causes problems for an institutional perspective. Can someone not equally persuasively argue that “one’s life prospects or one’s access to opportunities” should not depend on “morally arbitrary” considerations such as which institutional scheme one comes from?

15 For an earlier statement of this objection to the Outcomes Argument see Caney (2004, p.112). For another instance where the outcome-inspired justification of why the ‘basic structure’ has ethical significance does not sustain the intended conclusion see G. A. Cohen’s important discussion. Cohen argues that if (like Rawls) one deems the basic structure to be significant because of the outcomes it generates then one must (contra Rawls) not define the basic structure in narrow legal-coercive terms: (Cohen 2000, pp.136-140). The upshot of Cohen’s argument is that a theory of justice should employ a broader notion of the basic structure. The upshot of my argument, by contrast, is that a theory of justice should take into account causal factors other than, and external to, the basic structure. (For a response to Cohen’s argument see Pogge (2000b)).
16 Again: “[t]he underlying idea is that one cannot claim to deserve things such as place of birth and education, race, or parents’ privilege. Hence, these things should not be the basis of a distribution” (Moellendorf 2002, p.79: my emphasis). See also Pogge (1989, p.247).
Moellendorf’s own institutional approach contradicts its own guiding principle by penalizing some on the basis of their “place of birth”. If someone is born into an impoverished system that has no links with the rest of the world, a wholly institutional account must maintain that members of the latter have no duties of justice to the former – thereby penalizing them, depriving them of the very means to live, simply because of their “place of birth”. Put otherwise: if it is arbitrary that some face worse opportunities because they come from one nation rather than another, is it not equally arbitrary to penalize some for coming from one institutional scheme rather than another? The logic of the intuition underpinning cosmopolitanism thus subverts a wholly institutional perspective.17

IV.iv A further problem with a wholly institutional approach is that it generates perverse incentives. If the duty_{htrp} applies only to those linked by interaction then this gives the wealthy and powerful an incentive to disassociate themselves and disconnect themselves from the disadvantaged thereby avoiding being bound by the duty_{htrp}. It thus generates incentives for people to lighten their load by avoiding interaction with the impoverished. One must be cautious in making this objection against Pogge for he makes exactly the same type of argument against those who limit justice to political communities. In his illuminating ‘Loopholes in Moralities’ he objects to any scheme that makes political-legal borders the borders of schemes of distributive justice on the grounds that it provides some with an incentive to create new borders, with themselves on one side and the poor on another in what is now a new country, and thereby no longer have obligations of distributive justice to the poor (cf 2002, pp.71-90 in general; and pp.80-82 in particular).18 Given this we should be wary in arguing that Pogge is vulnerable to exactly the same objection.

Consider two replies that might be made. First, it might be argued that it is not possible for people to disconnect themselves from the existing global schemes of economic interaction. So, whilst it is possible to create new political borders and thereby transform former co-citizens into foreigners, it is simply not possible to divorce oneself from the global economy. It is interesting to record, here, that in a different context Pogge himself maintains

18 For an earlier succinct statement of the argument see Pogge (1989, pp.253-254).
that it is impossible for the wealthy to disassociate themselves from the rest of the world:

“whether the members of different societies can or cannot avoid mutually influencing one another is, though an empirical matter, surely not up to them. At this stage of world history we cannot realistically avoid international interaction, and so the members of rich societies have no incentive to exploit the fact that the criterion of global justice would not apply if societies were self-contained” (1989, p.241 footnote 3: cf also p.263).

Pogge’s remark is not directed to the objection that I am making. Nonetheless, one might affirm his empirical claim in order to undermine the thesis that a wholly institutionalist position would generate malign incentives.

However, this first kind of response is unpersuasive for two reasons. First, it is surely possible for some to weaken their links to some extent with the rest of the world. On any plausible view, the extent to which people are obligated will vary depending on how extensive the interdependence is. But, bearing this in mind, we can see that a wholly institutional account can generate incentives for people to minimise their obligations to the impoverished. Even if it were true that they could not sever all ties completely they could decrease

19 Note that the defences of a wholly institutional perspective that have been considered above (IV.i and IV.ii) support the view that the extent of one’s obligations to others should increase proportionately with the level of interdependence (what we might term ‘the variable view’). According to the first argument considered, the more interdependence there is the more that the plight of some can be said to have been produced by the imposition on them of an unfair system (IV.i). Similarly, according to the Outcomes Argument the more interdependence there is then the more the global economy will affect individuals’ lives. Neither argument, then, supports an institutionalism that states that the barest interaction generates the same extensive principles of justice as profound interdependence (what we might term ‘the invariable view’).

See, in this context, one of Liam Murphy’s arguments against institutionalism. He remarks that it would be very strange to think that the smallest contact has such an enormous ethical significance (1998, p.274). This, I think, is correct but it applies only to the invariable view and not to the variable view. For further critical analysis of institutionalism see Murphy (1998, pp.271-275).

Charles Beitz has also argued that a small amount of international trade does not justify the adoption of an expansive global distributive programme (1999, p.165). He thus rejects the invariable view. But he does not endorse the variable view. Rather he argues that a global difference principle applies if, and only if, global economic interaction reaches a certain “threshold”. His view maintains then that: (i) below the designated threshold the global difference principle does not apply but (ii) once the threshold has been met the global difference principle applies and it applies whether the economic interaction is of a just-above-the-threshold-level or is much more extensive than that (1999, pp.165-167). For a critical discussion of this claim see Caney (forthcoming).
the extent to which they are connected to others and thereby decrease their duties to the needy. Second, this reply does not get to the heart of the matter for it concedes that if it were possible for people to leave the global economic system then they could permissibly immunise themselves from duties of justice to assist those dying of starvation, malnutrition and so on. The fact that in theory it would sanction it (even if this does not obtain at the moment) should I think cast severe doubt on it. The first response thus fails.

A second response to the ‘malign incentives’ objection is that we need much more information about how the wealthy in the example obtained their wealth before we can conclude that a wholly institutionalist position can be indicted for fostering incentives for the wealthy to disconnect themselves. To see this consider some possibilities. Suppose, for instance, that the wealthy acquire their wealth through exploiting members of their own scheme. Here it seems entirely reasonable for an adherent of a wholly institutionalist position to say that the wealthy are under a duty to compensate the unjustly treated for this exploitation and are disallowed from simply removing themselves and their unjustly acquired monies. And if this is the case, a wholly institutionalist position would not generate the perverse incentive.

In reply: this is a plausible response for a case in which the affluent gain their wealth through unjust means. However, suppose that the affluent acquire enormous wealth because the land they own is tremendously bountiful. Or suppose that they acquire great wealth because of their talents. In such cases, the second response is powerless. Persons who acquire great wealth through either of these mechanisms would, in a world governed by a wholly institutionalist approach, have an incentive to disconnect from their existing institutional scheme. The charge thus remains: a wholly institutionalist position generates perverse incentives, giving the rich an incentive to leave and thereby immunise themselves from the duty.

To make the case stronger yet consider another distinct kind of incentive effect encouraged by a wholly institutional approach (one against which, again, the second kind of response is powerless). The above analysis has noted how a wholly institutional account induces the wealthy to disconnect from the impoverished. Note, however, that it also generates a second

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20 I owe this point and the ensuing development and elaboration of it to Thomas Pogge.
unattractive kind of incentive for it encourages the wealthy not to connect with the impoverished in the first place. An example may illustrate the point:

Example I: a ship from a wealthy country sees two remote islands. Island 1 has no natural resources, is generally impoverished and its population is on the verge of starvation. Island 2, by contrast, is blest with wonderful natural resources. Now knowing that under a wholly institutional approach, one is obligated to all with whom one is linked by trade and economic interaction the ship goes to island 2 and avoids contact with island 1.

A wholly institutional position thus encourages the wealthy not to make contact with the impoverished because that would lead to some duty. Moreover, what is especially paradoxical is that island 1 is penalized because it is poor: the factor that would normally make us think that it should receive aid (its poverty) in fact under a wholly institutional approach is the very reason why it receives none.

**IV.v** A fifth consideration that tells against a wholly institutional account of the duties concerns its implications for civil and political human rights. Imagine the following:

Example II: An isolated island is run with ruthless cruelty by a tyrant who, because of his possession of weaponry far superior to the other islanders, is able to persecute them, slaughtering enemies, torturing suspects and so on. Suppose, further, that we are aware of this island and could easily assist the persecuted and bring about a more tolerant peaceful society.

Now my point in creating this example is to bring out and emphasize the point that persons’ most basic civil and political rights would also be sacrificed if we adopted a wholly institutional perspective. If someone is to adopt a wholly institutional account of duties they must not only conclude that we have no duty of justice to protect the welfare rights of remote individuals: they must also abandon any idea that we have a duty of justice to protect the fundamental civil and political human rights of remote individuals. And this, I think, casts a wholly institutional perspective in an even more unattractive light.  

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21 Charles Jones makes a similar point (1999, p.13). However, by doing so he undermines his own institutionalism (1999, pp.7-8).

22 One response to this is that although institutionalism would not affirm duties of justice to aid those whose civil and political rights are imperilled in the example given in the text it need not object to the claim that there are duties of morality to aid them.
Having criticised Account I and argued that a Wholly Institutional Version of Account II is incomplete, let us turn now to Account III. According to Account III a theory of global justice should begin by addressing the question of people’s rights and entitlements. These have moral primacy. With these in mind one can then address the question of how we can ensure that people enjoy their entitlements (Shue 1996a, pp.164-165). This is where Accounts I, II and III come into play. Account III maintains that the duty to ensure that people can enjoy their human rights (including the right not to be impoverished) falls on all persons who can help.\textsuperscript{23} All persons have a duty to bring about and maintain institutions that ensure that persons can enjoy their human rights.\textsuperscript{24} This may, of course, involve setting up new institutions which bring all into a common institutional structure but this does not mean that it collapses into an ‘institutional’ position for the point is that the obligation which justifies the creation of the institution precedes the creation of the institution. The key point is that persons (independently of any interdependence) have obligations to ensure that all persons can enjoy their human right not to be impoverished.\textsuperscript{25} So whereas an institutionalist position sees (international) institutions as a source of (international) duties of justice, the position I am

\textsuperscript{23} This position is a version of what Pogge terms ‘maximalist’ interactionalism (2002, p.64). There are other kinds of interactionalism. A notable and unorthodox example is Nozick’s brand. In his interesting analysis of the question of whether social cooperation is necessary for distributive justice, Nozick famously asks whether ten isolated Robinson Crusoes are bound by justice to redistribute their wealth (1974, p.185). Working on the assumption that they are not, he sees in this support for his own individual entitlement theory on the grounds that such isolated persons provide the clearest instance where an individual can claim to be solely entitled to the resources they own. Economic interdependence is, thus, not on his view a necessary condition for principles of economic justice and entitlement (1974, pp.185-189).

\textsuperscript{24} My account, here, is indebted to Shue (1988, especially pp.695-698 & 702-704; 1996a, pp.17, 59-60, 159-161, 164-166, 168-169 & 173-180). See also Jones (1999, pp.66-72 especially pp.68-69). Both, however, may disagree with the way I develop this account.

\textsuperscript{25} For a defence of this claim see also Ashford’s paper in this volume.
sketching sees them as a possible means for implementing people’s duties of justice (Shue 1996a, pp.164-165).

In the last section we saw various ways in which a wholly institutional account of the duty_{hrp} was unsatisfactory. My aim in what follows is not to argue that Account III be put in its place. It is not, that, is to defend a wholly interactional position which treats all duties of justice along the lines specified by Account III for I think that Pogge has made a compelling case for thinking that there are negative duties of justice generated through persons’ membership of an institutional scheme. My aim, rather, is to argue that, a comprehensive account of the duties_{hrp} should include not just an institutional account (as outlined and defended by Pogge) but also an interactional account and the positive duties that that account yields. I am defending, then, what I shall term a Hybrid Account. Stated very roughly, this may be characterised as follows

**Account IV: the Hybrid Account (the General Version):** this maintains that: (a) persons have a negative duty of justice not to foist an unjust global order on other persons (the institutional component); and, (b) persons have a positive duty of justice to eradicate poverty that does not arise from the imposition of an unjust global order (the interactional component).

In what follows I shall both give general reasons as to why we need to add the interactional component and also outline the nature of the positive duties of justice generated by the HRP.26

**V.i Before drawing attention to the main considerations in defence of adopting an interactional element it is worth noting three misconceptions about interactionalism.**

First: we should record that the examples employed to discredit an interactional approach often load the dice against it by building into it features that are not integral to it. Let me explain. It is interesting to record that many critiques of interactional perspectives employ science fiction examples. For instance, both Onora O’Neill and Jonathan Wolff use this kind of example to motivate support for Account II and against Account III. O’Neill employs an

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26 Pogge, note, does not commit himself to the rejection of approaches which, like the Hybrid Account, marry institutional and interactional components. See, for example, (2002, p.170).
example referring to “the aliens of an inaccessible planet” (1996, p.105) and Wolff employs an example containing “a creature in human form from an alien planet which is desperately short of water” (1996, p.269). These kinds of examples, however, muddy the water by introducing a quite separate question: namely, what are our obligations of justice to aliens? To judge an interactional account fairly one should think of examples involving human beings on the same planet. We should focus our attention on cases involving, say, a remote people living in gruelling poverty on an island with no trade or political or environmental links with the rest of the world.

Second: one might think that persons only have a duty_{hrp} to other people when the former are aware of the latter. This claim -- what one might term the ‘knowledge’ principle -- insists that one cannot ascribe a duty_{hrp} to others if they are unaware that the others even exist. Now drawing on this one might infer from this that a wholly institutional view is correct and that interactionalism is false. To reply: the ‘knowledge’ principle has some plausibility but, even so, it is separate from and does not entail a purely institutional approach. For example, it is entirely possible that I know of a remote island struck by disease and famine even though I am not a part of its institutional structure.

Third, interactionalism might seem implausible and be rejected because it is easily confused with the claim that duties_{hrp} can only be attributed to those who are able to contribute to the alleviation of poverty. This claim -- let us term it the ‘can help’ principle -- is hard to dispute. Note again, however, that this principle is distinct from, and does not entail, the rejection of interactionalism. Consider someone who flies over a remote island suffering from famine. They cannot be said to be part of the same institutional structure and yet they know about the famine and it is quite possible that they can...
easily assist the needy (dropping supplies from the airplane). The ‘can help’ principle, then, does not entail anti-interactionalism but might quite reasonably often be confused with it.

V.ii The preceding points note how interactionalism is mischaracterised but do not give us a positive reason to incorporate an interactional component into a theory of justice. For the main reasons why a Hybrid Account is more plausible than Accounts I and a Wholly Institutional Version of II we should return to the objections to Account II for they do not simply show the limitations of a wholly institutional approach: they also support adding an interactional component.

Consider, first, the Outcomes Argument for the moral significance of ‘institutional schemes’. Since this maintains that membership of a basic structure is ethically significant and generates duties to others because of the basic structure’s impact on people’s lives it must ascribe duties to anyone who is able to affect people’s lives whether or not those others belong to the same basic structure (IV.ii). Anyone who gives the Outcomes Argument for the moral significance of the basic structure is, then, committed to positing positive duties of justice to those external to the basic structure who can make a difference. As such it provides support for the Hybrid’s Account’s ascription of interactional positive duties of justice to people.

Second: one central point in favour of my proposed hybrid is that, unlike Account II (understood in the Wholly Institutional sense), it does not penalize persons because of wholly arbitrary considerations such as their place of birth (IV.iii). Unless we ascribe duties of justice to all persons (regardless of whether they all belong to a common institutional scheme) we may end up condoning situations in which some (the inhabitants of isolated islands) avoidably live in grinding poverty and die prematurely. And if we do this we allow some to suffer grinding poverty and needlessly so, even though we can help, for no reason other than that they have the misfortune to be a member of an impoverished institutional scheme disconnected from the modern world. The Hybrid Account, by contrast, is committed to eradicating such poverty as a matter of justice and it entails that the affluent have a duty of justice to aid the impoverished in question.
Third: we should observe that by including positive duties of justice to protect persons’ rights, the Hybrid Account avoids the malign incentive effects generated by a wholly institutional account (IV.iv). The point here is that under the Hybrid Account persons cannot liberate themselves from a duty to ensure that others do not die of poverty by making sure that they do not belong to the same scheme as those impoverished others for they will have duties to them (including the duty_{hrp}) anyway. It is true that if the Hybrid Account is put into practice they may still have incentives to have less dealings with some people, such as people from whom they can gain little in terms of trade. So even under the Hybrid Account they may have incentives not to build up economic links with those with little to offer. But the crucial point is that they are unable to act in such a way that they will not have duties of justice to eradicate global poverty because under the Hybrid Account they have these duties whether or not there is interdependence. By ascribing positive duties of justice to eradicate poverty, then, the Hybrid Account is not vulnerable to the objection that it induces malign incentive effects that disadvantage the global poor.

And, fourth, and finally, of course, the Hybrid Account is able to say that we have obligations to protect the civil and political human rights of those oppressed by distant local despots (IV.v). For as long as persons can help they have a duty of justice to protect those whose human rights are violated no matter where they live or who they are.

In short, each of the shortcomings of a wholly institutional approach chronicled in the last section is remedied by combining an institutional approach with an interactional component in the way that the Hybrid Account proposes.

V.iii The case for adding an interactional component can be strengthened further by exploring the causes of global poverty. Moreover, in doing so we can not only underscore the need for adding an interactional component: we can also identify which positive duties of justice are required to address global poverty. At present the Hybrid Account is stated at a high level of generality and does not indicate what specific positive duties of justice are required. Through an analysis of the causes of global poverty we can remedy this and arrive at a more detailed statement of the particular positive duties of justice.
needed to overcome the limitations of a wholly institutional position.\textsuperscript{29} As such it enables us to provide a comprehensive statement of the duties of justice generated by the HRP.

Let us begin then by listing the possible causes of global poverty. These include:

(i) global variables: that is, an unfair global economic and political order
(ii) local variables: that is, an oppressive élite (or, in a variation on this, a well-meaning but incompetent élite)
(iii) poor natural resources
(iv) physical and/or mental infirmities.

Pogge’s institutional approach can clearly deal with the poverty that arises from (i). But what of poverty that arises because of factors (ii), (iii) and (iv)? Let us consider each in turn.

\textit{Consideration (ii)} What of poverty that arises because the government of a state is corrupt and uninterested in the plight of its people? What of poverty that is brought about by government inefficiency and incompetence? \textit{Ex hypothesi}, such poverty does not stem from the global order and hence arises even if members of the latter do not violate their duty not to impose unjust global institutions on others.\textsuperscript{30}

One might make a number of responses to this argument. First, one might argue that (ii)-like scenarios are rare or, perhaps, nonexistent. What appear to be local variables are often themselves the product of some global variables.\textsuperscript{31} But whilst this may sometimes – perhaps often – be the case, I can see no \textit{a priori} reason for thinking that this applies in all circumstances.

\textsuperscript{29} The argument that follows is indebted to Miller (1999) in two ways. First, Miller suggests that our account of the duties to eradicate poverty should be informed by an analysis of the causes of poverty. Second, he considers four causes of poverty, prescribing different obligations in the different instances. The four causes of poverty that he considers are: the lack of a state, the existence of a corrupt government, an unpropitious global economic environment and the lack of natural resources (1999, pp.201-204). My typology overlaps with his. It does, though, differ in some important respects. I have argued elsewhere that his typology is too narrow and that his account of the appropriate duties in the different cases is implausible: see Caney (2003, pp.305-307).

\textsuperscript{30} This point is the economic analogue to the argument in the preceding section invoking civil and political rights abuses committed in a far off land.

\textsuperscript{31} Pogge persuasively argues that it is often short-sighted to explain poverty as a product of corrupt governments because the global order tends in various ways to encourage corruption (2002, pp.22, 112-116 & 146-167; 2005, p.24).
To claim that the global system is one significant causal factor is a credible one but to claim that it is the only cause of existing global poverty is implausible. It might, perhaps, sometimes be the case that the poverty of some people is wholly explicable in terms of global considerations. It might even always be the case that the poverty of people is partly explicable in terms of global considerations. But for this first (empirical) reply to succeed it must be the case that global factors are always the sole explanation of poverty. Wherever part of the causal explanation of poverty concerns local variables, the first response fails and leaves the door open for an argument for positive duties.\textsuperscript{32}

A second reply would be to say that even if we grant that poverty arises from (ii)-like causes, this does not undermine Pogge’s institutional claim that poverty arises because people violate their negative duty of justice not to foist unjust institutions on others. It is just that the violators in this kind of scenario are not global actors but the local political authorities and their members. The latter have a negative duty of the kind specified by Pogge. Therefore we do not need to ascribe positive duties of justice to non-members. To reply: this has some force but suppose that these local political authorities, as is often the case, do not comply with the duty\textsubscript{hrp}. We are faced then with a world in which people will face profound poverty. In such circumstances, surely the appropriate response -- if we are committed to the human right not to suffer poverty -- is to maintain that non-members have a positive duty of justice to protect these peoples’ HRP.\textsuperscript{33} For if we do not accept this then we must resign ourselves to the conclusion that a world in which some people face

\textsuperscript{32} Pogge, I think, acknowledges that local considerations can constitute part of an explanation of global poverty. He makes a variety of claims of differing strength. First, and most modestly, he denies that “the existing global economic order is not a causal contributor to poverty” (2002, p.14), and this is consistent with allowing that local variables may also be causal contributors (2002, pp.14, 22, 49-50, 112, 208, 214-215). His keenest aim, under this heading, is to deny the “purely domestic poverty thesis” (2005, pp.14-16). Note, one of Pogge’s own analyses of how institutions cause poverty – that of starvation in the USSR in the 1930s – invokes a local (non-global) variable, namely Stalin’s collectivisation programme (2005, p.3). Second, more strongly, he claims that “the existing global order plays an important role” in the existence of global poverty (2002, p.208). Third, he downplays the role of local variables by arguing that local variables may explain where poverty arises but not necessarily the amount of global poverty (1998, p.506).

\textsuperscript{33} For a contrary position see Miller (1999, pp.201-202). There Miller argues that external bodies have a negative duty not to collaborate with the corrupt state but he excludes there being a positive duty of justice. And in an earlier work he explicitly states that outsiders are under a “humanitarian” duty to eradicate poverty stemming from an unjust government but they are not under a duty of justice to do so (1995, p.77 footnote 30).
dehumanizing and life-threatening poverty because they have the misfortune of living in certain countries is not an unjust world.\(^{34}\)

Having considered poverty that arises because of (ii), let us turn now to (iii).

**Consideration (iii)** What of poverty that arises from poor natural resources? What of people who live in barely habitable lands or lands devoid of natural resources? Since some poverty stems from these natural causes, an institutional theory of justice that contains only a negative duty not to impose unjust institutions on people is unable to justify measures to eradicate such poverty. This said, it is important not to overstate the importance of this variable as a cause of global poverty for much research has shown that poverty often does not stem from poor natural resources. Indeed much research has shown that some of the poorest societies have considerable natural resources (Ross 1999).\(^{35}\) Nonetheless it would be rash to assume that it never plays a role in causing poverty and it should be included in any complete account of the duties needed to ensure people can exercise their right not to suffer poverty.

This leaves one final causal variable.

**Consideration (iv)** It seems reasonable to suggest that some are poor because they are physically or mentally unable to secure a sufficient standard of living. They might suffer from sickness or disease or be handicapped in some way. Now if we are to combat poverty it follows from this that those who are capable are obligated to ensure that people do not suffer poverty because of such human frailties. And this requires attributing to them positive duties of justice. A system of negative duties is unable to prevent the afflicted from suffering impoverishment.

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\(^{34}\) Again we should, of course, note that someone may reply that although there is no duty of justice to deal with (ii)-like causes there is nonetheless a non-justice-based duty to do so and hence that a proponent of institutionalism is not saddled with the unattractive conclusion that we have no duties to help people in (ii)-style scenarios. I deal with this response shortly: see Section VI.iii.

\(^{35}\) For further analysis see Atkinson and Hamilton (2003). See, further, Michael Ross’s analysis of how opulent natural resources can contribute to civil war (2004): given that civil war frequently leads to poverty and famine, bountiful natural resources can contribute via civil war to severe poverty.
How might one respond to this argument? It is hardly credible to claim that poverty never arises because of people’s physical or mental infirmities. This argument can not then be undermined on empirical grounds. Someone might, however, challenge it on normative grounds. Consider two points they might make. First, they might argue that people are only under a duty of justice to eradicate poverty that they have caused. A person can be obligated (as a matter of justice) to help only if other people’s poverty results from his or her action. If it does not then the person can ask ‘why should I do this? It is not my fault they are impoverished. I did not bring it about’. Let us call this the Causation Assumption. To this claim they might also, second, add that one might have positive duties of charity and benevolence to aid people. It is just that one does not have a duty of justice to provide assistance.

Before evaluating this response we should note that the Causation Assumption, if true, does not just undermine those who claim that there is a positive duty of justice to eradicate poverty stemming from natural and physical frailties. For if it is correct then it also undermines the above analysis of considerations (ii) and (iii).

The main problem with this response is simply that we are rarely given any reason to accept the Causation Assumption. It is certainly not self-evident. Why should we ascribe duties of justice to persons only if and when they have caused some disadvantage? Unless a defence of the Causation Assumption is given we have no basis on which to reject positive duties of justice to eradicate poverty stemming from people’s infirmities. The argument for a positive duty of justice to eradicate poverty that arises because of mental or physical infirmities thus stands.

Now in light of the analysis of considerations (i), (ii), (iii) and (iv), I wish tentatively to suggest that we develop the Hybrid Account so that it claims that the following duties are generated by the human right not to suffer poverty:

**Account IV: the Hybrid Account (the Expanded Version)**

Principle 1: in (i)-type cases there is a Poggean negative duty of justice on everyone to secure persons’ HRP;

Principle 2: in (ii)-type cases there is a Poggean negative duty of justice on the members of the local élites to secure persons’ HRP;
Principle 3: in (ii)-type cases, where members of local élites do not comply with their Poggean negative duties, then those outside of their 'scheme' have a positive duty of justice to secure persons' HRP;

Principle 4: in (iii)-type cases there is a positive duty of justice to secure persons' HRP; and

Principle 5: in (iv)-type cases there is a positive duty of justice to secure persons' HRP.

This Expanded Version, note, conforms to the structure laid out by the General Version of the Hybrid Account. It includes both institutional duties (principles 1 and 2) and interactional duties (principles 3, 4 and 5).

The critical point that the Hybrid Account (in both the general and expanded versions) brings out is that negative duties of justice are not enough. If we are to eradicate poverty and to assure people of the human right not to suffer poverty we must accept a scheme of positive, as well as negative, duties of justice. In particular, the positive duties of justice enunciated by principles 3, 4 and 5 are needed to address the poverty that a wholly institutional position would allow to persist.

The Hybrid Account seeks to safeguard the human rights of all (whether isolated poor people or people whose poverty stems in part from local causes or natural calamities and so on). It recognizes and is responsive to the fact that some suffer deprivation that is not caused by us and that it is our duty to prevent this.

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36 For an earlier account with which mine has much in common see Shue’s analysis: (1996, pp.51-64, especially pp.55-60).

37 Pogge is aware of this. He writes that his account of human rights “afford[s] less protection to the poor and oppressed” (2005, p.7). As he rightly adds, “we cannot assess how big a disadvantage this is in the real world without examining more closely the extent to which actual unfulfilled human rights are due to violations of negative duties” (2005, p.7). This is clearly an absolutely critical issue. The question of how to respond to the global poverty that remains once we have factored out that which issues solely from violations of global negative duties constitutes one major site of disagreement between proponents of positive duties of justice and their critics.

38 My position echoes that taken by Allen Buchanan: “if the reasons why they [individual human beings] should not be treated in certain ways have their source in the nature of persons as persons, rather than in the fact that they are our fellow citizens or fellow members of a cooperative scheme (a global basic structure), then why are we not obligated to help ensure that all persons, no matter where they are, are included in institutions that protect their basic rights?” (1999, p.72). See also Beitz’s perceptive discussion (1983, especially pp.593 & 595-596).
V. iv It should, of course, be immediately conceded that Account IV needs far more development. First, it does not say how the duties of poverty should be distributed. One particularly pressing issue in this context is how the duty of poverty should be distributed when some do not do what is required of them.39

Second, it does not indicate how principles 1, 2, 3, 4 and 5 are to be ranked. One neat and tidy way forward would be to group together all the principles that fall under one heading (say all instances of ‘principle 1’) and state that this category of principles always takes priority over all the principles that fall under a second heading (say, all instances of ‘principle 2’) and so on. This category based approach (or type-based approach) would be relatively easy to employ when making decisions as to what one should do. One would rank the different categories of principle (so that, for example, all instances of principle 1 take priority over all instances of principle 2, and/or that all instances of principle 2 take priority over all instances of principle 3) and then when deciding what to do one would just examine which category a principle falls into. From this one could then read off which principle takes priority. Unfortunately whilst neat and tidy it is implausible (especially given the grounding of human rights in persons’ interests canvassed in section I) for it is possible to have cases where a violation of principle 1, say, would result in less damage to persons’ interests than a violation of, say, principle 5. And in such cases it would be perverse to rank all instances of principle 1 higher than all instances of principle 5.

This point suggests that we do not rank actions/omissions by what type they fall into: e.g. are they an instance of principle 1 or 2 or 3 etc? Instead we examine the individual tokens. So we would ask, for instance, whether we should reform this particular international treaty which imposes a minor injustice on disadvantaged persons (a principle 1 issue) or whether we should instead spend our time and effort distributing resources to handicapped persons abroad which could have a major impact on their lives? (a principle 5 issue) This points to the need for some kind of cost-benefit analysis of different principles in terms of their impact on persons’ lives. However, this option is not straightforward either for it is not clear how we factor into the cost-benefit analysis intuitive convictions like, for example, the conviction that the violation of a negative duty which results in a harm X is worse than the

39 See Derek Parfit’s pioneering discussion of “collective consequentialism” (1986, pp.30-31) and Murphy’s extended discussion of this issue (2000).
non-compliance with a positive duty which also results in a harm $X$. The challenge here is to arrive at a way of factoring such convictions into a quantitative analysis. In short, then, a type-based approach (which ranks all instances of principle 1 as higher than all principle 2 etc) is simple to employ but issues in implausible decisions and a token-based approach (which compares particular instances of each principle against particular instances of other principles) avoids the problem which afflicts the type-based approach but runs into the problem of how to quantify valuations which are not based on the amount of harm. A fully adequate elaboration of the Hybrid Account must thus make progress on this front.

Third, it should be noted that the above sketch is also silent on the important practical question of how duty bearers should fulfil their duty. As Shue has pointed out, this is likely to require that persons create and support political institutions which would be charged with securing the human right not to be impoverished\(^\text{40}\), but a great deal more work needs to be done as to what this requires in practice. The account defended must then outline what institutions, if any, should be brought into existence and/or how current institutions should be reformed.\(^\text{41}\) The key point is that negative duties of justice are not enough.

VI

Many, however, have misgivings about theories of distributive justice that ascribe positive duties of justice to others and so I wish to supplement the above analysis by addressing three queries or concerns.

VI.i One concern is that the Hybrid Account, by including positive duties of justice, is too concerned with the ‘recipients’ and accords too little respect to the ‘duty-bearers’.\(^\text{42}\) In maintaining that persons who suffer poverty because of natural calamities or the oppression of despots or because of their own physical frailties are entitled to receive support it is, it might be said, overly


\(^{41}\) The Commission on Global Governance, for example, proposed the creation of an “Economic Security Council” to coordinate existing institutions and bring about a fairer world (1995, p.153: cf further pp.153-162).

\(^{42}\) See in this context Pogge (2002, pp.13, 174). Shue also makes this distinction, referring to ‘duty-bearers’ and ‘rights-bearers’, in his illuminating discussion of institutional and interactional accounts (1996a, pp.164-166).
concerned with the beneficiaries and insufficiently concerned about those who are burdened with the responsibility to eradicate poverty.

The appropriate reply to this worry is to note that there are a number of different ways of according respect to duty-bearers. One way focuses on the type of duties one posits. It avers that one shows respect to duty-bearers by telling them that they must honour negative duties of justice but that they are not constrained by positive duties of justice. It asks persons only that they comply with negative duties of justice. There are, however, other ways of accommodating the legitimate concerns of duty-bearers. A second distinct way of respecting duty-bearers focuses on the demandingness of any duties. It maintains that one respects duty-bearers by limiting the amount that one may permissibly require of individuals. This distinction is of considerable importance for it is open to a proponent of the Hybrid Account to respond to the challenge by adopting this second account. The idea, then, would be to include all persons within the scope of distributive justice (affirming both positive interactional duties of justice and negative duties of justice) but ensuring that the principles selected are not unduly onerous on the relevant duty-bearers. Accommodating the ‘duty-bearer’ perspective does not then require abandoning positive duties of justice and it does not therefore require the rejection of the Hybrid Account.

VI.ii A second concern one might have about the Hybrid Account is that it lacks the strategic advantages of a purely institutional approach. Let me explain. One great virtue of Pogge’s institutionalism is that many people accord negative duties a very great weight and rank them higher than positive duties. By showing that members of advanced capitalist societies are violating a negative duty because they are imposing unjust institutions on other members of the global order Pogge’s institutionalism has great strategic appeal. With this in mind a critic of positive duties of justice might say:

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43 Here I am in agreement with Shue. See his pertinent discussion: Shue (1996a, pp.164-166; 1996b, especially pp.117, 119 & 126). See also his analysis of the demandingness of the duties imposed by global principles of distributive justice (1983, pp.600-608).


45 See, in this context, Pogge (2005, p.7). The argument in this paragraph is in keeping with Pogge’s overall strategy of trying to build a case for global justice that is realistic and that seeks to work, so far as is possible, within the parameters of the modern world.
it may or may not be true that there is a positive duty of justice to protect the HRP of some people but in the contemporary context this is a misplaced strategy. Given the common belief that negative duties have overriding weight it is better to challenge the anti-HRP position on its own terms (we only have negative duties) rather than rely on a controversial notion such as a positive duty to protect the human right not to suffer poverty.

To this I would make two comments. First, I believe that what is central to prevailing attitudes toward negative and positive duties (to the extent that there is a consensus on this) is not that it is wrong to include any positive duties of justice at all. It is, rather, that one should recognize that there are negative duties of justice; that they are of very great weight; and that they normally take priority over positive duties. Thus defined the commonsense view does not run counter to the Hybrid Account. For the latter affirms weighty negative duties of justice in the form of principles 1 and 2. It can, moreover, rank negative duties as being more weighty than positive ones (although it need not be committed to such a ranking – cf above). The Hybrid Account is, thus, not at loggerheads with common attitudes towards negative duties. It is simply that it also adds three positive duties of justice as well. This would be a liability only if one thought that commonsense moral thinking also rejected positive duties of justice but we do not, I think, have any reason to think that this is the case.

A second reply follows on from some of the points made above, namely that a ‘negative duty’ approach is insufficient to eradicate global poverty (V.iii). For people may comply with the negative duty not to impose unjust global institutions on others and we might still have a world of dire poverty in which people are unable to exercise the HRP. So even if the introduction of positive duties of justice is controversial that is insufficient reason to abandon them for relinquishing them comes at a cost – namely an acquiescence in a state of affairs in which gruelling, debilitating poverty persists and claims the lives of many. The negative duty approach is most appealing when it is sufficient to deal with all poverty. Where it is not (as I have argued above) we face a choice between, on the one hand, addressing all poverty but doing so by relying on potentially controversial ideals or, on the other hand, relying on less
controversial ideals but failing to eradicate all serious poverty. Furthermore if we are persuaded by the defence of a human right not to suffer poverty adduced in section I then, so I have argued, we should embrace the first option.

VI.iii Let us turn now to a third query. Someone might argue that the case for the Hybrid Account is incomplete for there is an alternative that possesses all the desirable aspects enjoyed by Account IV and which arguably enjoys an extra advantage that the Hybrid Account cannot possess. Let me explain. Consider a fifth account of our duties that mirrors the Hybrid Account in all respects except that where the Hybrid Account refers to ‘positive duties of justice’ this fifth account refers simply to ‘positive duties’. The fifth account would thus read as follows:

Account V: the Alternative Hybrid Account

Principle 1: in (i)-type cases there is a Poggean negative duty of justice on everyone to secure persons’ HRP;

Principle 2: in (ii)-type cases there is a Poggean negative duty of justice on the members of the local élites to secure persons’ HRP;

Principle 3: in (ii)-type cases, where members of local élites do not comply with their Poggean negative duties, then those outside of their ‘scheme’ have a positive duty to secure persons’ HRP;

46 We might also note one cost of the ‘negative duty’ approach. The advantage of the latter is that it relies on a duty that people think is of fundamental moral importance. Ironically, this strength may also, in some instances, be a weakness in a strategic sense. Let me explain. By arguing that our duties of justice to the globally impoverished are negative duties the negative duty approach ups the stakes. It entails that those who do not comply with it are guilty of a serious moral offence (more serious than non-compliance with a positive duty). Now this in itself may lead some people to resist the negative duty approach for they resist the idea that they are guilty of such a serious moral offence (although they might accept that they could do more and hence might more readily accept the existence of positive duties of justice). Of course, some people may not react in this way but if, as I speculate, some do then the negative duty approach incurs a strategic cost. This point is made not to discredit the use of negative duties of justice to ground global principles of justice but rather to show that we should not uncritically accept the idea that it is a strategic advantage to press the case for global duties of justice in terms of negative duties.

47 The objection was prompted by some comments of Thomas Pogge on an earlier draft of this paper. He, though, should not be held responsible for the way I have spelt it out or sought to motivate support for it.
Principle 4: in (iii)-type cases there is a positive duty to secure persons’ HRP; and

Principle 5: in (iv)-type cases there is a positive duty to secure persons’ HRP.

Thus principles 1 and 2 are unchanged and principles 3, 4 and 5 are revised to refer to ‘positive duties’ (as opposed to ‘positive duties of justice’). Note that this account might either be silent on the question of whether these positive duties are duties of justice or it might, more strongly, expressly deny that these positive duties are duties of justice. I leave this choice open for what follows is unaffected by whichever of these versions we adopt.

Now with this conception in mind someone might make two points against my argument so far. First, they might claim, Account V has all the attractive properties that Account IV possesses. Their reasoning proceeds as follows: Account V would not penalize persons because of wholly arbitrary considerations such as their place of birth; it would not generate perverse incentive effects because those who set up a new scheme are still bound by positive duties of morality to ensure that people do not suffer deprivation. It would, moreover, also provide protection to those whose poverty stems from an unjust government and/or poor natural resources and/or human infirmities. If this is true it shows that the case for the Hybrid Account is incomplete. Our choice is underdetermined since, for all that has been said so far, we have no reason to prefer Account IV to Account V. But we can go further. A critic might argue, and this is the second point, that Account V enjoys an advantage over Account IV, namely that it is less contentious because it does not affirm positive duties of justice. A proponent of Account V might, that is, re-introduce strategic considerations. She might reason that by eschewing the controversial notion of positive duties of justice and by relying simply on the notion of positive duties (where these might be positive duties of morality or human decency) we avoid estranging those who deny positive duties of justice. So the argument here is that we can get all that we need from Account V and, moreover, Account V will win over more adherents than Account IV because it is not reliant on contentious moral premises.

This, note, is a stronger challenge than that discussed in section VI.ii for by explicitly affirming positive duties it attempts to avoid the charge that it would
acquiesce in the kinds of poverty that a moral theory that affirms only negative
duties of justice would condone.

This challenge to Account IV can, however, be met. Three points can be
made in reply. First, whilst on first inspection it seems reasonable to claim
that Account V possesses all the attractive properties that Account IV does,
when we analyse it more closely we find that this is not the case. The key to
seeing why is to note that (positive) duties of justice are duties that would and
should be enforced whereas (positive) duties of morality would not necessarily
be enforced. This difference means, for example, that Account V is more
vulnerable to the charge of malign incentives than Account IV. Under the
latter, the wealthy who disconnect themselves from the impoverished are
under an enforceable duty to protect the HRP of people outside of their own
institutional schemes. Under the former, by contrast, the wealthy are not
compelled to protect the HRP outside of their own institutional schemes: they
are under (and are told that they are under) a positive duty to protect the
human rights of others but it is not an enforceable one. This point can be
made more generally: whereas Account IV states that principles 3, 4 and 5
are enforceable Account V would not enforce the corresponding principles.
Given this there would be less compliance and hence more poverty. More
concretely, Account IV, unlike Account V, would seek to make persons
comply with their duty to protect others' HRP in cases where the latter is
threatened by unjust government (principle 3), poor natural resources
(principle 4) and personal disabilities (principle 5). Hence a world governed
by Account V would result in poorer protection of the HRP than would one
governed by Account IV.

A second, and decisive, point in favour of Account IV over Account V is that
the argument for the human right not to suffer poverty outlined in section I
leads naturally to Account IV rather than Account V. Let me explain: the
justification of the HRP is built around the value of securing some pre-eminent
interests. From these interests we can then derive negative duties of justice –
duties of justice not to violate these interests. However (and this is the key
point), given that the interest-inspired approach suffices to entail negative
duties of justice it is hard to resist the conclusion that the positive duties that it
also entails (and Account V, recall, does not deny that it does entail positive
duties) are also, by the very same token, positive duties of justice.\(^{48}\) The justification adduced in defence of negative duties of justice logically requires us to accept positive duties of justice as well. It thereby gives no support to Account V. Put otherwise: Account V operates with an asymmetry in that it affirms ‘negative duties of justice’, on the one hand, and ‘positive duties’, on the other. Hence any defence of Account V must supply an explanation of this asymmetry. Yet the argument that I have given in support of negative duties of justice cannot provide this kind of explanation: it is unable to ground (or make sense of) the asymmetrical treatment of positive and negative duties that Account V affirms. The reasoning it employs, thus, impels us to adopt Account IV in preference to Account V; and the differentiated duties affirmed by Account V are alien to the rationale adduced for the HRP. Account IV is, thus, for that reason superior to Account V.

Let us turn now to the strategic consideration that has been mooted in support of Account V – namely the claim that Account V’s asymmetrical treatment of positive and negative duties is justified because by referring to ‘positive duties simplicitur’ rather than ‘positive duties of justice’ it is capable of garnering wider support. The appropriate reply to this argument for Account V is that these strategic considerations are the wrong kind of reason.\(^{49}\) In the light of my second point there needs to be a rationale explaining why it is incorrect to deduce positive duties of justice from the interests that justify the HRP whereas it is correct to deduce negative duties of justice from these very same interests. And the argument that ‘positive duties of justice’ are more contentious is not the right sort of reason. It does not, and indeed cannot, show why it is inaccurate to describe the positive duties as duties of justice. It fails to reveal a mistake in the derivation of these duties and it does not establish that their claim to be a requirement of justice is false.

To gain a fuller understanding of the issue at stake it might be useful to distinguish between what we have reason to believe, on the one hand (level-

\(^{48}\) Compare with Ashford (2005, especially pp.17-20) and Wenar (2005, p.14). Neither, though, is addressing the precise issue I am addressing, namely that of showing why it is implausible to claim that the negative duties generated by the HRP are duties of justice whereas the positive duties generated by the HRP are not duties of justice.

\(^{49}\) I am grateful to Andrew Williams for a discussion of the issues that follow. He set me thinking along these lines and the argument of this paragraph and the next two paragraphs is indebted to him. He, though, should not be held responsible for the way in which I have presented the ensuing line of reasoning.
1), and what we have reason to say in the public realm, on the other (level-2). The reasoning given above has, I believe, established that the rationale for the HRP gives us reason to believe that Account IV is correct and that Account V is mistaken. The reasoning logically entails Account IV – not Account V. Now the strategic considerations adduced in support of Account V simply do not engage at this level (namely, level-1). Rather, they make the (level-2) point that to campaign in public for Account IV would be impolitic and since Account V is more likely to win more converts it should be adopted as part of a political campaign.

This, however, puts the strategic considerations in an unattractive light. For when making the case for our account of duties_{hrp} it is essential that we are able to give a publicly available account of our reasons for thinking Account V is superior to Account IV.\(^{50}\) And this requires that we state publicly the reasons for, on the one hand, affirming negative duties of justice and positive duties, and, on the other hand, eschewing positive duties of justice. Put otherwise: it requires -- if we are to show respect to persons -- that we show a flaw in the reasoning adduced in support of Account IV. To see why this is problematic suppose that one is trying to persuade the public of the merits of Account V and that someone asks:

‘What is the case for these positive duties? And what reason do you have for thinking that these are not duties of justice? What is the argument for thinking that we have negative duties of justice but not positive duties of justice? How do you justify this asymmetry?’

It would seem thoroughly implausible (and unconvincing as an answer to one’s interlocutor) to reply

‘My reason for holding this is that positive duties of justice are contentious. I do not have an argument which shows that the derivation of positive duties of justice is mistaken but I eschew them all the same because to affirm them is politically costly’.

\(^{50}\) The importance of ‘publicity’ and ‘public justification’ is, of course, a key theme in much recent liberal political philosophy, in particular that of John Rawls: see his discussion in *A Theory of Justice* (1999a, pp.397-398) and *Political Liberalism* (1993, pp.66-71). The argument in the text employs a very minimal, and hopefully uncontentious, notion of publicity. Another relevant influence here is Bernard Williams’s discussion of ‘Government House Utilitarianism’: (1985, pp.108-110).

\(^{51}\) Of course, it is unlikely in the extreme that someone would ask such finegrained questions. But that is irrelevant. I take publicity to require being able to provide (and actually providing) a full account of the reasons supporting one’s views and the reasons one rejects other views (even if people do not actually ask for the full rationale).
That is not the right kind of answer. The questioner wants a reason as to why we should not believe in positive duties of justice and a reason why the argument for positive duties of justice adduced above is incorrect: the strategic considerations, however, do not speak to this question.

In short, then, the problem with Account V is that: it would result in avoidable life-threatening global poverty and deprivation; the argument for the HRP entails Account IV and provides no support to Account V; and strategic considerations do not give us a reason for affirming ‘positive duties’ rather than ‘positive duties of justice’. The Hybrid Account remains in tact.

VII

As is evident from the above much more remains to be done. My aim, in this paper, has been provide a critique of several accounts of the duties generated by the right not to suffer poverty (notably Accounts I, II and V) and to have motivated some support for an alternative account – what I have termed the Hybrid Account. In doing so I have sought to rehabilitate the idea of positive duties of justice owed to the impoverished and to have fleshed out the particular duties that the HRP would entail. Only if these duties are honoured will we live in a world in which persons’ rights not to suffer poverty are respected.
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