Contribution and Complicity
A critical look at Thomas Pogge's contribution argument for global redistribution
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Introduction

There is no great controversy in stating that the world of today is one of much preventable suffering. Recent estimates indicate that 896 million people live below the absolute poverty line of 1.90 USD per day\(^1\), many of which lack secure access to such basic necessities as “food, clothing, housing and medical care”, guaranteed to them by their human rights\(^2\). Of course, few deny that such a state of the world is anything but a tragedy. Nonetheless, there are not many who would be willing to identify themselves or any other average citizen in their state as involved in this unfortunate state of affairs. And why should they? After all, human rights are traditionally understood as interactional, in that they burden ordinary agents with a direct duty or similar moral claim to treat others in a specific manner. We as citizens of affluent western nations are not actively preventing the poor in a faraway land from sustaining themselves. We do not steal their grain, set fire to their houses, raid convoys which deliver medical supplies to them, and so on. Human rights violators are those that do prevent the poor from secure access to basic necessities. Maybe some local warlord in an impoverished nation, or his henchmen, or perhaps a few amoral executives whose malicious dumping-practices cause wide-spread famine in said nation. There is, however, another way of viewing human rights, and this is through the lens of institutions, as argued for by Thomas Pogge.

The institutional theory of human rights does not directly make moral demands upon agents to not violate human rights, instead, it postulates certain fundamental principles of justice, which we are to apply to our institutions. Institutions are “standards for assessing the ground-rules and practices that regulate our human interactions”\(^3\) or “rules of the game[...]the humanly devised constraints that shape human interaction”.\(^4\) Such rules are not only laws, formal agreements and contracts, but informal policies, cultural norms and moral codes\(^5\). An organisation, such as a state, is both an institution, in

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\(^2\) Universal Declaration of Human Rights, Article 25.
\(^4\) North (1990), p.3.
\(^5\) While Pogge never strictly speaks of moral codes as institutions, I have opted to include them here, as it makes little sense to me to not count them as “ground-rules and practices that regulate our human interactions”. Nevertheless, even if I am wrong and moral codes ought not to be counted as institutions in the same sense as the others listed, it does no crucial harm to the argument driven in this essay.
that it is constituted by and contains laws, conventions and practices, and an actor, working simultaneously with the institutions and holding them in place in a much more overreaching manner than an ordinary individual agent.

In short, an institutional understanding of human rights makes second-order demands upon our conduct. While the interactional understanding of human rights asks us “do not enslave, for it is wrong”, the institutional theory of human rights asks us “do not contribute to institutions which allow, engender or support slavery, for it is unjust”. It is important to note that according to Pogge\(^6\), this duty exists even if there is no institutional order in which human rights violations are made manifest. Just as we have a Kantian duty not to lie even if there are no one in the world to lie to, we have a duty of justice not to contribute, even if there are no institutions violating human rights to contribute to. Furthermore, the institutional theory should be seen as a compliment to the interactional, and not a replacement. The fact that there is a separate, indirect duty of justice not to support institutions which allow, engender or support human rights violations does not make it so that there is no direct, interactional duty or similar moral demand not to violate human rights.

What makes the institutional theory truly stand out from the interactional is the implication it makes; That if there exists global institutions (or a structure of institutions which extend from the domestic to the global level) which engender human rights violations, then we as ordinary citizens are violating our negative duty of justice if we contribute to these institutions, no matter the physical distance to the human rights violation or how directly involved in it we feel that we are. In the following essay, I will argue just that. Specifically, I will present an exegesis and modification of Thomas Pogge’s contribution-argument for limited global redistribution of wealth, based upon his institutional understanding of human rights. Roughly, the contribution argument states that:

\begin{enumerate}
\item There exists a global order which foreseeably and avoidably causes or brings about human rights violations in a systemic fashion.
\item These violations would not come about, or come about to a much lesser degree, if individuals did not contribute to the global order.
\item Therefore, those individuals who do contribute to the global order (or supports an
\end{enumerate}

Anders Hardh, *Contribution and Complicity.*
University of Gothenburg.

organisation which in turn contributes to the global order) become complicit in the human rights violations caused by, engendered or brought about by the order, as implicated by the institutional view of human rights violations, and are in violation of their negative duty of justice not to contribute.

(4) Those that are in violation of this negative duty is burdened with a set of positive duties to compensate those that have been harmed and reform the harmful system.\(^7\)

Unlike Pogge's historical argument - which states that the many of the unjust institutions which exists today is due to past wrongs which needs to be amended - or his Lockean argument – which claims that our global order is unjust because everyone has the right to their “fair share” of the worlds resources, which the institutions of today prevent – the contribution argument claims that we take a far more active role when we participate in the global order\(^8\). Compensation is not due to the poor because our ancestors have previously harmed them, or because we are living off and controlling more resources than we can justly claim a right to, but because we stand in a harm-relation to the poor right now.

In this essay I will, in addition to presenting a detailed account of the argument, argue that the contribution argument in essence hits it mark. Individual complicity in human rights violations can be entailed through their contribution to harmful institutions and yield a positive duty compensation. However, I also argue that for an individual to be complicit in her contribution, she must be contributing in the right kind of manner, that is, she must be morally responsible for her contribution. If she is not complicit, yet contributes, no negative duty is violated. For an individual to be morally responsible, she must be aware that her contribution is wrong (or be culpably ignorant in that she ought to have been aware), and have sufficient control to avoid contributing at a reasonable cost to herself. The notion of a reasonable cost is important for responsibility because at certain times it may rightfully be thought that it undermines the control-condition if the incurred

\(^7\) Technically, we have obligations towards those we have harmed, as Pogge makes a conceptual distinction between duties and obligations. Duties are fundamental and always apply, where as obligations are only generated in response to some empirical fact, such as the fact that I have violated a negative duty. Since both concepts do the same philosophical work within the scope of this essay, I will keep using the notion of positive duties in order to not confuse the reader with unnecessary terminology. For more information, see Pogge (2005a).

\(^8\) For a more detailed understanding of these arguments, see Pogge (2005b).
cost is too high. For example, if I hold a gun to your daughter's head and order you to slap a stranger in the face or I will pull the trigger, you are technically in control of your actions. You may avoid violating a stranger's negative duty not to be harmed by simply not slapping her, but the cost upon you will be so high that your action cannot be considered “free” in any relevant sense, just as a contract signed under threat is not a valid contract. This matters greatly for Pogge's argument because as we shall later see, given Pogge's strict notion of contribution, it is questionable if his argument provides agents with enough control to avoid violating their negative duty not to contribute. In response to this, I will present a modified take on the contribution argument's core negative duty not to contribute, a duty which is sensitive to reasonable costs yet still preserves individual complicity.

In the first section of this essay, I will explain the core of Pogge's contribution argument for the institutional theory (both how institutions engender harm and how individuals are complicit in the harm done), and provide a general account of responsibility which I believe is sufficient to entail individual complicity.

Section two will be devoted to Pogge's critics. Firstly, I meet the argument that Pogge supposedly lacks an account of individual complicity (as argued by Debra Satz, Uwe Steinhoff and Tim Hayward). Secondly, I weigh in on the culminating worry that Pogge's strong notion of contribution will render his negative duty not to contribute essentially impossible to fulfil at a reasonable cost (as argued by Hayward and Steinhoff).

In section three, I will articulate and defend my moderate reformulation of Pogge's negative duty, explicate the notion of a reasonable cost and argue that even if the size of an individual's contribution is functionally indeterminate (as argued by Satz and Thom Brooks), we can still make sense of a just distribution of individual compensation.

Before moving on, I must note three preliminaries about my approach to this essay. Firstly, I accept the premise of (1), that there exists a global order in such a fashion that it foreseeably and avoidably engenders human human rights violations, as prima facie true. This premise might, however, rightfully be questioned, but I know of no critic of Pogge that do not accept that global institutions play some part in violations of human rights (even if they do not necessarily accept the further argument that ordinary agents are complicit in them), even though some quarrel about to what degree these violations are attributable to
global rather than domestic institutions (most notably Mathias Risse).  

Secondly, I will mostly accept the normative principles of justice postulated by the institutional view of human rights without going providing a broader meta-debate about their feasibility, what they are grounded in or in what bigger framework they figure. Recall that the institutional view makes a second-order claim upon our first-order “ground-rules and practices”, but which exact principles of justice are at play, or why we ought to use these above any others, is never fully spelled out. The unspoken motivator behind these non-defined principles are likely the principles of cosmopolitanism, as defined and endorsed by Pogge. On Pogge’s account, cosmopolitanism stands for (1) individualism, that human beings are the ultimate unit of concerns instead of tribes, nations, etc. (2) universality, that all humans matter equally, and not just some subset of humans, such as aristocrats or those of a specific gender and (3) generality, that all persons are the ultimate unit of concern for everyone, not only their compatriots, or those practising the same religion, and so on. All these premises can be rightfully questioned on their own, and especially salient for critique is the idea of generality, which implies that we ought to give equal regard to strangers across the world as we ought to give to those with whom we share a common culture and goal. This principle postulates a kind of global commitment to the well-being of others which I wager most people would find alien, as it asks us to promote and care about the well-being of total strangers, strangers which we do not appear to have even the slightest cultural, social or causal link to. Similarly, the institutional theory claims that justice extends globally, so that our actions at home somehow violates a duty of justice towards a person well beyond the scope of our domestic social cooperation. But such a notion becomes problematic when not violating one’s duty of justice towards strangers to the extent that the institutional theory demands (an extent which is quite considerable, as we shall later see) might sometimes conflict with duties of justice owed to those which we stand in a relation of friendship, partnership, family or shared nationhood with. After all, while I might belong to the collective of people that engender human rights violations (according to the institutional theory), which burdens me with a duty of compensation, I also belong to the collective of people that make up my nation and keeps its institutions, infrastructure, well-fare system, etc. going. Plausibly, there will at times be conflicting

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9 Risse (2005).
10 Pogge (1992), pp. 48-49.
duties generated by belonging to these collectives. I will touch upon this issue in section 3.1.

Thirdly, I will be ignoring the broader debate about global justice and whether or not the institutional theory and the contribution-argument is inadequate to provide a full framework for all our duties of justice, as some of Pogge’s critics have argued. These critics mean that even if given ideally fair institutions, much of the world’s poverty would remain, and the contribution-argument fails to account for that we may still have duties of justice towards these people even if we no longer violate our duty not to contribute. However, such critique is erroneous and based on a flawed understanding of Pogge’s reasoning. As mentioned previously, the institutional theory which the contribution-argument is based upon is fully compatible with an not only an interactional account of human rights, but with further duties of justice entailed from other sources and “stringent but unenforceable positive duties to aid and protect”.

1. The contribution argument

In this section I will thoroughly go through the details of the contribution argument. As stated in the introduction, Pogge’s contribution argument rests upon the idea that we have a negative duty of justice to compensate those that are having their human rights violated by institutions which we contribute to. When I speak of an agent contributing to harmful institutions, they are harmful in the sense that they engender human rights violations. By engender, I mean that institutions helps to facilitate human rights violations or generate many of the background-conditions for them to come into existence. I do not hold that the global institutional order are neither a sufficient nor a necessary cause of human rights violations.

While Pogge speaks of two duties, a duty to reform the harmful institutions one contributes to, and the duty to compensate the victims of the harmful institutions, I will only speak of a duty to compensate. This is because, in my mind, both duties can be viewed as a form of compensation. When you compensate for a harm done, you incur a cost. When you attempt to reform a system, you also incur a cost (you spend time, energy and possible money to make it happen). I understand both duties as being reducible to costs upon an

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agent, and reformation to be just a different expression of the duty to compensate.

Furthermore, I question if Pogge can actually coherently argue that our duty to reform a harmful system is anything but a duty to compensate, at least without providing a further argument for what this duty is grounded in. If I harm you in some manner, I often have a duty to redress the harm (if I break your toy, I must buy you a new one or give you one of mine, etc.), but it is not obvious that I also have the further duty to reform my character, or change the circumstances which engendered me to break your toy (perhaps I had a group of friends encouraging me to do it). Maybe I broke your toy for morally valid reasons (you were going to hurt yourself with it), this generates a duty for me to compensate you, but not a duty to reform my good character. Similarly, if I belong to collective whose contribution to an institution brings about harm to you, I owe you compensation. In many cases, the most efficient way of compensating for this harm might be indirect, in that I strive to reform the institutions so that no further harm may ever come to you, yet this does not motivate the existence of a separate duty to reform the system. Granted, we might have a general duty always to improve our poor character, or improve harmful institutions, but then this duty would apply even if I did not contribute to any harm. Certainly, a duty to reform a harmful institution which one has contributed to would be a handy claim for the contribution-argument, since it would ensure that agents continuously work to bring about better ones, which might sooner rather than later bring about an end the most of the human rights violations brought about by the global institutional order. However, it is an insufficient motivation for the claim that there actually exists such a separate duty.

1.1. How the current institutional order engenders harm

If institutions are to be thought of as formal and informal rules of conduct, what exactly are they, and how are they harmful? The idea of rules of conduct engendering human rights violations might at first seem ephemeral, but I think that if we approach the issue from an analogy (as is so frequently done), it will soon become much clearer.

Imagine a boarding-school named Mansfield. At Mansfield, there is a bully named August. August harasses the other children, steals their lunch-money when the teachers are not looking, and in general acts like an unpleasant person. While neither the school nor the teachers do anything to actively support August, they also do not prevent him in any
reasonable manner from terrorizing others. In fact, the school has a general policy only to intervene in order to prevent the most grievous of abuses (to avoid a scandal), and the school-board still clings to the old notion that “boys will be boys”, and a certain amount of pain and terror is needed to make “men out of mice”. This policy and mentality is so prevalent at the school that August and the other children know of it. As such, August knows that his rampage will go unpunished as long as he does not take things too far, and the other children know that they must fall in line or suffer for it. August is clearly culpable for the torment he puts others through. However, his actions are engendered by the informal and formal rules of the school. Without the formal policy, he would be less likely to torment as he would fear punishment, and without the informal policy he would feel less justified in cruel acts, as it soothes his conscience.

The global arena is much like our oppressive boarding-school. Legal policies, loop-sided trade-agreements and privilege-abuse allow larger actors such as states and corporations to promote their own interests at the cost of the weaker. However, unlike the boarding-school, many of those that take advantage of the policies are also the ones that set them. The World Bank, for instance, sets specific conditions which must be realized in order for loans to be given, such as demands upon how the money must be spent, on the structural ordering of society or what trade-restrictions or incentives they must make. These conditions are more often than not a hindrance for the poor nations and a benefit for the rich members, but with no other available creditors to lend the sums needed, developing nations have nowhere else to turn. As mentioned, states often act to promote their interests over others on the global arena, promoting favourable treaties and conditions for themselves at the cost of developing nations. As an example, in the 1982 Convention on the Law of the Sea, sea-bed resources were defined as “the common heritage of mankind”, to be used “for the benefit of mankind as a whole[...]Taking into particular consideration the interests and needs of developing states”\(^\text{13}\). However, such egalitarian decrees did not sit well with the Clinton administration, who successfully lobbied to have the convention changed shortly before it were to come into force, replacing the content of the convention with terms and principles more beneficial to industrial nations, removing the demand for sea-bed mining to give special consideration to developing nations.

\(^{13}\) Pogge (2002), p.125.
In the above cases, actors set or influence rules of conduct by enforcing formal policies. Other times, it is the complete lack of oversight or regulations built into formal institutions which engender harm. Such is the case of the four privileges. The privileges are a loose set of “rights” conferred upon the ruler of a territory, granting considerable boons. The borrowing-privilege gives a ruler the right to borrow vast sums of money on the international area in the name of those he supposedly rules. The resource-privilege allows a ruler to dispose of the resources found in his territory as he wish, such as exporting oil or minerals. The contract-privilege, much like the borrowing-privilege, allows the ruler to sign contracts in the name of the ruled territory, and the arms-privilege confer to a ruler the internationally recognized right to legally buy arms and munitions. Since these four privileges are very rarely the subject of international oversight, they are ripe for abuse, and serve as heavy incentives in underdeveloped nations to take power via unlawful means. Any military junta or rebel group can effectively be recognized as rulers of their territory simply by crushing the opposition via force of arms. Before their successful coup d’etat, providing them with arms or munitions would be considered on par with funding terrorists. They would not be able to sign trade agreements with other nations on the behalf of the entire population, or line their pockets with borrowed money or the profits of sold resources. Despite this, by the mere application of brute force, these privileges are recognized once the majority of a territory is controlled by one faction, no matter how this faction achieved this goal. If there existed more demanding requirements in order to exercise these privileges, then there would be less incentives for new coups, and the currently sitting despots would be limited in the harm they could do.

Furthermore, compliance with the clearly unjust formal institutions which engender harm sometimes generate harmful informal institutions. Larger corporations such as Apple and Samsung are both world-leading producers of smart-phones, which require the rare metal cobalt. Much of the worlds supply of cobalt come from the Democratic Republic of Congo, where the miners are paid a pittance for their work and forced to endure harsh working-conditions with minimal safety procedures. Both corporations are no doubt aware of the unjust mining-operations required to provide them with the raw-material needed to cheaply mass-produce their phones, and both could use their considerable influence at a

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minor loss in revenue in order to greatly increase the standard of living of the miners\textsuperscript{15}. Their use of the formal institutions which allow such trade to happen facilitate the informal policies of normative acceptance. They are legitimized and other other corporations are encouraged to follow suit if they want to stay competitive.

Of course, the average individual citizen does not make such grand and direct impacts on global institutions. Instead, their complicity in the harm engendered is a great deal more subtle.

1.2. How ordinary citizens are complicit in engendering harm

Let us return to the boarding-school of Mansfield. Each year, parents send their children to the school, paying a hefty tuition. Since they pay their fees to have their children enrolled at the school, they also have some say over the policies and general running of the school. Each year, the parents must sign off their approval of the school's faculty and methods. They may opt to veto more extreme measures and methods used by the school, or even band together to force some of the faculty to step down. However, for different reasons, the parents seldom bother enough to vote anyone out of office or attempt to change the school’s methods. It would take effort, and time, and no one wants to be the odd-one out to raise his voice and start a ruckus. There are other available schools nearby, which have much better policies, but since they are not as prestigious and slightly more expensive, the parents send their children to Mansfield anyway, despite being aware of the sometimes cruel occurrences and oppressive conditions prevalent at Mansfield.

Here, I think many people would hold the parents as complicit in the harm done to the children at Mansfield. After all, they were aware of what would likely be the outcome of not attempting to change the school’s management, and could have done so at a relatively minor cost to themselves. They could have sent their children (and thereby their tuition) to a different school. They may not have mistreated the children themselves, but they are sufficiently implicated in their harm. In a similar fashion, the contribution argument implicates individual citizens in the harm engendered by the global institutions. Pogge argues that in “contributing [their] labour to the society’s economy, [their] taxes to its

\textsuperscript{15} This is the example used by Brülde & Duus-Otterström (2015). Young (2006) provides an even more detailed version of the individual account when she presents the causal connection between affluent first-world citizens and poor sweatshop-workers in the third world. See also Ashford (2007).
governments”\textsuperscript{16}, citizens of affluent nations are contributing indirectly to harmful institutions, since they enable organisations such as states to function. Since states often work to bring about or are complicit in setting or engendering harmful institutions (such as the above example with the Clinton Administration) then those who contribute to them are indirectly complicit. Individual citizens may of course make themselves more directly complicit via engaging in the political life. They may directly influence harmful institutions from a position of power or via voting for political parties which either support the current status quo of global institutions or actively work to enhance the benefit of their compatriots at foreseeable harm to others. However, most contribution is likely done by ordinary agents via our western consumer culture. For an example of such behaviour, let us again look at Apple and Samsung. As mentioned, these phones require rare metals which are extracted under unfair conditions. Had people not bought them, had there been boycotts of the product until an at least minimal threshold of justice in production was met, then miners would fare much better as the mining-companies would be under political and economical pressure to make a very small economic concession (increasing minimal wages, provide minimal operational and social security, etc.) for very large economical gains (being able to sell their products). As Christopher Kutz argues\textsuperscript{17}, ordinary agents can also be viewed as contributing through normative support in the same manner organisations do when they legitimize practises. When an agent buy these products, not only does she contribute directly (providing funds to the corporations), but indirectly as her behaviour expresses support of the current unjust institutions which allow these phones to be manufactured. Their mere usage and ownership of a product signals that there is no great moral shame in partaking in these institutions. Such an idea is by no means a recent invention. Often cited in the global justice discourse is Joel Feinberg, who argued over thirty years ago that “A community of people share a set of cultural values, one of whose effects is to encourage behaviour that results in outcome O, then everyone who belongs to the community shares in the responsibility for O, even if they disapprove of it.”\textsuperscript{18}

\textsuperscript{16} Pogge (2002), p.66.
\textsuperscript{17} Kutz (2002), p.11.
\textsuperscript{18} Feinberg (1968).
disassociate themselves.\(^{19}\)

However, as mentioned in the introduction, there is a difference between complicity and contribution. I argue that one must be aware of one's contribution (or be capable of becoming aware), be able to exercise sufficient control over it, and do so at a reasonable cost if an agent is to be viewed as complicit. While Pogge remains silent on these issue, he does recognize that the institutional order itself must meet similar conditions, in that it must both foreseeably and avoidably engender harm.

1.3. Awareness and control, foreseeable and avoidable

If an institutional order is to be considered unjust, the harm it engenders must be both foreseeable and avoidable\(^ {20}\). That is, the harmful outcome of the order must at least be predictable by a certain set of people whose job it is to make decisions specifically regarding this system (such as officials, law-makers and other decision-makers) or experts related to the field (such as political scientists, economists, etc.), as far as this is "reasonably possible"\(^ {21}\). If Pogge is to hold individuals as complicit in the harms engendered by this system, I argue that he must also provide a plausible account of when an individual can be considered complicit in the harm done via her contribution (thereby violating her negative duty), and when we can consider her contribution as unfortunate, but not duty-violating. Pogge never explicitly provides such an account. Fortunately for him, I think a rather general account of individual responsibility, mirroring his account of foreseeable and avoidable systemic harm, is sufficient for this task.

Briefly put, for an individual to be complicit in contributing to a harmful system, she must have known that her contributive action was in fact a contribution (or she ought to have known that it was), and she must have been able to avoid doing what she did, at a reasonable cost comparative to the resources they posses.

For example, if Tom wants to buy coffee, he can buy either normal coffee or fair-trade coffee. Tom is aware that buying fair-trade coffee is a good thing, since buying normal coffee contributes to harmful institutions. Furthermore, the minor additional cost of buying the more expensive fair-trade brand does not put Tom above the threshold of

\(^{19}\) McGary (1986).


what can be considered a reasonable cost for him, given his situation. He can both afford it financially, and there will be no grand personal consequences for him if he opts to do this. His wife will not leave him, he will not get fired, and he may comfortable fulfil all his special obligations. Tom can therefore be said to be able to freely buy the fair-trade coffee at a reasonable cost to himself, and we can hold him as complicit in the harm engendered by unjust institutions if he buys the normal coffee.

Now, if Tom were to be aware, or had reasons to suspect, that some coffee-brands are fair-trade are some are not, but does not know which are which (they are for some reason not marked in the store), then we can still hold that Tom ought to find out which brand is which before making his purchase, given that the resources he expends in doing so does not put him over his threshold of reasonable costs. If he does not, we can once more hold him complicit. That being said, the resources he ought to expend (as long as it doesn't put him over the maximum threshold) is a function of the likelihood of him picking the bad brand and the bad outcome of that pick. If he suspects that nine out of ten brands are bad, but only slightly so, he might be demanded to expend a certain amount of resources. However, if he suspects that only one brand is bad, increasing his odds of not at random picking this brand, but also that this brand is very, very bad, he could be demanded to expend an equivalent amount of resources as in the former case. Given this, those actors whose decisions have a greater odds of causing large scale harm, such as states or corporations, also have more stringent demands upon them to ensure that they are aware of the consequences of their decisions. Nevertheless, this hurdle is not a large issue to overcome, as large actors also have comparatively more resources to play with. The cost for a multinational corporation to investigate whether or not they ought to invest a sizeable sum of money in one coffee-producer or another is minuscule in proportion to their vast available resources, especially given the large-scale impact of their investment as compared to the impact of a lone individual investing the same proportional sum of her wealth.

Some philosophers have queried if it does not sometimes seem appropriate to judge a person as morally blemished or sullied, even if these conditions cannot be met. Known as “moral taint”, the idea is that individuals can be tainted by her association with a wrongdoing, such as “Germans by the actions of Nazi-Germany”\textsuperscript{22}, or by knowingly buying

\textsuperscript{22} Cripps (2013), p.177.
a “dirty” product because doing otherwise would be an unreasonable cost, or by profiting from a wrongdoing. Such taint might then entail a duty of compensation which is weaker than the duty entailed by the negative duty violation of contribution but stronger than ordinary positive duties of humanity to prevent grievous suffering, or excuse different treatment of the tainted to some degree. I do not have space here to articulate a full defence or criticism of moral taint, but I will comment on its relevance for this essay. Larry May writes “that those individuals who can, but choose not to, distance themselves from groups that are contributing to harm[...]are morally tainted by the harm caused by their fellow group members”. In my mind, individuals associated with wrongs (such as Germans during WW2) are either contributing directly, contributing through normative support and encouragement in the manner argued for by Kutz and Feinberg, or are simply no more morally blemished than any other agent who does not speak up against or act against harm. If someone such as Tom truly has done all that can be reasonably expected of him to avoid contributing, but cannot help but to do so, then Tom might feel bad about doing so, yet he has no special duties in lieu of this. It might very well be that agents who belong to a certain group are more efficient at or have a greater opportunity at a lower cost to influence specific groups or situations, thus providing an all-things-considered stronger reason for doing so than other agents, but this does not mean that their association burdens them with any specific duties. It is also questionable if benefiting from a moral wrongdoing would be morally bad in itself. Benefiting from the harm might contribute to future harm being done via encouragement, legitimization of the harmful practices, and so on. But it is then this contribution which burdens the agent with a duties to redress the harm caused, not the fact that she benefits from it. For example, if a harmful practice exist on a future Mars-colony to which Tom does not contribute whatsoever, but draws a small benefit from, then this benefiting can only be considered bad if it influences Tom to perform some other harmful act (or to refrain from performing a good act).

So far I have presented a detailed account of the contribution argument. I will now offer a brief recap of the argument and list some possible changes which an agent can undertake to compensate for the harm she has done. After this, I will move on to Pogge’s critics.

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24 May (1992), p.120.
1.4. A brief recap and some suggested changes to the global order

Pogge’s theory of global justice makes moral claims upon our current global institutions – the formal and informal rules governing the conduct of interactions by individual agents or organisations such as states and corporations. Some of these institutions foreseeably and avoidably engender harm in the form of human rights violations, with “foreseeable and avoidable” being defined as there being an alternative institutional order which could be implemented that would engender less harm. Those who contribute to these institutions are thereby burdened with the positive duties of compensation and reformation as they are in violation of their negative duty not to contribute to systems which engender harm. Given Pogge’s strict conception of contribution, ordinary agents in a modern society will invariably contribute to these institutions, and be burdened with said positive duties. The whole procedure can be illustrated in the following way:

![Diagram of contribution and complicity](image)

*Figure 1*
Recall from the introduction that according to Pogge, we hold a negative duty not to contribute to harmful institutions even if no harmful institutions exist. This negative duty, like the Kantian duty not to lie, is always present, even if there is no actual way for us to trigger it, as illustrated on the left-hand side of the flowchart. For the same reason, we still have our duty not to contribute, even if we have compensated for our contribution, as seen on the bottom of the flowchart.

If this is then a harmful institutional order, what improvements does Pogge think we can make? In *World Poverty and Human Rights*, Pogge suggests a possible solution, his Global Resource Dividend\(^\text{25}\). In short, the GRD argues that a mere 1% of our global aggregate income (312 billion USD, not adjusted for inflation) invested wisely in institutional change would be sufficient to provide every human alive with basic necessities, and that this sum should be achieved mostly through a tax on natural resource use, as “those who make extensive use of our planets resources should compensate those who, involuntarily, use very little”\(^\text{26}\). The GRD is complex and intriguing, worthy of an essay of its own, and as such I will not comment on its details. I will nevertheless say that whether or not Pogge's GRD is feasible, there are minor adjustments we could make in the current global order to make it engender less harm, even if we cannot make it optimal.

One such measure could be a global tax (such as the proposed “Tobin-tax”, which would tax cross-national monetary transactions) which would be applied on nations based upon their contribution and used to build better global or domestic institutions. Another would be to put restrictions upon the four privileges, so that some sort of “minimally just” threshold must be met by the controller(s) of a region before they are regarded as legitimate rulers. If despite this certain nations deal with those that have not met this standard of being minimally just, such as selling them arms, they would be liable for sanction in the form of fines and trade-blockades. The TRIPS-agreement (governing intellectual property rights) could be reworked so that medicine come with a price-ceiling when sold in poor nations (or to organisations that work with or in poor nations, such as Doctors Without Borders), or the patent-time drastically lowered on specific medicines which are deemed especially important to prevent massive suffering. States can pass legislation so that large corporations receive tax-cuts if they ensure that the workers who


\(^{26}\) Pogge (2002), p.204.
produce their products in poor nations are paid well and have favourable working conditions, and so on. Many, if not all of these measures can be realised through political pressure from states, using already existing political forums such as the UN. For an individual, our alternative for compensation vary with who we are. Naturally, we may vote for a sounder political party, or pay new taxes created in order to build new institutions, but there are many other ways. Ordinary people may use the internet to spread information and appeal to others to change their ways. Journalists and others involved in the media may do the same. Researchers at political or economical institutes may press the administration to publish more studies in the related fields of global justice. Minor city or state officials may push the issue at a regional level, even though they hold little sway over national decisions, and so on.

Of course, the economical feasibility of these suggestions and how to implement them in practice is to be judged by economists and legal scholars, but whether or not Pogge's normative claim holds up are left to philosophers. Therefore, let us now look at those who disagree with Pogge's reasoning.

2. Normative criticism of the contribution argument

I will here present two different strands of criticism aimed at Pogge, targeting different parts of the contribution argument. Firstly, I will address the complaint that Pogge lacks a sufficiently explanatory account of how ordinary people are complicit in human rights violations, given that they have very little influence over decision-makers of both their own state and other organisations. Secondly, I weigh the merits of the argument that Pogge in essence postulates an “impossible” negative duty, which we cannot feasibly fulfil given reasonable costs. It is based on this critique that I offer my remodulated core negative duty.

2.1. “Pogge lacks a causal account of individual complicity”

If I told you that you were an “active participant in the largest, though not the gravest, crime against humanity ever committed”\(^\text{27}\) you would likely raise an eyebrow and demand that I explain myself. How are you, just an average person, guilty of such things as “imposing” an institutional order? Critics such as Uwe Steinhoff, Debra Satz and Tim

\(^{27}\) Pogge (2005b), p.33.
Hayward have challenged Pogge on these words, demanding that he provides an account of how it is that we as *individuals* harm the poor.

Pogge says that we, the affluent, are implicated in shaping and enforcing the social institutions that produce these deprivations. But, as ever, Pogge is careful in choosing his words here: “implicated” is a less precise term than “(causally) responsible for”. To cash out the implication, if not a full causal explanation, then at least some evidence would be required. What is the nature of the evidence?\(^{(28)}\)

If Pogge wants to articulate a theory in which ordinary citizens are duty-bound to compensate for a harm done, he must show how *our* actions make such a claim warranted. To some degree, this criticism makes perfect sense, in that Pogge spends very little time in any of his work to talk about *individuals*. While he is no slouch on digging up empirical evidence which supports his claim that the global institutions are unjust (and many of his critics would agree), he spends comparatively little time showing how this can rightfully be said to be due to ordinary agents. Very few of us are representatives of states, or sit on the board of directors for large corporations, or have any direct influence whatsoever over the affairs of the World Bank or the IMF. How can we all be considered complicit to any non-trivial degree? Pogge’s bold rhetoric doesn’t exactly help to convince any sceptics. As Hayward and Satz correctly points out, for an individual to help “impose” a global order, a high degree of control and power appears necessary, something which an average person lacks\(^{(29)}\). To be an “active participant” conjures mental images of citizens working towards an intended goal, while the far more likely scenario is that ordinary citizens are either inadvertently complicit in their contribution (unaware of their contribution, even though they should have known better) or regrettably contributing (in that they are in some sense aware of the harmful effects of their actions, and judge it as unfortunate, but have no idea how to avoid doing so at a reasonable cost to themselves). It is for this reason that I have argued Pogge’s claim in more careful terms. Individuals are not “active participants”, but “complicit in”. Institutions are not causing or bringing about human rights violations, as this is unproven, but instead they are engendering them.

Nevertheless, I do not think that the criticism holds water in any stronger sense, and

Anders Hardh, *Contribution and Complicity.* University of Gothenburg.

for two reasons. First, as I have spent quite some time elucidating (see section 1.1-1.3), Pogge has an account of how we are complicit in human rights violations. We, as ordinary citizens, are either directly supporting institutions which engender harm (via voting, or investing capital in corporations), or via or economical conduct indirectly support those that take advantage of the institutions which engender harm (large corporations), which has the side-effect of legitimizing their practices. Even though my personal contributions are almost too small to notice, we can still be seen as jointly responsible for a bad outcome. Not accepting such a claim would lead to what Parfit calls the “second mistake of moral mathematics”, because it ignores the fact that we can rightly be thought of as acting together in some cases.

Even if an act harms no one, this act may be wrong because it is one of a set of acts that together harm other people. Similarly, even if some act benefits no one, it can be what someone ought to do, because it is one of a set of acts that together benefit other people (His emphasis) 30

The second mistake counter-intuitively imply that no agent in any scenario which might be overdetermined (say, a vote for racial segregation that passes with large margin) is responsible to some degree in the outcome. As the second mistake also illustrates, there is no need for Pogge to establish a direct and traceable link between a specific act and a specific outcome. As argued for by George Mellema31, it is enough to say that what makes an agent complicit is that her action increased the probability of a bad outcome. Such an account helps us with problems of joint responsibility which harm is only brought about when a certain threshold is met.

For example, imagine that I and four others jointly dump chemical waste in a river. However, unless a certain concentration of the compounds dumped is met, the chemicals are harmless. Individually, we each appear to be doing no harm, yet each of our individual actions increase the likelihood that the dangerous concentration will be met and harm will be done. When the sixth person comes along and dumps her chemicals in the river, and the river turns toxic, the blame cannot be solely be put on this person, as her actions alone did not cause the threshold to be met. Everyone who dumped into the river engendered this end to come about, and if they were aware (or ought to have been aware) of the potential

30 Parfit (1984), pp.70-73.
harm of their actions, we can all hold them complicit for contributing.

2.2. “Our duty not to contribute is an impossible duty”

The fact that Pogge can provide an account of how individuals are complicit in human right violations across the globe is only one variable which Pogge needs in order to secure the contribution argument’s feasibility. An equally important one, mentioned in the introduction and 1.3, is that individuals must be contributing in the right manner. An individual’s contribution must be made under sufficient awareness and control, and within the limits of a reasonable cost. However, as argued by Uwe Steinhoff and Tim Hayward, it is questionable if Pogge can adequately show that we can avoid contributing at a reasonable cost.

Imagine any ordinary citizens, yourself, if you will. To cover your basic needs, medicine, clothing, food and shelter, you require some form of income. For this, you have to work, and to work you have to pay taxes (ignoring cases of living off welfare and working illegally). In order to meet the very minimal conditions of basic necessities which Pogge seeks to protect for the global poor, you yourself must partake in your society. However, given Pogge’s strict conception of contribution (“contributing [your] labour to the society’s economy, [your] taxes to its governments”, see section 1.2), you are thereby violating your negative duty (assuming that you live in a society which contributes to the harmful global institutions). In essence, you are set up to fail from birth. It seems that the only way out is to become a hermit. However, as argued by Steinhoff, this would not only be incredibly costly for an individual agent (how many of us have the skills to live off the land? How many of us can live a decent life in social isolation?), but morally problematic.

My taxes do not only do harm, they also do good; for example, they help the poor and sick people in my own society. Besides, what about a mother and her special duties towards her children? Even if her only way to honour her negative duties towards the poor consists in becoming a hermit or an emigrant (and an emigrant to where and to what?), is she really morally required to do so, given her obligations towards her children? Intuitively, this seems to be not particularly plausible.32

It is very likely that Pogge considers these drastic measures to be unreasonable, as he never

speaks of being fully able to avoid contributing. Instead, he offers an example of disassociation through compensation. During the horrors of World War II, weapons-manufacturer Oskar Schindler played a significant contributory role in the Nazi war-machine. However, unbeknownst to the Nazis, Schindler was simultaneously helping the Jewish population. For Pogge, this is a clear case of disassociating oneself from harmful institutions via compensation. “Schindler cooperated in imposing [harmful institutions]. But doing this allowed him to compensate (more than adequately) [...] through protection efforts for its victims.”

Sadly, Pogge does not seem to respect the conceptual divide which lies between fulfilling a negative duty and honouring the positive duties which are generated when one has violated said negative duty. It is fully possible that Schindler did, all things considered, more for those which were having their human rights violated during the second world war by continuing to contribute to the Nazi war machine while also helping the Jews, but he still violated his negative duty via contributing. As Hayward points out, compensating for harm done simply isn't the same as not harming. Yet our primary duty is our negative duty not to contribute, and our duty of compensation is merely a generated duty rising from our duty violation. So according to Pogge’s argument, Schindler acted wrongly. Perhaps even more perverse, it seems that those who are victims of unjust institutions are also complicit in their own undoing. As David Miller notes, some Jews of Nazi-Germany certainly contributed their labour and taxes to the Nazi regime, simply because they had no feasible alternative not to. They lacked the means to flee the nation, but of course needed to feed their families. Ought we truly to say that these unfortunate people are morally complicit in their own destruction?

Pogge might still be able to avoid the objection by referring back to his negative duty. It is not the case, Pogge might say, that we have a simple negative duty of “not to contribute”. No, what we have is a more advanced duty of “not to support any harmful institutional order which foreseeably and avoidably engenders harm unless you simultaneously acts as to compensate for your contribution and/or reform the harmful order”. Formulated in this manner, any ordinary agent may fulfil her negative duty without

34 Hayward (2008), p.5.
having to exile herself from society. Furthermore, such a formulation carries some intuitive appeal. Many laws and contracts come with specific conditionals which drastically nullifies or alters the antecedent, for instance, it is often illegal to cause bodily harm to others, unless necessity demands it, such as acts of self-preservation.

This explanation is also highlighted by Hayward, who remains unmoved\(^{36}\). Negative duties are traditionally understood as a duty which requires us to refrain from a specific conduct, as opposed to positive duties which asks us to act in some specified manner. But Pogge's duty so stated appears not to be a pure negative duty, as it does not specifically ask us to refrain from a conduct, but instructs us what we must do if we do not refrain from a conduct. If Pogge wants to keep his duty as a traditional negative one, it makes more sense to understand it as two separate duties (or one duty and a set of duties) in the manner described by this essay; One negative duty, and positive duties arising from the violation of the negative duty. This is in keeping with the usual conception of keeping separate negative duties not to harm and remedial duties to redress harm. My duty not to break your prised Ming vase is simply not the same as my duty to repay you for breaking it.

Furthermore, I cannot help but to notice that the compound duty so phrased by Pogge as “do not contribute unless you compensate” seems to imply that it is permissible for me to break your Ming vase as long as I pay for it. This seems strange, since even if I pay for it I do not have the right to break your belongings. Such a problem is especially salient when it comes to human rights. Human rights become something that the rich can skirt at their leisure, as long as they make amends for it somewhere down the line. Such reasoning seems like an ill fit for a theory mainly concerned with justice.

For instance, imagine a state which sells arms to a foreign dictator for a total sum of one billion. It is confirmed beforehand by reliable sources that the dictator is likely to use these arms to ethnically cleanse a minority-population of ten thousand. Two years later, the state, to compensate for their knowingly harmful contribution, uses one hundred thousand of this billion to build institutional improvements in the same nation. The dictator has been removed from power, and the new institutional improvements save the lives of thirty thousand people (while the state still makes a tidy profit). Even though the state might have compensated for their contribution, it has have still violated its duty

\(^{36}\) Hayward (2008), pp.2-5.
towards those that died or were otherwise grievously harmed. But if Pogge’s duty is a compound duty, then this sort of act would be deemed permissible. I think this implication provides us with sufficient reason to doubt the formulation of the duty as a compound one. However, if our negative duty cannot be understood as a compound duty, then the above-mentioned impossible-duty objection still applies in full force.

At this point, Pogge is in a bind, and must yield on at least one front. He could either backtrack on the idea that our negative duty not to compensate is what grounds our stringent positive duty of compensation, but that would likely collapse the theory into a weaker theory of positive duties to aid or positive duties of justice, or he could reformulate his core negative duty in a manner that would still entail that individuals have a positive duty to compensate, but limit the scope of what counts as contribution. I will now argue that the latter is the preferable choice.

3. A moderate approach to contribution and compensation

In this section I will argue for two claims. First, that Pogge can still make effective use of individual compensation with a reformulated core duty, and that ordinary agents are not unreasonably burdened by this new duty to compensate. Second, I will consider the argument of Thom Brooks, who claims that how much an individual contributes is fundamentally indeterminate, which puts determining how much a given individual should compensate in question. In turn, I argue that even if Brooks is right, we may still identify just principles for determining some compensation.

3.1. The moderate negative duty

The issue at hand is that Pogge requires a negative duty that can be fulfilled without asking us to sacrifice what we cannot. Unlike the Kantian maxim of “ought implies can”, where in “can” is spelled out function of what humans are able to do given all their capacities (you can, for instance, save a dozen lives by donating all your organs right now), “can” in this sense is a function of what individuals are able to do while still paying adequate respect to

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Please note that the actual figures in the example makes no real difference. Pogge’s formulation implies that a state may contribute to and benefit from unjust institutions, as long as it compensates. But one can easily argue that even if the state made no money, that it used the full billion to save a hundred thousand lives (or ten thousand lives, to avoid consequentialist intuitions), its action was unjust, as it knowingly made an avoidable, harmful contribution to human rights violations.
their interests, special obligations and dignity. As critics and I have argued, Pogge’s formulation of “do not contribute” (or “do not contribute unless you compensate”) implies a sense of contribution in a manner that cannot be spelled out to meet the criteria of ought implies can in this sense. I therefore suggest a minor reformulation of Pogge’s duty, which I think meets all the intuitions of Pogge’s duty, but avoids violating the Kantian maxim. I propose that the new core duty should read as following: “Do not contribute if you can avoid doing so at a reasonable cost to yourself”.

Unlike Pogge’s attempt at a compound duty, this formulation does not seem to imply that it is in any way permissible for me to contribute as long as I compensate. The “do not contribute” is spelled out in absolute terms, and one must never contribute until the threshold of “can” (spelled out as a reasonable cost) is met. The crucial effect of this is that we do not need an ad hoc addendum in order to explain why individuals are not complicit in contributing to harmful institutions when they pay their taxes or provide their production-capabilities for the benefit of society. Since an ordinary agent cannot avoid contributing to their state at a reasonable cost to themselves, they are not violating their core negative duty.

But if contributing one’s “labour to society’s economy, one’s taxes to its government” is ruled out by my core duty, then in what sense are ordinary individuals complicit in the harm engendered by global institutions? As I suggested in 1.3, there appears to be two other main areas of contribution which meet the conditions of awareness, control and reasonable costs; Political engagements and economic conduct.

Of course, even these manners of contribution are not wholly unproblematic. The moral responsibility of a strangers actions cannot directly reflect upon me. If my prime minister opts to put a segregated minority in concentration camps, then his moral fault is not my moral fault. I have not put anyone in a concentration camp. In other cases, acts are performed by organisations largely removed from our daily political life, as indicated by Satz. The IMF, for instance, often debate in secret and its officers are appointed by decree

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38 Are there situations in which one may never contribute, despite how unreasonable a cost one is burdened with? Plausibly, there are. If my sole, individual contribution directly causes the death of a child, yet in doing so I save the life of my own child, contributing might still be wrong. However, answering such questions is well beyond the scope of this essay. In the real world, almost all costs an agent in an affluent nation can be expected to bear will not reach such a threshold.

of government rather than elected, so how can their actions reflect upon me?

Shaping one's economical conduct may also be a daunting task, given all the economic interactions which ordinary agent directly perform or are indirectly involved in every day, and the infinite complexities of the global arena. For example, let us look at Tom again, who is attempting to buy fair-trade coffee. If Tom fulfils his epistemic duty at a reasonable cost by finding out which brand is fair-trade, then he is off the hook. But must not Tom also find out if the store in which he buys his coffee does not in turn buy their employee uniforms from a sweatshop? Or if the corporation that transports the beans to the coffee shop is not also involved (directly or indirectly) in transporting arms to a military junta? It is likely that every economic action undertaken will, somewhere down the line, contribute to an unjust institution.

Nevertheless, I do not think that these problems are insurmountable. For example, consider the conduct of an elected official, or a group of elected officials. Clearly what she (or they) do is not what I do. If an elected official acts wrongly (like instating concentration camps), then she is culpable for all the wrongs associated with this action. However, my wrong is that I voted for a political party which I knew (or should have known) were likely to support or engage in these kinds of activities. If I had no reason to suspect that this would be the case, me voting for the party would not be wrong (or my contribution would at least not make me complicit), but I would still be complicit for every subsequent vote I give to the party once it becomes known what they intend to do with the powers granted to them. The same goes for every vote I give to a party which does not endorse concentration camps, but conveniently ignores them, thus giving their tacit consent. By the same reasoning, any vote for a party which either directly endorses the current unjust institutional order or gives their tacit consent through using them without disavowing them is a case of contribution which mandates compensation.

The same can be said for many existing opaque global institutions. The IMF is not immune to political pressure (its representatives are appointed by elected officials, after all). Given enough demands from affluent states, both its economic policies and preference for clandestine meetings would change. The IMF officials are appointed, but appointed by elected officials, which are in turn elected by us. We are aware, as Satz points out, of the “sometimes ruinous policies” of the IMF, so we are complicit in the fact that they are

allowed to continue with them. We are complicit for the same reason that I am complicit when a political official I voted for introduces unjust policies, and I had prior to my vote sufficient reasons for suspecting that she might.

Now, it is likely that most if not all political parties of a nation will provide its direct or tacit consent to the current global institutions, but that doesn’t excuse voting for them. A citizen can in fact opt to not vote at all (or in nations that allow it, vote blank) while expressing her protest. Of course, this reasoning generalizes to all related cases, which might at first seem problematic. Not only must an agent not vote for a party which supports the current practices of, or is not committed to changing, the IMF or other international organisations, but she must also not vote for any party which supports or is not committed to changing any other global institution which engenders harm. It is unlikely (if not fundamentally impossible) that there ever will be a political system in which no party does not contribute to any harmful institutions whatsoever. If we still appealed to Pogge’s strong core duty, it would counter-intuitively imply that we would never be able to vote for any party, as any such vote would count as complicit contribution. Fortunately, the moderate duty implies no such thing. While the moderate duty still demands that we do not vote for certain parties, it recognizes that there exists a cut-off point beyond which we cannot be held complicit for voting. Imagine that Tom refuses to vote for all political parties in his nation because of their contribution to global institution X. This has already cost Tom the ability to have his other preferences represented on the national arena (say, his preferences for higher taxes). Let us say that this does not constitute an unreasonable cost for Tom. Now, come next election, no party might contribute to X, but still to institution Y. It is yet again possible that not voting does not constitute an unreasonable cost for Tom (or that the aggregated effect of the set of acts he is part of, the “do not vote”-set, will not bring about an unreasonable cost for him). However, at some point, the balance will tip, and the cost becomes too high. At this time, the duty no longer demands that he keeps his hands clean, and he may contribute freely. This reasoning also generalizes quite efficiently to the case of shaping one’s economic conduct. How far should Tom go to avoid contributing to unjust institutions via his economic conduct is a function of how much it will cost him. At a certain point, the effort of having to look up information about the harmful effects of his purchases will reach the tipping point, or the aggregate cost of all the small increased expenditures he must make in
order to do the right thing (like paying a minor extra sum for fair-trade coffee) will put him over the threshold.

As mentioned in the introduction, there is a complication with this reasoning that I must comment on, and it arises when we consider conflicting duties between different collectives. As mentioned by Steinhoff, a mother is in a collective with her offspring, her spouse, and so on. With this comes certain duties and special obligations, which will conflict with her duty not to contribute had she been forced to become a hermit. Now, plausibly, there will be times when such a conflict arises between the duties of justice I have towards my collective as member of the collective (such as a member of a democratic state) and my duty of justice that I have towards non-members. Pogge postulates that we have duties of justice not to contribute to harmful global institutions, but one might wonder if we do not have a similar (though not necessarily as stringent) duty of justice towards our domestic institutions, in that we ought not to contribute to, or we ought to oppose unjust domestic institutions, even if what makes these institutions unjust is not that they engender human rights violations.

For example, take once more Tom and his voting-habits. Tom has a duty of justice not to contribute to unjust global institutions unless not contributing incurs him an unreasonable cost. Therefore, he does not vote for any of the available political parties in his nation during a specific election. However, Tom plausibly also has a similar duty of justice not to stand by idle if a populist party is about to gain power in his state, and with that power enact some unjust laws. To fulfil his duty of justice towards his compatriots, Tom might be forced to vote for a party which contributes (or gives its tacit consent) to harmful global institutions just in order to oppose the populist party. Not voting for any of the parties might not actually cost Tom anything (he will not be harmed in the slightest, even in the long run, by the ascendancy of the populist party), and so he can fulfil the modified negative duty of justice not to contribute to unjust global institutions. Nevertheless, the fact that he might have conflicting duties, especially since these duties involve those that we have special obligations towards (family, friends, compatriots), is still problematic.

I do not think there is an easy solution to this problem, but I do think that there is at least a proper way of looking at the problem. When duties conflict, we must apply another metric to determine which one to follow, and in this case as many others, I suggest
we must look to the consequences. In most cases, I think that the negative duty not to contribute to unjust global institutions trumps the duties of justice we might have towards those we have special obligations to. This is because, simply put, these people are not having their human rights violated. The negative duty of justice not to contribute to global institutions which engender human rights violations is stronger than our positive duties of justice not to allow some unjust domestic law to come to pass, or a similar negative duty of justice not to contribute (vote for) a party which will engender unjust domestic institutions, even given the additional weight these duties have since they are towards those which we have special obligations. Nevertheless, there are some exceptions.

If a political party upon winning an election is likely to establish such domestic institutions (be it either laws, indirectly enforced social norms or changes in domestic organisations) which lead to a significant overall drop in duty-compliance with the negative duty not to contribute to harmful global institutions among the nations members, and preventing this party from gaining power will, ceteris paribus, prevent more contributions to human rights violations than the total contribution done by voting against the party (if voting against the party requires voting for a “bad” party), then voting against the party ought not to be considered a negative duty violation. If the political party threatens to establish such institutions which will prevent certain members of the nation from secure access to their human rights (maybe the party plans to establish concentration camps, etc.) then voting against the party ought not to be considered a negative duty violation.

In short, at certain times, our duties of justice towards those which we share special obligations with will be weighty enough to supersede our duty of justice not to contribute to global institutions. What determines when our duty not to contribute to global institutions is superseded by another duty of justice is not the cost it will burden us with if we do not contribute to global institutions, but the cost it burdens others with if we do not fulfil our duty towards domestic institutions. Naturally, there is no easy way to do this sort of moral mathematics. How will I know when not doing my duty of justice towards my friends, family compatriots and will bring about such exceptional circumstances mentioned above? Plausibly I would have to apply the same reasoning of risk and harm detailed in 1.3, but in this case the math is more complicated, as my action is no longer dictated by facts that I have reliable access to, that is the cost that I would be burdened
with if I acted in a specific manner. When Tom decides to vote or not to vote for a “bad” party, based upon whether this additional, aggregated cost of not voting for a party (such as not having his interests represented) will put him over the threshold of what can be deemed a reasonable cost, he has a relatively clear idea of whether this act will put him over the threshold or not. It is less likely that Tom can as accurately make this judgement about when or when not to it is the all things considered right thing to do to contribute to harmful global institutions. That being said, I must make it clear that I do not think that scenarios in which our duty of justice towards those we have special obligations to supersedes our negative duty of justice not to contribute to harmful global institutions are common, even though there probably exits quite a few situations which I have not covered.

With the antecedent of the moderate duty spelled out, I now turn to define the conditional of reasonable costs and compensation. While this section is not strictly necessary for my argument to succeed (what metric to use concerning what a “cost” is, where exactly the line ought to be drawn and how to spread the costs around are irrelevant to the fact that with my reformulated core duty, we can still hold individuals as failing to fulfil their negative duty, as opposed to if we apply Pogge’s duty) I feel that the essay would be incomplete if I did not at least offer some thoughts on it.

### 3.2. Reasonable costs and reasonable compensation

I will not this late in the essay attempt to fully articulate the notion of costs, but follow Shelly Kagan\(^\text{41}\) with his idea that cost should be understood as sacrifices of interests. A sum of money can be used to acquire the object my interest (coffee, movies, a fancy dinner, etc.), and the loss of said money constitutes a cost as I am now prevented from achieving these interests. How much can then be considered a “reasonable” cost? A reasonable cost must in my mind be one that does not severely infringe upon to two kinds of interests; Basic interests and interests of autonomy. Basic interests are those which are fundamental to human survival, such as those protected by our human rights. These include such things as food, shelter, clothing, medical care, and so on. Interests of autonomy\(^\text{42}\) are roughly those interests which are essential for humans to exist, develop and flourish while showing adequate respect for their rational selves. For instance, humans have a shared general

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\(^{42}\) For further articulation of what constitutes an interest of autonomy, see Blake (2001)
interest of being able to dictate how they live their own lives, to be able to improve their station and see their hard work rewarded, and to create and maintain meaningful social relations. While our basic interests are of more importance, neither level of interests ought to be severely infringed upon by costs. If avoiding to contribute to harmful institutions requires us to become hermits, or work back-breaking labour at minimal payment to support any interests beyond my basic ones, or prevent me from partaking in the bonds of community in such a manner that I may not make any meaningful social relationships or interactions, then the cost is an unreasonable one.

What are then the principles for distributing these costs? In some cases, justice demands that people compensate in proportion to the damage they have done. If I break a window, I have to pay for the window (and maybe a certain sum as punishment for breaking the law). To require that I pay more than what can be deemed as relevant for the crime committed is not just. Ideally, we ought to carry such a correlation to the global arena as well. Those actors or agents which can be successfully identified ought to be held responsible to a greater degree, and therefore be demanded to compensate more. Sadly, things are often more complicated than this when it comes to actions of states. For instance, imagine that 55% of a state votes for a “bad” party, while the rest vote for a good one. Intuitively, only those that voted for the bad party contributed, and have to compensate. But votes are anonymous, so how are we to identify who ought to compensate? We are stuck with the two unappealing options. Either we judge that the state itself ought to compensate for its contribution to harmful institutions, but that means imposing a cost upon members of the state that voted against the bad party, or we say that collective punishment is unreasonable, and thereby judge that no one should compensate. However, if we assume the latter, then any form of intra-national sanctions break down. We cannot punish any state for violating any treaty, since it will impose costs upon those that do not support the current ruling government, which is unfair. Also, as argued by David Miller\textsuperscript{43}, democracy is a cooperative venture. We cannot simply choose to not ignore the effects of a vote which is not to our liking. If that were the case, laws would only apply to those that voted for them. Therefore, counter-intuitive as it may be, it appears that even those who do not contribute to unjust systems must sometimes compensate, even if their compensation is a form of “collateral damage”. The spread of such compensatory costs

\textsuperscript{43} Miller (2007).
ought to be so divided as to minimize intrusions into an agent's interests of autonomy, likely in a form mirroring the already well-established and accepted western progressive tax-systems.

For those that contribute through their economical conduct, their compensation can either come in the form of special taxation on goods which are considered “dirty”, but for different reasons cannot be forbidden, so that their very purchase will aid in tearing down the institution(s) which the goods rely upon\textsuperscript{44}. There are of course other methods of compensation, such as donating to relevant charities, or the different steps one can take to spread awareness as described in 1.4. A worry articulated by Thom Brooks and Debra Satz\textsuperscript{45} is that since the size of an individual’s contribution appears fundamentally indeterminate (how am I ever to figure out the exact impact of all my economic transactions?), so will an individual’s just compensation. Even though I agree with them both, I am not too worried that exact figures matter. If I inadvertently push a child into a pool, what must I do to make it right? I must save him from drowning, of course, but must I also replace all his damaged clothes and items? Repay him for his psychological trauma? Take him across town to the hospital for a check-up? Repay all the other children nearby that might have been traumatically affected (or at least make some effort to find out if they were)? Our contribution to harm seems here to be indeterminate as well, yet we may not use this as an excuse to do nothing. As individuals we must simply attempt to do our best to compensate given a rough estimate of our contribution, which can be established with at least some precision by experts.

4. Conclusion

In this essay I have argued that Pogge's contribution argument based upon the institutional theory of human rights can make sense of individual complicity in human rights violations engendered by global institutions. While I have rejected Pogge's strong claim of complicity through contribution of taxes and labour, I have argued that individual complicity is still entailed through certain economical transactions and political representation. I have included certain conditions for when an agent is complicit in her

\textsuperscript{44} Similar ideas have already been put in place by many nations. For instance, those that drive have to pay special emission-taxes to compensate for their impact on the climate.

\textsuperscript{45} Brooks (2007), Satz (2005).
contribution – and thereby violating her negative duty – and when she is not. I have argued that an agent can only be viewed as violating her negative duty if she had adequate control and awareness of her contribution to harmful global institutions, and that she could avoid contributing without incurring unreasonable costs upon herself. While the notion of what makes a reasonable cost requires an essay in itself, I have suggested what I think are some intuitive demarcation points. In essence, the contribution argument cannot demand that those who contribute to harmful institutions be subject to cost which severely infringe on either their basic interests, such as life and health, or their interests of autonomy, such as being able to form social relations or have an adequate degree of control over one’s life. Some philosophers have considered a notion of “moral taint” appropriate for those that contribute even if they cannot meet the above-mentioned conditions, but due to considerations of space and scepticism on my part I have neglected to give this notion a full inquiry.

Even given my fairly modest take on contribution and the conditionals I have suggested must be met in order to hold an individual as violating her negative duty, I conclude that the contribution argument holds. Most of us are likely still complicit via our economical conduct or voting habits, and must therefore compensate it.
Bibliography


