

# **Responsible Citizens in a Global Era**

## **Individual Agents as Constitutive of Justice within a Basic Structure**

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Is it not an obvious fact that what I am in my relationship to another creates society and that, without radically transforming myself, there can be no transformation of the essential function of society? When we look to a system for the transformation of society, we are merely evading the question, because a system cannot transform man; man always transforms the system.

J. Krisnamurti, *The First and Last Freedom*

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## Preface

The topic of this thesis has been the reason why I studied philosophy. Studying philosophy is something that has a pervasive effect on your life: it is a constant confrontation with the fact that we know nothing for certain, that there are only questions and no answers. A student of philosophy has little to hold on to, except for the questionable activity of analytically criticizing everything she hears, thinks and reads. This causes distress, existential crises, feelings of uselessness and despair. In spite of all this, I figured that philosophy should at least provide some guidance in the important questions of our lives. The most important one, in my intuition, is how we can take responsibility in a world that contains so much suffering and destruction. This thesis is a very limited attempt to say something worthwhile about that question. The work before you is biased, flawed and incomplete. I probably did not grasp most of it adequately. But it has been an honest quest; it has been *my* quest.

The topic of this thesis, at the same time, is the reason why I will stop studying philosophy. Although I still don't know what it is exactly what we should do in order to take responsibility for the social reality we jointly create, I will go do something that I hope will be useful to society at large. I will probably benefit from the analytical skills that I developed during my studies. But I also look forward to be able to use freely my other capacities as a citizen and as a human being – compassion, creativity, and love of the world.

This thesis was meant to be much more than it has turned out to be. My aims were, in random succession:

- To examine the role and status of empirical circumstances within certain existing theories of justice, in order to;
- Propose an alternative way of doing political philosophy, an approach that takes the primacy of the practical serious and tackles the human suffering that exists in our world today, most importantly that part of the suffering that is caused by human action and therefore hypothetically avoidable. On this understanding of

what the aim of philosophy is, the task of the philosopher is to be informed by the facts as good as possible and to provide theoretical tools to analyze real world problems;

- To apply that alternative way of doing political philosophy to the problem of world poverty, analyzing the work of Thomas Pogge, being the most pragmatic, politically engaged and yet philosophically rigorous author that I have come to know;
- To argue that most institutional approaches of political philosophy mistakenly overlook the role of the individual in the basic structure: some of these approaches almost seem to imply that an institutional order exists regardless of human action, something that I find tremendously wrong;
- To examine the empirical circumstances and the psychological tendencies of human agents that keep them from taking up the responsibility for the social system they uphold on a global scale, a social system that causes so much harm in many parts of the world;
- To give a more realistic, situated account of the responsibility that we as individuals bear, one that takes seriously the kind of creatures that we are; and therefore;
- To incorporate insights from diverse disciplines: political science, sociology, psychology, and economy;
- To be written in such a way that the average citizen could understand the argument, because it should be action guiding and motivating towards reform of the global structure.

That these aims were too ambitious is a lesson I learned the hard way. After three years, I had to throw out almost one hundred pages of work because the text that was composed was too hybrid, lacking focus and not satisfactory or convincing on any of the aims that I started out with. I then, in what was supposed to be the month of vacation between my years as a student and the working life that lies ahead of me, drafted an entirely new text (I blame any typing and grammar errors on the extreme heat of the inlands of Sardinia). The result is a text that does not live up to all of the aims and ambitions that I had. It is incomplete and too analytical for my taste. But it is a philosophical text, with a main argument and a conclusion. I regret not having been able to write out adequately all the ideas that I developed on these subject matters during the

past years of research and education. What I regret even more, however, is that my work will probably not have the impact that I think this message should have.

People are starving to death every day. We know this – we have known this since we were little and our parents encouraged us to finish our plate because the children in Africa would be grateful for this food. Nevertheless, the knowledge of this great human tragedy does not prompt us to serious action. World poverty is something that we feel slightly disturbed about, but not something that makes us enraged or fills us with the strong kind of sympathy that is needed to actually do something about it. We just don't really *feel* responsible for it: it happens so far away, we don't know these people, we have no clear idea of what we could do to help them, and besides, we are very busy with a lot of stuff that is going on in our own lives and we don't really like thinking about poverty because it makes us feel uncomfortable.

However convenient this feeling of detachment from the phenomenon of world poverty might be for us, its effect - the failure to act - is something that has far-reaching consequences for the living conditions of the world's poor. This becomes apparent if we consider that the United Nations World Food Programme calls worldwide hunger "the world's greatest solvable problem"<sup>1</sup>, saying that if citizens, companies and governments work together, we could alleviate the living conditions of the world's poorest. So if world poverty is solvable, and we might be implicated in it, I believe we are obliged to investigate our responsibility thoroughly. Yet assessing whether we *as citizens* are responsible for world poverty and what that entails is not a simple task. I have been struggling with this question for years now. This has been both depressing and rewarding. For a long time I thought that Thomas Pogge provided the best approach to answering this question.

What has attracted me most in Pogge's approach is that he strives to be pragmatic, concrete, and applicable. In order to make sense of the goal of this thesis, it is necessary to look at Pogge's understanding of the task of the philosopher, to which I subscribe. His view on the value of philosophy is somewhat unconventional within the analytical tradition, to which Pogge, - as a student of Rawls and an expert on Kant - nevertheless certainly belongs<sup>2</sup>. Instead of merely analyzing concepts, he believes that

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<sup>1</sup> "Solving Hunger | WFP | United Nations World Food Programme - Fighting Hunger Worldwide", <http://www.wfp.org/hunger/greatest-solvable-problem>.

<sup>2</sup> It is a perspective on philosophy that is more at home within critical theory and continental philosophy. Deleuzians, for example, hold that "political philosophy creates concepts in response to social problems

philosophers should find out what really matters: they should give a sense of priority. Philosophy, in his view, is a problem-solving discipline. It should identify morally urgent, *real* problems in the world and provide ways of coming up with solutions to these problems.<sup>3</sup> It is important to make clear that this thesis is written in this ‘Poggean’ pragmatic spirit. What is assessed is a problem in the empirical reality, not in language, and philosophy is used as a tool to search for real, not linguistic, solutions.

However, as the years passed, I kept discovering more and more difficulties in Pogge’s approach. I also discovered, in Iris Marion Young’s work, an honest and engaged approach to these questions. My intuition is that it provides a better framework for thinking about our responsibility than the all-too-institutional view of my esteemed teacher Thomas Pogge. This thesis, then, is an attempt to take stock of the merits of Rawls’s (because it all begins with John Rawls), Pogge’s, and Young’s philosophies with regard to the question of individual responsibility for justice. I hope it can prove to be useful for further research into this question.

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that confront the philosopher in a given milieu. (...) something in the milieu has become unbearable, intolerable, problematic; it forces the philosopher to think anew, to break old habits of thought. (Eugene Holland, *Nomad Citizenship* (Minneapolis: University of Minnesota Press, 2011), xv.

<sup>3</sup> Thomas Pogge, *Politics as Usual: What Lies Behind the Pro-Poor Rhetoric*, 1e ed. (Cambridge and Malden: Polity, 2010), 8.

## Acknowledgements

I am indebted to many beautiful individuals who stood by me in writing this thesis. Yet, there is one person that has been absolutely crucial for my thinking about these issues: Thomas Pogge. He has not only continuously inspired me with his brilliant philosophy, but has also been so extremely kind to invite me to his home institution, providing me with the best academic environment I could think of. I will never forget our amazing road trip through the South and the many hours of instructive conversation that we had.

I am deeply grateful to Han Spauwen and Kitty Moorman for making all my endeavors - philosophical and personal - possible. Tobijn de Graauw has devoted so much of her attention to multiple versions of this thesis, for which I will always be thankful. Her understanding and support have been essential to my process. Beatrijs Haverkamp's editing skills and friendship have also been indispensable. Jos Philips has been a very patient supervisor; his insistence that I would rewrite the entire text in the final stage was – although not met with immediate enthusiasm – proof of his faith in my philosophical potential. Bert van den Brink provided invaluable feedback in the last phase of the project. Ménou Spauwen has never tired of putting things in perspective – and came all the way from Toronto to listen to my presentation on an earlier draft of this thesis at Yale. Maria Snoek supported and believed in this project from the start. Thanks also to Daniele Botti who has been my true global justice fellow in the classrooms and bars of Yale University; Camila Blanco, Rosa Terlazzo, Matt Lindauer, Elisabeth O'Casey and the other fellows of the Yale Global Justice Team for invaluable feedback on earlier versions of the text.

I did not have the privilege of meeting Iris Marion Young during her lifetime. Nevertheless, her thoughts on the social world we jointly create have become dear to my heart and I feel much indebted to her honest and warm approach to philosophy. I regret knowing that we will never be able to discuss the questions we both care about, but I am happy to have her texts and will continue to learn from them as best as I can.

The final version of this text was written in Gesturi, Sardinia. I am very thankful to Armando Casu for hosting me during this period. His salads have been the fuel for my



writing engine in the Sardinian heat. Flavia Casu has been a loving support in most of the writing process. Annemiek van de Geijn provided guidance at the utter low point when my motivation and confidence seemed to have been conquered by doubts and fears. She pulled me through one of the most difficult stages in writing this thesis, teaching me some things about myself along the way.

## Introduction

It is not easy to determine how and to what extent we as individuals<sup>4</sup> bear responsibility for injustice that exists in the world at large. In the past 50 years, our socio-political reality has grown more and more complex. Economical interdependency between countries and regions has increased greatly; nation states are no longer the only relevant powers within international politics; social processes are less and less confined to nation states; migration and increased business and leisure mobility make for a growingly internationally oriented world population. In the meantime, economical and political crises also spread across countries and it is obvious that issues such as climate change and world poverty cannot be solved on a national scale. However, the existing inter- and supranational institutions that could potentially serve as a medium to solve these problems, such as the UN, IMF, WTO and the World Bank, are hardly democratic and for a large part non-transparent. These deficits make it very hard to pin down our role as individuals with regard to the supranational structures.

In the midst of all this, the traditional ways of thinking about the responsibility that individuals have for injustice within their political environment seem no longer sufficient to account for all the issues we are faced with in the world today. The liberal conception of the citizen and her responsibility that has been prevalent in analytical political philosophy is based on the assumption that she lives in a single, relatively closed society that is to everyone's benefit. This perspective no longer corresponds to the reality that we find ourselves in, now that globalization has changed the political reality so thoroughly. In order to understand our place in that reality we have to look

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<sup>4</sup> In this thesis, I use the terms 'individual', 'individual agent' and 'citizen' interchangeably. It should be noted that not every individual agent in the world today is a citizen in the formal sense of the world; many individuals find themselves stuck in statelessness, often with severe consequences for their life chances. I do not mean to disregard the position of those who are called 'illegal'. Rather, I am looking at all individuals in so far as they are constitutive of justice. This is also to stress that although stateless individuals have no formal standing as citizen, they have socio-political agency (to some degree) nevertheless.

into how the individual citizen relates to not only her fellow citizens and her national political order, but also to the citizens of other countries and those having no formal standing as citizen at all, and the supra- and international economic and political institutions of our day and age. In other words, the theoretical approach to the responsibility of individuals has to be rethought in order to accommodate the new - and ever changing - political reality that surrounds us.

Before we can draw up a new and complete theoretical framework for individual responsibility in a global age, we need to identify pitfalls that should be avoided and building blocks that could be used to design such a theory. I contend that three aspects are of particular importance: how we conceptualize the basic structure, what empirical and moral assumptions we make about individual agents, and how we conceptualize the relation between the individual agent and the basic structure (and how this generates a responsibility for the individual citizen). In this thesis I will look into three theories that touch on the subject of individual responsibility but do not yet provide a complete account of it, in order to examine how they tackle these questions and what kind of problems they run into.

The research question of this thesis, then, is: *How should we conceptualize the responsibility that individuals have for the justice of the socio-political structure in which they find themselves?* The aim of the thesis is to identify pitfalls that should be avoided and building blocks that we could use for the future design of a theory on individual responsibility for justice within the global structures that we find ourselves in. My main point is to show that theories based on a formal, or coercive, conception of the basic structure of society – as existing *independently of* the daily practices and actions of individuals – run into serious problems when they try to conceptualize the role of the individual within the structure, as they cannot provide a coherent account of the relation between the individual and the structure. They arrive at a conception of individual responsibility that is mostly passive because they grant primacy to institutions over individual action. In order to make up for this passivity, they have to introduce contentious elements in their theory: in this case, they postulate a natural duty (Rawls) or introduce a controversial - because institutional - use of a common moral notion such as the negative duty (Pogge), neither of which, I argue, are philosophically compelling strategies, nor do they result in a practically applicable account of individual responsibility in the structures we find ourselves in today.

Contrastingly, a perspective that considers the structure as being *enacted through* individual action avoids most of these problems. It can therefore provide a more consistent conception of the role and responsibility of individuals within the basic structure. It elucidates that individuals are constitutive of the justice of society; that the structure only exists in the actions of individuals, so that they should not merely *comply with* the formal rules of the structure, but that they are *part of* structural processes and are therefore responsible for the outcomes of them.

This thesis will look into three related, but distinct conceptions of the relation between the individual and their political and social environment. What the three have in common is that they approach justice *institutionally*. That is to say that they regard - to put it with John Rawls, the first author to be discussed - the *basic structure* of society as the subject of justice, as opposed to individual action and interaction. The basic structure, on Rawls's understanding, comprises the major social institutions of a society, viewed as one scheme of cooperation. Justice then applies only to institutionalized norms, rules and practices. Therefore, a single act cannot be said to be just or unjust, as other moral categories apply to acts as regarded as single occurrences. Separating the institutional and the interactional viewpoints is philosophically compelling: it allows us to distinguish between the moral value of acts as considered to occur between people directly, and acts as considered to have an indirect impact on the social environment as a whole. Our responsibility for injustice in the political reality that we live in follows from the latter category and should therefore be considered from an institutional viewpoint.

The first model that I will discuss is John Rawls's political liberalism. I chose Rawls as departing point because his theory of justice is the most elaborate philosophical account on institutional justice that I have come to know. Many authors writing about institutional justice have been influenced heavily by Rawls and either criticize or defend his position. Looking into Rawls's conception of how individuals contribute to justice can therefore be very instructive, also for understanding the other authors working in this field. I will argue that Rawls's theory entails fatal flaws concerning his understanding of the basic structure and the role of the individual within it. The second model that is discussed is that of Thomas Pogge. Pogge builds on Rawls's theory, but chose other perspectives on some crucial questions. His position, in my view, avoids some of the pitfalls that were present in Rawls's work. However, Pogge's

alternative runs into new complications that keep it from bringing forth a complete philosophically sound and practically useful conception of the individual's relation to the basic structure of society and her corresponding responsibility for justice. The third model which I will discuss, that of Iris Marion Young, shares some basic premises with both Rawls and Pogge but proposes a distinctive way of conceptualizing the basic structure itself. Her way of viewing the basic structure, I will argue, does not contain the problems identified in Rawls's and Pogge's approaches. It gives a more convincing description of the actual political and social circumstances and is able to give a more adequate and elaborate account of the responsibility of the individual. However, some issues still remain to be solved, and I will make some proposals towards a more complete conception.

In assessing whether these three accounts are good or bad theories of justice, one needs an understanding of when a theory of justice is regarded a good theory of justice. My presuppositions about this question are based on the aims that I find present in the work of the central authors themselves: in my view, all three are of the conviction that an account of justice should be not only philosophically sound, but also practically applicable. The most important criterion to assess a theory of justice is its "ability to appeal and motivate"<sup>5</sup>, in the words of Pogge, who is most explicit about this approach. Political philosophy, in his view, is a problem-solving discipline: It should identify morally urgent, real problems in the world and provide suggestions for solutions.<sup>6</sup> The theory should therefore have bearing on our social and political reality and should provide us with tools of analysis to better understand our position in it and our responsibility towards it. A theory is consequently a bad theory if it makes erroneous assumptions about reality, if it fails to provide any action guiding content or if it is philosophically incoherent.

In thinking about the responsibility of individual agents, we necessarily make presuppositions about the circumstances that constrain them: these include the social and political circumstances, abilities and motivations of these agents. Many authors treat these presuppositions as more or less self-evident. However, it is likely that presupposing certain constraints about individual agents has consequences for what responsibility we ascribe to them, and that inaccurate presuppositions about the

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<sup>5</sup> Thomas Pogge, *Realizing Rawls* (Ithaca [etc.]: Cornell Univ. Press, 1989), 6.

<sup>6</sup> Pogge, *Politics as Usual*, 8.

constraints of citizens will lead to an unjustified ascription of responsibility to them. This can be either too demanding, or not demanding enough, or simply nonsensical in that the circumstances of individuals are not accurately conceptualized. Sanjay Reddy (2005) agrees that identifying them plays a crucial role in ascribing duties to agents. He argues that the constraints that one believes to exist are often not really present, and therefore uses the expression 'apparent constraints'. In Reddy's view, what appear to be fixed circumstances are in fact often *changeable* through the actions of individual or collective agents. All normative reasoning takes place against a factual background, but Reddy stresses that we must always keep in mind "the fact that we are uncertain about the facts."<sup>7</sup> I consider these insights to be crucial in conceptualizing individual responsibility, so the concept of 'constraints' will play an important role in this thesis.

Yet, Reddy overlooks the fact that it also matters what features of human nature itself we regard as almost impossible to change.<sup>8</sup> Misrecognizing fixed features about the ability and motivation of individuals may also lead to unjustified conclusions about what responsibility for justice it is reasonable to ascribe to them. We need to account for what we hold as background facts about individual citizens, because what seem to be innocent empirical basic assumptions may have impact on the normative view we derive from them. Therefore, empirical and normative elements in the understanding of responsible citizens cannot be viewed separately, and in assessing the conceptions of Rawls, Pogge and Young I will examine closely what kind of presuppositions they make and how they deal with them.

The structure of the thesis will be as follows. The first chapter will analyze and evaluate Rawls's approach. He defines the basic structure as "the way in which the major social institutions distribute fundamental rights and duties and determine the division of advantages from social cooperation"<sup>9</sup>. Furthermore, he holds that empirically, the basic structure exists only at the national level: in a single, relatively closed society. Internationally, we cannot say that there is a basic structure (instead, there is a Society of Peoples that includes well-ordered societies and excludes states that are not well-

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<sup>7</sup> Sanjay Reddy, "The Role of Apparent Constraints in Normative Reasoning: A Methodological Statement and Application to Global Justice", *Journal of Ethics* 9 (2005): 121.

<sup>8</sup> It might be that 'constraint' is not the right expression if we speak about the features of persons that are regarded as fixed features; a constraint has the connotation of being something external rather than inherent in the individual's nature. This question of terminology, however, should not lead away the attention of the fact that by necessity, a theory that seeks to ascribe responsibility to actors has to make presuppositions about the abilities and motivation of these actors with regard to those obligations.

<sup>9</sup> John Rawls, *A Theory of Justice* (Cambridge, MA: Harvard U.P.: The Belknap Press, 1999), 6.

ordered). The basic structure generates obligations because it is assumed that the shared political institutions are to everyone's advantage; therefore, everyone should do their fair share in maintaining them. This means that only a *just* basic structure can give rise to such obligations; Rawls in fact assumes that the basic structure of liberal democracies is just or nearly just and explicitly says that his theory only applies to such societies. Apart from this obligation rising from the basic structure, however, there is a natural duty to further just institutions. Internationally, lacking a basic structure that gives rise to duties of justice, there are other duties that exist regardless of a basic structure: for instance, the duty to assist, which is based on a conception of universal human rights.

I will argue that Rawls's account runs into at least four pitfalls. The first problem is that there is an ambiguity in Rawls's work as to whether the basic structure contains only formal or also informal elements. That is to say: does it contain only institutionalized rules, or also social practices? Rawls mostly stresses the formal view, but there is room in his theory for a more informal view. The second problem is that Rawls's denial of any basic structure outside the nation-state is not (or no longer) realistic given the supranational structures that exist in the world today. The third difficulty follows from the fact that Rawls only considers the case of a *just* basic structure. This makes his account overly conservative in that it is preoccupied with maintaining the status quo; moreover, it is not instructive on the question of the responsibility of individuals who find themselves in an unjust basic structure. The fourth pitfall is that Rawls's assertion of the natural duty of justice has a very thin philosophical basis within his own theory of justice. The discussion of Rawls therefore makes it clear that a theory on individual responsibility should have an empirically adequate assessment of what kind of basic structure surrounds us: is this confined to the national sphere, or are we also implicated in inter- and supranational structures? And is the existing basic structure fully just, or does it know injustices? The second conclusion we can draw from Rawls's flaws is that it is philosophically unconvincing to simply posit a duty or responsibility to further just institutions. In a philosophically coherent account, the responsibility of the individual should follow from its relation to the basic structure.

In the second chapter, Thomas Pogge's theory on global justice<sup>10</sup> will be discussed. He endorses Rawls's definition of the basic structure, but does not agree that the nation-state is the only level on which a basic structure exists. Instead, he identifies a 'global basic structure', made up of the various global economical and political institutions such as the IMF, World Bank, UN, and WTO. The reason for why this institutional structure generates a responsibility for individuals is somewhat more complex. It comes down to this: The global institutional order benefits the global rich and harms the global poor. The rich 'shape and uphold' this harmful institutional order and are thereby violating a negative duty not to harm the poor. This negative duty is a minimal conception of justice that is present in all western conceptions of justice. Our responsibility therefore entails that we should reform the basic structure, and in the meantime that we should compensate for the harm that we are causing.

Pogge's alternative, I argue, is on most points a step in the right direction in dealing with the pitfalls that are present in Rawls's philosophy. The first pitfall, however, is as present in Pogge as in Rawls: because Pogge uses the same conception of the basic structure, he also knows an ambiguity as to whether the daily choices of individuals are constitutive of justice or not. He explicitly says that not all of our actions have to be inspired by justice, but his ardent calls on individuals to change our ways constitute a tension with that position. The other three pitfalls are less pressing in Pogge's work, however: First, he does not think a theory of justice should only consider a *just* basic structure and is therefore able to give an account of what the responsibility of individuals is who live under an unjust basic structure. This is to say that Pogge takes a - what I will call - real world justice approach, rather than an ideal theory approach. Second, he does recognize the existence of a basic structure outside the scope of the nation state. Third, he rejects the duty to assist as formulated by Rawls and tries to provide a broader philosophical basis for the responsibility of individuals (namely based on the violation of a negative duty).

However, Pogge's alternative runs into other pitfalls. I consider these problems less fundamental than the three that were identified in Rawls, but they do indicate that the conception of individual responsibility in Pogge lacks some of the building blocks that a complete theory of individual responsibility would need. First, his account of '*one*

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<sup>10</sup> Thomas Pogge, *World Poverty and Human Rights* (Cambridge [etc.]: Polity Press, 2008); Pogge, *Politics as Usual*.



global structure' is a somewhat artificial account of reality, as the inter- and supranational institutions are actually multilayered and multifaceted. Second, his division of the world population in the 'poor' and the 'rich' is not realistic – no such sharp dichotomy actually exists – and runs the risk of being paternalistic towards the victims of injustice. Third, he does not satisfactorily explain the relation between the individual and the global order, while his negative duty depends on this relation. Fourth, Pogge pays not enough attention to power relations and the constraints that limit individual's ability to influence global structure. Fifth, he takes the uncontroversial notion of a negative duty but applies this institutionally, thereby rendering it spectacularly more demanding and therefore no longer consistent with the most minimal conception of justice present in all western conceptions of justice. Sixth and last, his theory is not action guiding as it does not describe what it is exactly that we as individuals should do in order to live up to our negative duty. Moreover, it does not say when we will have done enough.

What we can conclude, with regard to the research question, from Pogge's pitfalls and lacunas, is that – as in Rawls – if we regard the basic structure as one entity that exists only in the major institutions of society, it becomes hard to conceptualize the role of individuals within it. It leads to an awkward compartmentalization of the population into non-existing categories, obscures how individuals can have influence in the basic structure, and disregards the specific circumstances in which each individual finds herself. The result is an abstract notion of a negative duty that is supposed to appeal to deeply entrenched minimal moral convictions, but that fails to be applicable and may not have the appealing character that Pogge would like it to have.

In the third chapter, I will take up Iris Marion Young's thinking on responsibility for justice. She proposes an alternative definition of what the *basic structure* is. On her view, we should see it as multiple and complex social and economic connections, rather than the more formal conception of basic structure as the major political institutions. Instead, there is a confluence of institutional rules and interactional routines, so that the basic structure comprises the background conditions that enable and constrain individuals: rules, norms and incentives. The basic structure that actually exists, is not the one on the nation state level nor the one on the global level: rather, there are many complex social and economic connections that are not restricted to nation states. Most importantly, there is *structural injustice* on a global scale. To understand why such

structural injustice generates a responsibility for individuals, our standard model of responsibility is not sufficient. We need a complementary model of responsibility through social connection that holds that individuals bear responsibility for structural injustice because they contribute by their actions to the ongoing processes that produce unjust outcomes. Responsibility, on this account, is not derived from membership of political community nor based on a liability-based conception of a negative duty, but from participation in diverse institutional processes. The responsibility entails that individuals should work to change the structural processes so that their outcomes will be less unjust. This can only be done collectively, and it also implies that the 'victims' of the processes share responsibility for them.

This account, I argue, deals with the problems that I detect in Pogge's theory. The first is avoided because Young's interpretation of the global structure is more realistic than Pogge's stylized view on 'one global structure'. The second is avoided as Young does not run into a sharp dichotomy between the 'rich' and the 'poor' and is empowering towards the victims of injustice. Thirdly, Young is better able to explain the relation between the individual and the global structure. Fourthly, power relations are at the centre of the model, and it analyses constraining and enabling circumstances for individuals. Fifthly, Young does not pretend to be morally minimal: she is aware that her theory requires a big shift in our moral thinking. Sixthly, she is more clear on what it is we should do and also acknowledges that there is not a point when we will have done enough, as living up to our responsibility for justice is an ongoing task.

Young's account is therefore a more philosophically sound and practically adequate view on the relationship between the individual and the existing structural processes. Now, I present these three authors successively because I regard Pogge's approach more convincing than Rawls's on most points and Young's, respectively, even better than Pogge's. This is not to insinuate that they are explicitly reacting to the former author – rather, this is my reconstruction of ideas.<sup>11</sup> In discussing the three successively, I do mean to argue that from the point of view of individual responsibility, each author ameliorates the latter: I think that the social connection model incorporates the

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<sup>11</sup> In Pogge's case it is often true that he is responding to flaws that he detected in Rawls's position – however, the reconstruction and interpretation of his alternatives is still mine and does not necessarily reflect Pogge's own position with regard to Rawls. In Young's work, it is less the case that she is responding to Pogge: she knew his work and sympathized with it, but very rarely addressed it in its entirety. For some remarks on Pogge, see Iris Marion Young, *Responsibility for Justice* (Oxford [etc.]: Oxford U.P., 2011), 140, 150.

improvements that the institutional negative duty approach made on Rawls's conception of individual responsibility.

The last part of the thesis will contain a discussion of the lacunas and unclarities that are to be found in the social connection model and that would need to be elaborated in order to develop a future theory on individual responsibility. First, the focus on forward looking considerations may appear to be in tension with the causal nature of the responsibility. Second, the parameters for responsibility are not yet satisfactorily elaborated. Third, the motivational force of the theory has not been established, even though this is central to the aims of the theory itself. Fourth, the theory might be overdemanding or have a paralyzing effect because it makes individuals responsible for more than they can solve. Fifth, it does not provide a conception of a just society. A future theory on individual responsibility within a basic structure should provide answers to all of these issues.

# Chapter I

## Responsibility as Complying with Basic Structure

In this chapter, I will analyze to what extent and in what way John Rawls assigns a responsibility to individual citizens for contributing to the justice of the basic structure that they live in. The chapter begins with laying out Rawls's conceptual framework, which is discussed along the lines of the four conceptual questions formulated in the introduction. First, the basic structure will be analyzed: how does Rawls define the basic structure, and what level of basic structure does he identify in the world today? The second section will expose Rawls's view on personal responsibility, the constraints that limit individuals and how responsibility is generated by the basic structure.

Rawls's account runs into at least four pitfalls that prohibit it from giving an adequate conception of responsible citizens in our world today. The first problem is that there is an ambiguity in Rawls's work as to whether the basic structure contains only formal or also informal elements. That is to say: does it contain only institutionalized rules, or also social practices? Rawls mostly stresses the formal view, but there is room in his theory for a more informal view. The second problem is that his denial of any basic structure outside the nation-state is not (or no longer) realistic given the supranational structures that exist in the world today and that arguably have (or will have in the near future) profound effects on the lives of people than their own national institutional order. The third problem follows from Rawls's assumption that the basic structure is just: this makes his account overly conservative in that it is preoccupied with maintaining the status quo. Additionally, it keeps it from being instructive on the question of the responsibility of individuals who find themselves in an *unjust* basic structure. The fourth problem is that Rawls's assertions of both the natural duty of justice (and, although it is not a duty for individuals) the duty to assist have a very thin philosophical basis within his own theory of justice.

For a preliminary summary, John Rawls's conception of the responsibility of individuals is that they ought to maintain just institutions and comply with the rules of those institutions. This is based on an institutional account of justice: justice is a virtue of institutions, and the role of citizens is derived from an idea of the justice of institutions. The assumption underlying this conception of responsibility is that citizens live in a self-contained nation state. For Rawls, the responsibility to do one's fair share in the justice of the society springs from the assumption that citizens *benefit* from the institutional order in which they find themselves. In this chapter, I will show that this results in a clear-cut, but rather flat and conception of the citizen that is not instructive in the circumstance of *an unjust basic structure*, as it does not cover the responsibility of the citizen in such a case.

The conclusions we can draw from this discussion of Rawls are, first, that a theory on individual responsibility should have an empirically adequate assessment of what kind of basic structure surrounds us: is this confined to the national sphere, or are we also implicated in inter- and supranational structures? And is the existing basic structure fully just, or does it know injustices? The second conclusion we can draw is that it is philosophically unconvincing to simply posit a duty or responsibility to further just institutions. In a philosophically coherent account, the responsibility of the individual should follow from its relation to the basic structure.

## 1. The Basic Structure as Formal and National

### *Does the Basic Structure Contain only Rules or also Practices?*

As mentioned in the introduction, Rawls approaches justice institutionally, meaning that he regards the basic structure of society as the primary subject of justice. On this understanding, 'justice' is not a predicate that applies to individual conduct; an act of an individual cannot be called just or unjust. Other moral virtues apply to individual interaction, but these are not part of a theory of justice. Rawls defines the basic structure as "the arrangement of major social institutions into one scheme of cooperation."<sup>12</sup> However, as these institutions are designed and maintained by and for individuals, the

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<sup>12</sup> Rawls, *A Theory of Justice*, 47.

conduct of individuals must play a role in justice. So, indirectly, their conduct can be said to contribute to or to hinder the justice of the basic structure - even though their actions considered as isolated events cannot be just or unjust. The second section of this chapter will look into what that role of contributing to justice, according to Rawls, is. Before we can answer that question, it is necessary to look into Rawls's definition of the basic structure and his assumptions about what kind of basic structure actually exists. The former is a purely conceptual question, while the latter examines the empirical assumptions that are drawn into the theory. This raises questions about what role empirical circumstances are considered to play in political philosophy.

Rawls's definition depends on what we understand an *institution* in this context to be. Rawls's understanding of this term is quite complex and potentially ambiguous. He describes it as "a public system of rules which defines offices and positions with their rights and duties, powers and immunities, and the like."<sup>13</sup> An institution is thus a set of rules that specify certain forms of action as permissible and others as forbidden.<sup>14</sup> Rawls says that we can think of institutions in two ways. On the one hand, abstractly, "as a possible form of conduct expressed by a system of rules"; and on the other hand as "the realization in the thought and conduct of certain persons at a certain time and place of the actions specified by these rules."<sup>15</sup> So the primary meaning of an institution is a system of rules, but it involves more than just a set of laws or conventions. Rawls believes that for an institution to actually exist, the actions that it specifies must be regularly carried out, "in accordance with a public understanding that the system of rules defining the institution is to be followed."<sup>16</sup> The institutional structure of a society, in this interpretation, is as much a *social arrangement* as a set of laws; a law that is not structurally complied with, for instance, cannot be called an institution. In setting up institutions, consequently, one must "examine the schemes and tactics it allows and the forms of behavior which it tends to encourage"<sup>17</sup>. Very generally speaking, Rawls believes that the conduct of individuals is coordinated by the rules in such a way that they can seek to maximize their predominant interests, but that the institutional system assures that "the conduct of individuals guided by their rational plans [will] achieve

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<sup>13</sup> Ibid., 47-48.

<sup>14</sup> Ibid.

<sup>15</sup> Ibid., 48.

<sup>16</sup> Ibid.

<sup>17</sup> Ibid., 49.

results which are although not intended or perhaps even foreseen by them are nevertheless the best ones from the standpoint of social justice.”<sup>18</sup>

Rawls’s texts are ambiguous as to the question whether the institutional basic structure is something that exists outside and independent of individual conduct, or whether it is actually composed of it. On the one hand, Rawls speaks about the basic structure as if it were a system that exists above individual behavior, guiding it from the outside. This is consistent with his use of ‘rules’ as opposed to ‘practices’; the former is something that exists outside everyday behavior and guides it from above, the latter is the actual behavior, albeit viewed structurally. On the other hand, as I showed in the previous section, there is textual evidence that institutions can be viewed as a social arrangement, existing only by the grace of ‘realization in the thought and conduct of persons’. This ambiguity is so important, because it has consequences for the question as to whether persons should act out of their sense of justice only in making special political choices such as choosing institutions, or whether they should be motivated by it in their daily lives as well. In other words, the definition of the basic institutional structure has consequences for the extent and the content of individual responsibility.

G.A. Cohen criticizes Rawls’s insistence that the principles of justice apply only to the institutional order of a society and not to the choices and behavior of individuals. He points out that there is a difference between individuals’ compliance with the rules of the basic structure on the one hand, and the choices that people make when the rules do not prescribe or prohibit any of the alternative courses of action on the other.<sup>19</sup> Cohen shares my conviction that there is an ambiguity in Rawls’s concept of basic structure. He describes this as the question whether the basic structure includes only coercive aspects, or, also, “conventions and usages that are deeply entrenched but not legally or literally coercive.”<sup>20</sup> Most often, Rawls seems to answer the question “what is the basic structure?” with the former definition, so that it means strictly the “broad coercive outline of society”<sup>21</sup>. However, there are also other usages in Rawls’s work; as noted above, he often says that it consists of the major social institutions, without emphasis on the coercive nature of those institutions. On this reading, it would include chosen

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<sup>18</sup> Ibid.

<sup>19</sup> G.A. Cohen, “Where the Action Is: On the Site of Distributive Justice”, *Philosophy and Public Affairs* 26, nr. 1 (1997): 3.

<sup>20</sup> Ibid.

<sup>21</sup> Ibid., 19.

behavior. Cohen identifies two possible definitions for the basic structure: a coercive, or formal, and an informal understanding. The distinction between the coercive conception of basic structure and the informal conception of basic structure lies in that the coercive structure “arises independently of people’s quotidian choices: it is formed by those specialized choices, which legislate the law of the land.”<sup>22</sup> On the other hand, the informal structure is purely dependent on the routine choices of individuals; it resides in “the dispositions of agents which are actualized as and when those agents choose to act in a non-constrained or pressuring way.”<sup>23</sup>

Cohen believes that if we consider Rawls’s own rationale for granting the basic structure the special status as the primary subject of justice, it becomes clear that Rawls cannot rely on the purely coercive conception of the basic structure. The reason that Rawls gives is that “its effects are so profound and present from the start”<sup>24</sup>. Cohen’s response is that if this is the reason to give special status to the basic structure, it should certainly include the informal structure since this has profound effects on people’s lives as well. Rawls’s insistence on the coercive understanding of the basic structure is thus not valid if we take into account his own grounds for placing the locus of justice on the basic structure. If it is indeed the case that the informal structure, so the conventions in society rather than merely the word of the law, has profound effects on people’s lives, then Rawls has to admit that justice is also dependent on the daily choices of individuals.

Although Rawls does not emphasize it, I think that there is some evidence in Rawls’s work to underline this idea:

In a democratic society, then, it is recognized that each citizen is responsible for his interpretation of the principles of justice and for his conduct in the light of them. There can be no legal or socially approved rendering of these principles that we are always morally bound to accept, not even when it is given by a supreme court or legislature.<sup>25</sup>

This could indicate that Rawls holds that citizens should at all times think for themselves and act out of their own sense of justice, which points more to the informal conception of the basic structure than the purely coercive one.

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<sup>22</sup> Ibid.

<sup>23</sup> Ibid.

<sup>24</sup> Ibid., 11.

<sup>25</sup> Rawls, *A Theory of Justice*, 342.



*Only Nation States Have Basic Structure*

Both *A Theory of Justice* and *Political Liberalism* were written for the context of a liberal constitutional democracy, as Rawls believes that this is the only level on which a basic structure actually exists. In the international case, Rawls denies the existence of something that is socially profound and politically organized enough to be called a 'basic structure'. Instead, he sketches the idea of a 'Society of Peoples', made up of well-ordered nation states that have agreed to cooperate on the terms of the Law of Peoples. States that do not have a just basic structure cannot join this Society of Peoples; as they would not be able to cooperate structurally within the Law of Peoples. So, there can be said to be *some* kind of structure in the international case, but it is not global in that many states are not a part of it. Also, the Law of Peoples is not meant as a description of reality, but as a 'realistic utopia': which means that it is something that may and can exist, it "extends what are ordinarily thought to be the limits of practical political possibility and, in so doing, reconciles us to our political and social condition."<sup>26</sup> Consequently, Rawls does not actually give us an interpretation of what basic structure he believes to actually exist. But it is clear that he denies the existence of a global basic structure, because he thinks the Society of Peoples is the highest attainable ideal.<sup>27</sup>

However, his ascertaining of the 'fact' that no basic structure exists is not – or no longer – realistic. Although nation-states still play an important role, their sovereignty is declining fast; international rules and regulations are taking precedence over national laws. This could for instance be argued about the European Union, where national governments have had to give way to international and supranational forces (most importantly in Greece, but arguably also in Italy, Spain and Portugal and perhaps other countries). It is also very much present in the case of poor countries that are subjected to global trade regulations in which they themselves have little influence because their bargaining power in international trade negotiations is very limited. Regional organizations such as the Organization of American States, the African Union and the European Union, as well as thematic organizations such as the Organization of Islamic States, and economic organizations such as the G8 or the G20 are powerful players within international politics. Moreover, the global political and economical institutions

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<sup>26</sup> John Rawls, *The Law of Peoples with "The Idea of Public Reason Revisited"*, 3rd print. (Cambridge, MA [etc.]: Harvard University Press, 2001), 11.

<sup>27</sup> *Ibid.*, hfdst. I.

such as the International Monetary Fund, the World Bank, the World Trade Organization and most importantly the United Nations can be said to be gaining influence and power. Socially, national borders matter less and less; the phenomenon that has often been called ‘the Arab Spring’ recently underlined that revolutionary ideas can travel across countries and that the behavior of individuals in one state can have far-reaching consequences in other states. Moreover, there is a global civil society made up of international non-governmental organizations that work on a very broad array of subjects.

Based on the fact that there are powerful political and social institutions and regulations, and that these have profound effects on the lives of everyone living on the earth (including future generations), Rawls should have acknowledged that there is some kind of basic structure on a global or international level. Even though this structure might be of a different nature than the national institutional order of a liberal democracy, denying any kind of institutional ties outside the scope of the nation state or his limited conception of the Law of Peoples is equivocal. This is a serious problem that prohibits Rawls’s theory from being adequate for thinking about the responsibility of individuals for all the institutional and structural processes that they find themselves in, in the world today.

## **2. Individual Responsibility as Complying with Basic Structure**

In this section, I will discuss Rawls’s conception of what responsibility individual citizens bear towards the basic structure, and how their relation to the basic structure gives rise to that responsibility. Rawls believes that a theory of justice needs to contain an account of the distribution of both rights and duties: “The justice of a social scheme depends essentially *on how fundamental rights and duties are assigned* and on the economic opportunities and social conditions in the various sectors of society.”<sup>28</sup> While Rawls is firstly concerned with formulating the principles of justice that apply to basic

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<sup>28</sup> John Rawls, *Lectures on the History of Political Philosophy* (Cambridge, MA, [etc.]: Belknap Press of Harvard University Press, 2007), 8.

institutional schemes, he points out that “a complete theory of right includes principles for individuals as well.”<sup>29</sup>

### *Obligation from Social Contract*

In light of Rawls’s understanding of his own theory of justice as a social contract doctrine, he holds that obligations arise as the effects of voluntary acts. He argues that the principle of *fairness* is the principle that gives rise to all obligations (apart from the natural duties, which will be discussed below). The principle of fairness holds that “a person is required to do his part as defined by the rules of an institution when two conditions are met: first, the institution is just (or fair), that is, it satisfies the two principles of justice<sup>30</sup>; and second, one has voluntarily accepted the benefits of the arrangement or taken advantage of the opportunities it offers to further one’s interests.”<sup>31</sup> The rationale behind this is that we should not gain from the cooperative labor of others without doing our fair share.

It is for our purpose important to note that Rawls only considers the duties of citizens that find themselves under a *just institutional scheme*. This is because, as mentioned before, he thinks that

Obligatory ties presuppose just institutions, or ones reasonably just in view of the circumstances. It is, therefore, a mistake to argue against justice as fairness and contract theories generally that they have the consequence that citizens are under an obligation to unjust regimes which coerce their consent or win their tacit acquiescence in more refined ways.<sup>32</sup>

It is clear that Rawls thinks that it would be unfair to require citizens to do their fair share when the institutional scheme in which they find themselves does not benefit them or is for other reasons unjust. In other words, Rawls is aiming to protect these citizens under unjust regimes from any undue burdens. However, in trying to do so,

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<sup>29</sup> Rawls, *A Theory of Justice*, 93.

<sup>30</sup> The principles of justice: “First, each person is to have an equal right to the most extensive scheme of equal basic liberties compatible with a similar scheme of liberties for others. Second, social and economic inequalities are to be arranged so that they are both (a) reasonably expected to be to everyone’s advantage, and (b) attached to positions and offices open to all.” (*A Theory of Justice*, 53)

<sup>31</sup> Pogge, *Politics as Usual*, 8.

<sup>32</sup> *Ibid.*, 96–97. It should be noted that Rawls speaks of ‘unjust regimes’ and not ‘unjust laws’. He believes that citizens *can* be bound to comply with an unjust law, as long as the overall regime is just, and the laws “do not exceed certain limits of injustice.” (*A Theory of Justice*, 308).

Rawls also leaves open the question what it is these citizens *should* do. I will return to this question below in discussing natural duties. Let us first look into the responsibility of citizens under a just institutional scheme. Obligations, Rawls argues, are distinguished from other moral requirements by three features. First, as we have seen, they arise as a result of our voluntary acts. Second, their content is defined by an institution so that the rules of that institution specify what one is required to do. Third and last, obligations are usually owed to definite individuals, namely those with whom the individual in question shares a cooperative arrangement.<sup>33</sup> So, for example, holding a public office gives rise to the obligation to fulfill the duties of office, the act of marriage gives rise to the obligations expressed in the vows, and playing a game generates the obligation to play by the rules.<sup>34</sup> The principle of fairness covers all these obligations. There is however one important case that Rawls considers problematical, namely political obligation as it applies to the citizen, as opposed to those who hold a special office<sup>35</sup>. Because in this case there is no clear requisite binding action, Rawls believes that there is no general *political obligation* for citizens.

#### *Natural Duty to Further Just Institutions*

Rawls, however, holds that beside individual obligations there are also *natural duties*. Examples of natural duties are “the duty of helping another when he is in need or jeopardy, provided that one can do so without excessive risk or loss to oneself; the duty not to harm or injure another; and the duty not to cause unnecessary suffering.”<sup>36</sup> Rawls makes a distinction between positive and negative natural duties, in which the former kind involves doing something good for another, and the latter requires not doing something bad. Negative duties are more stringent than positive duties. Defining features of natural duties in contrast with obligations are that they “apply to us without regard to our voluntary acts,” and that they “have no necessary connection with institutions or social practices.”<sup>37</sup> Moreover, they hold “between persons irrespective of their institutional relationships; they obtain between all as equal moral persons.”<sup>38</sup> It is

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<sup>33</sup> Ibid., 97.

<sup>34</sup> Ibid.

<sup>35</sup> Ibid., 97–98.

<sup>36</sup> Ibid., 98.

<sup>37</sup> Ibid., 98–99.

<sup>38</sup> Ibid., 99.

because of this feature – that they are owed to persons generally – that these duties are called ‘natural duties’.

One fundamental natural duty is the *duty of justice*, which requires us to support and to comply with just institutions that exist and apply to us.<sup>39</sup> Importantly, the duty of justice also requires us to “*further just arrangements not yet established*, at least when this can be done without too much cost to ourselves.”<sup>40</sup> The concept of natural duty thus exists regardless of the social contract theory. But it seems that he simply posits these duties as ‘natural’, and therefore beyond discussion. Rawls thinks that these duties are perfectly compatible with his overall theory:

There is nothing inconsistent, or even surprising, in the fact that justice as fairness allows unconditional principles. It suffices to show that the parties in the original position would agree to principles defining the natural duties which as formulated hold unconditionally.<sup>41</sup>

To sum up, Rawls believes that citizens have both an obligation that springs from the social contract and a natural duty that applies to citizens generally, to comply with just institutions. Of these two, “the natural duty of justice is the more fundamental, since it binds citizens generally and requires no voluntary acts in order to apply.”<sup>42</sup> Moreover, citizens under an unjust regime have no obligation as they do not benefit from a social contract, but they do have a natural duty to further just institutions.

#### *Civil Disobedience as Healthy Element of Society*

Rawls also describes a ‘theory of civil disobedience’, which is designed for the specific case of a ‘nearly just society’: one that has a legitimately established democratic authority but in which serious violations of justice occur. It has no bearing on wholly unjust regimes. Civil disobedience is defined by Rawls as “a public, nonviolent, conscientious yet political act contrary to law usually done with the aim of bringing about a change in the law or policies of the government.”<sup>43</sup> It is a political act, not only

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<sup>39</sup> Ibid.

<sup>40</sup> Ibid. My italics.

<sup>41</sup> Ibid., 100.

<sup>42</sup> Ibid.

<sup>43</sup> Ibid., 321.

because it is addressed to those in power, but also because “it is an act guided and justified by political principles, that is, by the principles of justice which regulate the constitution and social institutions generally”.<sup>44</sup> Furthermore, civil disobedience takes place in the public forum and is necessarily nonviolent; it is a mode of address:

By engaging in civil disobedience one intends, then, to address the sense of justice of the majority and to serve fair notice that in one’s sincere and considered opinion the conditions of free cooperation are being violated. We are appealing to others to reconsider, to put themselves in our position, and to recognize that they cannot expect us to acquiesce indefinitely in the terms they impose upon us.<sup>45</sup>

Such an appeal can only be understood when one views society as a system of cooperation among equal persons. In this account, civil disobedience is actually a stabilizing force of a constitutional system, according to Rawls, as it helps to maintain just institutions. It is very important for Rawls that civil disobedience is a political act that is addressed to the sense of justice of the community, and therefore “an appeal to the moral basis of civic life”<sup>46</sup>. Now, under what circumstances does Rawls consider civil disobedience justified? This is the case when instances of substantial and clear injustice occur, for example, “when certain minorities are denied the right to vote or to hold office, or to own property and to move from place to place, or when certain religious groups are repressed and others denied various opportunities.”<sup>47</sup>

### *Ideal Theory and Focus on Compliance*

Now, to take stock: What we have seen so far is that citizens in a just institutional scheme have both an obligation springing from the social contract to comply with the basic rules of the institutional structure, and a natural duty of justice (among others) - that holds regardless of any contract - to comply with the rules of a just society and setting up just institutions when they do not yet exist. Moreover, compliance with the rules can be compromised in the case of civil disobedience, which is considered to be a healthy element of a just or nearly just society.

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<sup>44</sup> Ibid.

<sup>45</sup> Ibid., 336.

<sup>46</sup> Ibid., 337.

<sup>47</sup> Ibid., 327.

This focus on compliance springs from the fact that Rawls writes his work within ideal theory as opposed to non-ideal theory. In *A Theory of Justice*, he calls ideal theory ‘strict compliance theory’: a theory that is based on the assumption that “the parties can depend on one another to conform to them.”<sup>48</sup> So, full compliance by the participating actors is presupposed: “Everyone is presumed to act justly and to do his part in upholding just institutions.”<sup>49</sup> Consequently, the question that ideal theory is concerned with is what a perfectly just society would be like. This idea of a perfectly just basic structure is necessary, Rawls believes, in order to provide political philosophy with an aim,<sup>50</sup> while nonideal theory asks “how this long-term goal might be achieved, or worked toward, usually in gradual steps.”<sup>51</sup> Nonideal theory, then, is concerned with the question of *partial compliance*, so the situation in which only part of the participating individuals complies with the principles of justice. Moreover, in *The Law of Peoples* Rawls writes that “[t]hough the specific conditions of our world at any time – the status quo – do not determine the ideal conception of the Society of Peoples, those conditions do affect the specific answers to questions of nonideal theory.”<sup>52</sup> In other words, contingent facts about the real world *only* play a role in the nonideal part of our theory.

Whereas Rawls in *A Theory of Justice* and *Political Liberalism* merely speaks of nonideal theory as ‘partial compliance theory’, in *The Law of Peoples* a second kind of nonideal theory is added, the kind that deals with ‘unfavorable conditions’: “the circumstances of societies whose historical, social, and economic circumstances make their achieving a well-ordered regime, whether liberal or decent, difficult if not impossible.”<sup>53</sup> So here, a distinction is drawn between societies not *willing* to comply (outlaw states) and societies not *able* to comply (burdened societies).<sup>54</sup>

However, at the same time Rawls writes that we must take into account constraints that limit individuals, in his words the ‘the strains of commitment’. That is,

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<sup>48</sup> Ibid., 8–9.

<sup>49</sup> Ibid., 8.

<sup>50</sup> *Political Liberalism* (New York: Columbia U.P, 1993).

<sup>51</sup> Rawls, *The Law of Peoples with “The Idea of Public Reason Revisited”*, 89.

<sup>52</sup> Ibid., 90.

<sup>53</sup> Ibid.

<sup>54</sup> It is not clear why this distinction would not have been relevant in the domestic case, because it is theoretically possible that some individuals are not willing and some individuals are not able to comply with the two principles of domestic justice. A possible answer is that in the domestic case, the difference principle makes sure that no individual will be under such unfavorable conditions that she is not able to comply.

we should dispose our theory of any “principles which may have consequences so extreme that [people] could not accept them in practice.”<sup>55</sup> Rawls’s example here is the principle of utility, which he believes is too extreme as it requires some people to “accept lower prospects of life for the sake of others”; Rawls believes it to be unstable “unless sympathy and benevolence can be widely and intensely cultivated”, which Rawls thinks simply cannot be done. His conclusion is that we should reject the principle of utility on the grounds that it would ask too much of individuals.

Christian Barry (1991) disagrees with this line of thinking – he holds that whether or not sympathy and benevolence could be widely and intensely cultivated should be an open question at the level of ideal theory. The introduction of the strains of commitment, which really only is another word for the problem of compliance, makes that Rawls “moves too fast in the direction of practicality, while at the same time stopping short of it. His ‘ideal theory’ is an unsatisfactory hybrid of ideal and practical considerations – and is neither really ideal nor really practical.”<sup>56</sup> By making large concessions to the fact that “people may not be willing to do things that are perfectly within their power but which would require them to make sacrifices,”<sup>57</sup> the ideal theory gets contaminated by the compliance problem. Barry believes it would be theoretically better if we formulate an ideal morality by assuming full compliance and only afterwards introducing at the same time all the problems of compliance.

The status of presuppositions about constraints for individuals in Rawls is therefore ambiguous. Rawls does not want his theory to be too demanding in that it ascribes duties to individuals that they cannot or would not fulfill, but this is not in line with his assumption of full compliance. Rawls thus compromises his own idea of ideal theory and full compliance, while at the same time his assumption that the basic order is just is never compromised. At the level of the individual, therefore, practical considerations about constraints do play a role in the theory, while at the level of the basic structure no practical considerations are granted a role. This is uneven to say the least; and it results in a very problematic view of the relation between the individual and the basic structure. His assumptions of a perfectly just basic structure makes his account *overly conservative* in that it is preoccupied with maintaining the status quo: the most

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<sup>55</sup> Rawls, *A Theory of Justice*, 178.

<sup>56</sup> Brian Barry, “Can States be Moral? International Morality and the Compliance Problem”, in *Liberty and Justice, Essays in Political Theory, Vol. 1*, (Oxford [etc.]: Clarendon Press, 1991), 196.

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



important obligation that citizens have is to maintain the structure that is already in place. This makes for a rather flat and passive conception of the citizen: she should merely comply with the structure that already surrounds her and keep up the system that guides her behavior. The fact that Rawls only considers the case of a just basic structure precludes an understanding of the citizen on which she would have to be critical towards the institutions that surround her, and active in reforming them. Focusing on ideal theory and disregarding the possibility of an unjust basic structure leads to a conception of individual responsibility that is not instructive in non-ideal (in other words, real) circumstances: complying with the rules of an unjust structure means that citizens are maintaining *injustice* rather than justice. Moreover, not too much can be expected of citizens overall because Rawls assumes limited willingness to comply with too demanding principles of justice.

This flat image is nuanced by Rawls's theory of civil disobedience, which allows citizens who find themselves in a basic structure that is almost, but not entirely, just to break with their obligation to comply and thereby questioning the existing status quo. However, this part of Rawls's theory cannot account for the case when the structure is (or becomes) less than nearly just. Because he believes that obligatory ties presuppose just institutions, an unjust society does not place any obligation on individuals to contribute to the justice of their society. Therefore, Rawls's theory is not instructive on the question of the responsibility of individuals who find themselves in an unjust basic structure.

As we have seen, the only responsibility that Rawls considers to hold outside of the obligatory ties that a just basic structure generates, is the natural duty of justice to further just institutions if this can be done to little cost for oneself. Additionally, in the international case there is the duty to assist, although this is a duty that applies to peoples instead of individuals. In the international case, as we have seen, individuals do not bear responsibility at all as they are not viewed as relevant actors. And as there is no basic structure at the international level, there is also nothing that generates any duties of justice towards the citizens of states that are not part of the Society of People. Rawls, however, does posit a 'duty to assist'<sup>58</sup> for well-ordered peoples to help societies living under such circumstances that they lack the means to set up and maintain just basic institutions. This duty to assist does not rise from any institutional or structural ties, but

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<sup>58</sup> Rawls, *The Law of Peoples with "The Idea of Public Reason Revisited"*.

is based on a notion of basic human rights, which Rawls believes to be universally valid. However, these two duties are postulated awkwardly into the theory; they do not follow philosophically from Rawls's presuppositions but are simply posited as having unconditional validity. Moreover or maybe because of this, they can be considered to be quite arbitrary: why does the duty to set up just institutions only hold if this can be done at little cost? And what is 'little cost'? Why is the duty to assist understood so minimally? Why doesn't it comprise more? Or, for the same matter, why doesn't it comprise less?

### *Conclusion*

In this chapter, I have identified four major pitfalls within Rawls's theory that render it inadequate for a proper understanding of our responsibility as individuals in the political and social structures that surround us. The first problem is that there is an ambiguity in Rawls's work as to whether the basic structure contains only formal or also informal elements. That is to say: does it contain only institutionalized rules, or also social practices? Rawls mostly stresses the formal view, but there is room in his theory for a more informal view. Secondly, Rawls's denial of any basic structure outside the nation-state is not (or no longer) realistic given the supranational structures that exist in the world today. The third problem follows from the fact that Rawls reasons from the idea that the basic structure is just. This makes his account overly conservative in that it is preoccupied with maintaining the status quo; moreover, it is not instructive on the question of the responsibility of individuals who find themselves in an unjust basic structure. The fourth problem is that Rawls's assertion of the natural duty of justice (and the duty to assist) has a very thin philosophical basis within his own theory of justice.

The conclusions we can draw from this discussion of Rawls are, first, that a theory on individual responsibility should have an empirically adequate assessment of what kind of basic structure surrounds us: is this confined to the national sphere, or are we also implicated in inter- and supranational structures? And is the existing basic structure fully just, or does it know injustices? Rawls's conception of the basic structure is inadequate if we want to know what our responsibility, in the real world that we live in, is, because he only considers a national, formal, and ideal basic structure. The question as to what the responsibility of individuals is in a global, not purely coercive and nonideal basic structure is, can therefore not be answered. The second conclusion we can draw is that it is philosophically unconvincing to simply posit a duty or

responsibility for justice. In a philosophically coherent account, the responsibility of the individual should follow from its relation to the basic structure.

These problems indicate that the Rawlsian perspective on what the basic structure is, how the individual relates to it and what responsibility is generated through that relation is neither completely philosophically coherent nor truly practically applicable. In order to arrive at a conception that would be able to 'appeal and motivate', we should therefore search for an alternative conception that is better able to cope with the three problems sketched in this chapter. I will argue in the next chapter that Pogge's theory on an institutional negative duty, which comprises many Rawlsian elements, is an improvement in that it avoids most of these problems. However, unclarities and inconsistencies remain so that I will, in the third chapter, introduce Iris Marion Young's social connection model which can serve as an even better and more consistent way of dealing with the question of individual responsibility in the basic structure.

## Chapter II

### Global Basic Structure and Institutional Negative Duty

In the previous chapter, I identified pitfalls within Rawls's theory on individual responsibility for the justice of the basic structure. In this chapter, I will argue that Thomas Pogge's conception of a negative duty for individuals within a global institutional order can be seen as a step in the right direction with regard to some of these pitfalls. However, in my view it runs into other – although perhaps less fundamental - complications that keep it from becoming truly practically applicable and completely philosophically sound. In the following chapter, then, I will argue that taking up Iris Marion Young's conception of the basic structure provides a more convincing way of dealing with these pitfalls. Pogge's account does offer us a way of thinking that can provide direction in answering the research question of this thesis - how we should conceptualize the responsibility that individuals have for the justice of the socio-political structure in which they find themselves - but cannot account for a full, coherent answer.

The first problem was that Rawls views the basic structure as existing independent of individual daily choices, although his texts seem to leave open another reading in some instances. This pitfall, including the ambiguity, is as present in Pogge's work as in Rawls, because Pogge understands the basic structure in the same way as Rawls. The second pitfall was that Rawls denies the existence of a global basic structure. Pogge's theory is more convincing on this point as he examines the existing institutional arrangements on a global scale and concludes that, in fact, they are so profound and pervasive that they should be considered a basic structure. In acknowledging these facts about our socio-political reality, Pogge's theory becomes more relevant to the political and social questions that we are faced with in the world today. However, Pogge's conception of the global order raises two new, distinct problems. First, his insistence on calling the intra- and supranational economical, social and political structures *one* global order is an oversimplified description of reality, as there are in fact multiple layers, structures and connections. Pogge is of course aware of their existence, but still

continues to speak about *one* global institutional order. This has consequences for the responsibility that he assigns to individuals, as this may appear to be a responsibility that they have towards *one* entity existing outside of them, whereas if we understand the global order as multilayered and complex, it becomes clear that our responsibility must be multifaceted as well. The second problem is that Pogge seems to divide the world population into two categories: 'the poor' and 'the affluent'. Although his account might allow that large parts of the world population do not belong to any of these groups, this 'grey' area is wholly left out of the theory. I will argue that this is not only an oversimplified description of reality, but one with undesirable consequences: it divides the world population into passive victims, the harshly blamed guilty, and the irrelevant.

The third problem that I identified in Rawls's work was that his account is overly conservative and not instructive on the question of an unjust basic structure, because Rawls only considers the case of a just basic structure. Pogge's theory avoids this pitfall, because he does not at all assume that the global basic structure is just; contrarily, he judges the global order to be severely *unjust*. This move allows him to formulate a strong responsibility for individual citizens because they are upholding this harmful institutional regime. Therefore, Pogge neither runs into the problem that his conception is conservative nor that it lacks an account of the responsibility of citizens who find themselves in an unjust institutional arrangement. However, Pogge's conception of the relation between the individual and the global structure contains two other problems. First, Pogge does not succeed in clearly elaborating the relationship between the individual and the global institutional order. He acknowledges that the existing global institutions are nondemocratic and nontransparent, but then it remains to be conceptualized how citizens can be said to be imposing these institutions on the poor. Secondly, Pogge pays too little attention to the power relations that citizens find themselves caught up in and the constraints that limit individual's ability to influence the global structure.

The fourth difficulty with Rawls's account was that his natural duty of justice does not really follow from his theory of justice. Pogge avoids this problem by relying on a notion of negative duty, which is not postulated as holding universally, but based philosophically on an ecumenical approach by showing that the idea of negative duty is present in all of the important western moral theories. However, his idea of negative duty invokes two more difficulties. First, Pogge declares that his conception of the

negative duty is morally minimal, but by applying it institutionally it becomes much more demanding than any minimal moral understanding of the negative duty would be. Secondly, Pogge is not clear on *what* it is exactly that individuals should do. Therefore, his theory is not (yet) practically applicable. Connectedly, it is not clear when we can say that it is *enough*; when has an individual fulfilled or discharged her negative duty?

### *Pogge's Negative Duty*

Before we turn to the discussion of Rawls's problems and Pogge's solutions to them, let me explain Pogge's central notion of a negative duty, for this is needed in order to understand the discussion that follows (those familiar with Pogge's theory may skip this and read on in section 1 of this chapter). Pogge claims that we are violating a negative duty by upholding an unjust global institutional scheme. His starting position here is a basic, minimal moral principle that he considers to be present in all (western) moral philosophies – namely, that you should not harm another person unduly. This is a *negative* duty because it is something you should *not* do, and is contrasted with a *positive* duty that indicates something you should do. The difference between 'doing harm' and 'allowing harm' plays a crucial role here. The concept of 'allowing harm' means that someone other than yourself is causing damage to a third person and you are doing nothing to prevent it. The duty to help in such cases is a *positive* duty. 'Doing harm' occurs when it is *you* who is doing the damage to someone; in this case, you are fully responsible for stopping it – this is what Pogge calls a *negative* duty: "I propose, then, to call negative any duty to ensure that others are not unduly harmed (or wronged) through one's own conduct and to call positive the remainder: any duty to benefit persons or to shield them from other harms."<sup>59</sup> The distinction between negative and positive is so important because there is a difference in scope between positive and negative duties. The duty not to harm someone applies universally; it is a duty that you have *towards everyone*, whereas the duty to help someone when he is harmed does not apply to everyone.

In addition, the negative duty does not become less stringent the further you are removed from the person being harmed, while the positive duty to help someone does: "the strength of an agent's moral reason not to harm others unduly does not vary with the potential victim's relational closeness to the agent, and, in particular, does not vary

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<sup>59</sup> Pogge, *World Poverty and Human Rights*, 136.

with the potential victim's status as a compatriot or foreigner."<sup>60</sup> Many politicians and citizens, as well as consequentialist philosophers such as Peter Singer and Peter Unger, regard the reduction of poverty as a positive duty: a duty to help those who are worse off than we because we can do so at little cost to ourselves. As Singer writes in a popular magazine: "So much of our income is spent on things not essential to the preservation of our lives and health. Donated to one of a number of charitable agencies, that money could mean the difference between life and death for children in need."<sup>61</sup> According to Singer, this positive duty is urgent and binding. Pogge agrees that we should help people if we can do so at little cost to ourselves. He does not oppose the positive duty to alleviate poverty. But he believes that we primarily, and more importantly, have a negative duty to stop harming the poor, and that our violation of this duty is a greater crime than merely failing to assist.<sup>62</sup>

## 1. From National Basic Structure to Global Institutional Order

Rawls has been Pogge's main influence and his early work was written with the ambition to be more consistent with Rawls's aims in *A Theory of Justice* than Rawls's own work on global justice was: "My deepest allegiance here is not to Rawls but to his foremost ideas. These ideas have a life and power independent of Rawls, which is testimony, surely, to the greatness of both."<sup>63</sup> The most prominent similarity in the work of Rawls and Pogge is the idea that justice should be approached *institutionally*: like Rawls, Pogge holds that moral philosophy must begin from a reflection upon the justice of our basic institutions.<sup>64</sup> The basic structure is defined by Pogge as "the totality of the more fundamental and pervasive institutions of a social system"<sup>65</sup>. Pogge's conception of the basic structure is thus very similar to Rawls's definition, recall: "the arrangement of major social institutions into one scheme of cooperation". Where they differ, however, is

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<sup>60</sup> Ibid., 138.

<sup>61</sup> Peter Singer, "The Singer Solution to World Poverty", *New York Times Sunday Magazine*, September 1999.

<sup>62</sup> Thomas Pogge, "Assisting the Global Poor", in *The Ethics of Assistance: Morality and the Distant Needy*, (Cambridge [etc.]: Cambridge U.P., 2004), pp. 260–288.

<sup>63</sup> Thomas Pogge, "Severe Poverty as a Violation of Negative Duties: Reply to the Critics", *Ethics and International Affairs* 19 (2005): 80.

<sup>64</sup> Pogge, *Realizing Rawls*, 1.

<sup>65</sup> Pogge, *World Poverty and Human Rights*, 37.

their assessment of the empirical reality. Whereas Rawls denies that a basic structure of the kind that is relevant to justice exists outside of the liberal democratic nation-state, Pogge thinks that there is a basic structure at the global level.

Pogge believes that the question how we ought to live arises in the context of a pervasive structure of ground rules that regulate human interactions.<sup>66</sup> In the modern world, holds Pogge, we are as a matter of fact participants in an ongoing institutional scheme that determines who we are and what our actions mean. Therefore, “without an understanding of the ground rules we would lack the very terms in which to reflect upon our conduct.”<sup>67</sup> Our social world has become highly complex and interdependent through the evolution of these ground rules:

The effects of my conduct reverberate throughout the world, intermingling with the effects of the conduct of billions of other human beings (as illustrated by market transactions). (...) We as individuals have no hope of coping with such complexity and interdependence if we take the existing ground rules for granted and merely ask “How should I act?” or “What should I do differently?” We can cope only by attending to this all-pervasive scheme of ground rules which shapes the way persons act and co-determines how their actions, together, affect the lives of others.<sup>68</sup>

In other words, there is a *global basic structure* in which states are interconnected through a global network of market trade and diplomacy: “There is a shared institutional order that is shaped by the better-off and imposed on the worse-off.”<sup>69</sup> The global institutions such as the IMF, World Bank, UN, WTO and the like taken together form an institutional scheme that has profound effects on the lives of the world population. For the poor, that effect is strongly negative. The rich countries shape these institutions to their own advantage, protecting their own markets. They determine the policies set forth in these institutions thanks to their superior political, economic, and military strength, and therefore carry responsibility for the negative effects of these policies on the living conditions of the poor: “The affluent countries have been using their power to shape the rules of the world economy according to their own interests

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<sup>66</sup> Ibid., 9.

<sup>67</sup> Ibid.

<sup>68</sup> Ibid.

<sup>69</sup> Pogge, *World Poverty and Human Rights*, 205.



and thereby have deprived the poorest populations of a fair share of global economic growth - quite avoidably so.”<sup>70</sup>

This addresses the pitfall in Rawls’s theory that his denial of any pervasive institutions on a global level is not a credible description of the political and social reality of our times. Pogge acknowledges the existence of powerful social, economical and political institutions existing supra- and internationally that have pervasive effects on the lives of people around the world: “the rules structuring the world economy have a profound impact on the global economic distribution just as the economic order of a national society has a profound impact on its domestic economic distribution.”<sup>71</sup>

However, there are two problems with Pogge’s account of the global institutional order. First, his account of ‘one global order’ may seem like an oversimplified description of reality, as there are in fact multiple layers, structures and connections. Second, his division of the world population into ‘the poor’ and ‘the affluent’ is a dichotomy that is both unrealistic and undesirable. Let me explain these two problems.

The first problem is more a matter of emphasis than a fundamental philosophical problem, namely that Pogge speaks of *one* global order, while in fact the global and international structures are complex and multilayered. It is not a true philosophical problem because Pogge does not *deny* that the global institutional order is complex and multilayered: “We need, then, a holistic understanding of how the living conditions of persons are shaped through the interplay of various institutional regimes, which influence one another and intermingle in their effects.”<sup>72</sup> So Pogge in fact acknowledges the existence of various structures that interact in multiple ways. These structures can be social, economical and political: “social institutions [should be] understood not as organized collective agents such as the US government or the World Bank, but rather as a social system’s practices or “rules of the game”, which govern interactions among individual and collective agents as well as their access to material resources.”<sup>73</sup>

Notwithstanding these insights, Pogge consistently addresses ‘the global order’ as if it was one entity. This can be problematic because if we want to conceptualize the relation between the individual and the basic structure, we need to make it explicit that the basic structure is highly complex and existing of so many actors and institutions that

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<sup>70</sup> Ibid., 206.

<sup>71</sup> Ibid., 122.

<sup>72</sup> Ibid., 39.

<sup>73</sup> Ibid., 37.

in fact the individual can never quite grasp her causal role in it; she may be able to understand those elements of it in which she is directly involved, but she can never have knowledge of *the* global order as a whole. Moreover, from conceptualizing the basic structure as complex and multilayered it becomes clear that our responsibility towards it cannot be straightforward and simple, but is necessarily complex and fragmented as well. Truly recognizing this complexity therefore is crucial to a practically applicable and philosophically consistent account of the responsibility of the individual.

The second problem, I think, is more serious. It concerns Pogge's rhetoric about 'the poor' and 'the affluent'. In saying that the affluent have a responsibility to end world poverty because they are violating a negative duty by imposing a world order that foreseeably and avoidably harms the poor, he implies a sharp dichotomy between 'the poor' and 'the affluent', that is not only unrealistic as many individuals do not fall in either one of these categories (all those who are not extremely poor but also not particularly affluent), but also something that has undesirable consequences, as it ascribes agency of the relevant kind (to end poverty) only to 'the affluent' and not to 'the poor'. The poor, in other words, are not empowered through his theory of a negative duty, and neither are the 'grey' parts of the world population that are not 'poor' and not 'rich'. The oversimplification becomes even more serious if we look at the fact that Pogge often speaks about 'the citizens of the wealthy countries': then, someone's nationality becomes defining for in which category she falls. This might imply that a very poor person in the US bears more responsibility than an exceptionally rich person in Brasil. This oversimplification could be solved by thoroughly conceptualizing the parameters that determine to what extent an individual bears responsibility for global injustice. I will come back to that point in the second section of this chapter.

From the perspective of the poor, Pogge's theory is not empowering. Only their needs and deprivation are highlighted, not their capacities or their agency. Because Pogge's focus is on institutions, his approach is for the most part top-down instead of bottom-up; the solution for world poverty, he seems to imply, should be found by scholars and politicians in the affluent western countries. Pogge has pragmatic reasons for not focusing on the transformative agency of the poor: he thinks that the poor's influence on the global institutional order is close to zero, as their governments are both corrupt – so they do not take into account the opinions of the poor – and relatively powerless in the international political and economic arena – so they could not even

defend the poor's convictions if they wanted to. Additionally, many people living from less than a dollar a day are so deprived of basic resources that they die at a young age or are too weak and ill to even develop a political stance on certain questions. Notwithstanding, the poor enter the stage as passive beings only; additionally, they are never considered as individual agents, but always as one big lump of the world population. This last point is illustrated by Pogge's ample use of statistics about the poor, for example:

It is estimated that 830 million human beings are chronically undernourished, 1,100 million lack access to safe water, 2,600 million lack access to basic sanitation, 1,000 million lack adequate shelter, and 1,600 million lack electricity. About 2,000 million lack access to essential drugs, some 774 million adults are illiterate, and there are 218 million child laborers. These severe deprivations persist because people in the bottom half of the world's population are too poor to protect themselves against them. (...) Each year, some 18 million of them die prematurely from poverty-related causes. This is one-third of all human deaths – 50,000 each day, including 29,000 children under age five.<sup>74</sup>

Pogge repeats these figures time and time again because he – rightly – thinks that many citizens are not aware of how vast the amount of suffering in the world really is. Hearing these statistics might wake them up from their ignorance. However, a side effect of this statistical language is that the poor are consistently addressed as this mass of needy, passive people; victims of the institutional order imposed on them. The possibility that they have responsibility or at least some relevant kind of political agency within this order is thereby overlooked.

From the perspective of the 'rich', the problem is quite the reverse. They are imagined as powerful, rational agents that carry far-reaching responsibility for the global institutional order. The language that Pogge uses to address them is harsh, and he is not scared of using morally weighty words such as guilt, blame and crime. Such rhetoric might have an overwhelming or paralyzing effect, which is, I think, not in accordance with Pogge's own aim to appeal and motivate. Besides this psychological effect, it is simply not clear whom Pogge means to address exactly. This could be solved

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<sup>74</sup> Ibid., 2.

by conceptualizing the parameters that determine to what extent individuals are responsible, which I will discuss in the following section.

## 2. From Ideal Theory to Real World Justice

Another problem that I identified in Rawls's conception of the responsible citizen was that because he only considers the case of a just basic structure, his account becomes overly conservative in that individuals merely have to maintain the institutions that already exist, and that his account is not instructive in the real-world case of an unjust basic structure. Pogge's theory does not have this problem, because Pogge assesses the global institutional order as highly unjust. The individual responsibility that he derives from this account of the global order is, therefore, neither conservative nor lacking an account on the case of injustice. However, Pogge's conception of the relation between the individual and the global structure runs into two other problems. First, Pogge does not succeed in clearly elaborating the relationship between the individual citizen and the global institutional order. He acknowledges that the global institutions are nondemocratic and nontransparent, but then it has to be conceptualized how citizens can be said to be imposing these institutions on the poor. Secondly, Pogge pays too little attention to the power relations that citizens find themselves in and the constraints that limit the ability and motivation of individuals to influence the global structure.

### *Pogge Does not Focus on Ideal Theory*

Pogge acknowledges that most people place more requirements on the justice of a national basic structure than that of a global basic structure. However, Pogge believes that the global basic structure does not meet two minimal requirements we should place on any coercive institutional order: first, that social rules should be "liable to peaceful change by any large majority of those on whom they are imposed"<sup>75</sup>; and second, that avoidable life-threatening poverty must be avoided. Pogge goes to great lengths to show that the existing world poverty is *avoidable* through institutional reform and global redistribution. He also shows that the existing poverty is *foreseeable*; in other words, that those who are designing the world order are doing so with sufficient knowledge

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<sup>75</sup> Ibid., 102.

about its harmful consequences for the poor. Therefore, the basic structure is unjust even if it is assessed from the viewpoint of very minimal moral requirements.

This assessment of the global order as unjust leads to a much more demanding conception of the responsibility of those designing the basic structure, one that is aimed at reforming the global institutional order and compensating for the harm that it causes. Through this ascription of responsibility, Pogge avoids the pitfalls that I detected in Rawls's theory, namely that his theory is overly conservative in that it is aimed at conserving the status quo, and that he lacks an understanding of our responsibility in the case of an unjust basic structure. However, it is not enough for Pogge to argue that the institutional order causes poverty to show that we are responsible for it; he must also explain how we are *related* to that institutional order.

On this, Pogge says: "When undue harms are mandated or authorized by a society's social institutions (e.g. its laws) and when state officials inflict these harms or protect and aid those who do, then citizens who uphold these institutions through their political conduct and economic support contribute to the harms."<sup>76</sup> So Pogge distinguishes at least two ways in which we are implicated in the institutional order. First, through our political conduct: voting for certain politicians, giving our opinion in public debate, being involved in civil society or not, et cetera. Secondly, through our economic support: buying some products rather than others, being (un)willing to pay higher prices for equitable commodities, consuming more food than we need or not, et cetera. From this it becomes clear that Pogge has a wide instead of a narrow understanding of citizenship; it does not only entail making certain specific political decisions such as whom you will vote for, but also economic decisions such as which coffee you buy. Pogge does not explicitly commit himself to such a wide understanding, however.

Most citizens will not immediately recognize themselves in these accusations. Pogge sees this: "That world poverty is an ongoing harm we inflict seems completely incredible to most citizens of the affluent countries. We call it tragic that the basic human rights of so many remain unfulfilled, (...) but it is unthinkable to us that we are actively responsible for this catastrophe."<sup>77</sup> They will reply that they don't know enough about world poverty and its causes to be responsible for it, that they wouldn't know

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<sup>76</sup> Ibid., 141.

<sup>77</sup> Thomas Pogge, "World Poverty and Human Rights", *Ethics and International Affairs* 19 (2005): 1.

what to do to tackle this massive problem of world poverty, or even that it is not their job but politician's to find a solution for it. Pogge is not very lenient towards this kind of attitudes, for instance in *Politics as Usual*: "This book is not only about politicians, about their corruption and their crimes against humanity. It is also about citizens, who are disregarding, trivializing, and condoning these crimes in the vague belief that we are benefiting from them."<sup>78</sup> Pogge harshly judges this passivity, interpreting it as something we actively do: 'disregarding, trivializing and condoning', because this is to our own advantage. He believes that we cannot understand ourselves as responsible citizens when we keep our eyes closed for world poverty and our role in it.

### *Parameters and Constraints in Individual Responsibility*

Pogge's work is quite ambiguous on the question of who bears more responsibility than others to end world poverty. In some texts, he seems to suggest that power and/or influence are the parameters for determining the degree of responsibility of individuals:

If a substantial number of U.S. citizens mobilized in favour of a poverty-avoiding design of the global institutional order, the U.S. government would promote such a design and would carry the other affluent countries along. The same is true of the European Union, and perhaps of Japan. And the same may be true even for much smaller groups, such as EU academics, U.S. journalists, or employees of the international financial organizations (WTO, IMF, World Bank). A substantial proportion of the members of each of these groups could, by itself, initiate a reform process that would eradicate most severe poverty worldwide within a few years. Insofar as the typical affluent person belongs to such smaller groups, his or her responsibility is correspondingly greater.<sup>79</sup>

In this quote, Pogge suggests that an individual has a greater responsibility when she has more capacity to efficiently address the problem of world poverty. This is a strange move for Pogge as this does not follow from an account of a negative duty. It invokes a utilitarian principle, holding that our degree of responsibility corresponds with how much harm we could eradicate. Contrastingly, a negative duty-approach should be concerned with how much harm we have caused, as this causal relationship is what

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<sup>78</sup> Pogge, *Politics as Usual*, 2.

<sup>79</sup> Pogge, *World Poverty and Human Rights*, 80.

gives rise to responsibility. Pogge, therefore, may have *pragmatic* reasons for choosing a utilitarian principle – he might consider it more effective to place the greatest responsibility on those who have the best chances of eradicating poverty - but he certainly does not have any *theoretical* grounding for the position displayed in this quote.

Pogge puts this seemingly utilitarian position forward on several other occasions, stressing that those with a good education, a high income and/or born into powerful families bear greater responsibility.<sup>80</sup> But if Pogge wants to maintain that contributing to an institutional order that causes harm is what makes us responsible, then he cannot at the same time hold that our responsibility varies according to our capacity to solve the problem of poverty – which is a principle that has no philosophical grounding within his theory, but would need an account such as Peter Singer's: "If it is in our power to prevent something bad from happening, without thereby sacrificing anything of comparable moral importance, we ought, morally, to do it."<sup>81</sup> Singer's argument has the pragmatic advantage of being simple and straightforward, but it is not available for Pogge as it is derived from a positive duty to assist and therefore in Pogge's view not as compelling as an argument based on a negative duty.

Although it is common sense that with great power comes great responsibility, it cannot directly be derived from a negative duty not to harm, as the only parameter that could philosophically follow from the negative duty argument is that those who *do more harm* bear more responsibility. It could, of course, be the case that the more powerful or more affluent do more harm, but this is not necessarily so: poverty in Ivory Coast might be partially caused by the fact that poor people in, say, Germany consume only very cheap chocolate, leaving the Ivory Coast cocoa producers with no other choice than to sell their product at a bottom price. Causing poverty might therefore, at least in some cases, correspond with powerlessness, a bad economic position and/or a low education rather than with power and wealth.

On other occasions, it does not seem to be the case that Pogge wants to focus on the extremely wealthy and powerful. His key example of individuals who took their responsibility for global injustice is the 1787 Manchester abolitionist movement: eleven thousand workers signed a petition against slavery, even though their own income

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<sup>80</sup> Pogge, "Severe Poverty as a Violation of Negative Duties: Reply to the Critics", 80.

<sup>81</sup> Peter Singer, "Famine, Affluence and Morality", *Ethics and Public Affairs* 1, nr. 3 (1972): 231.

depended on the cotton trade. These people had a lot to lose and the chance of success was small, but still they took their responsibility towards people that were suffering from injustice on the other side of the world.<sup>82</sup> These workers were poor, had no education and were not in any especially powerful position. Still, they understood that they were implicated in a structure that caused injustice, and collectively decided to take action towards reforming that structure, quite successfully so. This is what counts, according to Pogge: “We all have a vote, friends, influence. Even a few thousand of us can change the world forever.”<sup>83</sup>

However inspiring this may sound, Pogge still leaves us with an open question as to what are the parameters for determining to what extent we are responsible. Debra Satz has critiqued this flaw in Pogge’s work. First, she argues that it is empirically almost impossible to ascertain that the global institutions actually *cause* poverty. Secondly, even if we could give such evidence, she says, “the extent of ‘our’ responsibility for global poverty is complicated by our diverse agency relationships to institutions.”<sup>84</sup> Because Pogge insists on an institutional moral responsibility for individuals, his parameters must follow from an idea of the relation between individual citizens and the basic structure. But because, as I argued above, the global basic structure that we find ourselves in at present is so complex, conceptualizing this relation is not easy. Moreover, the institutions that are at work internationally are for the most part nondemocratic and nontransparent. Satz also stresses this problem: “Because IMF policies are most often debated in secret, most people are unaware of the policies they debate. There is little accountability for international institutions and even less information about their policies than about domestic ones.”<sup>85</sup>

To conclude, we can say that Pogge’s account of the global structure as unjust raises two important questions about the role of the individual within it, questions that are not sufficiently answered within his theory: how is the relation between the individual and the basic structure conceptualized so that it gives rise to the strong cosmopolitan responsibility that Pogge ascribes to them, and secondly, what are the parameters and constraints in determining who bears responsibility and to what extent?

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<sup>82</sup> Pogge, “Severe Poverty as a Violation of Negative Duties: Reply to the Critics”, 81.

<sup>83</sup> Ibid.

<sup>84</sup> Debra Satz, “What Do We Owe the Global Poor?”, *Ethics and International Affairs* 19, nr. 1 (2005): 48.

<sup>85</sup> Ibid., 50.



### 3. From Natural Duty to Institutional Negative Duty

The last problem with Rawls was that his natural duty of justice does not really follow from his theory of justice. Pogge avoids this problem by relying on a notion of negative duty, which is not postulated as holding universally, but grounded on an ecumenical approach by showing that the idea of negative duty is present in all of the important western moral theories. However, his idea of negative duty invokes two new difficulties. First, Pogge declares that his conception of the negative duty is morally minimal, but by applying it institutionally it becomes much more demanding than any minimal moral understanding of the negative duty would be. This demandingness might be justified philosophically, but rhetorically it loses strength as many find the institutional understanding of the negative duty to be controversial. Secondly, Pogge is not clear on *what* it is exactly that individuals should do. Relatedly, it is not clear when we can say that it is *enough*; when has an individual fulfilled her negative duty?

#### *Pogge's Ecumenicalism*

Pogge is not trying to find universally true moral principles, but rather encourages people to reason from their own standards on justice. Because of this, Pogge has to address adherents from various different moral codes when he makes his argument on the negative duty. Pogge calls this approach "ecumenical":

The case I seek to build is broadly ecumenical. I am trying to convince not merely the adherents of some particular moral conception or theory – Lockeans or Rawlsians or libertarians or communitarians, for example. Rather, I am trying to convince the adherents of all the main views now alive in Western political thought. This ambition makes the task much harder, because I must defend my conclusion on multiple fronts, fielding parallel arguments that address and appeal to diverse and often mutually incompatible moral conceptions and beliefs.<sup>86</sup>

So Pogge is not searching for any particular account of justice, but is merely aiming at finding a shared base of minimal constraints on institutional orders that is present in

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<sup>86</sup> Thomas Pogge, "Real World Justice", *Journal of Ethics* 9, nr. 1/2 (januari 2005): 37.

every one of the major western conceptions of justice: the notion of a *negative duty*. This, he believes, is the most minimal and uncontroversial moral idea prevalent in our varying, and often, as a whole, incompatible moral codes.

### *Negative Duty as Morally Minimal?*

In taking this ecumenical approach, Pogge avoids the problem that Rawls has with his natural duty of justice, namely that Rawls declares this principle to be universally binding while Rawls's own contract theory cannot give philosophical grounding for universally valid principles. However, Pogge's alternative on this topic raises new, different questions. First, he has been criticized for presenting the negative duty as a morally minimal concept, while his institutional interpretation of it makes it much more demanding than any interactional understanding of the negative duty would have been. Jiwei Ci elaborates this point: "given the institutional understanding of negative duties, the minimal requirements become strangely demanding."<sup>87</sup> This does not necessarily undermine the philosophical validity of Pogge's position, but it does show that accepting Pogge's argument would require a greater transformation in commonsense moral thinking than Pogge is ready to acknowledge. Ci argues that "the institutional view represents a big leap from the way in which the notion of negative duties is typically comprehended"<sup>88</sup>. Ci considers Pogge's institutional view plausible and therefore believes that this leap is justified, but yet also believes that it will meet opposition from the established moral thinking and moral psychology that accompany the interactional view.

Everyday thinking about justice, Ci notes, is more interactional than institutional:

Most of us are simply too preoccupied, too nearsighted, or too disillusioned to be bothered with reflection upon the institutional context of our everyday concerns and activities. (...) And thus the normal contexts that engage our moral emotion are predominantly interactional: our resentment of injustice is more often directed at, and more easily mobilized against, what is perceived to be the unjust conduct of individuals,

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<sup>87</sup> Jiwei Ci, "What Negative Duties? Which Moral Universalism?", in *Thomas Pogge and his Critics* (Cambridge [etc.]: Polity Press, 2010), 85.

<sup>88</sup> *Ibid.*, 90.

especially of course that of public officials, than the injustice of the system as reflected in its ground rules.<sup>89</sup>

This is also the case, because the interactional view is more abstract and less directly accessible to individual's moral consciousness. Unreflectiveness on the part of individuals, therefore, is what keeps Pogge's arguments from being widely accepted. Individuals should develop a sense of responsibility for their political and social surroundings that goes further than the direct interactional view: "The required sense of responsibility must come from their conscience alone, from an ability to develop a bad conscience for acts which one does not commit or omit individually and for which one is not liable either to punishment or even to individualized criticism."<sup>90</sup> Ci has little hope that such sense of responsibility will be widely developed by individuals. Therefore, however philosophically compelling he considers Pogge's argument, he is not optimistic of it receiving easy acceptance. Some would discard this problem as being not theoretical; as an issue that arises in the non-ideal, empirical reality, and therefore conclude that it does not hurt Pogge's conceptual position as such. However, considering Pogge's adherence to the primacy of the practical and his belief that "the truth of a conception of justice consists in its ability to appeal and motivate"<sup>91</sup>, it lays bare an intrinsic – and almost tragic – problem in Pogge's philosophy.

### *Negative Duty as Action-Guiding?*

A related problem with Pogge's negative duty is that it is not truly action-guiding in the sense that it is exactly clear on what individuals should do and when they have done enough. The individual reader of Pogge's work will, even if she is completely convinced by his arguments, not know what is exactly required of her. Pogge does give an idea of what it is that citizens should do: they should reform the policies of the global institutions and in the meantime take compensating action. This becomes clear from the following passage:

It is true that we, as individuals, cannot single-handedly reform the global order, and would find it very difficult to give up our privileged position in it so as to avoid making

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<sup>89</sup> Ibid., 91.

<sup>90</sup> Ibid., 93.

<sup>91</sup> Pogge, *Realizing Rawls*, 6.

further contributions to its imposition. But we can clearly indicate our willingness to support institutional reforms, urge others to participate, and make efforts to facilitate cooperation. In addition, thanks to international human rights organizations such as UNICEF, Oxfam, or Amnesty International, we can also help prevent or mitigate some of the harms caused by the global order – thereby making up, as it were, for our contribution to their production.<sup>92</sup>

These remarks, however, still leave us with many questions on how to live our life if we want to stop upholding an unjust global order. Can I, as an individual citizen, really do something about world poverty? Do I, as an individual citizen, really have enough information and knowledge to be able to figure out what actions contribute to the harm and what actions do not? What, then, is it exactly that I should do? And how will my fellow citizens be *motivated* to do something about world poverty, even if I am?

Even if the individual citizen finds answers to some of these questions and devotes her time, creative energy and may be her money to working towards reform of the basic structure, another question rises: When will she have done enough? Within Pogge's theory, the only true end point is when there is no longer any severe poverty: "The struggle is neither pointless nor endless. Its point is to help ordinary citizens in affluent countries decide to end world poverty. And its end will come swiftly once poverty has ended."<sup>93</sup> Imagining this as the final end point, however, is not helpful at the level of the individual. What the individual is concerned with, in her life, is the question when she will have fulfilled my institutional responsibility towards the global poor. Pogge does not pay much attention to this question. He might consider it to be irrelevant. But in a footnote he says:

I would say: as much as would be necessary to eradicate the harms if others similarly placed made analogous contributions (regardless of what they actually contribute). Thus, if 1 per cent of the collective income of the citizens of the high-income countries were sufficient to eradicate world poverty within a few years, then we citizens of these countries should prevail upon our governments to contribute 1 per cent of our national

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<sup>92</sup> Ibid.

<sup>93</sup> Pogge, *World Poverty and Human Rights*, 32.

income or else should contribute individually about 1 per cent of our incomes, if we can, or make some equivalent non-monetary contribution.<sup>94</sup>

This argument is surely not elaborate enough, for when I am the only one making this effort and my fellow citizens are still thoughtless and careless towards the global structure, there is – from an institutional point of view - no sense in me giving the 1 per cent. Of course, giving 1 per cent of my income does make sense from an institutional point of view, because I will probably benefit some specific individuals. But the institutional order can only be changed through collective action, a point often stressed by Pogge. An individual who finds herself in a community in which such collective action is not likely to occur, does not find any guidance in Pogge's work.

### *Conclusion*

In this chapter, I have argued that Pogge's theory on a negative duty for individuals within a global institutional order avoids all three of the problems that were identified in Rawls's work, in the previous chapter. However, I have shown that it runs into six other complications that keep it from becoming truly practically applicable and philosophically sound.

First, his insistence on calling the intra- and supranational economical, social and political structures *one* global order is an oversimplified description of reality, as there are in fact multiple layers, structures and connections. Secondly, Pogge seems to divide the world population into 'the poor' and 'the affluent', which is not only an oversimplified description of reality, but one with undesirable consequences: it divides the world population into victims and the guilty. Thirdly, Pogge does not succeed in clearly elaborating the relationship between the individual and the global institutional order. Fourthly, Pogge pays too little attention to the power relations that citizens find themselves caught up in and the constraints that limit individual's ability to influence the global structure. Fifthly, Pogge declares that his conception of the negative duty is morally minimal, but by applying it institutionally it becomes much more demanding than any minimal moral understanding of the negative duty would be. Sixthly, Pogge is not clear on *what* it is exactly that individuals should do, and when we can say that an individual has fulfilled her negative duty.

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<sup>94</sup> Ibid., 296, n.246.

For the central question of this thesis - How we should conceptualize the responsibility that individuals have for the justice of the socio-political structure in which they find themselves – this means that we can draw the following conclusions. Pogge’s theory has more bearing on the reality in which we find ourselves because it does not focus on ideal theory. Pogge’s approach to philosophy consists in looking at the world and the questions that it poses. However, his theory remains too abstract or simply not empirically adequate in some ways: it regards the global structure as one entity, it artificially divides the world population in two groups, and it disregards many of the circumstances that individuals are faced with. Moreover, Pogge’s account is not fully philosophically compelling because it stretches a morally minimal conception beyond its minimalism: by using the negative duty in an institutional manner, it is far from certain that Pogge’s theory still has the ecumenical force he wants it to have. Lastly, Pogge cannot fulfill his own aims of being practically applicable, because his negative duty does not actually provide individuals with a proper understanding of how they should act in order to live up to their responsibility. Because Pogge holds a purely coercive view of the basic structure, the relation between citizens and the basic structure remains too vague to conceptualize properly.

## Chapter III

### Responsibility from Social Connection

Iris Marion Young's approach to justice is similar to that of Rawls and Pogge in that she shares the conviction that justice should be approached institutionally. However, she proposes an alternative understanding of what the basic structure is: she thinks that we should see it as a web of complex social and economic connections, rather than the more coercive conception of basic structure as the major political institutions that we have seen in Rawls's and Pogge's work (although, as I have argued, both of them also leave some room for a more informal understanding). Young sees the basic structure as a confluence of institutional rules and interactional routines: it comprises the background conditions that both enable and constrain individuals, namely rules, norms and incentives.

The basic structure that Young believes to actually exist, is neither the one on the nation state level nor the one on the global level: rather, there are multiple and multifaceted social, economic and political connections that are not restricted to nation states. Most importantly, there is *structural injustice* on a global scale. To understand why such structural injustice generates a responsibility for individuals, Young thinks that our standard model of responsibility is not sufficient. She proposes a complementary model of responsibility through social connection that entails that individuals bear responsibility for structural injustice because they contribute by their actions to the ongoing processes that produce unjust outcomes. Responsibility, on this account, is not derived from membership of political community nor based on a liability-based conception of a negative duty, but follows from participation in diverse institutional processes. This responsibility entails that individuals should work to change the structural processes so that their outcomes will be less unjust. This can only be done collectively, and it also implies that the 'victims' of the processes share responsibility for them.

In this chapter, I will show how this account of structural injustice is close to, but yet philosophically and empirically more sound than Pogge's theory of a negative duty. The chapter is divided in six sections that correspond to the pitfalls that I identified in Pogge's work, as described in the previous chapter.

## 1. Global Order as One Entity

In the previous chapter, I argued that although I think Pogge is right in assessing the existing global social and political institutions as so profound and pervasive that we should call it a basic structure, his insistence on calling it *one shared global order* might imply that there is only one entity that is causing the injustice; and consequently only one entity to which we have a relation of justice. This is not only an imperfect description of reality as the inter- and supranational economic, political and social institutions are in fact complex and multilayered, but it is also based on an understanding of what the basic structure is that I consider to be philosophically ambiguous: as discussed in the first chapter, the Rawlsian definition of the basic structure on which Pogge draws is not unequivocal on the question whether it entails only political institutions or also the behavior and choices of individuals.

Young's definition of the basic structure is, I think, more helpful here. Whereas Rawls and Pogge most often take the position that the basic structure is built up of the more coercive political institutions (either nationally or internationally), Young holds that it is

misleading to reify the metaphor of structure, to think of social structures as entities independent of social actors, lying passively around them easing or inhibiting their movement. On the contrary, social structures exist only in the action and interaction of persons; they exist not as states, but as processes.<sup>95</sup>

Her understanding of the basic structure, therefore, is not focused on the 'major social institutions' looked at as if they exist quite independently of our behavior; rather, Young sees the basic structure as made up of the connections between individuals. Her

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<sup>95</sup> Iris Marion Young, "Responsibility, Social Connection, and Global Labor Justice", in *Global Challenges* (Cambridge [etc.]: Polity Press, 2007), 169.



understanding is therefore better explained through a spatial metaphor: “Individual people occupy varying positions in the social space, and their positions stand in determinate relation to other positions.”<sup>96</sup> The structure, then, consists in the connections among these positions and their relationships: the differing structural positions offer differing and unequal opportunities and potential benefits. This definition of the basic structure lays bare that the structure is discursive, in that people within the structure act on the basis of their knowledge of preexisting structures and in so doing reproduce those structures.

In the first chapter, I argued that there is an ambiguity in the way Rawls describes the basic structure: he is not clear on the question whether it includes the daily choices of individuals or not. Young says that such an ambiguity in Rawls’s work is unavoidable because his way of conceptualizing the basic structure is erroneous: he is looking for a *part* of the society that is more fundamental than other parts. However, Young says that

Depending on the issue, the structural processes that tend to produce injustice for many people do not necessarily refer to a small set of institutions, and they do not exclude everyday habits and chosen actions. Social structures are not a part of the society: instead they involve, or become visible in, a certain way of looking at the whole society, one that sees patterns in relations among people and the positions they occupy relative to one another.<sup>97</sup>

This makes it clear that although structures exist only as enacted by individuals in relation to one another, a distinction between structural and individual levels of analysis is important to make, so the institutional approach is indispensable. As noted above, structures are recursive: when individuals act, they are not only trying to bring about a state of affairs they intend, but at the same time they are reproducing “the positional relations of rules and resources, on which they draw for these actions.”<sup>98</sup> Considering the basic structure in this way, it becomes clear that it is possible that often, the outcome of structural processes was not intended by anyone. Moral judgments about structural

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<sup>96</sup> Ibid., 168.

<sup>97</sup> Young, *Responsibility for Justice*, 70.

<sup>98</sup> Ibid., 60.

processes, therefore, take different points of view from moral judgments about individual action.

So apart from being concerned with the question whether our behavior is morally acceptable with regard to the persons we deal with directly, we should also ask

whether and how we contribute by our actions to structural processes that produce vulnerabilities to deprivation and domination for some people who find themselves in certain positions with limited options compared to others. It is possible, indeed even likely, that some people can rightly claim that their individual interactions with other people are impeccable, and that at the same time they contribute a great deal to the production and reproduction of structural injustice because of the social position they occupy and the actions they take within it.<sup>99</sup>

In other words, although Young differs from Pogge and Rawls in her understanding of what the basic structure is, she agrees with them that an institutional or structural viewpoint is necessary in order to judge the justice of society as a whole.

To conclude, the first problem in Pogge's work is avoided by Iris Marion Young's way of conceptualizing the basic structure: Whereas Pogge's account of one global order is an oversimplified description of reality, Young's definition of the basic structure as existing in the connections between the different social positions of individuals captures the complexity and multiplicity of the global socio-political reality. It is no longer regarded as a fundamental part of society, but rather concern the whole of society, looked at from a specific, structural viewpoint.

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<sup>99</sup> Ibid., 73.

## 2. The Poor vs. The Rich

As discussed in the previous chapter, Pogge's theory has the awkward implication that individuals are divided into two categories: the affluent and the poor. Not only is this an oversimplified description of reality, as many individuals will not fall fully in either of the categories and it is not clear whether or not nationality plays an important role here, but additionally, it has undesirable consequences: the poor are viewed only as a mass of passive sufferers, victims of the global order who do not appear to have any power or responsibility for the justice of the socio-political reality that they live in; whereas the affluent are blamed in harsh terms for something they stand in a quite complex relation with (namely, upholding an institutional order that harms the poor). Pogge might defend his theory by denying that these connotations follow from his standpoint. Nevertheless, it is better to avoid these associations altogether: I think that Young's understanding of the basic structure as enacted by individuals who occupy differing spaces with differing opportunities and benefits does not commit itself to any awkward categorizing and allows for a more nuanced perspective on the various parameters that determine an individual's position.

This way of looking at the positions of individuals is more sophisticated and captures more of the complexity of the real circumstances of individuals. Yet, leaving the simplifications behind means that we need a fully conceptualized alternative that can account for all those complexities. For this aim, Iris Marion Young believes that standard models of responsibility in legal and moral theory do not supply a satisfactory answer. She provides an alternative in the form of what she calls 'the social connection model of responsibility'. This is contrasted with the 'liability model', the traditional way of looking at responsibility. In the terms of the liability model an individual is responsible for something when her actions can be shown to be causally connected to the circumstances for which we seek responsibility. Moreover, the actions have to be voluntary and performed with adequate knowledge for the agent to be liable for them. To say that an agent is responsible, within this standard perspective, is synonymous to saying that they are blameworthy.<sup>100</sup>

Responsibility with regard to structural injustice should not, says Young, be thought of as a form of responsibility as complicity, as this cannot account for most of

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<sup>100</sup> Ibid., 97.

the complexities that are found in such circumstances. The social connection model provides us with a more adequate way of assessing structural injustice. Its basic premise is this:

The social connection model finds that all those who contribute by their actions to structural processes with some unjust outcomes share responsibility for the injustice. This responsibility is not primarily backward-looking, as the attribution of guilt or fault is, but rather primarily forward-looking. Being responsible in relation to structural injustice means that one has an obligation to join with others who share that responsibility in order to transform the structural processes to make their outcomes less unjust.<sup>101</sup>

What might be confusing is that although the social connection model of responsibility is described as forward-looking, it is still based on a causal connection between the actions of the agents and the state of affairs that is regarded as unjust or morally wrong. The difference between this and the liability model might therefore not be entirely clear. The difference, then, lies in that in the standard model of responsibility as liability, the causal connection is direct and there is an identifiable agent or collective of agents who can be said to voluntarily and with adequate knowledge have caused the state of affairs. With structural injustice, we cannot trace this kind of connection: "It is not difficult to identify persons who contribute to structural processes. On the whole, however, it is not possible to identify how the actions of one particular individual, or even on particular collective agent, such as a firm, has directly produced harm to other specific individuals."<sup>102</sup> That it nevertheless is about a causal connection, albeit a more diffuse one, is clear: "To judge a circumstance unjust implies that we understand it at least partly as humanly caused, and entails the claim that something should be done to rectify it. On the other hand, when the injustice is structural, there is no clear culprit to blame and therefore no agent clearly liable for rectification."<sup>103</sup>

The following quote gives an illustration of this theoretical account:

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<sup>101</sup> Ibid., 96.

<sup>102</sup> Ibid.

<sup>103</sup> Ibid.

By the simple act of buying a shirt I presuppose the actions of all those people who are involved in growing the cotton, making the cloth, gathering the cutters and sewers to turn it into garments, the cutters and sewers themselves, and all the agents involved in shipping the garments and making them easily available to me. Normally these people are not within the scope of my concern, but if asked I will acknowledge that but for them there would be no ready-made shirts here before me. When I look for less expensive shirts, I presuppose all those practices of pressure and competition that minimize labor costs, as well as those that purportedly increase productivity of production and distribution. To the extent in that these practices result in harming workers, my intention to buy cheap shirts is implicated in that harm, even though I do not intend the workers harm, and even when I plausibly judge that my own constrained circumstances make it all necessary for me to buy either inexpensive clothes or none at all. Because my actions assume all these others are acting to the result that there are clothes in nearby stores, these others come within the scope of my obligation, whether I like that or not.<sup>104</sup>

If we hold anyone contributing to structural processes that lead to an unjust outcome responsible for that outcome, it follows that the world population is not, as in Pogge's work, roughly compartmentalized in two categories, but that the 'victims' of injustice are regarded to share responsibility for it. The poor would then be regarded to share a forward-looking responsibility for poverty to engage in actions directed to transforming the basic structure. For instance, Pogge could stress that any reform of the global order that is aimed at eradicating poverty should be designed not only *for*, but also *by* citizens from poor countries. Pragmatically, as Young points out, this has the additional advantage that "their social positions, moreover, offer victims of injustice a unique understanding of the nature of the problems and the likely effect of policies and actions proposed by others situated in more powerful and privileged positions."<sup>105</sup> Reform efforts that fail to engage the victims of injustice in a meaningful way are likely to be ineffective and can even be harmful for them. Even when this is not the case, they almost always involve paternalistic elements, rather than empowering the poor.

To conclude, this way of viewing shared responsibility for social processes avoids the problem in Pogge's theory that there is an awkward division of the world population into two unrealistic categories. Instead, every individual has their own position in the

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<sup>104</sup> Ibid., 160.

<sup>105</sup> Ibid., 113.

social structure with different opportunities and benefits. Consequently, victims of injustice are not regarded as a passive crowd, and the affluent are solely held responsible for the structures: Young stresses that any reform efforts should involve the 'victims' of injustice for them to be effective and representative.

### 3. The Relation Between the Citizen and the Global Order

The third problem with Pogge's theory was that the relation between the individual citizen and the global order is not adequately conceptualized. Because Pogge regards the basic structure to be composed of the main international institutions such as the IMF, World Bank, WTO, UN and the like, he must show that citizens have enough influence on the policies of these institutions in order to be able to derive such a strong responsibility from this relation. Not only does Pogge fail to provide such an account of this relation, it is probably very hard to do so if one tried, because as the supranational institutions are nondemocratic and nontransparent it would be hard to show that citizens have sufficient knowledge and power to influence them significantly. Because Pogge's negative duty argument draws on the premises of the liability model as it places *blame* on the affluent, he must show that the citizens of wealthy communities are both *voluntarily* and with *adequate knowledge* contributing to the injustice of the global basic structure. This is hard to demonstrate (and moreover probably untrue).

Iris Marion Young's social connection model of responsibility does not run into these difficulties because it is concerned with a more indirect way of causing injustice; on her account, what causes responsibility is contributing to social processes that lead to an unjust state of affairs. The responsibility therefore does not follow from the pre-existence of global political institutions, but rather the other way around: "A need for political institutions sufficiently wide in scope and strong to regulate these relationships to insure their fairness follows from the global scope of obligations of justice, rather than grounding those obligations."<sup>106</sup>

Let us look into this idea more closely. We have seen that Rawls believes that obligations of justice only arise within a shared institutional basic structure: if such institutions are not in place, the principles of justice do not hold. This is his version of a

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<sup>106</sup> Young, "Responsibility, Social Connection, and Global Labor Justice", 162.

social contract theory. Young argues, contrastingly, that Rawls makes prior what is posterior from a moral point of view:

Ontologically and morally speaking, though not necessarily temporally, social connection is prior to political institutions. This is the great insight of social contract theory. (...) A social contract theory like that of John Locke argues that the need and desire for political institutions arises because socially connected persons with multiple and sometimes conflicting institutional commitments recognize that their relations are liable to conflict and inequalities of power that can lead to mistrust, violence, exploitation, and domination. The moral status of political institutions arises from the obligations of justice generated by social connection, as some of the instruments through which these obligations can be discharged.<sup>107</sup>

Young altogether dismantles the view – present in both Rawls and Pogge - that political obligations follow from pre-existing socio-political institutions: principles of justice apply globally because there are dense global social and political relationships. This is precisely the point of social contract theories.

The similarity between the institutional negative duty and the social connection model is their emphasis on cooperation in an unjust basic structure as the source of responsibility. On the first account, this is cooperation in the coercive imposition of institutions, whereas the social connection model understands it as participation in social processes. This might seem like a minor difference, but it has in fact major consequences. Pogge has to show the pre-existence of global institutions, because without a coercive structure, his negative duty does not come in the picture. However, would it really matter for the 50,000 people dying from poverty-related causes each day whether their situation is caused through a proper coercive institution or simply through the practices and habits of people in other parts of the world (or, more realistic, a combination of the two)? On the social connection model, pre-existence of formal institutions does not need to be demonstrated. In fact, it is quite the reverse: the existence of social processes that have profound effects calls for setting up just institutions that regulate such processes.

Identifying the role of the individual in such a complex conception of the basic structure might seem more difficult than in Pogge's and Rawls's understanding, for in

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<sup>107</sup> Ibid.

this model the connections that give rise to responsibility are numerous and multiform. Moreover, there is no clear distinction between actions that do and actions that do not contribute to the basic structure, because the basic structure should not be regarded as a part of society, but as the whole of a society looked at from a specific point of view. Consequently every action can be evaluated from two different irreducible points of view: the interactional and the institutional. This does not provide us with a simple answer to the question how we ought to live as individual citizens, but rather a multifaceted one. It stresses that it is indeed quite difficult to figure out what the right thing to do is, and that it may (often) be the case that an action that is morally right from the interactional point of view (buying a bar of chocolate for a loved one) is not morally right from the structural point of view (when the chocolate was produced by slaves in Ivory Coast). So indeed, Young's account is not an easy or simple model. However, the conception of the relation between the citizen and the global order in Young's philosophy is, although more multifaceted, better able to account for the complexities of our real socio-political circumstances than that of Rawls and Pogge.

In Young's view, the global structure does not exist outside of individuals. The relationship between the individual and the structure is therefore clear: the individual is *part* of the structure, instead of viewing the institutional order as something existing outside, and almost independent, of individuals. Viewed as such, individuals are responsible for their position, for what they contribute (or not) to the structure, while being at the same time subject to power relations and constrained by the possibilities and restrictions that the structure imposes on them. The next section will go into these constraints and power relations.

#### **4. Parameters and Constraints**

In the previous chapter, I analyzed Pogge's (somewhat fragmentary) remarks on the parameters and constraints that delineate the extent of responsibility for every individual. I showed that his position seems to contain solely forward looking considerations: those who are better able to solve the problem - because they are powerful, well-educated and rich - are assigned more responsibility than those who are not in a position to have significant impact. I argued that Pogge does not have direct philosophical access to such forward looking parameters, as the only parameter that



follows from the negative duty is that those who do more harm bear greater responsibility. Determining who does more harm than others, however, is a task that can only be carried out when we have a clear conception of how individuals contribute to the basic structure. Pogge, as I showed in the previous sections, does not develop such an account - and it would at best be very hard to do so.

I will now argue that Iris Marion Young's approach can provide us with a more elaborate and consistent conception of the parameters and constraints that determine the extent to which different individuals bear responsibility. This is because an account of constraints is an integral part of her theory of the basic structure as the connection between different positions with various potential and benefits: which position an individual occupies depends exactly on the constraints and 'enablements' it entails. Moreover, the responsibility that follows from the social connection model is more forward looking than backward looking. In Young's understanding, both the liability model and the social connection model refer both to the past and the future, but whereas the primary purpose of practices of guilt-finding is to say something about a relevant past, the primary emphasis of the social connection model, on the other hand, is forward-looking: "We seek to assign responsibility for social structural injustice that has existed recently, is ongoing, and is likely to persist unless social processes change. (...) The point is not to compensate for the past, but for all who contribute to processes producing unjust outcomes to work to transform those processes."<sup>108</sup> This means that considerations about power, wealth, and knowledge are philosophically consistent with Young's overall position because these elements are all indicative of the position that they take within the social processes.

In Pogge's theory, the coercive character of the basic structure is relevant only when we are considering the circumstances of the *victims*: because an unjust global order is imposed on them (by the affluent), their opportunities are limited and their benefits are close to zero. As Pogge regards the rich as the ones imposing the world order, he does not consider the fact that they also are subject to that global order and their social position too is for a large part determined by the basic structure. As I argued in the second section of this chapter, Young's theory avoids this black-and-white categorizing of 'the imposers' and 'the subjected': she conceptualizes the social structure in a different way, regarding every individual as standing in a certain social position. On

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<sup>108</sup> Young, *Responsibility for Justice*, 109.

this understanding, individuals can be regarded simultaneously as recreating a discursive structure *and* being subjected to it:

Rather than being a static condition, these factors that constrain and enable individual possibilities are ongoing processes in which many actors participate. These constraints and enablements occur not only by means of institutional rules and norms enforced by sanctions, but by incentive structures that make some courses of action particularly attractive and carry little cost for some, or make other courses of action particularly costly for others.<sup>109</sup>

The basic structure is not only limiting the opportunities of those living on less than a dollar a day, it *also* determines the background conditions of action for those who are more fortunate. Most of us contribute to the reproduction of structural injustice because we follow the rules and conventions of the communities and institutions that constitute the context in which we act, at the same time believing that our options to do otherwise “are constrained by the very same structure to which we contribute”.<sup>110</sup> All structures constrain as well as enable.

The parameters for responsibility that Young describes are, as mentioned before, forward looking. The injustice that gives rise to the responsibility is ongoing and likely to persist unless social processes change: “The point is not to compensate for the past, but for all who contribute to processes producing unjust outcomes to work to transform those processes.”<sup>111</sup> This approach does need to look backward in one respect: understanding structural processes entails understanding how they have come about. However, the purpose of this backward looking account is not to place blame on some specific agents, “but to help all of us to see relationships between particular actions, practices, and policies, on the one hand, and structural outcomes, on the other.”<sup>112</sup>

The specific parameters that she describes are power, privilege, interest, and collective ability. I will argue that this list is not exhaustive. With power, Young means that an individual’s position in structural processes “usually carries different degrees of

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<sup>109</sup> Young, “Responsibility, Social Connection, and Global Labor Justice”, 171.

<sup>110</sup> Young, *Responsibility for Justice*, 108.

<sup>111</sup> *Ibid.*, 109.

<sup>112</sup> *Ibid.*

potential or actual power or influence over the processes that produce the outcomes”<sup>113</sup>. This implies that agents with more power bear more responsibility, but it also entails that agents should focus on those processes where they have more *capacity* to influence structural processes. This is a thought we already saw present in Pogge’s work, but in Young’s theory it philosophically follows from her conception of the basic structure, because it is based on the various positions that individuals occupy and these positions are dependent on how much benefits and possibilities individual agents have. With privilege, Young means that some agents benefit more from certain structural processes than others. This sometimes, but not always, correlates with a more powerful position. Young believes that “persons who benefit relatively from structural injustices have special moral responsibilities to contribute to organized efforts to correct them, not because they are to blame, but because they are able to adapt to changed circumstances without suffering serious deprivation.”<sup>114</sup> The idea that benefiting from the global order makes us more responsible is also found in Pogge. However, Norbert Anwander has – rightly - argued that Pogge lacks any theoretical grounding for regarding *benefiting* as a parameter for responsibility, as Pogge can only rely on *contributing* as a parameter (like I argued before).<sup>115</sup> For Young, reasoning from a forward looking approach, this theoretical grounding is available in the form of the argument that being privileged means that agents are able to change their habits or make efforts towards reform.

Interest, the third parameter that Young describes, is somewhat less clear. It follows, says Young, from the fact that within the social connection model, victims of injustice are regarded to share responsibility for it. This is because, first, they contribute to the structural processes, and second, they have the most knowledge about the harms they suffer, and thus it is up to them to call attention to their situation.<sup>116</sup> However, I think this is not yet a conclusive argument for why interest should be one of the parameters that determine an individual’s responsibility. Of course it follows from Young’s social connection model that victims of injustice can be said to be responsible to the extent that they contribute to the processes, but that they have knowledge about the *harms* they suffer (which they of course have) does not necessarily mean that they have

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<sup>113</sup> Young, “Responsibility, Social Connection, and Global Labor Justice”, 183.

<sup>114</sup> Ibid.

<sup>115</sup> Norbert Anwander, “Contributing and Benefiting: Two Grounds for Duties to the Victims of Injustice”, *Ethics and International Affairs* 19, nr. 1 (2005): 39–45.

<sup>116</sup> Young, *Responsibility for Justice*, 146.

knowledge of the *solution* to the structural processes that produce this harm. Some further conceptualizing is needed here to construct interest as a forward looking parameter, but the sections in which Young puts these ideas forward belong to some of the last texts that she was able to write before she died. So sadly, a complete argument is not to be found in her work. She indicated this: “Obviously, each of these parameters (...) needs further elaboration. This sketch should indicate how being positioned differently in the structures that produce injustices suggests different kinds of issues and directions for action by various agents.”<sup>117</sup>

In order to fill this gap in Young’s work, I suggest that it would be clearer if the parameter of *interest* would be substituted by that of *knowledge*. As discussed above, Young’s rationale for taking interest as a parameter is that she believes that those with greater interest in reforming the structural processes have more knowledge of the situation of injustice (and probably, by implication, of its potential solutions). What is essential here, I think, is exactly that they have more knowledge, not that they have more interest. Young pays too little attention to the issue of knowledge overall. She does not mention this as a parameter, while I consider it to be of crucial importance: if a citizen lacks knowledge on either the existence of injustice or its structural causes and potential solutions, they cannot be held responsible in any relevant way, forward or backward looking. Therefore, knowledge is just as crucial as power or influence for determining to what extent agents are responsible and how they should live up to that responsibility.

The last parameter, then, is what Young calls ‘collective ability’. By this, she understands that “some agents are in positions where they can draw on the resources of already organized entities and use them in new ways for trying to promote change.”<sup>118</sup> Her key example is the anti-sweatshop activism of student groups in the 1990s and early 2000s: universities were their target, because as large consumers of clothes for their sports teams their decisions have more impact than those of individual consumers: university communities in the US have extensive existing organizational capacity to influence chains of production in the clothes branch.

This parameter is important, I believe, because it corresponds to the fact that structural injustice can always only be eradicated by *collective* action: this is so by

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<sup>117</sup> Young, “Responsibility, Social Connection, and Global Labor Justice”, 186.

<sup>118</sup> Young, *Responsibility for Justice*, 147.

necessity, because if it were possible to solve the injustice by the action of one single individual, it would be an interactional harm rather than a structural one. So the parameters for structural injustice should not only look at individual circumstances such as power, privilege and knowledge, but also at collective circumstances such as collective ability to organize. It would be possible, however, to expand this parameter with the notion of individual capacity. Yes, certain communities already have organizational resources in place and can therefore be more effective in working towards reform of the structural processes than individuals, but analogously it is true that certain individuals have more skills or talent than others to intervene in structural processes. If we allow collective ability to be a parameter of injustice, then individual ability should also be considered. Within a forward looking approach, there is no reason not to look into individuals' problem-solving capacities, reasoning power, creative energy, the ability to inspire and motivate others to live up their responsibility, et cetera. With greater ability comes greater responsibility.

To take stock, we have now seen which parameters Young considers to be relevant in determining our responsibility for the social processes: power, privilege, interest and collective ability. I proposed that knowledge (of the relevant processes) should be included in this list and that interest might not be a crucial element of it. Additionally, I proposed that individual ability should be added. But regardless of which parameters we want to use exactly, the idea behind them is to focus on the potential of individuals to positively influence the social processes that lead to injustice (or, if one would have bad intentions, the potential to reinforce unjust outcomes). This provides the contours of an action guiding understanding of our position in the socio-political reality that surrounds us: although it neither give us a specific principle on which to act nor a list of concrete actions to perform in order to contribute to a more just society, it does elucidate how we can begin to think about what we can do.

Let me illustrate this with a concrete example. As a student, I have been searching for ways to take responsibility for the justice of the global structures in which I know that I am implicated. The institutional negative duty approach was very convincing to me, but it did not provide me with any theoretical tools to understand my position in the global institutions. I learned about the destructive effects of the policies of the powerful economic institutions, but I never grasped how I could influence them: being a young, not (yet) especially rich nor powerful individual in a small European country, I knew

that I could not do much to affect the UN or the World Bank's policies. With the social connection model, however, I can begin to think of my own position and relevance in the processes that I am implicated in. For example, although as a student my wealth and power are not such that I can use them to influence any processes significantly, I am part of communities that have *collective ability* (for instance, my university or even my soccer team) that I could trigger: organizing protests, boycotts, or other political action. Additionally, as a philosophy student I can be regarded as having *individual capacities* that can be useful in taking up my responsibility: being trained to write clear texts, I could influence public opinion by writing in newspapers or other publications; and being trained to argue well, I could convince my friends and family of the urgency of certain injustices or reforms. Also, I might have various other individual abilities that on an institutional negative duty approach seem completely irrelevant, but in the social connection framework can become applicable; a talent for making short films, for writing songs, for stand-up comedy, or even for posting compelling status updates on my Facebook wall<sup>119</sup>. With a forward looking approach that considers our position within social processes, all these potentials can become relevant factors in our responsibility for justice.

Two questions come up at this point. First, how can agents be motivated to use their ability and influence for living up to their responsibility? And second, if all these life factors are relevant, then how can the social connection model avoid becoming overdemanding or even totalitarian, in that it would make crushing demands on our lifestyle and would leave no room for individual goals? These questions will be discussed in the following two sections.

## 5. Negative Duty as Minimal

In the previous chapter, I discussed that Pogge has been criticized for presenting the negative duty as a morally minimal concept, while his institutional interpretation of it makes it much more demanding than any interactional understanding of the negative duty would have been. This implies not so much a philosophical problem, but a problem of consistency for Pogge: he thinks his theory should be motivating and appealing to his

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<sup>119</sup> I am not insinuating that I possess all of these talents, although I believe that my Facebook posts can be quite compelling.

readers, but if it in fact turns on a controversial notion, it lacks the basis in common sense moral thinking that he claims it has. Young does not use the notion of a negative duty, as she probably considered it to be a part of the liability model of responsibility, a notion that is used to place blame or fault. Moreover, she does not present her theory as morally minimal. Quite the reverse: she is very aware of the fact that the structural view of responsibility for justice is not yet very present in our everyday moral thinking.

As mentioned, common sense morality is much more concerned with interactional than with institutional considerations, and this is the reason that Pogge's institutional understanding of the negative duty is not so minimal as he might like it to be. Young also has the problem that everyday moral reasoning is mostly interactional while her account stresses the institutional or structural viewpoint. However, she does not pretend to give a morally minimal and uncontroversial conception of responsibility, so she is not inconsistent: rather, she wants to draw attention to the thoughtlessness that is implied with the pure interactional view. She acknowledges that our everyday thinking about morality is based on the interactional liability model. This is precisely what she wants to argue against: her point is not that she considers this model to be useless, because it is indispensable in order to judge actions from the viewpoint of the people that are directly involved, but that it is not the *only* perspective from which we should evaluate our actions morally.

Because the idea of thoughtlessness is so important, Young's key example is Hannah Arendt's *Eichmann in Jerusalem*, in which this idea is central. Arendt's interpretation of the trial of the Nazi official stresses that Eichmann's moral failure lies in his inability to see his actions in a bigger picture than his direct surroundings: "On Arendt's account, Eichmann's main character failing was not that he was cruel, malevolent, self-serving, or stupid, but that he was thoughtless."<sup>120</sup> This thoughtlessness contributed to, but was also caused, by his social context: "Eichmann failed to experience himself as engaging in wrong-doing partly because no one around him criticized his actions and their ends."<sup>121</sup> Eichmann, therefore, is guilty of the crime of mass murder because he directly contributed to the system that produced it and because he could have done otherwise. Although Eichmann's case is special as he was a Nazi administrator and so his actions directly and significantly contributed to the

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<sup>120</sup> Young, *Responsibility for Justice*, 84.

<sup>121</sup> *Ibid.*

execution of the holocaust, we can analogously draw conclusions about the rest of the Germans: “On the whole, the German people, like Eichmann, were thoughtless about the operation of those institutions and the actions of officials in them, and were indifferent to how others might be harmed by them.”<sup>122</sup>

The problem of motivation, for Young, remains. Moreover, Pogge would consider his notion of a negative duty rhetorically stronger than Young’s social connection model, because he thinks the negative duty does have an ecumenical grounding in everyday morality. Both Pogge and Young are of the conviction that an account of individual responsibility is useless if it cannot be motivating. I share this intuition and will assume it for the sake of the argument. They are in disagreement, however, about which kind of language is more compelling for individual agents: Young thinks that speaking of blame, guilt or complicity “expresses a spirit of resentment, produces defensiveness, or focuses people more on themselves than on the social relations they should be trying to change”<sup>123</sup>. She thinks the debate should not focus on the past, but on what can be changed in the present. Moreover, blame-oriented language “divides people too much, creating mistrust where motivation to cooperate is required.”<sup>124</sup>

I cannot solve this disagreement in a philosophically satisfactory manner. Empirical psychological research might be needed to provide a scientific answer. From teaching and discussing about Pogge’s theory, I do have the overall experience that people have the tendency to react defensively on what they interpret as his accusations. I have seen that some of them change their behavior in order to try to accommodate some of his ideas (for instance, my mother now buys only fair trade chocolate<sup>125</sup>), but most of them do not. I do not have as much experience with Young’s theory as I have learned about it more recently. Whether or not it is more appealing and motivating than Pogge’s, I therefore cannot say. I do think, however, that she is more aware or at least more willing to acknowledge the struggle that individuals have to go through in order to live their lives in a way that would be in accord with their structural responsibility.

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<sup>122</sup> Ibid., 87.

<sup>123</sup> Ibid., 110.

<sup>124</sup> Ibid., 117.

<sup>125</sup> Although such actions actually make much more sense in the social connection model than with the institutional negative duty approach.



## 6. What Should We Do – And When is it Enough?

As argued in the chapter on Pogge, his negative duty never really becomes tangible in that it prescribes anything concretely action guiding. Maybe this is inherent to a negative duty approach: because it is about *not* doing something (harming), it is hard to think about what it is we *should* do in order to stop the harming – as Pogge understands the harming to be institutionalized. But of course, there is also the practical problem that ending world poverty is not exactly an easy task considered from the viewpoint of the individual. Moreover, even if we had found a way forward on the individual level, it would be very hard to determine when an individual has done enough. Pogge's account lacks a proper answer on any of these questions, as I showed in the previous chapter. The social connection model offers an understanding that is more action guiding (as argued already in the third section of this chapter), pays more attention to the limitations of individuals and does not promise more than it can do. It is more action guiding, because it does not only regard our relation to the major global institutions (a relation that is very obscure at best, as I argued above) but all our relations as contributing to the justice of the basic structure. Therefore, it requires us to rethink all of our actions from the structural viewpoint and offers a way of thinking about the parameters that determine our responsibility. It pays more attention to the limitations of individuals, because, as I argued above, it does not categorize us into the powerful rich or the powerless poor, but examines every individual in their own social position with their own resources, capacities and potentials. It does not promise more than it can do, finally, because Marion Young does not present her theory as either being morally minimal or as providing decisive answers on the exact content of our responsibility. She thinks that the question how we can best take up our social responsibility should be subject to ongoing debate, in which we hold each other accountable for our actions: "We can, however, produce more awareness (...) in talking to one another about responsibility and collective action, and in holding one another accountable."<sup>126</sup>

The question on when we have done enough is for Young therefore not one that can be answered philosophically. Pogge, as we have seen, at certain occasions proposes a utilitarian principle in the form of 'we have done enough when we have done what would be enough if everyone did their fair share'. This has no philosophical grounding in

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<sup>126</sup> Young, *Responsibility for Justice*, 154.

his theory, and is additionally, from a practical viewpoint, very hypothetical because it is quite difficult to determine 'what would be enough if everyone did their fair share'. Young does not try to provide any such principle. She acknowledges the ongoing and never ending nature of the struggle against injustice. We should, on her account, always consider our actions from the viewpoint of the social structural processes we are implicated in and never assume a just basic structure. We will never have done enough, because it is a given that there always will be injustice and that we will always have to work to minimize it.

The action guiding nature of Young's work lies in the fact that she gives such an elaborate account of what the structural processes are that we are implicated in, that it almost naturally follows how we are contributing to injustice. However, the problem here is similar to that in Pogge's work, namely that to stop contributing to injustice requires positive action, and it is not always easy to determine which action exactly or how to coordinate it:

Changing structural processes that produce injustice must be a collective social project. Such collective action is difficult. It requires organization, the will to cooperate on the part of many diverse actors, significant knowledge of how the actions of individuals and the rules and purposes of institutions conspire to produce injustice, and the ability to foresee the likely consequences of proposed remedies. One or more of these conditions is often absent.<sup>127</sup>

What makes it so hard is not only that in order to solve it we need to take collective action with many others, but also that we are, on the social connection model, responsible for the well being of so many others: we are connected to millions of strangers by our participation in structural processes. There is not enough time to attend to the well being of all of them, especially because the call for responsibility towards the ones who are directly around us draws so much attention. Young calls this an "irreducible, even tragic, tension in moral life."<sup>128</sup> We never have enough time, energy, or resources, to attend to both the calls of everyone in our immediate surroundings and the millions of others that we are socially connected to. Young says it is impossible to say that we can ever discharge all of these responsibilities. Yet, at the

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<sup>127</sup> Ibid., 153.

<sup>128</sup> Ibid., 163.

same time, this does not constitute a reason to ignore the responsibility we bear towards sufferers of injustice that are not right in front of us: "It is a reason, however, to be aware of the dynamics of the reproduction of privilege and oppression and to take self-conscious action."<sup>129</sup>

From this, it becomes clear that in the social connection model, there is no real solution to the charge of overdemandingness. This goes hand in hand with another problem, namely that Young does not have an account of what a just society would be. There is no black-and-white distinction between just and unjust structural processes, so analogously we can never ascertain that we are doing 'enough' in contributing to justice: structural processes are always constraining and enabling to all the individuals implicated in them, and it is never possible to say that they are completely just. Let's look at Young's definition of structural injustice: "Structural injustice, then, exists when social processes put large groups of persons under systematic threat of domination or deprivation of the means to develop and exercise their capacities, at the same time that these processes enable others to dominate or to have a wide range of opportunities for developing and exercising capacities available to them."<sup>130</sup> This definition of injustice does not offer a hard criterion to determine whether social processes are just or unjust. Its terms are all subject to interpretation: when is a group 'large', when is a threat 'systematic', what constitutes 'domination' or 'deprivation'?

Moreover, it is obviously a definition of *in*justice: Young gives no definition of justice. This points to the idea that social processes always entail some degree of injustice, because they constrain and enable some more than others. Determining the point at which the domination or deprivation becomes structural is not something that can be settled on with hard criteria. For those who prefer ideal theory, this is of course a serious shortcoming in Young's work. If she does not offer an idea of what a perfectly just society would look like, how can her theory provide our thinking about justice with a goal? However, we can derive an idea of justice from her understanding of injustice: social processes would be just if they do not put large groups of persons under systematic threat of domination or deprivation. But still, then we have a negatively defined understanding of justice. However, also this negative definition offers us a goal

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<sup>129</sup> Ibid., 164.

<sup>130</sup> Ibid., 52.

for thinking about justice. Our action should be directed at influencing social processes so that they contain less systematic domination and deprivation.

To summarize: up until now I have argued that a social connection model of responsibility (Young) provides us with a more coherent conception of the role and responsibility of individuals towards the structural processes that they are implicated in than a more formal understanding of an institutional negative duty (Pogge). The problems that the latter runs into are avoided: The first one because Young's interpretation of the global structure is more realistic than Pogge's stylized view of 'one global structure'. The second is circumvented because Young does not run into a sharp dichotomy between the 'rich' and the 'poor' and is empowering towards the victims of injustice. Thirdly, Young is better able to explain the relation between the individual and the global structure. Fourthly, power relations are at the centre of the model, and it analyses constraining and enabling circumstances for individuals. Fifthly, Young does not pretend to be morally minimal: she is aware that her theory requires a big shift in our moral thinking. Sixthly, she is more clear on what it is we should do and also acknowledges that there is not a point when we will have done enough, as living up to our responsibility for justice is an ongoing task.

## **7. Beyond Young: Lacunas in the Social Connection Model**

In this last section, I will highlight the questions that remain to be answered after having analyzed the social connection model as an alternative way of conceptualizing the basic structure and the role of the individual within it to the more formal conceptions of Rawls and Pogge. These five issues have been identified in this chapter: First, the focus on forward looking considerations may appear to be in tension with the causal nature of the responsibility. Second, the parameters for responsibility are not yet entirely clear. Third, the motivational force of the theory has not been established, even though this is central to the aims of the theory itself. Fourth, the theory might be overdemanding or have a paralyzing effect because it makes individuals responsible for more than they can solve. Fifth, Young does not provide a conception of a just society.

The first issue, that the focus on forward looking considerations may appear to be in tension with the causal nature of the responsibility, is hard to solve conceptually. It

goes hand in hand with the fact that on the social connection model, I believe there is no hard distinction between institutional and interactional responsibility. Young says that in the interactional case the causal relation to the moral wrongs is direct, whereas in the institutional case it is indirect. However, how do we decide at what level a process is a structural process, and a causal relation is direct? Is my ongoing friendship with a group of five persons a structural process? Does my college class constitute a structural process? Or my university community, or my city community? The fact that these questions arise points to the idea that the social connection model does not rely on hard distinctions between institutional and individual interaction, or forward and backward looking considerations. It is more a question of degree and of different moral viewpoints. This makes it a theory with many complexities and room for interpretation. This can be considered, especially within the analytical tradition, to be a weakness; however, if we grant that the real world should be our departing point, it can be a sign of sophistication as well. Any future theory that takes up the question of individual responsibility from within the social connection model, however, should make it clear that these degrees exist and provide a sound explanation of why we should not seek for hard distinctions between the two viewpoints, or between forward and backward looking considerations.

The second issue is that as we saw above, the parameters for responsibility are not yet clear entirely clear. We saw that the pitfall of dividing the population into non-existing groups is avoided by considering every individual from their own, unique, position in the social structures. However, in order to do that we need an elaborate and clear account of which parameters determine our position in the structural processes and therefore our responsibility for them. Young gave an upshot: she described power, privilege, interest, and collective ability. I argued that interest should be substituted with knowledge, and that individual ability should be added to the list. A future theory of individual responsibility would benefit from extensive discussion about these parameters; I can also imagine that they can change when the socio-political reality we find ourselves in changes.

The third issue is that the motivational force of the theory has not been established. As Young herself admits, the structural moral viewpoint is not embedded in our everyday thinking about morality. Individuals therefore have to really transform their ideas about responsibility in order to incorporate this viewpoint into their

everyday choices. Young does have reason to believe that her model is more empowering towards individuals, as it does not rely on negative moral notions such as guilt, blame and complicity. Moreover, she acknowledges the fact that much will be needed to overcome the thoughtlessness that most individual citizens display. A future theory of individual responsibility should look for effective ways to undercut this thoughtlessness. It is not unthinkable that an improved argument from a negative duty (as it may still be considered to be a powerful concept) could play a role in this, but then it should be embedded in a proper conception of the structure and the role of the individual within it.

The fourth issue is that the theory might be overdemanding or have a paralyzing effect because it makes individuals responsible for more than they can solve. As we have seen, in the social connection model, there is no real solution to the charge of overdemandingness. Philosophically, we cannot say when an individual has done enough in order to take responsibility for the structural processes we are implicated in. It is an ongoing task, and one subject to public debate and discussion. Existing injustices have to be brought to light, and the persons involved have to consider and discuss how they can be minimized. However, a theory that allows overdemandingness to exist might have a paralyzing effect on its readers. If I can never fulfill my responsibility completely, why bother at all? So, this feature of Young's theory might have a negative effect on its motivational strength. A future theory of individual responsibility, therefore, should provide a proper explanation of why we should work towards reducing structural injustice even though we can never eradicate it completely.

Fifth, Young does not provide a conception of a just society. As we have seen, her definition of injustice does not offer a hard criterion to determine whether social processes are just or unjust. Within a real world justice approach, a conception of *in*justice might be more valuable than a conception of justice. An ideal theory account of a just society is meant to provide political philosophy with an aim, but in real life it is potentially more useful to know what should be avoided. However, even in a real world justice approach, ideal elements are necessary in order to know what we are striving for. A future theory of individual responsibility should explain what the role of ideal theory is – and whether it is to have any role at all.

## Conclusion

The aim of this thesis was to identify pitfalls that should be avoided and building blocks that can be used for the future design of a theory on individual responsibility for justice within the global structures that we find ourselves in. The research question was: *How should we conceptualize the responsibility that individuals have for the justice of the socio-political structure in which they find themselves?* The main point, then, was to show that models based on a coercive conception of the basic structure of society – as existing *independently of* the daily practices and actions of individuals – run into serious problems when they try to conceptualize the role of the individual within the structure, as they cannot provide a coherent account of the relation between the individual and the structure. This leads to a conception of individual responsibility that is mostly passive because they grant primacy to institutions over individual action. In order to make up for this passivity, controversial elements have to be introduced in the theory: for instance a natural duty or an institutional negative duty. Neither of these have proved to be philosophically compelling strategies, nor do they result in a practically applicable account of individual responsibility in the structures we find ourselves in today.

An alternative account can be found in a perspective that considers the structure as being *enacted through* individual action. Such an account avoids most of the pitfalls that are present in a purely coercive view of the basic structure. It therefore provides a more convincing conception of the role and responsibility of individuals within the basic structure, although not yet complete. It is based on the idea that individuals are constitutive of the justice of society. On this view, the structure only exists in and through the action of individuals. Their responsibility, then, is not merely to *comply with* the formal rules of the structure: because they are *part of* structural processes, they are therefore responsible for the outcomes of them.

Three conceptions of the relation between the individual and their political and social environment have been examined: the first two, Rawls's theory of individual responsibility as complying with the basic structure, and Pogge's view on an institutional negative duty, exhibiting a coercive view of the basic structure, and the

second one, Young's social connection model, based on the view that individuals are part of the structural processes.

In the first chapter, I have identified four pitfalls within Rawls's theory: the fact that there is an ambiguity in Rawls's work as to whether the basic structure contains only formal or also informal elements; his denial of any basic structure outside the nation-state; the fact that he reasons from the idea that the basic structure is just, resulting in an overly conservative account of responsibility; and finally his assertion of the natural duty of justice. From these pitfalls, I concluded that a theory on individual responsibility should have an adequate conception of what kind of basic structure surrounds us. Rawls's conception cannot answer the question as to what the responsibility of individuals is in a global, not purely coercive and nonideal basic structure is. Additionally, I concluded that it is philosophically unconvincing to simply posit a duty or responsibility for justice.

I have argued in the second chapter that Pogge's theory on an institutional negative duty, which comprises many Rawlsian elements, is an improvement in that it avoids most of these problems. I concluded that Pogge's theory has more bearing on the reality in which we find ourselves because it does not focus on ideal theory. However, his theory remains too abstract or simply not empirically adequate in some ways: it regards the global structure as one entity, it artificially divides the world population in two groups, and it disregards many of the circumstances that individuals are faced with. Moreover, Pogge's account is not fully philosophically compelling because it stretches a morally minimal conception beyond its minimalism: by using the negative duty in an institutional manner, it is far from certain that Pogge's theory still has the ecumenical force he wants it to have. Lastly, Pogge cannot fulfill his own aims of being practically applicable, because his negative duty does not actually provide individuals with a proper understanding of how they should act in order to live up to their responsibility. Because Pogge holds a purely coercive view of the basic structure, the relation between citizens and the basic structure remains too vague to conceptualize properly.

In the third chapter, I presented Iris Marion Young's model as a more convincing philosophy of individual responsibility. It avoids the oversimplifications present in Pogge's work: Young's interpretation of the global structure is more realistic than Pogge's stylized view of 'one global structure'. She does not run into a sharp dichotomy between the 'rich' and the 'poor' and is empowering towards the victims of injustice. Her



model is better able to explain the relation between the individual and the global structure. Power relations are at the centre of the model, and it analyses constraining and enabling circumstances for individuals. Moreover, Young does not pretend to be morally minimal: she is aware that her theory requires a big shift in our moral thinking. Additionally, she is more clear on what it is we should do and also acknowledges that there is not a point when we will have done enough, as living up to our responsibility for justice is an ongoing task.

However, the social connection model gives rise to further questions, as discussed in the last section of this thesis. They regard the focus on forward looking considerations, the parameters for responsibility, the motivational force of the theory, its overdemandingness, and its lack of a conception of a just society. A future theory of individual responsibility should provide answers to these questions.

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