

A BAD ARGUMENT FOR A GOOD CASE:

POGGE ON POVERTY AND NEGATIVE DUTIES

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I. INTRODUCTION

This paper is inspired by Thomas Pogge's book *World Poverty and Human Rights*. Pogge explores the moral implications of the extent and severity of world poverty for us—the citizens of affluent countries. In doing so, he assumes the familiar distinction between positive and negative duties. As Pogge puts it:

There are two ways of conceiving such poverty as a moral challenge to us: we may be failing to fulfill our *positive* duty to help persons in acute distress; and we may be failing to fulfill our more stringent *negative* duty not to uphold injustice, not to contribute to or profit from the unjust impoverishment of others. (Pogge 2008 203, italics in original)

While negative duties are acknowledged by a vast majority of Western ethical and political thinkers, positive duties are often contested as unjustified or supererogatory. Pogge, in his attempt to argue that eradication of world poverty is morally required, goes on to argue that we are failing to fulfill our negative duties towards the global poor. Thus, his argument is designed to convince adherents of a lot of different schools of thought that action against poverty is necessary.

Relying for a start on a common sense understanding of the distinction between negative and positive duties, I will explore Pogge's argument. Then, by looking at various accounts of how the positive/negative distinction could be spelled out, I will show that Pogge's argument fails to establish that the citizens of the affluent countries are violating their negative duties towards the global poor. However unfortunate a result for Pogge's argument that might be, it is not devastating for the case of duties towards the poor. As I will scrutinize the aforementioned accounts of the positive/negative distinction it will turn out that this distinction cannot be upheld. We therefore need a different account of duties, one that will do away with the artificial sharp line between negative and positive duties. I will gesture towards such an account at the end of my paper and suggest that on such an account we will have reason to accept that we do have a duty to help the global poor.

2. POGGE'S ARGUMENT

Pogge wants to establish that citizens of the affluent countries are violating their negative duties towards the global poor by upholding an institutional order that results in severe poverty. The worse-off are not merely poor and often starving, but are *being* impoverished and starved under our shared institutional arrangements, which inescapably shape their lives (*cf.* Pogge 2008 207.) To substantiate that claim, Pogge's argument needs to take two major steps: firstly, he needs to show that the institutional arrangements in question are really unjust; secondly, he needs to show that the citizens of the affluent countries are truly the bearers of responsibility for these arrangements.

2.1 *An Unjust Global Order*

I shall give an account now of how Pogge argues for the first of these steps. In my presentation of the argument, I will follow the structure given in chapter 8 of *World Poverty and Human Rights*. The Argument starts with an explication of what he understands by the term ‘radical inequality’. Pogge proposes that for a situation to constitute a case of radical inequality five conditions must be met: the worse-off are very badly off in absolute (1) as well as in relative (2) terms. Furthermore, the inequality has to be impervious (3), pervasive (4) and avoidable (5) (*cf.* Pogge 2008 204-205.)¹ As Pogge points out, world poverty today meets these criteria.² However, this does not settle the question yet. Radical inequality is not in itself unjust as the ‘Venus case’ shows: suppose we discovered people on Venus who are badly off in a way that would constitute radical inequality between us and them (*id.* 204.) Presumably there are few who would think that there was something unjust going on in this case. An additional condition is needed therefore to mark the current situation as unjust. This condition is that there is a causal link between the conditions of the rich and the poor. Pogge offers three ways of making that step. These three are intended as independent routes to the same conclusion, *i. e.* three different ways of specifying our causal responsibility for the radical inequality. So buying any single one of them amounts to accepting Pogge’s claim that the extent of world poverty makes it the case that we are living in an unjust world. Pogge labels those routes (a) “the effect of shared social institutions” (*id.* 205), (b) “uncompensated exclusion from the use of natural resources” (*id.* 207), and (c) “the effects of a common and violent history” (*id.* 209.) I shall discuss these arguments briefly in turn, starting with (c).

2.1.1 *A Violent Common History*

Pogge argues that radical inequality is unjust if it is the result of a history in which moral rules have been massively violated. He alludes here to Robert Nozick’s third principle of justice, the principle of rectification of injustice in holdings (*cf.* Nozick 1974 152.) The thought is that even someone who believes, as Nozick does, that no degree of inequality can be unjust as long as it came about by legitimate means has to acknowledge that world poverty is unjust because it is the result of a shared history in which the ancestors of the rich have exploited those of the poor in morally impermissible ways. As Pogge puts it:

This is not to say (or to deny) that that affluent descendants of those who took part in these crimes bear some special restitutive responsibility toward impoverished descendants of those who were victims of these crimes. The thought is rather that we must not uphold extreme inequality in social starting positions when the allocation of these positions depends upon historical processes in which moral principles and legal rules were massively violated. (Pogge 2008 209)

To be sure this sounds plausible enough. However, contrary to what Pogge claims this rationale cannot stand independently of other reasons that condemn radical inequality. To see

¹ I do not go into the details here, as this is rather peripheral for the purposes of this paper.

² The only condition that might be contested is avoidability (5). Pogge tackles that question in the more practically minded parts of his book. In my opinion he argues convincingly that (5) is met. In any case, for the purpose at hand I will set aside those practical matters and simply assume that Pogge is right.

this, imagine for a moment that the same morally deeply tarnished history had resulted in perfect equality. It seems unlikely that someone would argue that (parallel to Pogge's claim) "we must not uphold *equality* in social starting positions when the allocation of these positions depends upon historical processes in which moral principles and legal rules were massively violated". This shows that Pogge's argument derives its plausibility from the commonsensical notion that there is something intrinsically wrong with radical inequality. By itself, therefore, the argument from shared violent history does not establish that the radical inequality that we witness today is unjust. Rather this argument assumes what it is supposed to show and does therefore not constitute an independent route to Pogge's conclusion.

2.1.2 *Exclusion From Natural Resources*

Consider next (b) —uncompensated exclusion from the use of natural resources—. Following the tradition of John Locke, Pogge argues that radical inequality is unjust if it violates the condition of the so called "Lockean proviso". So, applied to the situation of world poverty, the claim is:

The better-off enjoy significant advantages in the use of a single natural resource base from whose benefits the worse-off are largely, and without compensation, excluded. (Pogge 2008 208)

Put briefly, the Lockean proviso expresses the idea that every human being has a right to "as much and as good" a share of the natural resources of our shared environment as everyone else. If arrangements are made such that some end up with less than their fair share, these people have to be compensated so that they are at least as well off as they would have been under an equal distribution. Pogge asserts that it is clearly the case that the global poor are not compensated in such a way (*cf.* Pogge 2008 208-209.) Whether this argument is valid hinges on the interpretation and acceptance of the Lockean proviso. Different people have criticized it on different grounds, and at least according to some it is not a sufficient condition to classify poverty related starvation as unjust (*cf.* Malthus 1992, Ehrlich 1990.) I tiptoe around that issue here. I don't think this Lockean way of establishing radical inequality as unjust is very promising but I cannot here rule it out. However, in what follows, I shall concentrate on what I conceive to be the best of the three strategies Pogge offers: (a) the effect of shared social institutions.

2.1.3 *Shared Institutions*

As I do not intend to attack this step of the argument, I shall only briefly outline the main point without going into the niceties of Pogge's discussion. The main point to be asserted is this:

The global poor live in a worldwide states system based on internationally recognized territorial domains, interconnected through a global network of market trade and diplomacy. The presence and relevance of shared institutions is shown by how dramatically we affect the circumstances of the global poor through investments, loans, trade, bribes, military aid, sex tourism, culture exports, and much else [...]. In sharp contrast to the Venus case, we are causally deeply involved in their misery. (Pogge 2008 205)

This fact, together with the conditions of radical inequality and the further (counterfactual) condition that without this shared institutional order radical inequality might not prevail, is supposed to establish that the current global institutional order is an unjust one. I am ready to



admit this point to Pogge, I think it is true. This means that Pogge is well on his way to establish that we are violating our negative duties towards the global poor.

2.2 *From an Unjust Order to Guilty Individuals*

Well on his way, but not yet there. To drive home his point, Pogge still needs to establish that the fact of an unjust global institutional order implicates that ordinary citizens of the affluent countries are actually violating their negative duties. Why not just say that politicians, lobbyists, and international corporations are violating such duties? After all, intuitively it does not seem to be the case that I am participating in enforcing any institutional order upon anyone, while I am sitting here writing this paper. The question Pogge has to answer is how the existence of an unjust institutional order translates to a violation of negative duties on the individual level.

The traditional distinction between positive and negative duties is easy to grasp as it relies on the common sense plausibility of the “difference between making something happen and allowing it to happen” (Rachels 2001 947.) Negative duties are duties that prohibit us from a particular course of action, e. g. killing. Positive duties on the other hand, prescribe a particular course of action, e. g. helping someone who would die without our help. In other words, negative duties can be fulfilled by leaving the other party alone. Negative duties are more or less uncontroversially acknowledged in ethical and political theory, whereas positive duties are contested for example by certain libertarians (*cf.* Narveson 2003.) I will spell out the distinction more clearly in section 3, for now this intuitive notion should suffice.

2.2.1 *Mere Profiting*

First of all, I want to dismiss the thought that an agent can violate his negative duty by merely profiting from an unjust institutional order. It seems at times that Pogge is alluding to this kind of argument, even though he does not explicitly endorse it. The argument would be somewhat analogous to John Rawls’s argument that everyone profiting from a just institutional order has the duty to behave cooperatively under its scheme (*cf.* Rawls 1971 108-14.) However, Rawls’s argument is fallacious and the application to the case of an unjust institutional order does not strengthen its case. To see that, consider the following case: suppose your neighbour’s house burns down. A necessary condition for this to happen is the fact that this house is situated in an environment with a lot of atmospheric oxygen. Furthermore, you are clearly profiting from this fact, as you could not survive otherwise. Nevertheless, I take it to be uncontroversial that these facts do not establish that you are responsible for the fire. Analogously, if I am merely profiting from the global institutional order (which I clearly am) but not actively participating in imposing or upholding it, I cannot be held responsible for the negative effects it might have on others. To be fair to Pogge, he seems to recognize this, even though he sometimes equivocates about the issue.³ Consider the following passage where Pogge discusses the moral responsibility of an ordinary citizen in a slaveholder society:

³ “[W]e are [...] related to them [the global poor] as supporters of, and beneficiaries from, a global institutional order [...]” (Pogge 2008 123.)



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Even if I owned no slaves or employed no servants myself, I would still share responsibility: by contributing my labour to the society's economy, my taxes to its governments, and so forth. I might honour my negative duty, perhaps by becoming a hermit or an emigrant, but I could honour it more plausibly by working with others toward shielding the victims of injustice from the harms I help produce or, if this is possible, toward establishing secure access [to the objects of human rights] through institutional reform. (Pogge 2008 72)

In this passage, Pogge vindicates the hermit who is presumably still profiting from the institutional order.⁴ He acknowledges the point therefore that it has to be contributing to rather than merely profiting from an unjust institutional order which amounts to a violation of negative duty. The task therefore becomes to show that I *am* actually actively participating in imposing or upholding the unjust global institutional order.

2.2.2 *Silent Cooperation*

The passage quoted in the last section hints at a possible way to break down the injustice of the institutional order to a violation of duties on the individual level: contributing labour to the economy and taxes to government are things that ordinary people do and that help to stabilize the existing order. The thought seems to be that cooperative behaviour in an unjust system is enough to become guilty of the harms it produces. This comes out even clearer in the following passage:

The responsibility of persons is, then, indirect —a shared responsibility for the justice of any practices one helps to impose: one ought not to cooperate in the imposition of a coercive institutional order that avoidably leaves human rights unfulfilled without making reasonable efforts to protect its victims and to promote institutional reform. (Pogge 2008 176)

I think it is pretty easy to see that most people do engage in this kind of “silent cooperation” towards the existing global order (this is true for people in the affluent countries as well as in the third developing countries). Before going on to consider the claim that this is enough for Pogge's argument to fly, let's have a look at a stronger requirement that Pogge alludes to.

2.2.3 *Active Participation*

Consider the following passage from chapter 5 in which Pogge considers the negative effects certain global arrangements have on local factors in the developing world:

As ordinary citizens of the rich countries, we are deeply implicated in these harms. We authorize our firms to acquire natural resources from tyrants and we protect their property rights in resources so acquired. We purchase what our firms produce out of such resources and thereby encourage them to act as authorized. (Pogge 2008 148)

Here, Pogge seems to claim a more active role for the ordinary citizens of the affluent countries. We are not merely silently cooperating in an unjust system. Rather, we are “authorizing, protecting and purchasing” and thereby assuming an active role in the imposition of the unjust

⁴ For example, the hermit profits from an institutional order which makes it unlikely that people will come to his hermitage and steal his food.



order. However, it is not clear to what extent Pogge wants to commit himself to this sort of claim. Consider the following passage:

This does not mean that we should hold ourselves responsible for the remoter effects of our economic decisions. These effects reverberate around the world and interact with the effects of countless other such decisions and thus cannot be traced, let alone predicted. Nor need we draw the dubious and utopian conclusion that global interdependence must be undone by isolating states or groups of states from one another. But we must be concerned with how the rules structuring international interaction foreseeably affect the incidence of extreme poverty. The developed countries, thanks to their vastly superior military and economic strength, control these rules and therefore share responsibility for their foreseeable effects. (Pogge 2008 206)

In this context the question arises as to what is meant by 'foreseeable.' If Pogge has an objective notion of foreseeable in mind then it seems difficult to argue that someone who lacks the ability to foresee the foreseeable is morally blameworthy. To make this argument one would have to give up the notion that "ought implies can." If on the other hand we talk about a subjective notion of 'foreseeable', Pogge's argument loses its sting. Very few ordinary citizens are actually able to foresee for example the effects that international treaties have on developing countries. Thus, on a subjective interpretation of 'foreseeable', most ordinary citizens are vindicated—clearly not the result Pogge wants.

2.3 Summary

Let me summarize. I considered three possible ways of breaking down the injustice of the global institutional order to the level of the individual citizens in the affluent countries: profiting, silent cooperation, and active participation. In Pogge's arguments all of these can be found, often intricately intertwined. However, Pogge only commits himself clearly to the argument from silent cooperation. This is a wise choice as the argument from profiting is fallacious and the argument from active participation hinges on a doubtful notion of 'foreseeable'. In the next section, I will consider whether the argument from silent cooperation is successful in showing that those who silently cooperate are violating negative duties.

3. SILENT COOPERATION AND NEGATIVE DUTIES

First, it seems noteworthy that if the argument from silent cooperation succeeds this will have a surprising implication: not only will it be established that the citizens of the affluent countries are violating their negative duties, but also we will have to conclude that those citizens of the developing countries who are not working towards a global reform will likewise violate those duties towards their equally poor fellows. This is so, for silent cooperation towards the global order takes place in the third world as well as in the first. Maybe this is the reason why Pogge at times alludes to the arguments from profiting and active participation. But let me set this issue aside for now, there are more serious problems with the argument from silent cooperation.⁵

⁵ It might be thought that the point I am setting aside here is in fact very substantial and amounts to a *reductio* of Pogge's argument. However, I don't take it to be an insurmountable objection. I can see at least two ways around it: (i) the poor cannot but violate their negative duties which does not hold true for the rich; (ii) even though everyone, the rich and the poor, are violating their negative duties alike, it is only the latter who have the means to make up for this violation of duty.

Recall the notion of negative and positive duties I gave before in section 2.2. I said that negative duties prohibit a certain course of action whereas positive duties prescribe a certain course of action. However, in assessing whether silent cooperation in the unjust global institutional order constitutes a case of violation of negative duties, the distinction between negative and positive duties needs to be spelled out more explicitly. This is anything but a trivial task. I will look briefly at three proposals. The first one is the intuitive but naive notion that the crucial difference lies in the (absence of) intentionality, the second one is a proposal by Jan Narveson, and the third one is taken from Jonathan Bennett. I will show how on all these three proposals silent cooperation does not constitute a case of violation of negative duties. However, this is not a fatal blow for Pogge's case, as I will also show that none of these proposals works. I will show this by demonstrating that they do not deliver the right results in certain cases. In what follows, I will not differentiate among the distinctions between negative versus positive duties on the one hand, and acting versus letting happen on the other. It is therefore crucial to keep in mind how these two are related: negative duties assume that an agent can be held responsible only when he is acting, whereas positive duties assume that an agent can be held responsible also for letting happen (failure to act).

3.1 *Intentionality*⁶

A first stab⁷ at what marks the difference between acting and letting happen might go like this: we are actively bringing something about if and only if it was our intention to bring it about. Now, if that were the correct way of drawing the distinction between acting and letting happen, it would be pretty clear that I, as an ordinary citizen, am not violating my negative duties towards the global poor. In cooperating silently with the institutional order, I am not intending to harm anyone. Therefore, Pogge's argument would fail. Things are not that easy, however. To see that intentionality cannot be the crucial feature for making this distinction, consider the following case: I walk up to my favourite hotdog vendor and see that he is about to close and has only one hotdog left. As I ask him to sell me the hotdog, he says he had sold it to this other guy already who is standing next to me. As I really want to have the hotdog, I push the guy and he falls into the vendor's knife slicing his throat. Now, I did not intend to kill the guy, I merely intended to get my hotdog, so on the intentionality criterion I have not killed him. However, it is clear that in this case I should count as having killed him and therefore we need a different criterion for the distinction.

3.2 *Narveson's Criterion*

Jan Narveson puts forward a proposal that relies on a counterfactual consideration. I count as merely letting something happen, if and only if the outcome would have been the same if I had not been around (*cf.* Narveson 1999 70.) On this criterion too, Pogge's argument fails. If I would not do what I am doing right now, the world's poor would not be any better off than they

⁶ It is crucial to keep in mind that the position I am going to attack in this section is the position that intentionality can serve to mark the distinction between acting and letting happen. This is different from the position that intentionality itself is morally salient. My arguments in this section do not address this latter position.

⁷ I assume that this 'first' stab takes place after even more naive proposals like 'movement of the body' have been ruled out for obvious reasons.



are now. Note that I am not relying on the claim here, that if I would not do what I am doing someone else would do exactly what I am doing. However, were this claim true, it would not lift the weight of the moral responsibility from my shoulders. Rather, my claim is that the global poor would not be any better off if I would not exist and no one would take my spot. To this, Pogge would probably reply that if nobody would do things similar to the things I am doing, the world's poor would be better off. Furthermore the fact that a change of behaviour on my part would not change anything does not make my behaviour any more legitimate. Pogge gives the analogy of two factories located at the same river which both dispose some chemical substance into the water. Each of these substances on its own would cause only slight damage to the environment, however as they mix they become highly detrimental. Pogge argues that in this case both factories bear the responsibility for the whole damage caused and not only for the slight damage their substance would cause on its own. I agree with Pogge's assessment of this case, however, this is a bad analogy for the case at hand. If one of the factories would stop disposing its substance into the water, the damage to the environment would decrease dramatically regardless of what the other factory does. The case of my silent cooperation in the unjust global order is quite disanalogous. If I would stop cooperating, the global order would not become any more just unless a significant amount of other individuals would do the same. Hence, the analogy does not show what it is supposed to show. As things stand, silent cooperation does not amount to a violation of negative duties on Narveson's criterion.

Narveson's criterion, however, does not work. Consider the following case: I am a member of a squad of soldiers which is supposed to execute a captive. There are five of us and we are all required to shoot a bullet in the captive's head upon a certain signal. The signal comes, I shoot, and half a second later the captive is dead with five bullets in his head. Have I killed him? The correct answer has to be: 'yes'. However, this is not the answer Narveson's criterion delivers. The counterfactual consideration holds. Had I not been around, it is clearly the case that the captive would be dead anyways, even if no one had taken my place.⁸ Narveson's criterion fails to deliver the right answer in these kinds of cases, we must therefore look for a better way of drawing the distinction.

3.3 Bennett's Criterion

One of the most sophisticated treatments of the positive/negative distinction can be found in Bennett's *The Act Itself*. He uses the example of an agent that causes/lets happen a car accident. Now, what makes Agent's conduct *positively* relevant to the disaster is this: of all the ways in which he could have moved, only a tiny proportion were such as to lead to the vehicle's destruction; virtually all would have had its survival as a consequence (*cf.* Bennett 1995 94-95.) Bennett uses the language of "positively relevant" and "negatively relevant" to describe what I have called "acting" and "letting happen." This means that in Bennett's language we are violating a *negative* duty, if our actions are *positively* relevant to a certain bad outcome. Bennett's suggestion is that it is the ratio of the number of possible movements that lead to a certain outcome to the number of possible movements that do not lead to that outcome which gives us the criterion we are after.

⁸ I set aside the question whether a soldier is responsible for his actions when following orders. If you are worried about this, you can change the case to a group of friends (rather nasty people) murdering an innocent child in the same way.

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There is something noteworthy about this proposal: it seems that instead of a clear cut distinction between acting and letting happen what we have now is a gradual scale. The fewer of my possible ways of moving will lead to a certain outcome the *more* positively relevant will my action be to that outcome when I decide to move in one of those ways. This means that we would not only have to consider positive versus negative duties but also a more fine grained distinction such as “moderately negative” versus “highly negative” duties.

On Bennett’s criterion, the question in regard to Pogge’s argument becomes this: to what degree are my movements positively relevant to the suffering of the world’s poor? The answer is that they are so only to a negligible degree. Of all my possible movements only very few (I actually have a hard time of thinking about a single one) will not result in the suffering of the global poor. That means that also on Bennett’s criterion Pogge’s argument fails again. Bennett’s criterion does not render silent cooperation in the unjust global order a violation of negative duty.

However, Bennett’s criterion is flawed. Consider the following case: I wake up from hypnosis and find myself tied to a fixed rifle that aims at your head. You are unconscious and I have no way of waking you up. My right index finger is taped to the highly sensitive trigger and I know that as I did not have my usual morning beer my hands will soon start shivering which will lead to your death. There is only one way of avoiding this, namely, I can use the scissors in my left hand to cut the tape and take my hand from the gun. Even though this is the only way of avoiding your death it’s not difficult, it would be a snap. However, I think about all my possible movements and choose a different one. The trigger goes off and you die. Have I killed you? As in the case above about the member of the shooting squad, the answer has to be ‘yes’. However, Bennett’s criterion delivers the following answer: “my action was positively relevant to your death only to a negligible degree.” Bennett’s criterion delivers the wrong answer in this case, and thus it cannot be correct.⁹

3.4 Summary

Where are we now? We have seen that once the distinction between negative and positive duties is spelled out, Pogge’s claim that the ordinary citizens of the rich countries, through their silent cooperation in an unjust global order, are actively harming the global poor, fails. However, we have also seen that, despite its common sense plausibility, this distinction is incredibly hard to draw. I believe that Pogge’s argument gets off to the wrong start when he asserts that: “I agree , on this point with libertarians [...] that the distinction between actively causing poverty and merely failing to prevent it is morally significant” (Pogge 2008 15.) By subscribing to the positive/negative distinction, Pogge inherits the huge problems faced by everyone who wants to rely on it. Nevertheless, Pogge’s claim that our duties towards the global poor are more weighty than we usually think they are, is compelling and a lot of the arguments he provides are strong. In the remainder of this essay I shall gesture towards a way of reconstructing Pogge’s argument on a notion of duties that does not rely on the dubious positive/negative distinction.

⁹ In fairness to Bennett, he does not intend his criterion to provide a distinction between positive and negative duties, but merely a distinction between acting and letting happen. That is to say that he might not subscribe to the clear cut relation between the two distinctions that I sketched at the end of section 3.



4. A NEW SCALE OF DUTIES

I shall take Bennett's criterion as my point of departure. Even though the criterion fails in the light of certain cases, I believe that Bennett is on the right track. Remember that Bennett's criterion left us with a continuous scale instead of a sharp divide between active and passive involvement. He arrived at this by using the ratio of the number of possible movements resulting in a certain outcome to the number of possible movements not resulting in that outcome. We are more actively involved in bringing about the outcome in question the smaller that ratio is. We can reformulate that by saying that we are more actively involved in bringing about an outcome the higher the number of possible movements is that we forego in order to bring it about. In yet other words: the higher our opportunity costs for bringing about a certain outcome the higher our level of active involvement. When we apply this sort of reasoning to a scale of duties we get: the higher our opportunity costs for bringing about a certain outcome, the less weighty our duty to bring it about. Note that all of this is still Bennett's criterion.

It is now easy to see what is missing. In a situation relevant to an outcome that involves me and you it cannot be enough to take into account my opportunity costs for acting in a certain way. We also have to consider the effects of my choices on you. This points towards a consequentialist interpretation of duties. Instead of prohibiting or prescribing certain action types, we would measure the weight of moral duties on a continuous scale that takes into account the costs for everyone who is affected. This is the way Peter Singer approached the question of world poverty in his famous article *Famine, Affluence, and Morality* (cf. 1993 ch. 8).¹⁰ He draws the extreme conclusion that we should aid the needy (roughly) as long as there are significant differences in the respective levels of standard of living. This is the result one will get, if one interprets the scale of duties that is envisaged in the preceding paragraph in a certain way. This interpretation relies on the classical utilitarian idea that everyone's well-being should count for the same. Hence, the scale of duties is interpreted as impartially adding the good and bad effects on all affected individuals. Classical utilitarianism, however, is not the only option in the consequentialist field.

A particularly interesting variation comes from Samuel Scheffler. In *The Rejection of Consequentialism*, he argues for the notion of an 'agent centered prerogative' (cf. Scheffler 1994 166-70.) Applied to the scale of duties this idea would amount to a method like this: when deciding how weighty a particular moral duty is, we must look at the consequences the action in question has for every individual involved. However, that is not the end of the story, for this will not be an impartial weighing process but rather a certain level of partiality towards the agent has to be allowed. On this notion of duties then, we can start arguing—in agreement with Pogge—that our duties towards the global poor are weightier than most people think; basically because it would cost us so little to make such a big difference to the better.

¹⁰ Note that Singer is still holding to his extreme conclusions. In his new book he accounts for certain features of human nature, which seem to make it impossible to be completely impartial between oneself and others. However, this does not figure into his conclusions about what is required by morality. Rather, he concludes that humans are unable to live truly moral lives (cf. Singer 2009.)

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I cannot fully discuss the notion of the scale of duties that I have sketched here. However, a couple of comments are in order. First, there is the question of how an agent centred prerogative could be justified. I believe that the answer to this question will involve questions of identity. Roughly speaking, it seems impossible to develop an identity, without at least some partiality towards oneself.¹¹ Secondly, there is the question whether the agent centred prerogative will just involve partiality towards the agent herself or whether the partiality will spread out in concentric circles (*i. e.* some partiality towards oneself, some less partiality towards one's family, some even less partiality towards one's friends and so on.) This is an interesting question, and again I think identity issues will play a big role in approaching it. Related issues are the questions of how much partiality towards the agent would be appropriate and how and by who those assessments would have to be made. There remains a lot to be done for a fuller treatment of the scale of duties I have envisaged. For now, I do not have answers to this kind of questions.

5. CONCLUSION

I started out to discuss the plausibility of Pogge's arguments for a duty to end world poverty. It became clear that Pogge's argument in its strongest form amounts to the claim that the citizens of the rich countries, by silently cooperating in an unjust global order, are actively harming the global poor and are thereby violating their negative duties towards them. I showed that this claim is hard to maintain by testing it against various criteria for the distinction between negative and positive duties. All of these criteria rendered Pogge's claim false. However, as I further showed, those criteria are inadequate as they fail to deliver the right results in certain cases. By induction, I concluded that the positive/negative distinction is a distinction that cannot withstand scrutiny. Starting from what I called Bennett's criterion, I then sketched a proposal for a different scale of duties. Instead of a binary scale (negative/positive), I suggested a continuous scale which renders duties more or less weighty depending on the opportunity costs for the agent and the effects on other affected individuals. Although I was not able to give a full account of such a scale here, I believe that the proposal is very promising. Furthermore I believe that it will enable us to preserve the good parts of Pogge's argument. In its new form the argument would be articulated roughly as follows: the citizens of the rich countries, by silently cooperating in an unjust global order, are violating weighty duties towards the global poor, and those duties are significantly more weighty than they are usually taken to be.

BIBLIOGRAPHY

BENNETT, J.

The Act Itself. Oxford: Clarendon Press, 1995.

EHRlich, P. & EHRlich A.

The Population Explosion. London: Hutchinson, 1990.

¹¹ A possible line of argument would be that classical utilitarianism is self-defeating as a method of moral choice. Even from a classical utilitarian standpoint then, the agent centered prerogative would be justified if it leads to better consequences than direct application of classical utilitarianism (*cf.* Railton 1984.)



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MALTHUS, T. R.

[1798] *An Essay on the Principle of Population*. Cambridge: Cambridge University Press, 1992.

NARVESON, J.

Moral Matters. Peterborough: Broadview Press, 1999.

“We Don’t Owe Them a Thing”, *The Monist* 86 (2003): 419-433.

NOZICK, R.

Anarchy, State, and Utopia. New York: Basic Books, 1974.

POGGE, T.

World Poverty and Human Rights. Cambridge: Polity Press, 2008.

RACHELS, J.

“Killing and Letting Die”, *Encyclopedia of Ethics*, Becker, L. & Becker, C., eds. New York: Routledge, 2001.

RAILTON, P.

“Alienation, Consequentialism, and the Demands of Morality”, *Philosophy and Public Affairs* 13 (1984): 134-171.

RAWLS, J.

A Theory of Justice. New York: Belknap, 1971.

SCHEFFLER, S.

The Rejection of Consequentialism. Oxford: Oxford University Press, 1994.

SINGER, P.

Practical Ethics. Cambridge: Cambridge University Press, 1993.

The Life You Can Save. New York: Random House, 2009.

