***Pogge, “Are We Violating the Rights of the World’s Poor?”***

1. Student of Rawls who now teaches at Yale – pioneering work on global justice
2. Paper falls into three parts:
	1. Who are the poor and who are we?
	2. Argument that we are violators
	3. Empirical evidence
3. Now let’s look at the parts. Might seem that all the action is in part II. Most of it is there but before we move on to them, let’s look at part I :
	1. Who are the poor and who are we?
		1. The poor: “we might define a poor individual as one who does not have access ―to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care.”

*This definition seems unexceptionable.*

* + 1. “By ‘we’ I mean citizens of developed countries (e.g., the United States, the European Union, Japan, Canada, Australia, and New Zealand) who have sufficient mental maturity, education, and political opportunities to share responsibility for their government‘s foreign policy and for its role in designing and imposing supranational institutional arrangements. This definition takes for granted that the citizens of each of the included countries share a collective responsibility for what their government does in their name.”

*Government acts in our name. Under what conditions are we responsible for what it does?*

* *Citizens of North Korea? Citizens of the former DDR?*
* *Suppose we don’t vote for principled reasons? Suppose we voted for the opposition? Suppose we protest?*
* *Compare responsibility for what Notre Dame does. Am I responsible for parietals? Are you? Are we responsible for the lawsuit about the HHS mandate? (Am I co-author of the brief?)*
* *Want to understand institutional violation of human rights, highlighted in II.D*

“I believe that I share responsibility for what my country is doing in the name of its citizens, and I explain what human rights deficits I hold myself co-responsible for, and why. You must judge for yourself whether you find these reasons compelling or whether, on reflection, you find yourself sufficiently immature, uneducated, or impoverished to be exempt from the ordinary responsibilities of citizenship.”

*Why are these the only excusing conditions? – see chart of US income on p. 28 and accompanying argument. If the argument is right, aren’t most of us absolved because not members of the elite?*

* 1. Rights violations
		1. Non-fulfillment “A particular human right of some particular person is unfulfilled when this person lacks secure access to the object of that human right.”

*Why secure access? Why not just access? Is a right robustly demanding?*

*In the case of the poor, the right in question is the right to a secure access to an adequate standard of living. Note the indignities and dangers to which the poor are said to be subject at pp. 3-4.*

*Does the insecurity and vulnerability of a life of poverty ground preferential option for the poor? That is, are we obligated to devote most our attention, or to focus first, on relieving those who are poorest because they are the most vulnerable? What are they most vulnerable to?*

*Consider, in this connection:*

Cardinal Jaime Ortega, the archbishop of Havana, revealed to the public the words of Cardinal Jorge Mario Bergoglio during his participation in the general congregation before the conclave. During that brief participation, Cardinal Bergoglio expressed what, in his opinion, the church’s mission should be: “The Church is called upon to go out of itself and go to the periphery, which is not only geographical, but also existential: where there is sin, pain, injustice, ignorance, and religious indifference, where there is human misery.”[[1]](#footnote-1)

*Or is the argument for attending first to the poorest a Rawlsian one? What is the difference?*

* + - 1. By asserting a human right to some object, one is making at least the following two claims.
				1. it is of great importance that human beings should have secure access to this object — that such secure access serves important interests of the right holder or other human beings.
				2. these important interests justify some significant duties on the part of other human agents to ensure that human beings actually have secure access to the objects of their human rights.

*N.B. This is said to fail “where the counterpart obligations would be too onerous in the world as we know it”. (p. 4) Might this end up excusing an awful lot? Would a large cut in my standard of living or in my energy consumption be too onerous?*

*Talk of a human right to an adequate standard of living is not misplaced so long as there are some agents for whom it would not be too onerous to satisfy the right.*

* + - 1. What are the duties?
				1. To avoid depriving
				2. To protect from deprivation

By enforcing duty (I) and

By designing institutions that avoid the creation of strong incentives to violate duty (i)

* + - * 1. To aid the deprived 🡪 obligations to facilitate and to provide

Who are one‘s special responsibility

Who are victims of social failures in the performance of duties (I), (II-1), (II-2)

Who are victims of natural disasters

* + - 1. Important passage on p. 6: it is often taken for granted that
				1. human rights impose counterpart duties only on states
				2. the states in question are those under whose jurisdiction individual rights-holders fall through physical presence, citizenship or residency.

*Pogge will question these assumptions – see p. 8 “the artificial limitation to states”*

* + 1. Normativity – “Because human rights law points beyond itself in this way, the question of what duties human rights entail does not boil down to the question of which such duties competent courts applying current law would recognize.” (p. 8)
		2. Causal responsibility for non-fulfillment – “What is the relationship between the non-fulfillment of a human right and its violation?”

Following b(2) above: Human rights may give human agents four distinct kinds of duties:

*Says that the uninvolved can violate duties without violating human rights – e.g. rich Swede, not implicated*

*Is Pogge right about this? Or does the Swede violate a right?*

*What is Pogge’s argument for the conclusion that the Swede has not violated a human right?*

* + - 1. duties to respect human rights = “duties not to take any measures that result in preventing” secure access… - *forbids actions that are “reasonably avoidable and foreseeably causes”*

*Here he compares the soldier and the journalist to get at how “causes” should be understood.*

*Do the soldiers really violate the rights of the peasants by destroying the dam? What if the deprivation was foreseen but unintended?*

*Work through his treatment of the cases and ask whether we are exculpated too. What if the soldiers or the journalist are ignorant of the effects of their actions? If they would be exculpated on that ground, should we be? Note, too, that the causal relationship in which we stand to rights violations is not as direct as that of the soldiers or the journalist.*

* + - 1. duties to protect (secure access to the objects of) human rights – positive duty to block threat
			2. duties to provide (secure access to) the objects of human rights – positive duty to mitigate or secure

*(2) and (3) are said to be largely irrelevant to topic of human rights violations.*

*Getting in the way of someone’s doing (2) and (3) can be violation of human rights, as can failure to protect if one has assumed a special role. QUERY: what is at stake for Pogge in labeling someone “a human rights violator” (p. 11)*

* + - 1. duties to facilitate human rights fulfillment.
				1. *Explain:* “The introduction of a new category of duties to facilitate is best explained as reflecting the recognition that the extent to which human rights are fulfilled depends on the totality of background conditions prevailing in a society.” (p. 12)
				2. *What is the argument for the conclusion that:* “Duties to facilitate constitute then a crucial addition which highlights the vital importance that the design of institutional arrangements has for the fulfillment of human rights.” (p. 13)
				3. *What is the difference between interactional and institutional analysis?*

*HINT: What does Pogge mean by saying*: “it is not straightforward and may in fact be unknowable what market participants must not do to respect others’ human right to an adequate standard of living. This human right can best be realized through suitable socioeconomic institutions, and it was in fact appropriate institutional design that led to the realization of this right in the countries where it is realized” (p. 14)

* + - * 1. *Explain the criticism of Rawls on positive duties:* “But this positive duty to help improve the justice of social institutions sustains no principled differentiation between the social institutions of one’s own society and those of any other society.”

*Cf. the second paragraph of section III.*

* + - * 1. *🡪 discussion of Turks and Paraguayans which culminates in introduction of the “duty not to collaborate in designing or imposing unjust social institutions upon other human beings”*

*Walk through the important summary on p. 17.*

*Under what conditions is the duty not to collaborate violated?*

* + 1. Responsibility for human rights violations
			1. Violations do not occur whenever rights are unfulfilled
			2. Two kinds of violations:
				1. Interactional
				2. Institutional – “This crime is the design and imposition of unjust supranational institutional arrangements that foreseeably and avoidably cause at least half of all severe poverty which in turn is by far the greatest contributor to the current global human rights deficit.”

*Explain the ways the crime is said to be hidden at pp. 19-20. Note that Pogge refers to “a large crime against humanity”.*

*A large number of Americans live in poverty, many of them children. Suppose they could be lifted out of poverty by government assistance, and that that assistance is not provided because the government does not take in sufficient tax revenues. Now look at* [*this article*](http://www.nytimes.com/2015/12/30/business/economy/for-the-wealthiest-private-tax-system-saves-them-billions.html?_r=0) *about how American tax policy is made.*

* *Does Pogge’s analysis imply that those who influence tax policy in the ways discussed are human rights violators? Do you agree or disagree?*
* *Does his analysis imply that we are humans rights violators? Do you agree or disagree?*
	1. Empirical evidence
		1. Interesting table on changes in US household income on p. 28

*see chart of US income on p. 28 and accompanying argument. If the argument is right, aren’t most of us absolved because not members of the elite who make supra-national rules (see p.24)? If what Pogge says on p. 24 is right how are we – you and I -- “participating” and “collaborating”, as alleged on p. 29?*

* + 1. Six causes of world poverty in which large nations are complicit:
			1. Purchase of resources from rulers – does this “amount to collaboration in theft”?
			2. Lending practices
			3. Facilitation of embezzlement
			4. Facilitation of tax evasion
			5. Global pollution
			6. Rigged global trade regime
		2. What ought we to do? – emigrate, participate, compensate
	1. conclusion
1. <http://americamagazine.org/trail-aparecida> [↑](#footnote-ref-1)