

FOUNDATION FOR RESEARCH SUPPORT OF THE STATE OF SÃO PAULO

SCIENTIFIC REPORT (BEPE)

**CRITERION OF UNIVERSAL JUSTICE, NEGATIVE DUTY AND
POSITIVE DUTY: THEORETICAL STUDY OF THE CONCEPTS OF
THOMAS POGGES INSTITUTIONAL REFORM**

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Scientific initiation report submitted to the
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PRESENTATION

This Scientific Initiation Report is intended to present the work developed during the three months of the Research Internship Abroad (BEPE) scholarship granted by the Foundation for Research Support of the State São Paulo (FAPESP). First, it is important to briefly summarize the initial research proposal, its objectives and the tasks performed during these three months of the scholarship period. Next, the academic activities carried out during the period are reported. Finally, the information obtained during the development of the research and the conclusions reached so far are presented, as well as reconsiderations regarding the theme and expectations for the development of the work.

PROJECT SUMMARY

This project aimed to carry out a bibliographic deepening with a view to a better theoretical understanding of the concepts of negative duty and positive duty of justice and the criterion of global justice formulated in the book *World Poverty and Human Rights* by Thomas Pogge. These concepts orbit the entire cosmopolitan proposal for the eradication of extreme poverty proposed in the author's work, object of study of the initial project “the eradication of extreme poverty through the reform of shared institutions proposed by Thomas Pogge”. In view of this, it was proposed that the desired objective be developed with the guidance of the creator himself in his Global Justice Program at Yale University – where these concepts were formulated and are frequently discussed. To justify the current project, the path outlined began with the study of the criterion of cosmopolitan justice and its evaluative role in the proposed reform of global institutions. Then, some contours were analyzed regarding the negative duty of justice, which configures the active spirit of ethics that forms the reformist proposal. Finally, the moral problematic and the criticism of Pogge involving the positive duty of justice were studied.

1. ACHIEVEMENTS IN THE PERIOD

During the development of the research, activities of bibliographical selection and study of the chosen theoretical material were carried out, with the help of the supervisor abroad. To organize the work schedule and systematize the content, it was necessary to divide the themes of the object of study. This report will present the synthesis obtained through the confrontation of objectives (1) and (2) designated in the project, which are:

Main goal:

Bibliographic deepening to a better theoretical understanding of the concepts of global justice criterion, positive duty of justice and negative duty of justice. Under the guidance of Thomas Pogge and the discussions produced in the Global Justice Program, this project aims at a better development of the most fundamental contours involving the proposal to reform shared institutions for the eradication of poverty developed in World Poverty and Human Rights.

Specific objectives:

Guided by the general objective that guides this project, we intend to:

(1) Deepen the bibliographic reference based on the guidance of Professor Thomas Pogge in order to develop a broader understanding of the criterion of global justice. (1 month).

(2) Deepening the bibliographic reference based on the guidance of Professor Thomas Pogge in order to develop a broader understanding of the negative duty of justice and the discussion involving the positive duty of justice. (2 months).

1.1 Activities developed during the internship period.

Main activities carried out by the beneficiary during the internship period at the Yale University Justice Program:

- a) Participated in the course “Introduction to Political Philosophy”, taught by Professor Thomas Pogge, held twice a week at Yale University. In this class, subjects that were essentially indispensable for research were discussed, since it objectively contemplated

the area in which it is inscribed: political philosophy. In addition, more precisely, the of the class focused on introducing the development of political ideas and proposing challenges to the political theories of essential authors for this research, such as John Rawls and G. A. Cohen.

- b) Participated in the seminar “Justice, Taxes, and Global Financial Integrity”, taught by Professor Thomas Pogge, held once a week at Yale University. This class aimed to study the formulation, interpretation and application of national and international tax rules from the perspective of national and global economic justice. This matter is indispensable for the development of the research, since it deals with pertinent themes of global justice that are essential for the thesis of Thomas Pogge (object of the research).
- c) Participated in the organization of one of the sessions of the seminar “Justice, Taxes, and Global Financial Integrity”, held on November 1st, in which the political scenario in Brazil was discussed and had the participation of Professor Dr. Murilo Gaspar do (Unesp-Franca) and Professor Dr. Hélio Alexandre da Silva (Unesp-Franca).
- d) Participated in the organization and as an auditor in the conference “Human-Centered Approach to Health Innovations: Reconciling Intellectual Property with Human Rights”, held at Yale University on October 29th and 30th. The importance of this conference is due to the theme addressed “intellectual property”, which is seen in Pogge's theory as one of the great problems of the global order to be reformed. The conference also brought a deeper understanding of the relationship between intellectual property and human rights deficits (which is one of the subjects of the project's study).
- e) Participated in the organization of the Conference “Global Justice Program Annual Conference 2022. Justice and Technology”, held on November 10, 11 and 12. At this event, he chaired a panel entitled “Autonomous Weapons”, on November 11th. To carry out the organization of this conference, there were weekly meetings with members of the Yale Global Justice Program, with discussions about the subjects to be addressed at the conference, guests and meters. The event was quite broad in its panels addressing various issues within the scope of global justice, ethics, international politics, among others.

- f) Participated in an academic visit to Georgetown University, on November 8th and 9th. On this occasion, she participated in a dialogue space with collaborators from the Global Justice Program to discuss the issue of global justice.

1.2 Activities with the supervisor

Meetings were held with the research supervisor to address the development of the work, methodological issues, selection of suitable bibliographic material, preparation of the report and resolution of any doubts. These opportunities greatly contributed to the pursuit of activities.

In addition to these meetings, consultations were carried out electronically to deal with questions related to the research. During the entire period covered by to this report, the scholarship holder and the research activities were supported and monitored by the supervisor.

2. RESEARCH DEVELOPMENT

Due to the nature of the research, which proposed to carry out a theoretical deepening of the author's concepts, the synthesis of the result will be described in the text below, which follows in an orderly manner the objectives listed in (1) and (2). In summary, the research aimed to deepen some concepts that are the object of research carried out in Brazil. Thus, it follows the understandings obtained from the concepts of “criterion of global justice”, of “negative duty of justice” in the interpretation of Thomas Pogge and from the author's criticism of the welfare “positive duty” in the fight against poverty.

CRITERION OF GLOBAL JUSTICE IN THOMAS POGGE

Assessing global institutions

Humiliation can be attributed to certain actors (individuals or institutions) and we can therefore demand that they stop acting in a way that provokes it or that they eliminate the humiliating circumstances (REGO; PINZANI, 2014, p. 54). From the 1980s onwards, the World Bank and the IMF promoted international policies that influenced the global economy and, consequently, the spread of poverty in peripheral countries, through measures of a

neoliberal tendency, in which the international rhetoric about poverty was encouraged, which never represented major changes (UGÁ, 2011, p. 183). The same neoliberal spirit is also seen in the WTO policies, which encourage protectionism and monopolies, which hinder the opening of markets and the possibility of carrying out profitable exports to developing countries and prevent universal access to medicines in less developed countries. developed (as established by the TRIPS agreement). These institutions, in addition to NATO, UN, EU and OECD, architect the shared institutions that form what Thomas Pogge refers to as the “global order”, which in the words of Joshua Cohen:

comprises treaty - and convention-based rules about security, trade, property rights, human rights and environment: rules that govern global rule makers, the norms and standards associated with territorial sovereignty, policies adopted by global rule-making bodies (say, TRIPS or the decisions of the World Trade Organization Appellate Body), and the security and assistance policies of the world's most powerful states. (COHEN, 2010, p. 19).

Thomas Pogge's work, in *World Poverty and Human Rights* and in his other texts, is essentially marked by the accusation of how all the political, economic and social ideas of the global order have a universal impact on society. Through international politics, negotiations and treaties, the World Bank, the WTO, the IMF, among others, create their own “impact path”, which has the global order as its point of origin and society as a whole. The key point of Pogge's thought is that, for the most part, the policies promoted in this way are harming the world's poor¹, or, at least, they are worse than they could be in terms of eradicating poverty.

In the modern world, the traffic of international and even intra-national economic transactions is profoundly shaped by an elaborate system of treaties and conventions about trade, investments, loans, patents, copyrights, trademarks, double taxation, labor standards, environmental protection, use of seabed resources and much else. These different aspects of the present global institutional order realize highly specific design decisions within a vast space of alternative design possibilities. It is incredible on its face that all these alternative ways of structuring the world economy would have produced the same evolution in the overall incidence and geographical distribution of severe poverty. (POOGE, 2010, p. 34).

The avoidability and predictability of poverty provoked by the support of global institutions are characteristics that strengthen Pogge's argument, and that make poverty a moral problem. We currently live in a world where an estimated 925 million people are chronically

¹ The definition of who the worlds poor are has a broader view in Thomas Pogge's theory than merely distributing people below an income level defined by some institution (although the author does not exclude this methodology). Pogge (2011, p. 2) is based on art. 25 of the Universal Declaration of Human Rights, to say that “we might define a poor individual as one who does not have access 'to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care”.

undernourished, 844 million lack access to safe drinking water, 2.5 billion lack access to improved sanitation and nearly 2 billion lack regular access to essential medicines, and, fatally, in which 1 third of all human deaths, 18 million each year, are due to poverty-related causes (POGGE, 2011, p. 21). The situation is that while shared institutions systematically foment human rights deficits, as Thomas Pogge (2010, p. 12) analyses, a 2% change in global income distribution is enough to eradicate the severe poverty that currently ruins the lives of nearly half of the human population. Still, in terms of economic inequality, Pogge (2008, p. 10) shows that the aggregate deficit of all people in extreme poverty is worth “only” US\$ 300 billion annually, less than 1% of the aggregate annual gross national income of high-income economies. In comparison with the total of funds available to fight poverty, Pogge (2010, p. 54) reports the insufficiency of the money made available by individuals, companies and governments in rich countries, so much less than the amount of \$300 billion a year needed for a serious offensive against poverty.

And why does this make poverty a moral problem? Thomas Pogge will answer that the citizens of rich countries have a responsibility for the deficits of human rights and the deaths that result from this situation. This is because the insecurity of the world's poor in accessing human rights objects and the deaths that come from this deficit are caused by global economic arrangements designed and imposed by the governments of rich countries. The author writes (2008, p. 28) that “these governments are elected by us [citizens of rich countries], responsive to our interests and preferences, acting on our name and in ways that benefit us”. In other words, what Thomas Pogge wants to accuse is that the citizens of the most developed countries elect people, that is, they provide the guardianship of their actions to political representatives, who modulate the main global institutions that are currently promoting measures that avoidably and predictably they foment human rights deficits on a global scale and, consequently, contribute to the persistence of poverty.

Citizen attitudes clearly matter. If citizens of Western states cared about the avoidance of poverty, then so would their politicians. But an individual citizen may still feel powerless to change anything and may then reject any responsibility for the massive persistence of severe poverty. This rejection clearly could not excuse a majority of citizens. Given the stakes, the members of such a majority should organize themselves or otherwise ensure that politicians understand that they must seriously address the world poverty problem if they want to succeed in politics. (POGGE, 2011, p. 31).

To understand Pogge's accusations, it is necessary to make a brief analysis of how precisely global institutions affect poverty. Luigui Caranti (2010, p. 40) provides a list of the harmful effects that the global order has on society, which Thomas Pogge lists in *World*

Poverty and Human Rights, and which can be summarized as follows: a) The TRIPS agreements (Aspects of Rights Trade-Related Intellectual Property), which allow the exploitation of pharmaceutical innovations in the form of a patent monopoly for 20 years; b) the export tariffs that developing countries pay to rich countries, which discourages their production; c) protectionism operated in rich countries, which pay subsidies to their productive sector and keep it sovereign; d) the sale of weapons carried out by rich countries to poor countries, whose aim is to finance the elites of marginalized countries to remain in power; e) agreements between the governments of rich countries and the non-democratic governments of poor countries that bring “privileges” that benefit the powerful and indebted the marginalized; f) the enjoyment by rich countries of the fragile tax legislation of poor countries, useful for the diversion of money (tax haven); and g) the precarious working conditions operated by multinationals in the industries of underdeveloped and emerging countries.

The governments of rich countries take advantage of the “resource privilege” (power to freely dispose of a country's natural resources) exercised by corrupt and tyrannical rulers of certain poor countries² to manipulate them, obtaining the desired natural resources and, in return, helping to finance the maintenance of the anti-democratic group in power³. It is also a fact that the rulers of the more developed countries take advantage of the “borrowing privilege” (ability to borrow freely on behalf of the country) that the governors of the less developed countries have to enrich themselves and, at the same time, to indebt a country for decades⁴. In this regard, the fact that banks in more developed countries allow civil servants in less developed countries to easily deposit misappropriated money, often from drug trafficking and the fruits of terrorism, is condemned. Another disastrous measure exercised by international corporations (generally headquartered in a developed country) is to use tax havens to declare their profits and be less taxed⁵. Also noteworthy is the issue of global pollution, given that rich countries respond to a disproportionate share of global pollution (POGGE, 2011, p. 30).

² Pogge (2008, p. 28) condemns global institutions for taking advantage of the poor governance present in less developed countries, which, according to him, “are autocratic, corrupt, brutal and unresponsive to the interests of the poor majority”.

³ Thomas Pogge (2008, p. 208) exemplifies this relationship with the purchase of crude oil by the elites and the financing of the Nigerian kleptocracy and the Saudi ruling family, when he writes that “yes, the affluent often pay for the resources they use, such as imported crude oil. But these payments go to other affluent people, such as the Saudi family or the Nigerian kleptocracy, with very little, if anything, trickling down to the global poor.”

⁴ To exemplify this issue, Thomas Pogge (2011, p. 29) writes that “many poor populations are still repaying debts incurred, against their will, by dictators such as Suharto in Indonesia, Mobutu in the Democratic Republic of Congo and Abacha in Nigeria”.

⁵ In this regard, Thomas Pogge (2011, p. 29) explains that “since they are not required to do country-by-country reporting, such corporations can easily manipulate transfer prices among their subsidiaries to concentrate their profits where they are taxed the least”.

Thomas Pogge is careful to put numerically the damage that such global institutions promote in poor countries. As for protectionist barriers, Pogge (2010, p. 20) stipulates that these restrictions shorten poor countries' earnings by US\$ 100 billion annually. As for the TRIPS agreement, which hinders the production and access of “generic” drugs in poor countries, the projection is that it will result in a 10- to 15-fold increase in drug prices (ibid., p. 21). With regard to facilitating the diversion of public money, a loss of US\$323 billion is estimated, while the use of tax havens to declare profits and lower taxation estimated a deprivation to poor countries of US\$ 98.4 billion per year in tax revenues (POGGE, 2011, p. 29). With regard to environmental pollution, it is estimated that emissions caused by rich countries cause damage of US\$ 125 billion and 300,000 deaths, almost entirely to poor countries (ibid, p. 30).

Adding these factors, the magnitude of the losses and the avoidability, Pogge elaborates what Joshua Cohen (2010, p. 19) baptized as the Strong Thesis of Thomas Pogge: “most of the global poverty problem could be eliminated through minor modifications in the global order that would entail at most slight reductions in the incomes of the affluent”. Thus, it can be said that Thomas Pogge's thinking starts from a basic principle: misery, radical inequality, together with the resulting deaths could be avoided if the global order were designed in another way (SANTOS, 2013, p. 98). However, it is necessary to consider that the mere mathematical exposition of the deficits caused by the global order and the basic analogy of the avoidability of poverty are not enough for a convincing reform project, although they are essentially necessary arguments. This is put forward by Luigui Caranti (2010, p. 49-50) and his ““afraid that the sheer quantification of how little it would be necessary (in absolute and relative terms) to raise most global poor to a condition consonant with the standards set by art. 25 of the UDHR will not be sufficient to ground the Strong Thesis”. Faced with this, it is accurate to state that Thomas Pogge understands the fear that a global institutional reform will not be sufficiently convincing with only technical demonstrations on the problem, recognizing the need to construct a philosophical justification for the reform, to be proposed in terms of justice. Given this, when stating that global institutions are unjust, what would be the criterion of global justice used by Thomas Pogge?

Searching a cosmopolitan concept of justice

Perhaps due to the premonition that normative proposals in which principles of justice are presented would also solve this problem, poverty has never been the main object of research by philosophers – with the exception of Amartya Sen and Thomas Pogge. (PINZANI, 2017, p.

348). Although poverty is, in fact, an unpopular subject in the literature of political philosophy and ethics, there is an interesting range of ideas about the concept of poverty and the fight against extreme poverty. Amartya Sen builds a new perspective on the problem of poverty with the concepts of functions and capabilities⁶, taking the measurement of poverty beyond merely arithmetic parameters. One should also praise the work of Thomas Piketty, who, in his book *Capital and Ideology*, takes a broad and precise look at the political and ideological dynamics that mark the modern history of social inequality (SILVA, 2020, p. 477) and promotes idea of combating poverty as the progressive tax on private property. Another author is Van Parijs, who starts out from the conviction that current societies are permeated by unacceptable inequalities (VAN PARIJS, 1996, p. 17) to, based on the concept of distributive justice⁷, defend the idea of the basic income of citizenship⁸. All these authors, but not only them, have some points in common: a view on the problem of poverty, an idea or expectation of a criterion of justice and a defense or a consolidated idea on how to solve the problem in question.

However, if we have apparently validated ideas and proposals, why do we still live in a world where a third of all deaths in the world are due to causes related to poverty? Perhaps, for Thomas Pogge, who, of course, is included in the same philosophical field as the cited authors, the answer is the lack of a criterion of global justice, which the author tries to formulate and defend.

Since Pogge's Strong Thesis aims to point out that much extreme poverty could be avoided by an otherwise designed global order, there needs to be a criterion of justice so that all people can draw on a common basis of moral judgments. on the global order and on other social institutions with substantial international causal effects (POGGE, 2008, p. 39). This is because given that global institutions are developing policies that are predictably and avoidably fomenting extreme global poverty, it is necessary to define a criterion of justice that assesses the degree of prejudice in which the institutions of a social system are treating people (ibidem,

⁶ Amartya Sen develops these concepts more specifically in chapter 3 of his book "Inequality Reexamined" (1992). According to Alessandro Pinzani and Walquiria Leão Rego (2014, p. 39), "Capables, in Sen's view, are chances or opportunities for functionings. These are not mere capabilities: to say that someone has the capability to move freely to another city does not refer to their ability to move physically (to their being able to move), but the real options they have to do so. it." Regarding the concept of functionings, Amartya Sen (2001, p. 79) writes that "the relevant functionings can vary from such elementary things as being adequately nourished, being in good health, avoiding escapable morbidity and premature mortality, etc., to more complex achievements such as being happy, having self-respect, taking part in the life of the community, and so on".

⁷ According to Van Parijs: "distributive justice is a matter of distributing possibilities, or freedom, rather than results, and that one should focus upon the real opportunities available to each individual" (VAN PARIJS, 2003, p. 203).

⁸ Basic income is an income paid by a political community to all its members individually, regardless of their financial status or work requirement. (VAN PARIJS, 2000, p. 179).

p. 37). In other words, assuming that global institutions are promoting injustice, what then is the right way to treat someone? In a careful reading of Thomas Pogge, the issue of global justice must be addressed through human rights.

At first, it is necessary to define some fundamental contours of what “global justice” is to be defined as a criterion. As John Rawls 1999, p. 3) celebrates, “justice is the first virtue of social institutions”, in which it must offer “in the first instance a standard whereby the distributive aspects of the basic structure of society are to be assessed.” (*ibid.*, 1999, p. 8). In this way, Thomas Pogge extends the vision of social justice to the global level in order to judge international rules and practices, seeking to establish an assessment of “how they govern and tax themselves, how they organize education and health, agriculture and defense and how they regulate foreign investment, intellectual property rights and foreign trade” (POGGE, 2010, p. 17). The addition of the term “global”, as Thomas Pogge justifies (*ibid.*, p. 14) is due to the fact that “the distinction between national and international spheres is dissolving”, due to the proliferation of international, supranational and multinational actors and the profound influence of transnational rules and the systematic activities of these actors in the domestic life of national societies. According to Pogge (*id.*), “this helps to explain why 'global' is replacing 'international' in both explanatory and moral theorizing”. Elevating institutional moral analysis to a global level, the mission is to provoke a justification of how the massive incidence of poverty through institutional means is an injustice, in order to create, from a defined criterion, a moral path for global institutions and, thus enabling a serious institutional reform.

Extending institutional moral analysis beyond the state, this question focuses attention on how today’s massive incidence of violence and severe poverty, and the huge excesses of mortality and morbidity they cause, might be avoided not merely through better government behavior, domestically and internationally, but also, and much more effectively, through global institutional reforms that would, among other things, elevate such government behavior by modifying the options governments have and the incentives they face. (*ibid.*, p. 24).

For Pogge (2008, p. 57), the criterion of global justice must be minimal, that is, “the preeminent requirement on all coercive institutional schemes is that they afford each human being minimally secure access to minimally adequate shares of basic freedoms and participation, of food, drink, clothing, shelter, education and health care”. In Pogge's theory, such a minimum level is supported by human rights. Illustrating from the Universal Declaration of Human Rights (UDHR), in art. 25 is provided that such basic goods are a right of every person, while in art. 28 provides that everyone is entitled to an international order that enforces the freedoms and rights proposed in the UDHR's wording. However, it is important to

emphasize that in the theory of Thomas Pogge (2011, p. 7) “human rights are not only part of the law, but also a moral standard that every law must meet and a standard that is still not met by many existing laws in many countries”. Human rights, for Pogge, need not be recognized by any jurisdiction, are inalienable, and are a matter of moral responsibility. Thomas Pogge is affiliated with the vision of “institutional moral cosmopolitanism”, in which the “citizens of the world” have a shared responsibility for not cooperating with a coercive institutional order that harms human rights (POGGE, 2008, p. 176). The key point is that, for Thomas Pogge, global institutions are more or less just to the extent that they harm (or fail to harm) the effectiveness of human rights.

An institutional design is unjust if it fails to realize human rights insofar as is reasonably possible. In fact, an even weaker assertion suffices: any institutional design is unjust if it foreseeably produces massive avoidable human rights deficits. (*ibid.*, p. 25).

Associated with human rights, Thomas Pogge's criterion of justice also uses another parameter to evaluate global institutions: human flourishing. According to Pogge (*ibid.*, p. 33), to say that people are flourishing means “that their lives are good, or worthwhile, in the broadest sense”. Certainly, people have individual measures of flourishing, that is, different determinations of ambitions, life goals, measures of their own success and ethical conduct. One of the great defenses in Pogge's theory is that global social institutions must ensure that people can project these particular ethical worldviews in order to ensure individual freedom of conscience and political participation.

Even a modest criterion of basic justice should therefore demand that social institutions be designed so that the people affected by them can develop, deepen and realize an ethical worldview of their own. The essential presuppositions for this capacity can be presented under two headings. First, liberty of conscience, the freedom to develop and live in accordance with one's own ethical world view so long as this is possible without excessive cost to others. [...]. And second, political participation: the freedom to take part in structuring and directing any comprehensive social systems to which one belongs. (*ibid.*, p. 54).

We are looking for a widely accepted core criterion of basic justice that measures social institutions by how they treat people (*ibid.*, p. 43). Starting from the perspective shown on the extent of poverty caused by global institutions, it is not difficult to conclude that the current global order operates in a way contrary to people's access to dignified human flourishing. This is because, since the world is organized in such a way that a large portion of the population does not even have access to quality nutrition, clothing, medicines and basic freedoms, being

restricted to a good part of human rights, it is presumable that several people are having their conception world ethics violated.

Thomas Pogge is careful to point out the divergence that exists between the conceptions of the world, which make it a factual reality permeated by different formulations of human flourishing. With this, there is a risk that a social institution may prove to be more or less fair for a given concept of human flourishing, given that individual formulations may come from different origins (religious, social, ethnic). But it is important to emphasize that Thomas Pogge (*ibidem*, p. 43) seeks to “formulate a criterion of basic justice that is morally plausible and internationally widely accepted as the universal core of all criteria of justice”. That is, when evaluating global institutions, having as their main mission poverty and the restrictions caused by it, the criterion of global justice must be minimal.

The problem, then, is this: how to create a criterion of justice that evaluates the way institutions treat people, and that allows these to flourish, if in the current interconnected world, and with all existing cultures, there is an unbearable plurality of ethical worldviews. Pogge solves this problem by resorting to the argument that, in fact, what is sought is a minimal, universal and modest criterion, and this is possible since there are universal requirements for flourishing that are preeminent within any ethical project of life. With this, Pogge (*ibid.*, p. 42) says that the problem of particularity can be circumvented by agreeing that “nutrition, clothing, shelter, certain basic freedoms, as well as social interaction, education and participation” are universally important requirements. , and should be ensured by just social institutions.

Pogge simplifies this universality with the argument that this “access to basic goods” can be interpreted in the language of human rights. In fact, human rights provide this universalizing character, exemplified in the Universal Declaration of Human Rights with the term “human family”. In fact, the declaration of human rights lists some basic goods in art. 25, by enacting health, well-being, food, clothing, housing, medical care, indispensable social services and job security as essential requirements for a dignified standard of living. With this, what Pogge wants to propose is that access to all these assets is necessary for any project of human flourishing.

Thinking about access to basic goods in this way, the criterion of global justice constructed by Pogge acts as a nucleus that allows the plurality of specific conceptions of flourishing based on ambitious criteria, while contemplating the essentialities of each one. In other words, with this argument, it is guaranteed that the criterion of global justice is modest to the point that, while managing to support an evaluation that helps guarantee basic access (crucial for any conception of flourishing), it allows other criteria of justice (specific and

national) act in their own realities, maintaining cultural freedom and allowing people to develop their human flourishing in a broader and more specific way. In summary, the criterion of global justice decrees that: global institutions are more or less just insofar as they allow people access to basic goods essential for the development of their human flourishing. Or, to apply the language of human rights: global institutions are more or less just to the extent that they allow people access to the objects of their human rights, which are necessary for the development of their human flourishing.

There is one last element to be worked on for the criterion of global justice constructed by Thomas Pogge: democracy. As shown in this text, one of Pogge's accusations is that the global order uses the privilege of resources and the privilege of loans of anti-democratic authorities of less developed countries to obtain economic advantages and access to resources, promoting, in return, the maintenance of the undemocratic governments in the places where it hits. Thus, it is understood that, for Pogge, global institutions are unfair as they undermine the democracy of less developed countries.

Thomas Pogge (*ibid.*, p. 153) writes that “democracy is a scalar predicate, as political systems can be more or less democratic in multiple dimensions”. Even acknowledging the complexity of conceptions of democracy, it is possible to outline some ideas of core values for a democratic ideal. Buchanan and Keohane (2006, p. 29 *apud* Held; Maffettone, 2017, p. 61) designate some universally important democratic values that Pogge also seems to subscribe to: a) equal consideration for the fundamental interests of all people; b) public order decision-making through collective and principled deliberation; and c) mutual respect for people as reason-driven beings. This means that a conception of global justice also evaluates the way in which the global order affects global governance and, consequently, the flow of democracy around the globe. Thomas Pogge is explicit about this when he raises the importance of the global order allowing democratic constitutions to actually produce effects in the countries where they are registered. About this, the author writes (2008, p. 163) that “the general criterion, therefore, must be sensitive to whether the written constitution actually governs the conduct of all branches of government and how certain constitutional provisions are actually interpreted and applied”.

What is certain is that an ideal of global democracy can bestow institutions that work from different conceptions of legitimacy. As David Held and Pietro Maffettone (2017, p. 61) write, “the ideal of global democracy is compatible with a diversity of types of public institutions that could be evaluated according to normative standards that are not institutionally democratic, but still congruent with democratic values and ideals. That is, the concept of human

rights used in the criterion of global justice elaborated by Pogge also carries a notion of global democracy. The global order is evaluated not only in terms of its effects on access to basic material goods, but also on access to a democracy that allows for the development of individuals.

THE NEGATIVE DUTY OF JUSTICE IN THOMAS POGGE'S PROPOSAL

What does the criterion of justice imply? A negative duty of justice

Thomas Pogge (2010, p. 29) targets his denunciation at “those who make an uncompensated contribution to the imposition of social institutions that foreseeably give rise to a human rights deficit”. The argument put forward by Pogge is that the citizens of developed countries, by electing their current governments, and, consequently, allowing the development of current global institutions, in a way that predictably and avoidably corroborate a significant portion of global poverty, have a active responsibility for human rights deficits made worse by the global policies promoted by these structures. In this way, this part of society is undermining the minimum standard of justice invoked by Pogge (2005, p. 55), the standard that “any institutional order imposed on human beings must be designed so that human rights are fulfilled under it insofar as this is reasonably possible”. Human rights, once harmed under the responsibility of citizens of rich countries, derive from them a negative duty of justice – the duty not to cooperate in the imposition of unjust coercive institutions, which triggers obligations to protect victims from the harmful effects of order. and to promote feasible reforms that improve the fulfillment of human rights (POGGE, 2008, p. 178).

Before verifying the extension of the negative duty, it is necessary to delimit what Thomas Pogge means by the term “harm”, who exactly would be the people responsible for cooperating with the global order and, thus, causing the human rights deficits that intensify poverty global. The author says (2005, p. 61) that “on my view, you harm others insofar as you make an uncompensated contribution to imposing on them an institutional order that foreseeably produces avoidable human rights deficits”. A wealthy citizen, according to Pogge (ibid., p. 60), to be helping to “harm” the global order and be, therefore, morally responsible, must fulfill four conditions: 1) he must cooperate in the imposition of an institutional order on those whose human rights are not fulfilled; 2) The damage promoted by the imposed order must predictably promote substantial human rights deficits; 3) These deficits must be reasonably avoidable in the sense that there is a viable alternative to mitigate the deficits caused; 4) This

alternative project must also be predictable, that is, achievable and with achievable results. The standard of social justice proposed by Pogge is sensitive only to rights deficits, that is, the situation analyzed to determine the injustice that the wealthy citizen may be promoting must entail at least one human rights deficit.

Are only rich citizens of rich countries responsible? Or can we hold the citizens of all the world's developed nations accountable for IMF and World Bank policies? Pogge (ibid., p. 78) explains that it is possible to point out that the decisions that predictably result in millions of preventable deaths fall, in the first instance, on the politicians and negotiators who take them. But Pogge argues that these “commanders” of the global order only promote these nefarious deals and actions to the global poor because the citizens of developed countries have delegated these powers to them. The argument holds that rulers represent the will of the people, and therefore, when citizens of developed countries elect their rulers, those rulers represent the people in their actions⁹.

Pogge is also concerned about the role of the poor citizen. The author (ibid., p. 81) writes that “my concern is not to pass judgment, in the polite company of academics, about ordinary citizens and their shortcomings”, but rather to talk with citizens of rich countries about how it is possible, collectively, to fulfill the citizenship responsibilities they have. In this paradigm, Thomas Pogge (id.) says that “included in the conversation, the laid-off steelworker may be more insulted than relieved by being put, with children and the severely mentally disabled, among those unfit for the responsibilities of citizenship”. We can thus understand that Pogge believes in the critical capacity and in the existence of the right of poor citizens of developed countries to participate in the reconstruction of the citizenship of the society in which he is involved in favor of a global order that avoids the deficit of human rights. On his intentions with his moral project, Pogge writes that:

I am not writing *against* you, to make you feel guilty or to present you with an itemized bill for wrongful damages done. I am writing *for* you to suggest that we can lead much better, happier lives in a much better country if we are willing to do without that bit of extra affluence now purchased for us with the rivers of blood, sweat and tears of the global poor. (ibid., p. 82).

⁹ Debra Satz (2005, p. 50) criticizes the responsibility of the citizens of developed countries since the relations of the agencies that Pogge accuses as the IMF and the World Bank are indirect, the officials are not elected, but appointed by government agreements. Furthermore, the policies of these agencies are often debated in secret, making it impossible for ordinary people to become aware of the discussions. Thomas Pogge argues that this does not exempt citizens from responsibility since they do not even require transparency. The author writes (2005, p. 79) that “the fact that we choose to remain ignorant, choose to allow important structural features of the world economy to be shaped by unknown bureaucrats in secret negotiations, cannot negate our responsibility for the harms that our governments inflict upon the innocent”.

Negative duty is applied to citizens of rich countries because of this argument of responsibility for causing avoidable human rights deficits. This duty comes from the very content of human rights. In this regard, it must first be posited that Pogge does not subscribe to a “maximalist” view that a human right to X provides citizens with a moral claim to their fellow citizens that each should do what he or she can to ensure that each has access to X. Pogge clarifies this when he writes that:

I defend an institutional understanding according to which a human right to X gives you a moral claim against all others that they not harm you by cooperating, without compensating protection and reform efforts, in imposing upon you an institutional order under which you lack secure access to X as part of a foreseeable and avoidable human rights deficit. (*ibid.*, p. 67).

For example, art. 3 of the Universal Declaration of Human Rights provides that “everyone has the right to life, liberty and security of person”. It is notorious that the content of human rights is ambiguous, it does not fix the content in the full sense. It is true that there is a collective agreement that every human being has the right to life, but what is the claim arising from this right? For Pogge, positive claim forms are not presumable for collective agreement, that is, when someone's life is in danger there is disagreement about whether someone has the moral right to claim that a stranger donates his kidney or that medical funding is carried out. Likewise, the human right to access to food and medical care, set out in art. 25. No one disputes that all human beings have a right to access food and medicine essential for survival and well-being, but there is disagreement as to whether this right provides a moral claim for the hungry and sick to demand help from others to donate food and medicine. However, Pogge finds a possibility of consensus on a claim based on human rights from a negative perspective, since there is a shared institutional scheme. In this way, even if, as in the example, it is not a consensus that a person can claim their right to life at all costs, there can be, for Pogge, a consensus that the affected person claims against everyone who cooperates with the current order. global institutional a negative duty not to harm, without compensating, human rights, in this case, the negative right would be for citizens to demand that the institutions with which they cooperate to stop (or at least reduce and compensate) actions that impair access to the human right to life. In the other example, even if, for Pogge, there is no consensus whether the deficit in the human right of access to food generates a demand for the affected person to demand that wealthy citizens donate food, it may be consensual, in terms of negative duty, a demand to that this citizen behaves in a way that demands against the institutions with which he cooperates that

they reduce and compensate the deficits to the human right to access food and medicine caused to the detriment of the non-privileged citizen. This consensus that Pogge is betting on is based on the avoidability and predictability of the deficits that the global constitutional order causes under human rights. The negative duty claimed by people affected by global poverty against citizens of developed countries requires positive obligations for them to promote compensatory efforts of protection and reform. Negative duty is generative of obligations, as Pogge explains:

I hold that we have a negative duty not to harm others by cooperating, without compensating protection and reform efforts, in imposing on them an institutional order that foreseeably gives rise to avoidable human rights deficits. This is a generative duty that, in conjunction with our cooperation in imposing an institutional order that foreseeably gives rise to avoidable human rights deficits, generates obligations to make compensating protection and reform efforts for those whose human rights remain unfulfilled under this order. These are positive obligations. They require each of us to make up for our share of the harm we inflict together—by shielding its victims or by working for institutional reforms. (*ibid.*, p. 68).

There is an important differentiation regarding the negative right not to profit from injustice¹⁰, which, in Pogge's words (*ibid.*, p. 72), “is distinct from our negative duty not to cooperate in imposing any human-rights-violating institutional order without making compensating protection and reform efforts for the victims of injustice”. It is questioned, therefore, whether profit can make taxpayers' obligations to injustice more demanding. For Thomas Pogge (*ibid.*, p. 74), yes, “we must not merely compensate for our share of the harm, but also for any profit from injustice that remains after we have done so”. The author justifies this argument on the grounds that, based on the unregulated economic transactions promoted by the global order, the internal order of developed countries manages to provide their citizens with higher wages and cheaper goods. Pogge acknowledges that it is impossible to quantify this advantage, but the fact that citizens of rich countries profit to some extent makes the obligation to compensate more stringent.

¹⁰ Norbert Anwander maintains that profiting from injustice is not meaningful. The author argues (2005, p. 43) that most of Western world do not benefit from injustices with corrupt or directly beneficial practices. For Anwander, the people at Western world are, 'whether we like it or not,' benefited by the global order". The people who proliferate with injustice, according to Anwander, are those who actually promote an “advantageous action.” For Pogge, the duty not to profit from injustice exists and is separate from the duty not to maintain the unjust institutional order. The German philosopher goes further and states that whoever profits from injustice has a stricter obligation to compensate, and presents his argument through a parable. Pogge (2003, p. 73) presents a hypothesis in which individual X and four other friends are realizing a party, but individual X is also the bar manager at the party, and will profit \$600 from that bar. However, there was a fireworks incident planned by all five organizers that destroyed a small boat. by a needy family for subsistence fishing. Pogge concludes that it is up to each of the five to pay one-fifth of the value to return the boat, but the obligation of individual X, who profited from the party, is stricter. It is wrong for the other four to go home without paying, but it is even more wrong, in Pogge's opinion, for individual X to do so having made a profit from the party.

The above exposition helps to understand what Thomas Pogge (2008, p. 51) means when he states that “we should conceive of human rights primarily as claims on coercive social institutions and secondarily as claims against those who uphold such institutions”. Every plausible conception of human rights, as the author alludes to (2000, p. 46), expresses fundamental moral concerns, that is, it carries within itself the content that people have a moral duty to respect human rights (a duty that does not legal, but a moral obligation). In Pogge's institutional view, citizens of rich countries, by cooperating with a global institutional order that predictably and avoidably causes deficits in human rights, have a responsibility for this reality. From the perspective of the affected person, who had his human right violated, it is morally acceptable, according to Pogge, for him to promote claims of a negative nature, firstly, under the institutions and rulers, who directly promote measures that potentiate global poverty in less developed countries, and, therefore, under the citizens of developed countries who legitimize these rulers to act in this way. The claim is that, under the institutions, that they reduce the avoidable damages or at least compensate them, and, under the citizens of the developed countries, that they stop cooperating with the rulers and institutions and act in a way to fight for reforms that improve the conditions of the global poor. The key point here is this: human rights imply that human beings have a moral claim that their society be structured in such a way that it is possible to exercise them safely. To honor this claim, citizens of rich countries must ensure not only that their governments and officials respect human rights, but also that violations of these rights by their fellow citizens are effectively deterred and prevented.

THE PROBLEM OF POSITIVE DUTY FOR THOMAS POGGE

Why shouldn't poverty be addressed in terms of helping the poor?

What prevents much of Pogge's argument from succeeding lies in the fact that citizens of rich countries understand poverty in terms of helping the poor, that is, they understand that their duty to the problem is solved through donations, transfers and assists, and that is a very serious mistake. This is because, through this notion of duty, the citizens of rich countries distance themselves from the responsibility of poverty, not placing themselves as collaborators of the global order as Thomas Pogge accuses. This departure is due to the belief that global poverty cannot be explained through the effects arising from the global institutional order, but by factors internal to each country – Thesis of Purely Domestic Poverty.

It is necessary to investigate why, according to Pogge, this thesis is so widely accepted. The first reason is the comfort it promotes to citizens of developing countries in relation to deaths resulting from poverty, exempting them from responsibility since the deficits of less developed countries are caused exclusively by bad internal management (and citizens of rich countries have no relationship with these governments). The second reason resides in what Pogge (2003, p. 7) calls the “some-all fallacy”, which tries to justify the current global order with the argument that if there are developing countries that managed to prosper, even with this global order, therefore, those who did not succeed failed due to their unbalanced internal order. In other words, citizens of rich countries look to successful examples like the Asian tigers (Hong Kong, Taiwan, Singapore and South Korea) to generalize the fact that, with internal organization, it is possible for less developed countries to prosper. The third reason is due to the unpopularity of the debate on global causes, since the theses of resolving poverty through the internal channels of a society are much more popular - whether by adopting the free market (Chicago school) or by public investment. (Amartya Sen) -, according to Pogge (id.), “these hot and important debates about appropriate economic policies and social institutions for the poor countries overshadow the even more important question about the causal roles of the rules of our globalized world economy in the persistence of severe poverty”. The fourth and final reason for the popularity of the Domestic Thesis is based on the fact that most of the less developed countries are governed by authoritarian governments, which makes the deduction that the effort to reform the global order would be ineffective since the possible benefits of reform would be unattainable to less developed countries due to their corrupted national order. In Pogge's words (ibid., p. 6), “many among us believe then that we should postpone reforms that would make the global order fairer to the developing countries until they will have put their house in order by making their national political and economic order fairer to the domestic poor”.

Thomas Pogge rejects all these arguments on the grounds that most domestic factors are supported by foreign influences. As explored in the first part of this text, there are several measures designed by international politics that directly affect the global order, such as the bribery of public officials that facilitates corruption in poor countries¹¹, the support given by

¹¹ Pogge (2003, p. 6), explains that it was only in 1999 that developed countries finally agreed to reduce bribery of foreign officials by their companies, adopting the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions. Until then, most developed states not only legally authorized their companies to bribe foreign officials, but also allowed them to deduct such bribes from their taxable income, thus providing financial incentives and moral support for the practice of bribing politicians and public officials in poor countries. This practice diverts the loyalty of officials in these countries, and it also makes a big difference in whether people are motivated to run for public office.

the governments of rich countries to keeping (often corrupt) elites in power¹², exploitation of global elites under the resource privilege and loan privilege tutored by the corrupt elites of less developed countries¹³. The influence of the external global order is of such magnitude that it is proven that there is a causal link between a country having resource wealth and having poor economic performance resulting in reduced chances of democracy.

The incentives arising from international resource privilege help explain what economists have long observed and found puzzling: the significant negative correlation between resource wealth (relative to GDP) and economic performance. This explanation is confirmed by a recent regression analysis by two Yale economists, which shows that the causal link from resource wealth to poor economic performance is mediated through reduced chances for democracy. Holding the global order fixed as a given background, the authors do not consider how the causal link they analyze itself depends on a global order that grants the resource privilege to all in power, irrespective of their domestic illegitimacy. (*ibid.* p. 8).

Of course, Thomas Pogge recognizes that, yes, domestic factors also contribute to the persistence of extreme poverty in many countries. It is also necessary to recognize that the author does not distance himself from the idea that less developed countries should strengthen their democracy. Pogge admits (*ibid.* p. 7) that “to be sure, there would not be such huge asymmetries in incentives if the developing countries were more democratic, allowing their populations a genuine political role”. Even if the author's proposal targets the responsibilities and duties of citizens of rich countries, it is fair to identify that he does not fail to propose that citizens of affected countries fight for democracy in their countries. However, the central point here, for Pogge, is this: a good part of the contributions of less developed countries to the global order generally depend on characteristics of the global institutional order, which sustain some of the local factors, exacerbate others, or affect them. on its own¹⁴.

¹² Pogge provides the example of the years when Nigeria suffered several military coups (between 1966 and 1999), years in which military rulers got rich by negotiating exploration contracts with oil multinationals, while poverty took hold of most of the population. The author writes (*ibid.* p. 7-8) that Olesgun Obasanjo (president at the time of re-democratization in 1999, and who ruled until 2006) “knows full well that, if he tried to spend oil revenues for the benefit of the Nigerian people military officers could — thanks to the international resources privilege — quickly restore their customary perks”.

¹³ The problem here for Pogge is that the governments of powerful countries accept the corruption and authoritarianism, or simply the lack of democracy, of some governments of less developed countries by granting them the privileges of freely disposing of the country's natural resources (privilege of international resources) and to borrow freely on behalf of the country (international borrowing privilege).

¹⁴ This is Alan Patten's (2005, p. 26) main criticism of Pogge's work, claiming that the actions of rich countries are only considered harmful because the elites of poor countries are not fulfilling their obligation of justice to reform their domestic institutional schemes. For Pogge, Patten's argument is that he claims that there is a hierarchy of institutions, which is not part of the German philosopher's argument. Thomas Pogge (2005, p. 63) explains this non-hierarchization with the parable of the factories. In summary, the parable consists of a hypothetical situation in which there are two factories that dump effluents into a river. However, the chemicals from each factory, by themselves, are harmless to the consumer, but mixed together they are highly toxic. The question is: would it be

The importance of refuting the Purely Domestic Poverty Thesis (PDPT) is linked with Pogge's intention to refute the positive duty. The author writes (*ibid.*, p. 9): “if the PDPT were true, the moral issues that the distant needy raise for us could plausibly be considered under the assistance label alone”. This duty of assistance is defended by John Rawls (2019, p. 48) in “The Law of Peoples”, in which he defends as a principle of justice between free and democratic peoples that “peoples have a duty to assist other peoples living under unfavorable conditions that prevent them from having a just and decent political regime”. Rawls (*ibid.*, p. 142) supports this duty based on the belief that the causes of a people's wealth are linked to the internal political culture and the religious, philosophical and moral traditions that support the basic structure of a given people. In his thesis, Rawls (*ibid.*, p. 138) classifies certain societies as “encumbered societies”, those that “although not expansionist or aggressive, lack political and cultural traditions, human capital and technical knowledge and, often, of material and technological resources so that they are well ordered”. What does it mean to be well ordered? Rawls uses this term to refer jointly to “Liberal Peoples”¹⁵ and “Decent Peoples”¹⁶, in the words of the author, in “Political Liberalism”:

To say that a society is well-ordered conveys three things: first (and implied by the idea of a publicly recognized conception of justice), it is a society in which everyone accepts, and knows that everyone else accepts, the very same principles of justice; and second (implied by the idea of effective regulation of such a conception), its basic structure - that is, its main political and social institutions and how they fit together as one system of cooperation - is publicly known, or with good reason believed, to satisfy these principles. And the third, its citizens have a normally effective sense of justice and so they generally comply with the society's basic institutions, which they regard as just. In such a society the publicly recognized conception of justice establishes a shared point of view from which citizens' claims to society can be adjudicated. (RAWLS, 1993, p. 35).

The objective of the duty of care formulated by Rawls (2017, p. 146) is then “to help encumbered societies to be able to manage their own affairs in a reasonable way and, finally, to become members of the society of well-ordered people”. For Thomas Pogge (2003, p. 1), the inclusion of the duty of assistance is problematic in three senses. First, because non-liberal and non-decent peoples are not represented in the original international position, and the interests

fair to hold the factory owner responsible even if the inputs individually are not harmful, but together with the other inputs intoxicate people? For Pogge, yes, the owner is responsible because he is cooperating with a situation that predictably and unavoidably affects people.

¹⁵ In general, it is possible to state that the consolidation of a liberal people consists of the society that best suits the eight principles constituted in the Law of Peoples. See: Rawls, 2017, p. 47-8.

¹⁶ In Rawls's text (2017, p. 3) the use of the terms “descent” serves to describe non-liberal societies whose institutions fulfill certain specified conditions of law and political justice (including the right of citizens to play a substantial role in, say, through associations and groups, making political decisions) and lead their citizens to honor a reasonably just Law for the Society of peoples.

of its members are not represented there. Second, liberal peoples are in the majority and their interests are unequally represented to the detriment of more populous peoples. Thirdly, it is ignored that liberal and decent peoples have an interest in having a better socioeconomic position in relation to other societies. Pogge's central criticism is that positive duty is not demanding enough, since it only aims for the less fortunate to reach a minimum threshold, accepting that international inequalities are unrestricted. About this, writes the author (*ibid.* p. 2) "above the absolute threshold, international inequalities are entirely unconstrained and hence permitted to increase indefinitely".

The central point to be criticized by Pogge consists in the fact that, by assuming that citizens of rich countries have positive duties of assistance based on the fact that the problem of global poverty is due to purely domestic causes, consequently, one withdraws the responsibility of these citizens for the situation in less developed countries. Pogge's effort is to show just the opposite: the global institutional order causes much of the inequalities and global poverty in poor countries, and these institutions are shaped and legitimized with the cooperation of citizens of rich countries. This cooperation derives, in Thomas Pogge's conception, responsibility, which is morally enriched since the actions of global institutions entail deficits in human rights. Since citizens of less developed countries have their human rights violated, the possibility arises for them to morally claim the fulfillment of human rights by those responsible, that is, by citizens of more developed countries. According to Pogge, responsibility for harm caused to human rights is not fulfilled with merely positive duties (since these duties are based on a lack of responsibility derived from explanatory nationalism), but rather negative duties. Basing actions on negative duties presupposes acknowledgment that there is responsibility. Thus, in Pogge, interactional justice is not based on donations and assistance, but on not supporting and not pocketing gains from an unjust institutional order that predictably contributes to severe deprivations.

Conclusions

Global poverty is a human disaster (COHEN, 2010, p. 18). Millions of people every day suffer from food insecurity, lack of basic sanitation and lack of access to medicines. The production of poverty can be investigated in different ways, as a result of purely local factors, as a result of global factors that influence local factors or as a direct action of global factors. Thomas Pogge's thesis, although not ruling out the fomentation of poverty through domestic channels, aims to demonstrate how much of extreme poverty could be avoided if the global

order were designed differently. The construction of the author's argument aims mainly at demonstrating the avoidability and predictability of poverty, and how these characteristics make poverty a moral problem. For this, the author demonstrates how the measures promoted and supported by the global order admittedly result in a significant economic loss for the less developed nations and that, consequently, have in their territory, a large part of the global poor. Faced with this, Thomas Pogge seeks to moralize these disastrous results of the measures of shared institutions seeking to justify moral responsibility for the current situation of extreme poverty. In the author's thesis, shared institutions are a result of actions taken by rulers elected by citizens of rich countries. Elected officials are the people who control the shared institutions that are promoting the spread of global poverty, and these measures are overseen by the people who elected them.

Thomas Pogge's thesis is not limited to moral accusation based on the dimension of poverty based on avoidability and predictability. Poverty in Pogge is a problem of justice and, therefore, the author builds an effort to define a criterion of global justice so that an evaluation of global institutions can be carried out starting from a strongly justified basis. The foundations of this construction of criteria are linked to a specific understanding of human rights that includes a notion of human flourishing and a notion of global democracy.

The use of human rights is a smart tool to limit the criterion to modesty. By decreeing that poverty is the result of a deficit of human rights, Thomas Pogge aims to argue that justice exists (or ceases to exist) when there is (or not) individual access to the essential minimum for a minimum standard of dignity. The argument follows this tenor given that the spirit of human rights is precisely this – an elaboration of universal rights arranged in a series of basic goods and minimal freedoms. Furthermore, it is important to emphasize that, for Pogge's theory, human rights have a high moral content (not limited to the “meta rights” present in an international declaration). By evoking human rights in a moral way, Pogge strengthens moral cosmopolitanism, that is, all people, without distinction. they are citizens of the world and have responsibilities to each other. Anchoring cosmopolitanism with the moral conception of human rights, Pogge achieves an argumentative result that poverty, and the misery, restrictions and deaths caused by it, are human rights violations promoted by citizens of developed countries against citizens of less developed countries. From cosmopolitanism, these violations result in a moral responsibility for the poverty of the citizens of developed countries.

Associated with human rights, human flourishing plays a role in assessing the global order from the perspective of how global institutions affect people in the sense of preventing (or enabling) the individual development of an ethical world. Thomas Pogge recognizes the

problem of variability in ethical worldviews and different individual feelings of “flourishing”. For this reason, he justifies that an evaluation of global institutions with human flourishing as a reference point should maintain the minimum level. That is, the criterion is restricted to contemplating only the minimum conditions for the execution of all individual conceptions of human flourishing. This also supports the role of human rights in the argument, since it is presumed that all possible human flourishing projects need to guarantee access to basic goods and individual freedoms (protected by human rights). With this, Thomas Pogge manages to achieve the universality and generality of his criterion of global justice, allowing it to be applied to all people while allowing particular conceptions of flourishing to develop.

Finally, the notion of human rights that underpins the criterion of global justice is also concerned with the issue of global governance. This is because in the work of Thomas Pogge there is a concern with the way in which global institutions impact the effectiveness of democracy in less developed countries. With this, it can be said that the author defends that the global order is unfair in the step that it does not allow the execution of basic democratic principles in poor countries. In this regard, Pogge condemns national constitutions being weakened by the global order.

Therefore, the criterion of global justice defended by Thomas Pogge aiming at modesty and universality is based on human rights, which is complemented with the notions of human flourishing and global democracy. In this sense, it is concluded that, from Pogge's view, for there to be a fair global order, it is necessary for people to be able to develop themselves in the ethical way they choose. The various ethical proposals of life depend on individual access to the objects of human rights. Finally, for access to human rights to be complete and secure, there needs to be a merely structured democratic level in all societies. As a result of this, it can be said that, based on the criterion of justice proposed by Pogge, global institutions are more or less fair to the extent that they allow people to flourish, being supported by a genuine security of access to human rights in a minimally democratic social political background.

About the positive duties in John Rawls and the counterpoint with the negative duties Álvaro de Vita provides an excellent synthesis, the author writes:

At the international level, according to Rawls, socioeconomic inequalities should not be regulated by a principle of distributive justice – such as the difference principle of his own theory of justice – but by a “duty of assistance”, which is an analogous notion to that which, in *A Theory of Justice*, Rawls discusses under the rubric of “natural duties of justice”, “to help another person when he is in a state of need or in danger, provided that this can be done without incurring excessive risk to oneself. The duty of care is understood as a “positive duty”. “Positive duties” are usually contrasted in moral philosophy and political theory with “negative duties”: while the latter aim to

interdict the actions of agents that directly cause injustice or harm to others, the former aim to purpose of providing assistance to other people when they are in need or at risk, regardless of who may be considered casually responsible for the state in which they find themselves. In general, this distinction is made with the intention of emphasizing the morally obligatory character of the fulfillment of negative duties and the morally optional character of positive duties. (VITA, 2008, p. 236-7)

It is in this duality between the morally obligatory character of the negative duty and the morally optional character of the positive duties that Pogge supports his thesis. The author's objective is to show, based on the diagnosis that global poverty is the result of effects arising from treaties and international agreements promoted by the global order, which avoidably and predictably causes deficits in the human rights that citizens of developed countries have, yes, moral responsibility for the maintenance of global poverty and, therefore, are imputed to the negative duty of justice. Since the global poor have their human rights harmed, they can claim that citizens who collaborate (directly or indirectly) with the global order fulfill their duty of justice, which is not a welfare duty (since this does not come from responsibility) but, yes, to the negative duty of justice not to collaborate¹⁷ with the actions promoted by the global order and compensate the damage caused.

Pogge (2003, p. 18) is convinced that, with a better understanding of the roles that global institutional factors play in the persistence of severe poverty, many would take this problem much more seriously. It is essential to say that the German philosopher is pragmatic because resorting to the negative duty of justice is for him the most forceful way of guaranteeing compliance with the criterion of global justice based on human rights by the global institutional order, since the negative moral duty is sufficiently demanding and morally demanding. Pogge (2003, p. 2) denounces that by seeing “poverty merely in terms of assistance, we overlook that our enormous economic advantage is deeply tainted by the way it accumulated over *one* historical process that also destroyed societies and cultures of four continents”.

Recognizes Pogge (2005, p. 56) that only human rights are not enough for a full understanding of justice, but since there is still disagreement about what more justice requires, we can agree that an institutional order cannot be just if it does not meet the minimum standard of human rights. Moralizing the debate about responsibility for poverty is essential and urgent as one third of all deaths in the world are related to global poverty, and this is enough to demand that citizens of rich countries enforce their negative duty. Requiring and encouraging this understanding of negative duty, concludes Pogge (2008, p. 32), “clever defenses will then

¹⁷ It is important to emphasize here that “compensate” is included in the moral spirit of negative duty, that is, it is based on moral responsibility. Unlike the duty of assistance, whose moral basis exempts any type of responsibility.

appear as grotesque as the defenses of racism, sexism, slavery, colonialism and genocide look today; and what now seems an eccentric and utopian cause will be an example of what justice commands”.

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