

Global Poverty, Structural Injustice and Obligations to take Political Action

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Abstract

This work considers the moral obligations agents have in relation to global poverty. Utilising a practical ethics approach, it aims to provide an account of obligation that is explicitly political. It proposes that moral decency requires agents to be concerned with the justice of the social structures to which they contribute. Unjust social structures are treated as the aggregative effect of many human actions and institutions. The thesis argues that poverty indicates injustice in these structures. It proposes that those who make on-going contributions to these structures have an obligation to make reasonable efforts to prevent injustice in them. It explains that these efforts are required as a necessary precaution to avoid contributing to essentially aggregative harm.

The interconnectedness of global economies means that actions and practices in one state can have a dramatic effect on the conditions faced by residents of another state. Currently a significant portion of the world's population lives in social conditions where they are vulnerable to serious deprivation and domination. The thesis argues that the combined effect of these facts and the norm elucidated above is that agents around the world have an obligation to work together to prevent the continuance of this situation. It argues that each individual has an obligation to make efforts to form a collective to prevent structural injustice as a precaution against contributing to structural injustice.

The original contribution of this thesis is to propose that there are precautionary duties in relation to global poverty. These duties require agents to work together with others through political action to alter the structures that give rise to global poverty. The aim of this thesis is to establish this obligation, define its meaning, and defend it against various challenges.

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Preface

At the end of a project of this length it is inevitable to be disappointed to some extent with what you have produced. Wishing for more time or space to cover all the interesting questions that have emerged during the project is no doubt inevitable. However, it's good to have to finish a piece of work because it gives one the chance to offer a proper snap shot of one's thinking at a particular time that can be given to someone else to read.

I believe that there are some important things that need to be said in the debate concerning poverty and obligation. In this thesis I hope to have made some significant points and worked through the reasoning behind some common convictions in the global justice movement. In this way I hope to have contributed to the literature. The inspiration for this thesis was the conviction that there is something terribly wrong with how the problem of poverty and obligation is currently understood. I hope to have produced a thesis that challenges this understanding.

This is a work of political philosophy. It approaches the subject matter in the Socratic tradition. This tradition is described by Raymond Geuss as one that asks: "You there, think about what you are saying and doing... don't contradict yourself... act on the results of these reflections" (Geuss, 2010, p. 31). I have written this thesis in the confidence that an approach that starts from everyday judgements, understandings and practices and proceeds to reason them through systematically and carefully has much to offer the realm of moral and political questions.

Writing this thesis has been a sort of torturous joy. It has been frustrating and isolating at times and adjusting to the practice of spending large portions of my time reading and writing alone has been a difficult process. I have been lucky enough to study in a department in which there have been plenty of opportunities to interact with other theorists, discuss political questions and offer mutual support. This has made the process of learning how to research and write considerably easier.

I feel blessed to have had the opportunity to dedicate four years to pursuing a set of questions that deeply interest me. I believe the subject matter of this thesis to be both interesting and important and getting to work on it has been a privilege.

In an age where very few people have the opportunity to pursue work that they find valuable and interesting I feel incredibly lucky to have had this experience.

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Thanks have to go first and foremost to my supervision team. They have done much to make me and all the political theory PhD students feel welcome in the department and have fostered a convivial environment with regular dinners and academic activities. From the beginning Matt Matravers has encouraged me to follow my own interests for which I am grateful. Working with Matt I have learnt a lot about how to think, express myself and structure work sensibly. He has a brilliant (if somewhat frustrating) ability to comprehend what you are getting at and explain it in a much clearer, more coherent and well structured manner. It is my ambition to emulate this. Martin O'Neill's input as second supervisor has also been very helpful and I have been inspired by his commitment to making philosophy politically relevant.

The political theorists at York have been encouraging and supportive for which I am thankful. I am grateful to all those who have helped me develop my ideas and offered valuable feedback. Kerri Woods, Thomas Pogge, Uwe Steinhoff and Mihaela Mihai have all read parts of this work and provided helpful comments. As have the members of the Political Theory PhD 'work in progress' group at York: James Hodgson, John Baxter, Juliana Bidadanure, Luis Rodrigues, James Armstrong, Adam Fusco and Mats Volberg. This help and support has made all the difference. I am indebted to my fellow politics PhDs at York for their support and friendship. Special thanks go to Sydney Calkin and Peg Murray-Evans who offered assistance with empirical enquiries.

As an undergraduate and master's student my passion for philosophy was provoked by academics who were incredibly generous with their time (and the buying of beers). I am appreciative to them for taking my ideas seriously and helping me to develop them. Particular thanks go to Dudley Knowles, David Bain, Nick Effingham and Susan Stuart.

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I want to finish by thanking the student activists of York and the founding members of SCOOP (the student food coop) for inspiring me and making my time at York special. Particular thanks go to Cat Wayland and Alex Peck for being both comrades and friends and for thinking through my ideas with me.

Author's Declaration

Some of chapter 2 is published as the article: 'Global Economic Justice: A Structural Approach' in the December 2012 issue of *Public Reason* Vol. 4, no. 1-2 and some of the ideas presented in chapter 5 will be published as "The Tragedy of the Commons as an Essentially Aggregative Harm" in a forthcoming edition of the *Journal of Applied Philosophy*. These articles are attached as appendices 1 and 2.

I declare that this dissertation is my own work. It is being submitted for the degree of Doctor of Philosophy at the University of York. It has not been submitted for any other degree or examination in any other University.

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Introduction: Global Poverty, Injustice and Obligation to take Political Action

This thesis is an investigation of the moral obligations agents from affluent countries have in relation to global poverty; it considers the obligations that follow from the gross inequality in prospects and conditions of people around the world. Global inequality is dramatic: the income of the quintile with the highest annual incomes is 80% of all income, whereas the poorest quintile's income is just 1% of total income (Ortiz & Cummins, 2011, p. 19).¹ Furthermore, those at the poor end of this inequality suffer terrible living conditions. 50,000 people die every day of hunger or hunger related causes (Pogge, 2008, p. 3). These people die due to a lack of access to resources which are essential to sustain their lives and maintain their health.² Both the extent of the global poverty and the extremity of global inequality imply that current social relations are radically unjust. The relative and absolute position of the poorest people is serious enough to attract widespread agreement that some sort of action is morally required.³ The poverty and inequality is so extreme that those with radically different theories of the requirements of social justice can agree that the current global distribution of resources and opportunities is unjust, provided they agree that demands of social justice apply globally.

In addition, a weaker bargaining position at international trade talks also prevents many poorer states from growing wealthier quicker. Global trade agreements are negotiated on grounds of mutual benefit and the agreements tend to reflect the power relations between the contracting parties. As a result they tend to benefit

¹ If the distribution of wealth is considered, inequality is even higher: the wealthiest 10% of the global population possess 85% of the total wealth whereas the poorer 50% owns less than 1% (Davies, et al., 2008, p. 7). The Gini coefficient for wealth globally is predicted to be 89.2, much higher than wealth Gini coefficients for France Germany and the UK. It is even more than notoriously unequal societies like Brazil or the USA (ILO, 2008) and (Davies, et al., 2008) in (Ortiz & Cummins, 2011). The global Gini coefficient for income is thought to be between 0.630 and 0.686 (in the 1990s) much higher than nation income Gini coefficients for Brazil and the USA and double that of France (27.8) and Germany (31.1) (ILO, 2008) (Sudhir & Segal, 2008). The Gini coefficient is a commonly used measure of inequality. A Gini of 0 represents perfect equality and a Gini of 1 indicates that one person has all the thing being measured.

² In the UK there are deaths every year as a result of fuel poverty. These individuals die because they cannot afford to heat their homes sufficiently to survive the winter. These deaths suggest that a portion of the UK population is vulnerable to significant deprivation.

³ Almost all philosophical discussion of the question suggests that there are some moral obligations to take poverty alleviating action. Disagreement surrounds how much action must be taken and whether it is owed as a duty of justice or humanity.

poorer parties minimally whilst providing greater benefits to affluent parties. As a result they tend to increase inter-state inequality even if they succeed in lessening the absolute poverty of citizens of poorer states.⁴ In these conditions global inter-personal inequality is likely to increase and extreme poverty is likely to be reduced at an extremely slow pace (if at all). Thomas Pogge has presented evidence that supports this conjecture. He compares growth in GNI per capita of the poorest states containing a total 10% of the global population with the growth in GNI per capita of the richest states that together contain 10% of the global population. The richer countries have enjoyed growth of 15.7-22.7 times that of the poorer countries. Both sets of countries are increasing their GNI. However the growth in the GNI of the rich countries is on average 20 times that of the poor states and these countries start with a much larger GNI than the poorer countries. If this trend continues, then inter-state inequality will continue to increase rather than decrease or stagnate (Pogge, 2010, p. 96).

The extent of avoidable poverty and increasing inequality rightly attracts moral concern. The seriousness of the situation and the belief that practical reasoning can help to elucidate what agents must do in response to it motivate this inquiry. The facts concerning global poverty and inequality provoke some members of affluent welfare capitalist societies to question the morality of doing nothing to alleviate this poverty. This can be seen in the existence of people who commit to donate substantial portions of their income to charitable organisations that seek to alleviate extreme deprivation (Giving What We Can, 2012). The same facts also provoke individuals around the world to question the justice of the national and global institutions that at best fail to prevent this poverty and inequality and at worst perpetuate it. This can be seen in the existence of social justice movements that protests against current trends in globalization. This movement has been visible in protests against the World Trade Organisation (WTO) since the Seattle

⁴ Absolute poverty will not be decreased as a state's GNI per capita increases unless some of that growth goes to the poorer members of the society. The lack of welfare provisions, low taxation and low wages for the poorest in poorer states suggest that very little of this growth will result in increasing income or resources for the poorest members of society. Studies of intra-state inequality suggest that in many states the bottom-decile's relative share of GNI is very small. This means that their portion of the benefits of growth is likely to be very small indeed. As a result growth in a poor state is unlikely to result in a radical decrease in poverty (Pogge, 2010, pp. 97-100). For example growth in GNI of 236% in China the poorest decile's income increased only 75% (Pogge, 2010, p. 100). It is also important to bear in mind that an increase in inequality even in the face of an improvement in income can lead to domination and losing out on positional goods. This can increase poverty all things considered.

WTO talks in 1999 (Smith, 2001).⁵ The conviction that there is something unjust about both current levels of poverty and inequality worldwide and the political institutions that permit it offer a starting point for practical reasoning. This thesis aims to explore reasons that can support this conviction and will produce a moral argument in support of radical political action.

The stark contrast between the conditions and prospects of the comfortably off citizens of affluent societies and the extreme poverty faced by much of the global population has led moral philosophers and political theorists in affluent states to question the justice of current conditions and consider what moral obligations agents have in the light of this radical difference in prospects and outcomes. These questions have been the subject of widespread philosophical debate since Peter Singer's 1972 article on famine and affluence (Singer, 1972).

In this article, in a style characteristic of the *Practical Ethics* movement, Singer attempts to persuade people to alter their behaviour through reasoned argument (Jamieson, 1999). In the hopes of provoking social change, Singer reasons from widely held premises to radical moral demands. In this thesis I aim to emulate Singer's method by arguing from widely accepted moral premises to radical conclusions about the moral demands that fall upon individuals living in affluent states.⁶ However, unlike Singer, I aim to develop an account that is explicitly political. In this thesis an account is developed which analyses the social and political context in which poverty emerges and considers the possibility of using either collective action or institutional change to permanently prevent poverty.

In the decades following Singer's ground breaking paper an extensive literature on the topic of *global justice* has emerged.⁷ This literature considers what demands of justice apply globally and what global institutions must be established or

⁵ The World Trade Organisation is a global organisation that establishes trade rules at a global or near-global level. Its stated purpose is to liberalize trade (World Trade Organisation, 2013).

⁶ These widely shared premises may be particular to the populations of western European states. These people are the primarily addressees of this argument. If they recognise a commitment to these premises, I argue that they must also be committed to taking radical political action to address global poverty through structural changes to the global economic system. However, it is my hope that these premises can be supported by all those committed to living in a way that is justifiable to others. Thus I hope that the reasoning put forward in this thesis can apply universally. This dual purpose will be discussed in the method section of this chapter.

⁷ Some examples of this literature include (O'Neill, 1986) (Shue, 1996) (Nielsen, 2003) (Nagel, 2005) (Caney, 2005) (Miller, 2007) (Pogge, 2008) (Hayden, 2010) (Miller, 2010) (Valentini, 2011) (Young, 2011) and (Gilbert, 2012).

reformed to comply with these demands. Some of this literature also considers the moral obligations that fall on citizens of affluent states. It is my aim to add to this literature by building on the work of Iris Young (Young, 2011) to combine a *structural* understanding of global poverty with an account of *precautionary* obligations to take *political* action.

Morality is often regarded as demanding that agents treat each other decently in their direct relations. In this thesis it is argued that moral decency requires that agents must also be concerned with the *justice of the social arrangements* that they help to reproduce and maintain. This thesis suggests that extreme poverty and inequality indicates injustice in social arrangements. It argues that obligations with regards to social justice are not limited to *positive obligations* to support or promote just states of affairs and support just institutional arrangements.⁸

My account treats social conditions as the aggregative result of many human actions, practices and institutions. It suggests that when these social conditions are radically unjust those agents who make on-going contributions to those conditions have an obligation to make reasonable efforts to prevent future injustice. I explain that these efforts are required as a *necessary precaution* in order to avoid contributing to morally significant *essentially aggregative harm*.⁹

The interconnectedness of global economies and the fact that actions and practices of citizens in one country can have a dramatic effect on the conditions faced by others means that at present agents in affluent countries contribute to social conditions in poorer countries. A large portion of the world's population currently consists of people who occupy inferior social positions. These people are extremely vulnerable to serious deprivation and domination. This thesis argues that the facts about global inequality and interconnectedness in combination with the norm elucidated above lead to the conclusion that agents in all countries have an obligation to work towards permanently altering these arrangements.

In this introductory chapter the motivation behind the thesis is explained and the question of why it is necessary to re-examine the relationship between injustice

⁸ Such obligations are discussed in the work of John Rawls, Henry Shue and Simon Caney (Rawls, 1999) (Shue, 1996) (Caney, 2005).

⁹ In this work I do not tackle the important question of whether those who contributed to past social injustice are liable to compensate those who suffered as a result. This is an interesting question that has been discussed at length in the literature (Miller, 2007) (Pasternak, 2011) (Jubb, 2012).

and moral obligation is explored. Then some further applications of the obligation proposed here are outlined and the question of why our assumptions need to be interrogated and revised is discussed. Finally, I will explain the method I will be using to establish and justify my normative conclusions.

Motivation

Reforming Moral Obligations for an Interconnected World

Samuel Scheffler has argued that common understandings of morality are very good at making normative assessments when it comes to one-on-one interactions. It is fairly easy to assess what is required of agents in these scenarios because consequences can be easily attributed to particular agent's choices. However, Scheffler suggests that our normative accounts and moral intuitions often break down when it comes to the effects our actions have in combination with the actions of others (Scheffler 2001, 39). Scheffler notes that modern life does not just consist of individual actions and consequences that can be attributed to a sole individual. He notes that people's lives "are structured to an unprecedented degree by large, impersonal institutions and bureaucracies" (Scheffler 2001, 40). These institutions have "profound effects on the lives of people worldwide, and serve to link the fates of people in different parts of the world in multiple ways."

Scheffler recognises that agents tend not to take seriously the idea that they can be at fault for contributing to an unjust situation when that situation is the result of thousands of similar actions (Scheffler, 2001, p. 39). Derek Parfit identifies that this is a mistake in his discussion of the fact that very small contributions to a good or bad situation should matter (Parfit 1986, 67-86). Parfit also recognises that a very small chance of making the difference between a good and a bad outcome can also matter when the difference between the two outcomes is significant (Parfit 1986, 73-74). Scheffler also draws attention to another problem, the fact that individual agents acting unilaterally have very little power to influence the outcomes which emanate from the institutions in which they participate (Scheffler 2001, 43). He also notes that agents who contribute to outcomes through participating in institutions very rarely intend to produce these outcomes (Scheffler 2001, 44).

Scheffler's assessment suggests that we must consider what obligations follow from the social order agents live under and reproduce. I believe that the reality Scheffler describes requires us to consider our indirect responsibilities in addition to our direct responsibilities. A specific analysis of the obligations agents have as a result of the social arrangements they live under and contribute to is required because the features of agents' relationships with social arrangements, identified by Scheffler and Parfit, mean that regular moral analysis designed to deal with interactional cases fails to make sense of the situation. As Iris Young recognises in her recent account of responsibility for justice, we must consider our relations with institutions, both as participators who help shape them and as agents who relate to the social structures that result from that institutional order as an objective reality (Young 2011, 55).

Scheffler suggest that the issues he identifies are a particular problem for modern times; that both mass society and globalisation are modern developments with which our moral understandings have failed to keep up (Scheffler 2001, 39). However, Young identifies the neglect of analysis of responsibility for what she calls 'structural injustice' as due to the recent shift in political discourse to an emphasis on personal responsibility and a false belief that individual responsibility and social responsibility are mutually exclusive (Young 2011, 3-4).

Perhaps the neglect of responsibility for institutional orders or the social structures they lead to runs deeper than the recent emphasis on personal responsibility. In the field of liberal political philosophy there has traditionally been an emphasis on negative liberty and private freedom over political action and 'the liberty of the ancients', as Hannah Arendt laments in her work on the political sphere and mass society (Arendt 1958). Liberal political philosophy traditionally prioritises the problem of ensuring state power is only used justly and legitimately over considering the political rights and responsibilities agents have with respect to justice.

The publication of John Rawls's *A Theory of Justice* led to a shift in liberal political philosophy. This is because it addressed the justice of the institutional order within a society rather than the legitimacy of state action (Rawls, 1971). In concentrating on the institutional order as a whole Rawls differs from more libertarian standpoints by considering state omissions as of equal importance to state actions (Pogge, 1989). My contention is that Rawls' normative assessment of

the institutional order requires a complementary assessment of political duties for ensuring justice in that order. If the purpose of an assessment of justice is to bring about a more just world, it follows that there is no point in assessing the justice of anything without charging some agent with responsibility for ensuring that it becomes just.

Political Engagement

In this thesis I argue that there are obligations that fall on all people which require that they take an interest in the social structures to which they contribute. This analysis suggests that political engagement is not an optional lifestyle choice but an obligation owed to others. In liberal political philosophy there has traditionally been an emphasis on the individual and individual responsibility. This has often been accompanied by a rejection of the concept of the community and collective responsibility. This is because such understandings could lead to the domination of individuals by society and legitimise abhorrent practices like collective punishment. However, this rejection of collective responsibility has been accompanied by the rejection of civic duties and social responsibility. There has thus been little concern for the result of the amalgamation of the actions of many distinct actors.

The only political duty regularly discussed in liberal political philosophy concerns whether there is an obligation to obey the law. This suggests agents are only responsible for their own direct actions and are free to avoid engaging in political activity. Political philosophies like civic humanism based on participation in politics and direct democracy have been rejected by most liberals as forms of perfectionism which enforce a particular lifestyle choice or theory of the good on all of society (Lovett, 2013). Furthermore, modern Republicans have concentrated on liberty as non-domination rather than liberty as self-rule (Pettit, 1996). The communitarian backlash against liberal political philosophy has predominantly concentrated on the privatisation of social and cultural life inherent in liberalism's limiting the role of the state (Sandel 1998) (Taylor 1985). However, communitarians have noted that *political* life has also effectively been privatised. Political participation has been reduced by liberals to a lifestyle choice or private conception of the good that must not be enforced on others. However it could be that political participation is *instrumentally* important to ensuring justice and taking part in such action could be something that is owed to others.

John Rawls and Henry Shue are exceptions to this general neglect to consider obligations to be politically engaged. Rawls recognises a natural duty to support and comply with just institutions (Rawls, 1999, p. 99). The obligation Rawls identifies is a positive duty to support and obey existing institutions. Henry Shue develops an account of the obligations agents have in relation to the frustration of basic socio-economic rights. His account recognises that the fulfilment of a human right attracts a duty to protect that right that falls on others as well as a duty not to deprive others of their rights and a duty to assist those who have had their rights violated. His account calls on agents to protect human rights from violation by individuals, companies or institutions by developing just governing institutions (Shue, 1996, pp. 17, 45-65). This is a positive duty to protect others from harm. Thus Shue and Rawls both identify positive duties to support or establish justice ensuring institutions. In contrast this thesis will attempt to derive obligations to establish and maintain such institutions from the negative duty to avoid harming others.¹⁰

The dominance of market economics and its acceptance by a wide range of political thinkers could explain the neglect of discussions concerning obligations to participate politically. In a market based system the main means of shaping the institutional order to suit the tastes and values of citizens is through their exiting those organisations which fail to reflect their interests or values. Living under such a model often leads to the unconscious neglect of the possibility of voicing concern or campaigning for change rather than expressing displeasure through exit.

As Albert Hirschman elucidates in *Exit Voice and Loyalty*, agents who disapprove of an institution can either exit the institution or voice that objection (Hirschman 1970). In moral analysis negative duties to avoid harming others often demand agents exit collectives or institutions which are harmful to others. I propose that, in some situations where harm is the result of a collective practice or the amalgamation of actions, what may be morally required is not exit but *voice*. It is my contention that in moral philosophy the possibility of an obligation to voice opposition has been largely overlooked. When an institution does harm to others it seems obvious that those participating in it have a duty to exit. However, in many such circumstances exit is both extremely costly and less effective at

¹⁰ Although Shue's account does identify negative duties not to frustrate the rights of others he does not develop this duty to include obligations to establish institutions.

promoting the good than voicing an objection and trying to establish collective change.¹¹

Often a morally significant bad situation is the predictable result of on-going social practices, trends in human action, and the concrete results of past action. There are a diverse range of cases in which no individual factor or action can be identified as the sole, or even most relevant, cause. These examples range from environmental problems such as human-accelerated climate change to economic problems, such as the prevalence of poverty wages in manufacturing worldwide, to social problems such as the unreasonable grooming standards expected of women in many cultures. Those who contribute to these social problems do not intend the outcomes of climate change, poverty, or gender oppression, respectively. Furthermore, in some cases contributors are unable to avoid contributing and in others such action comes with substantial personal and social cost. Worse still, those who contribute often regard avoiding such contributions as futile because such a change in behaviour would have no significant effect on the social problem in question.

In the modern world a number of serious global problems have become apparent. Often these problems are the cumulative result of the contributions of billions of people residing in a variety of states and different regions of the world. There are various global environmental problems. There are also significant problems within the global economy and concerning access to that economy. Widespread poverty and extreme inequality indicate such problems. The analysis here suggests that those who contribute to these problems have obligations to work with others to establish collective solutions to these problems: that they must establish a collective system of regulation and adjustment that allows them to prevent the essentially aggregative harm from emerging. I argue that negative duties to avoid harming others require this in addition to obligations to promote the common good and the rational demands of prudence.

¹¹ The denial of voice as a means to fulfilling an obligation to avoid harm is particularly problematic because ties of loyalty and practical circumstances can leave some agents unable or unwilling to exit in spite of disapproval. Furthermore, not all agents have equal ability to set up alternative practices and organisations, in which case exit may not be an option for them. Additionally, agents are often tied to organisations by cultural commitment or loyalty. Some agents may even lack the means to maintain themselves and their happiness outside of a particular organisation. For these reasons, it is vital that voice remains an option.

However, the obstacles standing in the way of the establishment of just and legitimate solutions to these problems are immense. Coordination across continents is difficult. Furthermore, the majority of the world's population are too consumed with the daily struggles of poverty to work on these problems.¹² However, many individuals in affluent countries like those of Western Europe have the necessary time, resources and political environment to make progress on these issues possible. Yet, a significant portion of the populations of these affluent countries is uncooperative and averse to taking political action.¹³ Despite these difficulties it is my hope that the analysis here can be helpfully applied to some of these problems. The seriousness of these problems should be sufficient to outweigh these difficulties and give reason to justify an obligation to work towards finding just and legitimate solutions to these problems.

Method

Practical Ethics

It is widely accepted that there are certain standards we should live up to in our relations with others. In this thesis I adopt a model of moral reasoning associated with practical ethics; this method involves reasoning from widely held moral principles and intuitions to make radical demands. Utilising this method, Peter Singer and Thomas Pogge argue from intuitively plausible and well-established moral principles to extremely demanding conclusions. They use well-established duties along with factual premises to show that certain actions are morally required in current circumstances. Singer reasons from a moral obligation to rescue others in danger to an obligation to give away a large portion of one's income to Aid Agencies (Singer, 2009). Thomas Pogge argues from obligations to avoid harming others to a demand to take political action or donate to Aid Agencies or take part in political action (Pogge, 2008). Both the duty not to harm others and the duty to rescue others are moral obligations that demand agents alter their behaviour and actions out of consideration for others.¹⁴ I share Pogge's

¹² There are some political developments that suggest that the peoples of many countries are prepared to take political action to oppose injustice (National Staff, 2011) (BBC, 2013) (Human Rights Foundation of Turkey, 2013).

¹³ Some recent political developments suggest that a significant sector of some European countries are not averse to taking such action and thus that the situation is not as hopeless as it may appear (Robinson, 2011) (BBC, 2013).

¹⁴ I use the term consideration in order to capture both concern for the welfare or wellbeing of others and respect for the autonomy or dignity of others. The term

aim of connecting normative standards in global socio-economic arrangements to the obligations of ordinary people. Thus I aim to examine the complex relationship between individuals and the institutional orders which they interact within and reproduce.

Peter Singer did much to develop the 'Practical Ethics' approach to moral philosophy. This approach seeks to connect moral philosophy to issues of public concern. It is based on the belief that the rigour and clarity of philosophical reasoning could contribute productively to these debates. In *Animal Liberation*, Singer articulated the beliefs and justifications behind the growing movement of people refusing to eat animal products. Singer used ordinary language and well accepted premises to reach his conclusions and challenge current practices. His aim was to communicate directly with meat eaters and convince them using moral reasoning to alter their practice on the basis that it contradicted the moral convictions they already endorsed. This project appears to have been successful in persuading some people to alter their behaviour.¹⁵ Dale Jamieson has claimed that the book was influential in turning a small number of animal welfare organisations into a vibrant social movement (Jamieson, 1999, p. 5). Singer sees moral and political theory as offering a route to reform and to revolutionising practice (Jamieson, 1999, p. 6). In this respect he follows the example of fellow utilitarians Bentham and Mill.

Thomas Pogge aims to contribute to a similar project. His work aims to seek out and remove serious faults in our current practices that may be going ignored. This explains why he seeks to base his arguments on widespread consensus rather than on his own reasoned convictions. Thus he focuses on negative duties in order to keep his arguments 'widely acceptable' (Pogge, 2010, p. 28). Pogge wishes to persuade those who only accept negative duties that they have obligations to the global poor and thus he relies only on premises that they can accept.

In his approach, Singer aims to change the world one person at a time; to change social policy through persuading enough individuals to alter their behaviour

'consideration' avoids committing moral judgements to being about either respect or care and thereby allows for a plural approach. Considering others can in some cases require showing respect and in other cases acting on the basis of concern for their well-being. Which approach is required is a matter of dispute. However, it is plausible that both can be morally required.

¹⁵ I have met people who have never studied philosophy who have adopted vegetarianism as a result of reading the book.

(Jamieson, 1999, p. 7). This approach is limited in that it seeks to get individuals to alter their behaviour unilaterally rather than to establish collective or institutional change. To overcome this limitation my account will consider the possibility that there are individual obligations to take part in collective action and/or to establish institutional change. The account will consider obligations to work with others to alter institutions, rather than simply convincing people to change their private personal action.

There is a potential problem with starting from those obligations, norms or intuitions on which there is widespread consensus. It is likely that these starting points will be influenced by society in several ways that may make them problematic. Firstly there may be bias in favour of those groups who are currently dominant in society. As Brian Barry points out, current ideas are likely to be influenced by those who are currently powerful. Thus current understandings of obligation in patriarchal societies are likely to be bias in favour of the interests of men (Barry, 1996, p. 10). Barry is right to be concerned that public norms and understandings of duties are likely to be influenced by the distribution of power within society. He argues that those in positions of power are likely to have a greater ability to influence public norms and expectations. As a result these norms are likely to reflect the interests and perspectives of these power holders. Thus he suggests that current judgements or existing consensuses on question of social justice should be used only selectively and if they fit with a wider moral theory (Barry, 1991, p. 10). He also suggests that in more equal societies these judgements are more likely to accurately reflect the requirements of justice. This is because he understands justice to be that which would be agreed to by well-informed people in a situation of equal power who are motivated to live by norms that none of them can reasonably reject.

Barry's concern draws attention to the fact that arguments in political theory must question intuitions and assessments of fairness and justice. Feminists have for many years argued that the intuitions of women in a patriarchal society may be biased and support the dominance of men. For example, Iris Young has argued that unconscious stereotyping leads people to associate particular groups with particular characteristics and ideas. This can result in changes in treatment that are insulting or undermine the ability of those stereotyped to be taken seriously or judged fairly (Young, 1990, pp. 122-155). These unconscious associations could also affect moral judgements and intuitions. Thus it is vital to be aware of these

tendencies and to question judgements and intuitions for biases. Similarly it is vital to look out for a bias towards oneself and one's own society or class in utilising moral intuitions. Research suggests that people have a tendency to treat their own group more favourably than an out-group (Harris & Abbink, 2012, p. 2). Singer thinks that relying on what people generally think we should do is a bad way to establish what should be done (Jamieson, 1999, p. 6). Popular views and understandings of moral obligations are likely to be influenced by the way society is currently organised. Furthermore, people are likely to have a tendency to favour their own interests or the interests of their group in making moral judgements. In conducting moral and political analysis it is vital to be aware of these tendencies and to be particularly suspicious of norms or interpretations that favour the more powerful. In my approach I will try to take on board these worries and insights.¹⁶

One of the limitations of Singer's examination of poverty and obligation is that it appears to reflect a bias in favour of affluent individuals and powerful states. In considering only unilateral action Singer fails to consider revolutionary activity that threatens current power structures. Private donation or international aid payments do not disrupt the current global economic system. Thus it does not upset the dominance and affluence that current elites enjoy. It does not threaten their power or wealth. In contrast global economic change would threaten the current global order and undermine the global elite's ability to determine the course of globalisation and would no doubt prevent them from reaping such a large proportion of the benefits of global trade. In contrast my account will consider the possibility of using political action to prevent poverty rather than offering money to alleviate poverty.

Furthermore, in treating poverty as an unfortunate state of affairs requiring aid, rather than examining the causes of poverty, Singer reflects a picture that probably suits the interests of the powerful. In doing so Singer avoids relying on controversial premises about the causes of poverty. However, by refusing to consider the causes of poverty Singer lets those who cause the problem off the hook. It is likely that global elites are at least partially responsible for on-going

¹⁶ Realist thinker Raymond Geuss suggests that we must also investigate the genealogy of norms and understandings in order to reveal their biases. Geuss suggests that we can discredit ideas and intuitions by demonstrating their dependence on the continued existence of particular configurations of power (Geuss, 2008, p. 52).

poverty. If this is true, in ignoring the causes of poverty Singer reflects their interests. In this investigation the causes of poverty will be considered.

The above discussion shows that there is a balance to be struck between starting from widely shared normative premises and questioning current understandings in order to make moral progress. It also shows that in reasoning from widely shared normative assumptions it is important to consider whether those assumptions support the interests of the powerful. It also suggests that in choosing which facts to rely on in normative analysis it is important to be careful to avoid making choices that favour your own interests or those of the powerful.

Moral Reasoning

In this thesis I argue from plausible and widely held moral convictions to a demand to take radical political action. In doing so I seek to show the large number of individuals who rightly recognise that we all have these basic moral duties, that these duties require that they take part in political action that aims to address global economic injustice.

The aim of my account is not to provide an argument that applies only to those who share a particular set of commitments. I argue from premises that are widely understood to be demands that can reasonably be made of all people. I am committed to the view that there are such universally applicable moral norms. Thus, the conclusions reached in this thesis are supposed to apply universally rather than just to those who share a particular commitment.

Thus, in this account I appeal to the idea that there are moral obligations and moral reasons that apply to all people. I will now say a bit about what I mean by moral obligations and reasons. I will briefly discuss the justification behind making universal moral demands. However, I will not develop a full defence of universal moral obligations here. Nor will a detailed framework for identifying these demands be outlined and justified. Such projects are beyond the scope of this thesis. Instead, I will discuss what is meant by a moral obligation or a moral reason in this thesis. An account of what moral obligations are and how they can be identified will be sketched. An account of how moral reasoning will be conducted in this thesis will also be outlined. However, the reasoning utilised in this thesis is not dependent on the particular account outlined here. If the sketch of what moral norms and reasons are, and how they can be identified, turns out

to be invalid this will not undermine the account of obligation made in this thesis. This is because the account only relies on the validity of some account of moral obligations and moral reasoning.

R. M. Hare understood that moral norms prescribe action (Hare, 1983, p. 1). The practice of citing moral obligations is a case of asserting that agents should do or refrain from doing something. Thus morality prescribes certain acts and proscribes others. It gives practical guidance concerning what should and should not be done. However, recognising moral statements as prescribing or proscribing tells us nothing about the grounds on which the prescription or proscription is being demanded. There are many different grounds on which it can be argued that someone *should* do something. In this account I rely on the idea that there is a distinctive sort of moral proscriptions and prescriptions. These demands apply to all agents and are demanded out of consideration for others.

Jürgen Habermas has argued that *moral* reasoning must be distinguished from two other sorts of practical reasoning (Habermas, 2001, pp. 1-19) (Forst, 2012, pp. 62-78). In this account I follow Habermas and Rainer Forst in adopting this three-way division of different sorts of reasoning. *Pragmatic* practical reasoning argues that an agent should perform some action *because* it will fulfil their aims or further their interests. *Pragmatic* reasoning starts from an agent's aims or desires. It reasons from these desires to recommendations as to what an agent should do (Habermas, 2001, p. 3). Thus it offers hypothetical imperatives that apply to agents only if they have particular aims. Peter Singer distinguishes prudential from moral and ethical reasoning. He explains that giving prudential reasons to justify an action does not count as providing a normative argument (Singer, 1999, p. 10). Prudential justifications of action show that they are in an agent's interests. Thus such reasoning can rationally persuade an individual to act (or not act) in a particular way. However, to an outsider it can only explain an individual's action. It does not justify to an outsider why they should not object to the action in question.¹⁷ This is because such reasoning does not show that the action in question meets moral standards.

Habermas and Forst distinguish *ethical* standards from *moral* standards. In this account, ethical standards are understood as being based on a particular value

¹⁷ This is something that Rainer Forst identifies in *The Right to Justification* (Forst, 2012, p. 15).

system or way of understanding the world. This value system or comprehensive world view may be held only by a particular agent themselves or it may be shared locally or by a particular sub-culture within the community. Ethical reasoning argues that an individual should take a certain courses of action because it is in accordance with a particular understanding of the good life or is required by the values and the aims that an individual endorses on reflection.¹⁸ The distinction between the moral and the ethical somewhat follows the distinction between justice and a particular conception of the good life in Rawls's earlier work (Rawls, 1971) or the distinction between a comprehensive moral doctrine and a political conception in Rawls's later work (Rawls, 1996). It is similar in that Habermas uses these two categories of reasoning in order to differentiate between norms and reasons that apply universally and norms and reasoning that only apply to those who share a particular values scheme or conception of the good life.

Moral reasoning applies when an agent's choices affect the interests of others. Where there are conflicts of interests moral reasons can arbitrate a solution that both parties have reason to accept. The role of moral standards is to regulate such conflicts in an impartial manner (Habermas, 2001, p. 5). Almost all human actions and choice affect the interests of others. Thus moral reasons can regulate most action.

Ethical demands arise from an individual or community's deep commitments and standards to prescribe or proscribe certain actions. Ethics offers what Bernard Williams calls *internal reasons*: it offers reasons based on a particular motivational set (Williams, 1981). When agents share a set of community values or a religious outlook they can engage in shared ethical reasoning. This reasoning may proscribe or prescribe certain behaviour to members of that community *because* they share a deep commitment to certain norms, aims and desires. In contrast *moral*

¹⁸ Habermas suggests that ethical reasoning is about what is required by an agent's *strong preferences* that are integral to their identity. He suggests that ethical reasoning involves identifying one's ideals but also properly understanding one's self. It involves considering what one endorses on reflection (Habermas, 2001, pp. 4-5). This talk about deep commitments and identity echoes, to a certain extent, Christine Korsgaard's discussion of the sources of normativity. Korsgaard suggests that ethical commitments are those values that individuals endorse after deep reflection (Korsgaard, 1996, pp. 49-90). Korsgaard also suggests that these values are binding because to violate these commitments would be to in some sense lose one's identity (Korsgaard, 1996). According to the analysis here Korsgaard's provides an explanation of the binding nature of ethical norms rather than the demands of inter-subjective morality. Korsgaard's analysis suggests all persons will share some commitments because of their moral identity. Thus there are some universal ethical demands.

reasoning is not based on a particular set of desires, aims or commitments. It is a set of demands that apply to all agents no matter what the content of an agent's aims or desires may be. It is a system of requirements that does not rely on any particular understanding of the world, value system or ethical commitments. It is based on the idea that persons unconditionally owe one another a basic form of respect and justification for their actions (Forst, 2012, p. 63). Separating morality from ethics is important because morality can be universal in scope whereas ethics is dependent on non-universal doctrines and world views. In this thesis I aim to draw on moral reason and obligations that apply universally and do not rely on a particular comprehensive world view or set of ethical commitments. Thus I hope to identify obligations and reasons that apply universally.

Morality, unlike prudential reasoning, is not about reasoning from particular aims to particular actions. Instead it is about giving reasons to others to justify the permissibility of one's actions. Thus it does not rely for its applicability on an agent's own motivational set. The basic moral insight that this relies on is that a certain course of action is permitted, mandated or forbidden out of consideration for others. Moral obligations place limits on all agent's actions. They involve consideration of whether one's plans can be justified to others as sufficiently considerate. What distinguishes a moral argument from a pragmatic or ethical argument is that the action must be justified to others as sufficiently considerate. Both the duty not to harm others and the duty to rescue others are moral obligations that demand that agents alter their behaviour and actions out of consideration for the wellbeing of others. The practice of citing moral obligations involves asserting what an agent should do or refrain from doing out of consideration for others.

The distinction between pragmatic, ethical and moral reasoning is intuitively plausible. When morally educating children, attention is often drawn to the victims of their impermissible acts and we ask them to consider the feelings and interests of others. When we criticise the behaviour of others on *moral grounds* we are not accusing others of being foolish and failing to consider their long term interests. Rather, we are accusing them of neglecting to properly consider the interests, feelings or desires of others. Consequently failing to fulfil a moral obligation is of appropriate concern to outsiders in a way that failing to do the most prudent thing, or what is consistent with one's own value scheme, are not.

The norms I deal with in this account aim to apply to all persons rather than to a distinct sector of society. Therefore the arguments used to establish these norms must not be based on an assumed commitment to a particular idea of the good life or some controversial value system. Thus they cannot be ethical arguments based on shared commitments and values that are specific to a particular community. Instead the reasons given must be in some wider sense 'shareable'. I will argue that compliance with these obligations is required out of minimum consideration for others. What I am looking for are shareable public reasons. What I aim to do is to contribute to public moral debate in the way Peter Singer aims to do in his arguments about vegetarianism and poverty. By engaging with widely held principles, entering into public debate and trying to persuade people to change their action there is a potential danger that what will be established is an ethical rather than a moral argument because my argument will rely on the intuitions of a particular public or a particular community. There is a worry that the widely shared premises, on which my account relies, may be convictions particular to the populations of Western European states rather than convictions held widely by the global population. I am aware of this risk and will try to ensure the widely held convictions I rely upon are morally defensible. However, defending these convictions as true is out-with the scope of this thesis.

Contractualism

My own understanding of moral reasoning is broadly contractualist: I am committed to the view that moral reasons and obligations can be determined by considering what would be freely agreed upon by all those committed to living within a set of constraints determining considerate treatment of others that are justifiable to all others equally so committed. In this thesis I will utilise the contractualist idea that moral obligation must be limited by what can be reasonably rejected. However the conclusions of this thesis do not rely on the validity of contractualism as a meta-ethical theory.

In everyday life agents are often called upon to justify the way they treat others. Those affected by an action can demand justification for the action and its effect upon them. Moral argument follows when agents disagree about whether a certain sort of treatment is justifiable. These arguments concern whether legitimate demands of consideration for others have been transgressed. Contractualism has used this basic insight to offer a way to understand what

moral duties are about as well as to offer a theory of how to determine moral duties. The idea is to consider whether or not a certain sort of treatment of others is justifiable to those others. If it is not justifiable, then it is not morally permissible. Contractualism aims to mirror the reality of moral discourse in the real world. Using contractualism some progress has been made in issues of morality. Contractualism asks whether a certain sort of treatment can be justified to others committed to living by shared norms (concerning treatment of others) equally agreeable to all. In this section I will briefly discuss contractualism as a basis for moral argumentation and the universal applicability of moral obligation. The purpose of this exercise is to give an explanation of how moral reasoning could function universally and how primary moral obligations could be justified.

Different contractualists offer different explanations for why moral reasons are binding. Scanlon argues that we recognise that we have good reason to regulate our behaviour out of consideration for others (Scanlon, 2000). Forst suggests that the 'context of morality' demands of persons that they give reasons for their actions that every moral person will respect, even in cases where those concerned do not share a further ethical or political context (Forst, 2007, p.32).

Contractualism suggests that a good argument for a norm shows that there is good reason to believe that all those who are affected by it should accept it over any other norm governing this area of their lives (given that they are and committed to living by mutually acknowledged shared norms). Contractualism suggests that moral argument is a matter of proposing and challenging norms through discussing whether they are justifiable to all those committed to living by shared norms.

Most people agree that we should regulate our behaviour, in some ways and to some extent, out of consideration for others. Furthermore, most people engage in the practice of justifying their choices to others. This suggests that public morality is of a contractualist kind. There are not many people who refuse to justify their behaviour to relevant others or who believe they need not be considerate of others. In this thesis I will adopt a broadly contractualist approach to obligations and reasons. It will be assumed that agents have a moral obligation if and only if the obligation cannot be reasonably rejected by those committed to living by shared norms mutually justifiable to all people equally so committed.

Structure

The first part of the thesis discusses the existing literature on poverty and obligation. It begins by examining Peter Singer's account of poverty and moral obligation. Some of the deficiencies of this approach are explored. It is proposed that a political account of poverty and obligation could supplement Singer's approach. Next various accounts of cosmopolitanism and obligation are discussed. It is argued that a structural account of global justice and obligation could help to advance the global justice debate.

Part two of this thesis develops a new account of poverty and obligation. It begins by establishing that social structure can be the subject of accounts of social justice. It then proceeds to suggest that poverty and inequality indicate injustice in this structure and argues that solving this injustice requires global coordination. Next the question of what obligations agents have in relation to structural injustice is explored. It is argued that structural injustice is a form of essentially aggregative harm. An account of the obligations agents have in relation to essentially aggregative harm is then outlined. It is argued that positive and negative obligations require agents to make efforts to form a collective and take action to prevent the continuance of structural injustice. The negative obligations agents have with regards to structural injustice are then identified as precautionary duties. The final chapter of part 2 explores the various forms collective action to prevent structural injustice could take. In it various ways in which collectives can prevent structural injustice through overtly political action are discussed. This chapter also discussed the limits reasonableness and legitimacy place on demands to take political action.

The third part of the thesis defends the account of poverty and obligation developed in part 2 from some significant objections. The first chapter considers whether the obligation can apply in circumstances where apathy is widespread. Then, in the second chapter, the obligation to make efforts to form a collective to prevent structural injustice is defended from two inconsequentialist objections. This chapter considers whether agents who make small contributions to over-determined outcomes can be considered contributors to those outcomes. It then proceeds to examine the difficult question of whether one can be obliged to make efforts to prevent structural injustice if those efforts are extremely unlikely to make any difference.

The conclusion of the thesis recaps the arguments made in parts one two and three, identifies the contribution the thesis makes to the literature and proposes future directions of inquiry.

Part 1: Poverty and Obligation

The first part of this thesis will survey the existing literature on poverty and moral obligation; critically evaluate existing approaches to poverty and obligation; and explain why an additional account of poverty and moral obligation is desirable. Over the course of this part, I argue that many theorists have made important contributions to our understanding of obligations to address global poverty. I argue that there are multiple obligations which apply to those living in affluent states in relation to the pervasiveness and extremity of current global poverty. In surveying aspects of the existing literature on poverty and moral obligation I aim to highlight critiques of existing accounts which suggest they do not fully understand the nature of the problem. I use these deficiencies to argue that not all of the obligations relevant to global poverty have been established in the existing literature. I use plausible critiques of existing accounts of obligations to outline the sort of account which is needed to supplement existing understandings of poverty and obligation. With these goals in mind, I concentrate on those authors whose understandings of poverty and obligation are valuable yet whose approaches neglect the features of poverty on which my own account is based. I begin by considering Peter Singer's 1972 account of poverty and moral obligation.

Chapter 1: Singer's Humanitarianism and the Need for a Political Approach

The starting point of my investigation is the problem of widespread extreme poverty. The term 'poverty' primarily means serious deprivation in terms of the external requirements that are considered essential for a minimally decent a human life. Poverty is seen as particularly morally significant because it suggests a state in which one's ability to live a decent life is undermined through external factors (usually a lack of external goods). There is much debate over what constitutes being in poverty, but there is widespread agreement that those who lack secure access to food, clean water, shelter and basic medical care are considered to be in extreme poverty. These goods are generally thought to be essential to maintaining one's life and therefore must be essential for living a decent life.

As discussed in the Introduction, 50,000 people die every day of hunger or hunger related causes. In fact poverty related deaths constitute one third of all human deaths (Pogge, 2008, p. 2). These people have died due to a lack of access to resources considered basic. People living in poverty often lack access to the resources which are essential to sustain their lives and maintain their health.

Many individuals live in a situation where they cannot afford to fulfil the basic needs of their families adequately and should therefore be counted as living in extreme poverty. Thomas Pogge extensively details the plight of the income poor who lack items widely considered to be necessities (Pogge, 2008, p. 3). He asserts that currently 830 million people in the world are chronically undernourished, 1,130 million lack access to safe drinking water, 2,600 million lack access to basic sanitation, 1,000 million lack access to adequate shelter, 2,000 million lack access to essential drugs and 1,600 million lack access to electricity.

Furthermore many more individuals are vulnerable and insecure in their basic necessities. Sometimes poverty can be experienced not as actually lacking essential goods and services but as vulnerability to being deprived of them. When considering the extent of the vulnerability and precariousness of many people's lives it is useful to consider the fact that 25% of the global population live on

fewer resources per day than can be purchased with \$1.25 in the US. Furthermore 80% live on less than \$10 a day (Chen & Ravallion, 2008).¹⁹

These figures may appear to suggest that the problem is hopeless and that the extent of poverty is so great that there are not enough resources or productive potential for all individuals to be freed from poverty. However, facts about global inequality suggest that the productivity (or lack of) of the global population is no barrier to reducing poverty. The richest 20% of the world population consume 76.6% of total private consumption and the richest 2% of households in the world own more than half of global household wealth. The richest 10% of households own 85% of household wealth and the poorest 50% of world households own less than 1 % of global wealth (Davies, et al., 2007). These facts concerning global inequality are shocking because they suggest that the current levels of extreme poverty are not a result of there being insufficient goods and services to prevent poverty. However, they also offer independent reason to suppose there is injustice in the world distribution of goods and ownership rights. Intuitively such extreme inequality in resources and wealth is morally abhorrent in part because it indicates extreme inequality in life chances from birth for which there is no obvious justification.

Low income is not the only measure that indicates poverty. There can be vulnerability to deprivation in terms of health, education, opportunities and access to social and political life which are not best identified by simply measuring income. In some countries low income is supplemented by rights to certain services free of charge (or at subsidised rates) like healthcare, education, national insurance and care in old age. Such rights can prevent deprivation in certain respects and therefore alleviate poverty without raising incomes directly. The presence or absence of such legal entitlements and whether they are accessible to those with low incomes can have an important effect on whether a low income family suffers from the deprivation characteristic of poverty. Conversely an income which is high by global standards can be accompanied by deprivation in some circumstances. For example, when vital goods are in limited supply within a local market those with relatively low income can be denied access and therefore experience deprivation. Furthermore, when it comes to participating in social and political life incomes that are low relative to other community members can result

¹⁹ This is not to suggest that poverty should be defined in terms of income. It is simply to give a rough indication of the extent and seriousness of the problem of poverty.

in exclusion and being denied important opportunities to participate. These deprivations are a significant aspect of poverty that merits concern.

These facts mean that a decrease in poverty measured in terms of income may not provide a decrease in overall deprivation. If income for poor families increased above \$1.25 a day per person but users' fees are introduced for health and education services a family's overall level of deprivation may increase despite the fact their income has increased. Such a family may have become more vulnerable and their life expectancy may drop considerably. Furthermore, if this increase takes place amid a rise in inequality in the region, the family may find themselves excluded from political and social life to a greater extent than previously.

The concept of 'the poor' also can be used to indicate those in a lowly social position: an underclass excluded from interaction with others as equals. This exclusion usually results from lacking the means to participate in central parts of social life. These facts suggest that in societies where participation in social political and cultural life requires more expensive goods or services, those on lower incomes are more likely to be living in poverty because they are deprived of the goods required to access social life (an essential part of a decent life). Furthermore, as previously discussed, where others have much larger incomes, those on low incomes are more likely to be out-priced in competing to acquiring essential goods and therefore are more likely to be deprived of essential goods.

Poverty also suggests a pitiable position in which people are vulnerable to exploitation and abuse by others who take advantage of their abject neediness. The deprivation of essentials, characteristic of poverty, in addition to being an evil in itself also makes agents vulnerable to agreeing to abusive or degrading treatment by others in order to maintain their existence (by securing essential goods). Even if inhumane treatment is not actually meted out, the relationship between the poor and the affluent can often be one in which the poor submit to the rule of the affluent in order to secure essential goods. These issues indicate ways in which the poor experience greater domination than other sectors of the population. Exploitation, abuse, being treated in a degrading manner and being under the power of others are all forms of *domination*. Vulnerability to domination is a form of poverty. Some individuals should be considered poor even if they can secure access to essential resources through employment. When

individual is entirely dependent on a single employer and does not have legally enforced rights to decent working conditions and wages nor access to financial support if they are made redundant they should still be considered poor even if they have secure access to sufficient resources through employment. This is because such an individual is dominated: they are in a position of weakness and dependence where they are vulnerable to exploitation or degrading treatment. An extreme example of this sort of domination is revealed by the extent to which it has become the norm for women in areas of Kenya to exchange sexual activity for factory work in export processing zones (Irin: Humanitarian News and Analysis, 2008).

In circumstances where those who are dependent on employment to secure essential goods have effectively enforced worker's rights they are protected from this sort of domination. Laws that prevent exploitation and abuse and guarantee access to collective bargaining can prevent domination.

Furthermore, societies that contain a range of possible employers and unemployment support offer conditions where those without productive assets are less vulnerable to domination by employers. Where workers are protected from domination in these ways they may be less poor even if they do not have higher incomes. However, in circumstances where these features are absent, those who can only secure essential resources through employment should be considered poor because they are dominated by others.²⁰

What the understandings of poverty discussed above have in common is that those who are poor are vulnerable to deprivation and domination and that this vulnerability to deprivation and domination is part of what makes poverty morally significant. This is in keeping with Iris Young's suggestion that poverty indicates a social position in which individuals are significantly more vulnerable to deprivation and domination than others (Young, 2011). Extreme poverty indicates a social position in which individuals are in serious risk of being deprived of the basic means to a life considered minimally decent.

The facts about poverty intuitively suggest to most people that some moral duty is currently going unfulfilled. Widespread and extreme suffering is often thought to

²⁰ Philip Pettit has plausibly argued that domination of one group by another is morally significant regardless of whether it leads to abuse or exploitation. Pettit argues that the mere fact that an agent could be interfered with arbitrarily by another indicated that they are dominated (Pettit, 1996) (Pettit, 2006).

mandate action from all decent people (other things being equal). This is a widely held belief reflected in public support for anti-poverty campaigns like 'Make Poverty History' (Make Poverty History, 2005). In light of the horrendousness of poverty and the intuition that suffering makes moral demands, the first thing usually considered is whether extreme poverty places a legitimate demand for aid on those with an ability to alleviate suffering. Such a duty is suggested by Singer in his famous paper, "Famine, Affluence and Morality". In this section I discuss the merits of Singer's approach and outline the ways in which my account aims to improve on his (Singer, 1972).

Singer's paper calls on all reasonably well off citizens to donate large portions of their income to international aid agencies in response to a famine in Bengal (Singer, 1972). He argues that if we pass a child drowning in a pond and we can rescue that child by wading in, we have a moral duty to rescue that child even if doing so will dirty our clothes. Singer explains that if we fail to perform the rescue then we are morally culpable and can rightly be condemned. Singer expects the reader to share his intuition that the rescue is a mandatory duty and not just a morally praiseworthy act. Thus Singer demonstrates that we do sometimes accept that we have strong obligations to act in certain circumstances and that we are morally culpable in such circumstances if we fail to act. He explains that common understandings of what is unacceptable behaviour include unacceptable omissions as well as unacceptable actions. From this Singer suggests there is a general moral rule that demands we rescue others in certain circumstances. He formulates two possible principles on which the moral duty to rescue may be based, one principle being more arduous than the other. His first principle is "if it is in our power to prevent something bad from happening, without thereby sacrificing anything of comparable moral importance, we ought, morally, to do it. By 'without sacrificing anything of comparable moral importance' I mean without causing anything else comparably bad to happen, or doing something that is wrong in itself, or failing to promote some moral good, comparable in significance to the bad thing that we can prevent." (Singer, 1972, p. 231). Singer's alternative and less demanding principle is: "If it is in our power to prevent something very bad from happening, without thereby sacrificing anything morally significant, we ought, morally, to do it." (Singer, 1972, p. 231) Getting ones clothes muddy, not going out for dinner or forgoing a new pair of stilettoes is considered morally insignificant, whereas (presumably) losing a limb, risking death, betraying a friend

or maiming an innocent bystander are considered morally significant. Singer endorses the stronger principle. However, he argues that even the weaker principle requires a radical change in people's current practices.

Singer concludes that if we accept the principle of aid (even in its weaker form) then we must also accept that donation to charity, in certain circumstances, is morally required rather than supererogatory (morally praiseworthy but not morally required). In a situation where it is the case that people are dying and suffering great deprivation from famine whilst others go to the movies, and international aid agencies can direct monetary donations into assistance, then extensive donation is morally required and those who fail to fulfil it are to be condemned. Singer argues that current circumstances have led to a situation where extensive donation to the poor is a mandatory duty. He is not claiming that the moral rules are different (to what we suppose them to be) but that our common sense analysis of what they require in current circumstances is in need of reform. He is saying that the principles that our common sense morality endorses are not compatible with common sense understandings of the particular actions that are required by them in current circumstances. We accept that there is a duty of rescue but we fail to see that we are therefore obliged to donate to anti-poverty charities. Everyday moral thinking in the 1970s (as for the most part today) assumed that extensive charitable giving was supererogatory rather than mandatory. This, Singer argues is a mistake; circumstances at the time when properly understood meant that donations to aid agencies had become obligatory. Singer's article attempts to reform everyday moral thinking concerning what individuals are obliged to do, in the light of a more accurate understanding of current circumstances. This is an important and laudable goal of much moral and political analysis.

Singer argues that the stronger principle requires that we all donate our income until we reach the level of those to whom we are giving or at least until we begin to undergo serious levels of suffering. The weaker principle requires we forgo spending on non-necessities and therefore spend our discretionary income entirely on aid. By discretionary income I mean the portion of an individual's incomes that is not required in order to pay for the necessities. Therefore, on some interpretations of Singer's principle, we may never again purchase a book, go to the cinema, eat out or go to the theatre without violating a moral rule.

Overdemandingness

Singer's argument results in some rather hefty duties of aid. Accepting either of Singer's principles requires that no individual may spend income on non-necessities others (assuming this spending on non-necessities is not of moral significance) whilst there is on-going deprivation of necessities for. According to this theory, buying a book, an opera ticket or enjoying a glass of wine is morally unacceptable behaviour in current circumstances akin to failing to wade in and rescue the drowning child. A duty the fulfilment of which requires that we never buy a book, go on holiday, wear clothing that is better than adequate or go out to dinner requires that affluent individuals alter their lives dramatically and adopt a comparatively barren existence of work and necessities. In fact, Singer's stronger principle could mean that individuals must avoid unnecessary time off work because by indulging in spare time doing as they please, they fail to earn money that could be used to save lives.

The overdemandingness objection states that if a duty requires such extreme sacrifice it cannot really be a duty. Singer's stronger principle requires that until survival is secured we ought not to work towards any other moral or ethical value (assuming it is the case that preserving life is much more important than other valuable activities). Singer's weaker principle suggests that money can only be spent on things that are of moral significance. It is not clear what should count under this criterion.

One way of understanding the strength of the overdemandingness objection comes from Tim Scanlon. Scanlon suggests that when determining what moral duties agents have we must consider what we can reasonably demand of each other. Rephrased in Scanlonian language the overdemandingness objection states that demanding such extensive giving cannot be justified because the affluent would be reasonable in rejecting this duty. Whether this objection is fair depends on whether the duty in question is intolerably intrusive. To determine this Scanlon suggests that we must consider whether the duty should be considered an unreasonable burden from a general perspective. This Scanlon concludes is a matter of judgement (Scanlon, 2000, pp. 23-26).

Since the publication of Singer's article much criticism of it has focused on the demandingness of the duty Singer proposes. It seems that many people share the intuition that duties of aid cannot demand the significant worsening of one's' life

over time. Singer's example involves a single case, yet it results in a principle of helping in all circumstances. Richard W Miller argues that instead of considering each case in isolation we should consider what a reasonable policy of aid is over a life time (Miller, 2010, pp. 9-31). Singer is right to state that dirtying one's clothes is insignificant in the case of the drowning child. However, Miller argues that in determining which moral principles apply to us, and what they require of us, we must consider the effect of the adoption of those principles over a lifetime rather than the effect of fulfilling such a principle on a singular occasion. Miller argues that giving all one's discretionary income to Oxfam does have a significant effect on the quality of one's life. Such a duty asks individuals to give up too much for the good of others, Miller argues, as it prevents them from fulfilling their own life plans and participating in activities that give their lives value and meaning. There is much support for the view that we cannot owe this much to others. In short Miller argues that Singer's proposed duty cannot be correct because it is overly demanding (Miller, 2010).

As an alternative to Singer's assessment, Richard Miller proposes a different solution to the problem of poverty, namely, 'the principle of sympathy' (Miller, 2010, pp. 9-31). This principle requires that individuals adopt a level of charitable giving for the alleviation of suffering which is as demanding as it can possibly be without *significantly worsening their lives*. This proposal manages to balance the demand for aid with the demand to live one's own life and not be overly constrained by one's duty to aid others. Under such a principle one would be expected to rescue a child from drowning in a pond. This is because adopting the policy of rescuing those in immediate peril through taking physical action, in a society where such occurrences are rare, will not significantly worsen one's life. This principle analyses what can be reasonably expected of an individual over a life time instead of considering what can reasonably be expected at a particular instant or in a particular case considered in isolation. Miller's proposal is straight forward and alters Singer's principle by taking the criticism head on. If a duty over a life time is overly demanding it cannot be morally required. Singer's mistake, according to Miller, was to consider only what can reasonably be required in an incident considered in isolation. However, the fact is that we must commit to principles that we can reasonably be expected to comply with over a life time and not just in a particular instant.

Singer's weaker principle acknowledges that we can only be expected to assist others when doing so does not require the sacrifice of something of moral significance. Rescuing a child from a pond or donating a month of discretionary income to aid flood victims does not involve a sacrifice of anything of moral significance. Therefore Singer concludes they are obligatory acts. However, giving away every month's income or devoting one's life to monitoring a treacherous pond does require the sacrifice of things of considerable moral significance. Since moral principles require action over a life time then the reasonableness of the demands they make on an individual must be considered over a lifetime. Miller thus seems to have come up with a sound principle which overcomes the overdemandingness problem. Individuals are obliged to adopt a policy of assistance to others which is as stringent as possible without significantly worsening their own lives in the long run.

However, Miller's principle is vulnerable to reasonable rejection by those currently suffering from poverty. It is likely the inequality worldwide is great enough to justify demanding that some significantly worsen their lives in the short (and possibly the long) term. It is likely that asking this of some people can be justified because their lives are so much better than those of others. The extreme need of some for a better life could justify demanding others give up arbitrary advantages even if that sacrifice will significantly worsen their lives. That is, the level of demandingness that we can reasonably ask of others on which Miller's account depends could be disputed. The urgency of need experienced by those who require assistance could have a bearing on the level of demandingness their need can place on others. Thus it could plausibly be argued that Miller's principle (as he interprets it) requires too little. Despite this problem Miller's commitment to considering what principle of giving over a lifetime is reasonable is an advance on Singer's analysis. Considering whether a principle can be justified requires considering its long term effect rather than just considering incidents on a case by case basis.

In response to the problem of over-demandingness Liam B Murphy also argues that Singer has wrongly specified the precise nature of our duty of rescue (Murphy, 2000, pp. 5-7). He claims that to be fair such a duty must have a clause that states what we are obliged to do in terms of rescue cannot be increased just because others fail to fulfil what is required of them. His point is that if 10,000 people have discretionary income at roughly the same level as me, and can easily

donate, I am required only to donate my share of the required funds to prevent the famine even if in current circumstances others are failing to donate and I could donate more and thereby save more lives. Murphy's claim is that I am not required to donate more than my fair share and that I cannot be criticised if I fail to donate more, although greater donation would be morally praiseworthy.

Murphy's solution seems at first attractive – it produces a realisable and reasonable obligation (doing our fair share) and a good criterion for moral censure (failing to do our share). It also prevents some morally conscientious people having to take up the slack resulting from others' non-compliance and does not demand (in current circumstances) that compliers suffer relative poverty in comparison to their peers as a result of those very same peers neglecting their duties. It seems unfair to censure those who give only 10% of their income to charity for not also supplying the 10% their neighbour has failed to give. However, it does not seem unreasonable to expect an agent to do something more than simply pay their share and shrug their shoulders when others fail to contribute. Surely the fact that others are neglecting such essential moral duties, and leaving others to suffer, must place a demand on us to do something? Furthermore, Murphy's solution is unintuitive in that from Murphy's principle it follows that if I see a group of eight toddlers fall into a pond and start to submerge and there are eight able-bodied healthy individuals in the vicinity, each of whom could rescue a child, I am required to rescue just one toddler even if the others make clear they will not rescue any. I am morally culpable and blameworthy if I fail to save any toddlers but not if I wade in and pull one out but do not return repeatedly to the water to drag out the others. This is not an intuitively acceptable position to hold. It seems strange that I am morally required to save one but not all of the children when I can in fact do so without sacrificing anything of equivalent moral significance.

Additional Obligations

One problem with Liam Murphy's and Richard Miller's solutions to the over-demandingness objection is that they allow individuals to leave others suffering from extreme poverty when they could help them. In current circumstances of partial non-compliance, these solutions leave many citizens of the global south suffering from extreme poverty. If we believe that ensuring that these individuals do not live in extreme poverty is critically important and of great moral concern,

then we cannot accept a solution that leaves them in poverty. An analysis of duties to the global poor, which will in real and non-ideal circumstances of partial non-compliance leave many in poverty, is not an acceptable solution. If we believe that everyone has a *right* to live a life free from poverty, then we cannot accept this solution because it allows the widespread violation of this right to continue. Whilst Singer's duty is prohibitively demanding, both Miller's and Murphy's principles are intuitively unacceptable as a response to the problem of poverty. It is unintuitive to believe that the plight of those suffering does not require that that suffering be entirely alleviated if sufficient resources exist to make this possible.

It seems we have a choice between a duty of aid which is overly-demanding or a moral analysis that claims there is no moral criticism to be made when basic socio-economic rights are unfulfilled despite the fact that sufficient resources for their fulfilment exist. It appears that intuitively plausible assessments of the efforts that can be reasonably demanded of the affluent do not correlate with intuitively plausible assessments of the rights of poorer people. It is my contention that this problem can only be solved by considering duties other than those of aid.

Perhaps the reason that the duty of aid appears so arduous in current circumstances is because some other important duties are being neglected. Perhaps it is not (or at least not only) that the poor require us to aid or to rescue them. Perhaps their predicament should instead lead us to consider whether we have obligations of a different kind that are currently going unmet. Singer is right to assert that poverty presents a moral problem: it is a case in which fundamental rights are going unmet. However, there may be obligations other than rescue which apply in current circumstances.²¹

I believe that Singer, Murphy and Richard Miller are right to suggest that our duty of aid requires that we assist those in poverty. However, I believe that aid is not the only duty demanded in current circumstances with respect to poverty. If there are other duties relevant to poverty alleviation, it may be the case that if these duties are fulfilled our duties of aid will be considerably less burdensome. This

²¹ Henry Shue in his analysis of obligations to fulfil human rights to subsistence suggests that there is an obligation to design governing institutions that secure such a right (Shue, 1996, p. 62). He explains that creating such institutions would make a duty to assist those who do not have such a right satisfied less burdensome (Shue, 1996, p. 63).

could defuse the dilemma of having to choose between a counter-intuitive over-demanding duty of aid and an equally counter-intuitive assessment of duties which leaves some to suffer.

The insight that there are likely to be duties, relevant to the problem of global poverty, other than aid is one that has been recognised by other theorists, some of whom have developed accounts of these duties. Richard Miller recognises this fact in his pursuit of other duties with regards to poverty alleviation in his 'Globalizing Justice' (Miller, 2010). Thomas Pogge also recognises this fact in his account of a negative duty that if fulfilled could do significant work towards eliminating poverty (Pogge, 2008). Henry Shue has developed a tripartite account of obligations in regard to human rights including the right to subsistence (Shue, 1996).

Critiques of the Aid Based Approach

This thesis will consider obligations other than those of aid that demand agents take action to prevent or alleviate global poverty. If these obligations are fulfilled then the dilemma between overly demanding duties of aid and unfulfilled subsistence rights will be defused. In order to investigate the obligations agents have in relation to poverty the deficiencies of the aid based approach will be investigated. The aim of this investigation is to use these deficiencies to develop an alternative account of poverty and the obligations agents have in relation to poverty.

The aid based approach to poverty and moral obligation is direct and intuitively appealing. It is based on undisputable brute facts about current levels of poverty and the ability of those with larger incomes to address this problem. By appealing to a duty of assistance, the aid based approach avoids disputes concerning the nature and causes of poverty. However, many theorists since Singer have argued that the facts about the *nature* of poverty and the *causes* of poverty should be considered in determining obligations to lessen or prevent continuing poverty. In this section I lay out three important criticisms of an aid based approach to obligations to alleviate poverty. These critiques all suggest that theorists identifying obligations to avert poverty should take in to account the nature of the poverty problem.

Poverty as an On-going and Predictable Threat to Welfare

Singer's article treats poverty as a random and tragic occurrence that requires immediate assistance. He therefore appeals to a duty of rescue in order to address the tragedy. Andrew Kuper in his critique of Singer emphasises that considering only individual unilateral action is a mistake. He argues that we need complex and co-ordinated action to overcome poverty (Kuper, 2002). It could be that duties to take part in complex coordinated action exist. If these duties were to be fulfilled, then obligations of rescue would be less demanding. In this section I will consider whether there are obligations to take part in collective action to prevent poverty. I will argue that in circumstances where an incident of 'something very bad' as Singer puts it is both a *regular* and *predictable* the action that would be most effective in preventing and alleviating the 'very bad' is ex-ante collective action to establish a permanent solution to the problem.²² I will suggest that individual unilateral rescue is more suited to circumstances which are rare and unpredictable; when something unusual occurs or when the means for addressing a regular problem fail.

Directly assisting those living in poverty by donating cash or resources is one way to address poverty. Duties of rescue require individuals to assist those who are currently in difficulty. However, when a serious problem is on-going, widespread and predictable it may be better to work on preventing the problem or establishing a system for dealing with it (or so I will argue). In the modern world poverty is both *common* and *predictable* and thus requires the establishment of a system of prevention.

An ex-post duty of rescue is the only appropriate duty to consider in the case of a child drowning in a pond because such incidents are both rare and unpredictable and because the child is already in the pond (that is, the situation is urgent and unexplained).²³ In the case of a pond drowning; it makes sense for us to expect anyone able to perform a rescue to do so. A duty to rescue those who happen to be in the pond when one is passing by minimises deaths and is not overly-demanding. Unlike pond drownings, poverty is neither rare nor unpredictable; it is endemic and systematic. It is widespread, common and predictable. This means an ex-post duty of rescue is not the appropriate response to poverty. Ex-ante

²² Ex-ante action is action that takes place before an incident occurs, whereas ex-post action occurs after the incident in question.

²³

collective action is more effective at addressing regular and predictable causes of suffering. This is because such action is both less demanding (at least long term) and more successful at addressing regular and predictable threats to well-being, relative to ad-hoc ex-post rescues.

Poverty is less like a freak incident like a child drowning in a pond and more like an on-going threat to human welfare. To see why a duty of aid is inappropriate for dealing with on-going and predictable threats to welfare consider the following example. At a large public swimming lake one is not expected to rescue toddlers on a regular basis. Getting into trouble in the water is a regular and predictable occurrence at a place used for public swimming. Hence, a system of swimming regulations that minimise the possibility of such trouble is instituted and a lifeguard is employed to enforce these regulations, keep an eye out for potential problems, and to conduct rescues. If instead members of the public at the lake were expected to rescue others who got in to difficulty the results would be sub-optimal. The result would be more deaths and the norm would require the sort of constant vigilance from lake users that would prevent people enjoying the lake. Whereas if a lifeguard system has been instigated, each lake user only has a duty to rescue a drowning co-user in the rare circumstance that the lifeguard system somehow fails. An obligation to rescue other lake swimmers (in the absence of a lifeguard) would be a sub-optimal way to preserve lives and would be overly demanding on swimmers.

This insight does not mean that in the absence of the lifeguard system we have no obligations with regard to those who get in to difficulties. Nor does it mean that we have an obligation only to rescue our fair share of the drowning. This policy, although less demanding, would leave even more swimmers to drown and is therefore unacceptable. A life-guard system is the best means for preventing drowning because it is most efficient and least demanding. Because the risk of drowning is a regular and predictable threat in a swimming lake a unilateral ex-post duty of rescue is inappropriate. Those who know that drowning is a threat have a duty to act ex-ante to minimise that threat.²⁴ Both duties of rescue and

²⁴ Henry Shue argues that there is a basic right to subsistence. He argues that in response to this right agents have three sorts of duties. One sort of duty requires they establish and maintain institutions to prevent the violation of this right. He argues that when they fail in this duty individuals have an obligation to aid those who suffer from deprivation. The swimming lake example shows why there is a duty to secure a means to subsistence to

duties to establish and maintain systems that avert regular and predictable threats are humanitarian positive duties owed to others out of consideration for their well-being.

What the swimming lake example shows is that there is a problem with considering the problem of poverty from the perspective of unilateral individual duties to act directly. In the swimming lake case - as in the poverty case - it is impossible to explain the most efficient and least costly means to minimise the risk of drowning in terms of individual unilateral action.

Leif Wenar claims that in circumstances where we identify that action is required in order to avert a threat, on grounds of morality, the party that is held morally and legally responsible for averting that threat is whichever party can do so at least cost (Wenar, 2003). In the swimming lake example the party that is both most successful at alleviating the threat of drowning and also the party that can do so at least cost is the group as a whole. In assessing who has what duties and responsibilities with respect to poverty it is important to consider the possibility of collective responsibility and duties to act in concert. If we do not consider such possibilities we may overlook the best solution to some pressing moral problems.

Tracy Isaacs in 'Moral Responsibility in Collective Contexts' discusses how considering collective action can allow us to identify possibilities which otherwise remain invisible (Isaacs, 2011, p. 36). Collectives can produce effects and perform actions which go beyond what a group of uncoordinated individuals can achieve.

We need to consider seriously the possibility that the group in the swimming lake must minimise drowning and that they have a duty to ensure institutions that minimise the risk of drowning. Wenar claims that having power increases responsibilities. If Wenar is correct then a group may have greater responsibilities than isolated individuals because the group *could* work together and therefore have the power to do much more than the sum of their individual powers. In the swimming lake example, the group can agree on a way of dividing up individual duties and responsibilities in order to achieve their collective duty and fulfil their collective responsibility.

everyone rather than simply a duty to aid those who lack secure access to subsistence (Shue, 1996, pp. 55-63).

However, those using the swimming lake are not an organised collective. Thus there is no collective actor who is obliged to organise and maintain a lifeguard system. However, it could be that the aggregate of individuals who use the lake each have an obligation to form a collective and organise a lifeguarding system. Virginia Held has argued that in certain circumstances aggregates can share an obligation to work together to avert serious threats or to form a collective that can avert a serious threat (Held, 1970). In the swimming lake example the aggregate has such an obligation.²⁵

Once a lifeguard system has been established at a public lake, there will be an individual duty to rescue a victim of drowning in the rare and exceptional case where the lifeguard system fails. A duty of rescue is a duty which applies to random and unpreventable problems. More systematic and predictable occurrences attract a different sort of duty that cannot be fulfilled through individual acts of rescue and cannot be effectively characterised in terms of individual unilateral ex-post duties. Applying a unilateral, individual, ex-post duty of rescue, in such circumstances, results in a system of duties that is overly-demanding and fails to address the problem effectively. It could be that instead what individuals are obliged to do is form a collective to work together to neutralise the predictable threat. Modern global poverty is predictable and common and thus a duty of rescue is inadequate and inappropriate for its alleviation.²⁶ Thus, in this thesis is concerned with obligations to take collective ex-ante action to prevent poverty.

Poverty as a Lack of Entitlement

Another deficiency with Singer's approach is that it does not characterise poverty as a social and political problem. In order to avoid relying on controversial and disputed premises concerning the nature and causes of poverty, Singer creates an account of obligation that only relies on the existence of suffering and the ability to alleviate it. However, the facts concerning the nature and causes of poverty are relevant to the question of what duties are owed to the poor.

²⁵ I will discuss this possibility at length in chapter 5.

²⁶ Perhaps a duty of rescue and a duty to create systems which address common and predictable difficulties and suffering are both part of a more general duty of humanity. Brian Barry suggests that extreme poverty in foreign countries rightly attracts duties of humanity which he believes can legitimately be enforced through coercion (Barry B. , 1982). Duties of humanity are usually concerned with the welfare of others rather than respect for the autonomy of others. Duties of humanity reflect a disposition of concern for the wellbeing of others. This possibility will be further developed in chapter 5.

As Amartya Sen points out in *Poverty and Famines: an Essay on Entitlement and Deprivation*, extreme poverty is not necessarily a matter of there not being enough resources to go round but is always the result of a lack of *entitlement* to resources (Sen, 1981, p. 1). Sen suggested that famines occur when large sectors of the population lack legal entitlement to food. His analysis showed that famines are not usually the result of an absolute lack of food. In fact in many cases there is plenty of food (Sen, 1981, pp. 52-86). He explained that starvation and malnutrition indicate a lack of *entitlement* to resources and services rather than an overall lack of availability of resources and services. Thus he established that poverty is not always a question of what exists but is always a question of what an individual can legally command (Sen, 1981, pp. 1-7).

Sen explained that ownership relations are one kind of entitlement relations. It is necessary to understand the entitlement relation in which famine takes place. This is worth bearing in mind: a society in which transferable bequeathable property rights rigidly govern who has access to goods, services and assets is just one possible system of entitlements of all those which could be enforced. The rights to property, resources and services a state enforces govern entitlement. Giving any individual a legally enforced right to a piece of property entails a legally enforced obligation on all other individuals not to interfere with their property without permission (Sen, 1981, pp. 1-7).

Sen explains that in a modern capitalist economy an individual's poverty level depends on several factors. They include: the exchange value of the individual's labour and how many hours of it there are individuals or companies or individuals willing to buy. It also includes what they can earn through selling the assets they are entitled to, what they can produce with their own labour power, and the assets which they can buy and manage as well as any social security payments, benefits or services they are entitled to and the costs of the goods and services they need and/or desire.

For the system of entitlement to be based solely on rigid property rights, trade, gifts and bequeathment is in fact quite rare. For example in the UK a system of bequeathable property rights is supplemented by a system of taxation and legal entitlement to education, healthcare, old age pension, maternity leave, sick pay and job seekers allowance in times of unemployment. This shows that the legal arrangements within a country and the economic conditions an individual finds

themselves in have a huge effect on that individual's choices and their legal entitlements. Ignoring the relationship between poverty and social institutions or human action is to 'reify' the social: to treat it as the result of natural laws which cannot be otherwise. This is a mistake because human organisation unlike natural forces can alter over time and can be changed through conscientious action.

Sen's account of famine emphasises that entitlements is part of a political system regulating the production and consumption of goods. A lack of entitlement is part of a social system, constituted by human practices, which could be otherwise. Entitlement is governed by a set of institutions which are enforced and maintained by the on-going actions of agents.

Singer may be right that there are duties of rescue that demand that affluent agents help the poor either by trying to prevent future poverty or by sending donations to the current poor. However, the fact that poverty is about entitlement suggests that it is a social and political problem. This thesis will be consider whether characterising poverty in this way leads us to identify duties other than rescue that apply to the affluent. It is very important when dealing with the issue of global poverty that we treat it as a social and political problem. Sen's analysis suggests that poverty is a form of *injustice* rather than simply an unfortunate state of affairs that can be alleviated through charitable assistance.

Poverty and Political Solutions

The importance of injustice and politics is also highlighted in Andrew Kuper's criticisms of Singer. Kuper claims that Singer has a naive and non-political approach to the issue of poverty relief (Kuper, 2002). Kuper argues that giving to charity is not necessarily the best reaction to the reality of periodic famine and constant malnutrition for a large section of the global population. Kuper claims that effective poverty relief requires extensive cooperation with others and the reform or creation of agencies to deal with the problem (Kuper, 2002, p. 112).

Kuper implies that what is needed is *political* action. Political action can be legitimated through a popular vote and therefore made accountable to the populace in a way that charities and Non-Governmental Organisations (NGOs) are not. He suggests that if we are to determine how best (in terms of effectiveness and legitimacy) to act in response to global poverty we need a more sophisticated approach than that offered by the proponents of simple aid. Such an approach involves:

“a political economy that charts the causal dynamics of the global economy and indicates the extent to which these could be controlled; a *theory of justice* that supplies a metric for evaluating goals and derives a set of principles with which to approach the problems of development; and a political sociology that encompasses and distinguishes the respective roles of individuals and various institutions in advancing these moral ends” (Kuper, 2002, p. 114).

Kuper’s analysis suggests that aid is unlikely to be the action which best addresses poverty. His insight is that institutional change is required in order to rescue people most effectively from poverty. Kuper argues that preventing poverty in the future requires us to consider promoting global justice and making institutional change. He suggests that an account of global justice can provide the goals and aims of any action aimed at preventing poverty. Kuper is thus asserting that ongoing and extensive poverty is a concern of justice.

Kuper is right that we need economics, sociology and a theory of global justice in order to determine what to do to address global poverty. However, we also need a moral theory which tells us who is obliged to take the actions recommended by economics, sociology and global justice theory. For those of us engaged in the task of identifying obligations to address global poverty, Kuper’s critique suggests that there may be obligations to engage in political action in order to achieve global justice. Many people are in a situation where they are able to assist those living in poverty and Kuper’s analysis suggests that the most effective action may be co-ordination and institutional change.

Both Kuper and Singer have important points to make on the issue of moral obligation and global poverty. The strength of Singer’s account comes from the fact that he manages to connect far away suffering to the actions and decisions of his readership. Singer directly appeals to individuals, claiming they have a moral duty to respond and are blameworthy if they fail to fulfil that duty. The advantage of such a strategy is that it requires specific action from specific people who are in a position to take that action and to whom appeal can be made. In contrast, the strength of Kuper’s analysis is that he grasps that poverty is a systematic issue that requires in-depth analysis and thoughtful consideration.

Kuper recognises that it is a problem that can most effectively be addressed by the governmental powers that regulate entitlement and enforce law. He also sees that any action that is taken must be understood within the context of the global

economy and that an understanding of how this works and how it can be controlled and manipulated is essential to the issue of resource allocation, entitlement and availability. Kuper, like Sen, grasps that poverty is related to the legal attribution of entitlements. He acknowledges that poverty is a political issue and thus that questions of accountability, democracy and self-determination are thus relevant.

Kuper points out some of the problems with utilising charities or NGOs to address poverty. These institutions are inappropriate agents of justice for a number of reasons. Many of these reasons have to do with the fact that these institutions lack the power to address poverty. Firstly, these institutions lack the power to regulate economic activity and implement development strategy. Nor, as is highlighted by Kuper, can they improve growth or impose redistribution (Kuper, 2002, p. 114). This makes it difficult for them to systematically alter peoples social situations and dramatically alter poverty levels. Secondly, the funding of NGOs and charities is insecure (Kuper, 2002, p. 114). This means that they cannot guarantee that the improved circumstances they provide will continue. Thus NGOs and charities may be able to provide temporary assistance but they cannot secure a better social position in which people are no longer vulnerable to deprivation and domination.

Worse still, charities and NGOs could become dominating themselves. If poor people are dependent on these institutions for their wellbeing they will be extremely vulnerable to the whims of these institutions and the personnel who run them. Such dependency will mean that they are vulnerable to arbitrary interference, exploitation or bullying from these institutions. If charities or NGOs supply basic resources and opportunities for poor people there is a risk that the poor will be dominated by these institutions. For example if the poor can only secure education for their children by regularly attending church and obeying the dictates of Christian authorities they will have little option but to comply. If poor people reliant on pleasing independent organisations in order to secure basic necessities this will undermine their autonomy and the social basis of their self-respect. Such a scenario is neither fair nor just. Unless, NGOs and charities are made accountable or their powers to attach conditions to support are limited they will have the ability to exercise arbitrary power over others in a way that is morally problematic. The lack of accountability and illegitimacy of these make

them inappropriate agents of justice. Kuper recognises this flaw (Kuper, 2002, p. 114).

All of which suggests that tackling global poverty justly, legitimately and effectively requires a strategy other than widespread donation to charity. It suggests that contra-Singer some sort of political solutions is required in order to effectively solve the problems of extreme poverty and global inequality.

Conclusions

The deficiencies in Singer's approach can partly be explained by the fact that his article was written in response to an immediate crisis (the 1971 famine in East Bengal). Singer did not include in his article a detailed analysis of the problem of poverty, its causes, or the possible ways in which it can be prevented, reduced or alleviated. Singer's article directly addressed individuals in rich nations at the time of an immediate crisis in which he believed their donations could make a difference. He gave as clear a case as he could and attempted to appeal to as many people as possible whatever their moral beliefs or understanding of the nature and causes of poverty. This was the strength of his article: it contained a simple argument capable of attracting mass appeal. The weakness of his article was that it contained no analysis of the causes of the problem of poverty in general and no analysis of the possible means for its reduction. If the famine had been an isolated incident then Singer's approach would have been sufficient. However, when the famine is viewed as part of a wider systematic problem of poverty and vulnerability his article is inadequate. An analysis of the causes of the famine may have led Singer to adopt a controversial stance which could not be so widely embraced and therefore perhaps it was wise of Singer to avoid such an analysis given his aim of addressing a particular crisis. Furthermore, a detailed analysis of how to prevent future famines would not have helped those who were dying at the time from this particular famine. Any long term plan for political and cultural change would not produce the instant relief which was urgently required.

However, the famine that inspired Singer's article was not an isolated incident. There have been many famines since and as I have mentioned, there are a number of serious on-going and often recurrent problems of global poverty and injustice including food insecurity and insanitary living conditions. Singer has - despite this - continued to support his recommendation of concentrating on aid and charitable giving (Singer, 2009). He has continued to concentrate on donation

and aid rather than consider the political causes of poverty and what action governments could take to help alleviate or at least not encourage the problem.

The analysis above suggests that charitable giving by individual donors is not the most effective, respectful or fair means of addressing the issue of poverty long term. Furthermore it suggests that a deeper analysis of poverty and the means of alleviating it is required.

As previously explained, I do not believe Singer is wrong to suggest that a duty of aid requires that we assist those in poverty. However, I do believe that it is likely that aid is not the only duty demanded in current circumstances with respect to poverty. If there are indeed other duties relevant to poverty alleviation, it may be the case that if these duties are fulfilled our duties of aid will be made considerably less burdensome. This could prevent the dilemma of having to choose between a counter-intuitive over-demanding duty of aid and an equally counter-intuitive assessment of duties which leaves some to suffer. The analysis here suggests that there may be duties to work with others to prevent poverty rather than simply assist its victims. It also suggests that poverty should be understood as a form of *injustice* requiring a *political* solution. The account of obligations proposed in this thesis will take these insights in to account.

One possible political approach that treats global poverty as *injustice* is political cosmopolitanism. Political cosmopolitanism is a theory that suggests that at least some demands of justice are global in scope. Political cosmopolitanism suggests that poverty indicates global injustice that requires a global political solution. In the next chapter the plausibility of this claim will be considered.

Chapter 2: Political Cosmopolitanism, Poverty and Obligation

In the previous chapter, it was argued that collective solutions are likely to be better at dealing with poverty and that political institutions may be the most appropriate tools for permanently reducing poverty. Amartya Sen's analysis of famine was used to suggest that poverty is a social and political problem concerning legal entitlement to resources. It was suggested that the social and political causes of poverty are relevant in assigning obligations in relation to it. I argued that systems of entitlement are part of social and political institutions that could be otherwise. Andrew Kuper's critique of Peter Singer's aid based approach to global poverty was used to suggest that in fighting poverty an account of global justice was required detailing the aims of poverty reducing action. Thus I established that what is required is a political account of poverty and obligation to supplement the obligations of charity that Singer identified. It was argued that such an account must recognise that poverty is a political problem and must consider solutions that involve acting collectively and setting up or altering institutions capable of preventing poverty.

This chapter will consider in detail whether current levels of poverty indicate *global injustice* and whether there are duties to prevent such injustice continuing. The aim of this chapter is to work out whether poverty can be understood as a form of global injustice that requires a global political solution as well as what moral obligations follow from such an insight. Over the last decade or so, various cosmopolitan accounts have been developed that identify global social injustice and recommend global political institutions or global political duties of some kind. This literature discusses what demands of social justice apply at a global level. Cosmopolitan theorists argue that at least some of the demands of social justice concerning control and consumption of resources should apply globally. They argue that there is something *unjust* about how wealth, income and opportunity are currently determined. They propose that the current global situation concerning the production and consumption of resources is unjust and that some sort of institutional change is required to remedy this fact.

This chapter will investigate various ways in which global social injustice can be understood and several theories of the obligations agents have in relation to that injustice. Two sophisticated forms of cosmopolitanism are critically considered and an explanation is offered as to why an additional account of global injustice

and obligation is required. It will be argued that understandings of global poverty, social injustice and moral obligation could benefit from adopting a structural approach that recognises social structure as a site of injustice and thus takes into account the complex relationship between individuals and structural injustice.

The first account discussed focuses on differences in opportunities and outcomes between people born in different states. Simon Caney develops a humanity based account that states that some basic principles of social justice apply regardless of the particular relationships that hold between individuals (Caney, 2011). Caney suggests that there are obligations to support institutions that secure the fulfilment of the socio-economic rights of other human beings (Caney, 2005). It is suggested that this approach treats injustice as a particular sort of unfortunate state of affairs. It is then argued that it is important to distinguish humanly caused problems from unfortunate states of affairs that could be otherwise. It is explained that this distinction is significant because socially caused unjustifiable inequalities are likely to attract extra duties in addition to the humanity centred obligations that Caney identifies. I conclude that there may be negative duties in relation to global economic injustice in addition to positive duties to support just institutions and to promote justice.

The second cosmopolitan approach analysed here concentrates on the justice of coercively enforced institutional arrangements governing access to resources. This approach, exemplified by Thomas Pogge, focuses on negative obligations to avoid harming other humans by imposing resource regimes which promote avoidable socio-economic human rights deficits (Pogge, 2010). This approach concentrates on Amartya Sen's insight that extreme poverty is a matter of a lack of entitlement to resources. It considers who imposes this system of entitlement. Pogge suggests that there is a negative duty to avoid imposing systems of entitlement that perpetuate serious deprivation in essential resources. Several potential problems with Pogge's approach are briefly outlined. Next, it is argued that it is often difficult to identify whether it is global or national institutional orders which should be held responsible for poverty and other human rights deficits. It is concluded that there are obligations to avoid imposing injustice on others and that some affluent governments are guilty of violating this duty. However, the fact that it is often difficult to connect deprivation first to a particular institutional order and then to the citizens of affluent states who impose this order is noted.

At this juncture it is suggested that sometimes global injustice is the result of multiple institutions, practices and trends coming together to cause problems. It is argued that understandings of poverty and global social justice could benefit from a conception of injustice that can deal with these cases. I suggest that in addition to states of affairs that could be otherwise and coercively imposed institutional orders there may be a third site of global injustice and that there may be additional obligations relating to this site of injustice. Following Iris Young, I suggest that when a range of humanly caused factors come together to produce significant arbitrary inequality this constitutes *structural injustice*. In these cases no single agent can be held causally responsible for the injustice yet it would be a mistake to treat these cases as merely unfortunate states of affairs because they are the result of human choices and social institutions. I argue that although in these cases no agent has violated their negative duty to avoid imposing injustice on others, the fact that humans are responsible for these states of affairs is significant. I suggest that these structural injustices are likely to attract duties in addition to the humanity centred positive obligations identified by Caney.

I go on to highlight some potential problems with Iris Young's account of the obligations agents have in relation to structural injustice and to develop an alternative account of such obligations that aims to avoid these difficulties. Ultimately, I argue that a structural account of global social justice is plausible and can help us identify additional obligations in relation to global social injustice. By the end of the chapter a provisional proposal is made that global poverty shows structural injustice and that all those who make on-going contributions to that injustice have obligations to make efforts to regulate that structure to prevent future structural injustice. The rest of this thesis will argue for this account in detail. The role of this chapter is to explain how this account fits within the existing literature and contributes to our understanding of global social justice and obligation.

Humanity Based Cosmopolitanism

The first of the aforementioned approaches claims that demands of justice apply regardless of background social relations and institutions. This approach suggests that certain distributions of resources or opportunities between persons are unjust regardless of whether or not people share a common institutional background, coercive regime or substantive social community. This approach is

characterised by cosmopolitans like Simon Caney. Caney argues that some demands of justice apply between all people in virtue of the fact that they share moral personality. Arbitrary factors, such as nationality or state of residence, do not affect this moral personality based claim. Caney proposes four principles for global distributive justice. They include a right to a basic level of subsistence, a right to equal opportunities, a right to equal pay for equal work, and a proviso that says that benefitting people is more important the worse off they are (Caney, 2005, pp. 122-125). For the sake of this argument I am not concerned with the nature of demands of global social justice. I am simply concerned with when certain demands of social justice apply and what obligations agents have in relation to these demands.

Caney suggests that individuals have an obligation to *support* the institutional arrangements which best promote global distributive justice (Caney, 2005, p. 121). This is a positive obligation to support institutions that bring about distributive justice. Thus, Caney suggests that establishing distributive justice requires establishing 'institutional arrangements' which effectively secure justice rather than relying on individual transactions that aim to bring about a more just distribution of resources (Caney, 2005, pp. 109, 121-123) (Caney 2005, 109, 121-123).²⁷ Henry Shue also endorses an account of social justice that is global in scope and based on humanity. He claims that all humans have basic rights and that they have corresponding obligations not just to avoid violating these rights, but to protect the rights of others and to compensate individuals who have had these rights violated. Shue argues that these duties are best discharged by building governing institutions that can fairly share the burdens of protecting these rights (Shue, 1996, pp. 52-55).

One key difference between Singer's *humanitarian* approach and Caney's *humanity based* approach is that Caney argues that everyone has a *right* to an institutional set up that guarantees they do not live in poverty. Whereas, Singer only argues that there is a humanitarian obligation to assist those who live in poverty. Caney's account recognises the need for a global order which secures people's freedom from poverty and fulfils demands of global distributive justice. He believes that there is a positive obligation that we support those institutions

²⁷ Caney makes a distinction between a humanity centred obligation of justice and a humanitarian duty.

that effectively secure these rights. Caney's approach identifies poverty as injustice and recognises duties to support just institutions.

Critiques of Humanity Based Cosmopolitanism

Caney's theory states that demands of distributive justice apply between all people no matter what their relationship. According to Caney's theory if two entirely independent groups of people enjoy different levels of opportunity or different levels of pay for the same work, and these inequalities could be eradicated, this constitutes injustice. However, according to a rival understanding of injustice, a difference in conditions cannot be identified as unjust unless it is the result of human practices or institutions. This rival understanding of poverty claims that whilst it is *unfortunate* that some people live in poverty, it is only *unjust* when, for example, a government passes and enforces laws that condemn some people to live in poverty. This 'political approach' distinguishes injustice from misfortune. Injustice is understood as a species of negative circumstance for which someone or some group is in some sense liable or causally responsible. This understanding of injustice is based on the intuition that where differences in wealth exist between independent people it is difficult to see why this should be considered a case of injustice unless they share a political regime of some kind. Under this conception states of affairs need not conform to the demands of fairness. Rather, it is authorities that have an obligation to act fairly. This account of distributive justice suggests that we cannot demand that the world accord with some rules of distribution, but we can demand that we are treated justly by those with power over us.

This political account rejects the idea that a mere *lack* of resources cannot be considered unjust or just. Instead it insists that only a coercively enforced *entitlement* to resources is open to criticism for being unjust. The easiest cases of injustice to identify are ones in which laws discriminate between people in ways that cannot be justified. For example a law which prevented members of a certain ethnic group from owning property would be a prime example of injustice rather than misfortune. In more complex cases a combination of laws leads to a situation of injustice. Thus, a more sophisticated approach explains that states enforce a set of rules determining use and control of resources and that it is the regime of law enforced by an authority which can be judged as just or unjust. According to this account, distributive justice only applies when such a coercive body enforces a regime of property rights. This view suggests, contra-Caney, that there can only

be distributive justice or injustice within a coercively enforced system of entitlement. Thus it insists where agents do not share an authority that imposes a system of entitlement vast differences in opportunities and resources are not unjust.

Many political theorists share the view that critiques of distributive justice should only be applied to coercively-enforced institutional orders. They argue that egalitarian demands of distributive justice only apply in specific circumstances. Some of these political theorists reject the idea that there is global distributive injustice on the grounds that there is no global authority claiming a monopoly of legitimate violence. For example, Thomas Nagel argues that strong demands of distributive justice apply within a state because co-citizens share a coercively enforced property regime (Nagel, 2005).

Nagel argues that demands of social justice only apply in a very specific set of circumstances. He quotes Dworkin to explain that when there is an effective leviathan making a plausible claim to legitimate authority, this leviathan must treat its subjects as equals (Nagel 2005, 120-123, Dworkin 2000, 6). In a democratic society where the state is thought of as the instrument of the people and power is wielded in their name, citizens have an obligation not to use political power to enforce a system on others which does not treat them as equals. Nagel explains that demands of justice only apply in circumstances where agents share such a political authority (Nagel, 2005, pp. 121-123). He follows Rawls in asserting that demands of justice are norms for the basic structure of a nation state and should be distinguished from the appropriate normative demands for international relations or individual conduct (Rawls, 1999).

Where there is no such shared political authority, Nagel explains, demands of distributive justice simply do not apply. Further, Nagel suggests that in such a situation there is no obligation to enter into the political relation of sharing an authority (Nagel 2005, 121). He supports what he describes as the 'political' conception of distributive justice whereby authorities are not a means by which to discharge pre-existing duties of social justice. Rather, to live under a shared authority is to have a special relationship with others. Entering into such a relationship, where no such relation currently exists, is not compulsory. However, when agents do share a government which makes a plausible claim to a monopoly of legitimate violence, that government may only enforce a regime of access to

property which treats people as equals and this requires fulfilling norms of distributive justice.

These 'political' accounts based on the coercive imposition of injustice draw on the fact that poverty is often a question of insufficient legal entitlement to goods rather than insufficient goods. They suggest that it is only when poverty results from insufficient legal entitlement to goods that it constitutes *injustice* rather than misfortune. These accounts identify the coercive imposition of a property rights regime as the cause of poverty. If the regime is not justifiable or fails to treat citizens as equals it is unjust.

Caney argues that although these political accounts may successfully establish that claims of distributive justice apply within a coercively enforced regime they do not establish that demands of distributive justice *only* emerge within coercive regimes.²⁸

Those committed to a 'coercive imposition' account (as I will refer to it) deny that justice demands the establishment of just shared institutions where none exist. They insist that there are no duties to support the establishment of just regimes or to create a more egalitarian distribution of resources where there is no such regime in place (Nagel, 2005, p. 121). In contrast Caney insists that demands of justice apply between all humans regardless of whether or not they share a political authority.

Coercive imposition accounts insist that special duties of justice apply where agents share a political authority. Caney argues that his account need not deny that this is the case (Caney, 2011, p. 507). However, he insists that some standards of distributive justice apply between agents who do not share a political relationship or common authority. Caney allows that the argument from Nagel and other political accounts aim to show that demands of distributive justice apply between those who share a state. However these accounts do not show that no demands of distributive justice apply between those who do not share an authority. It could be that there are greater demands that fall on those who share an authority, yet there are still demands concerning the just distribution of goods and just social relationships between agents living in different states (Caney, 2011, p. 507).

²⁸ As voiced in a presentation July 2012.

It is plausible that there is both a negative duty not to impose an unjust regime on others and an additional positive duty to support the establishment of a just and secure property regime. As previously mentioned there are likely to be multiple duties which require agents to set up institutions capable of lessening poverty. There could be obligations to promote justice and to protect rights and also obligations to avoid helping to impose political regimes that do not treat those subject to their power as equals. The demands of justice required when agents do not share a coercive regime may differ from those required when they do.²⁹

The political approach has a very narrow definition of when distributions can be unjust. Yet, these accounts offer no definitive reason to have the concept of justice limited in this way. However, the political approach does recognise the fact that whether or not a distribution of goods is imposed is morally significant. Whether or not a distribution of goods is imposed matters because there are moral restrictions on what individuals may do to each other. These restrictions prevent the imposition of some distributions. Where a distribution is permitted to continue but is not imposed by any agent or agents there will be positive duties to amend the distribution to consider. Yet, in such cases there are no negative duties that if honoured would prevent the problematic distribution. In contrast where a distribution of goods is imposed there may also be negative duties that are being violated. These duties may proscribe imposing the current distribution of goods.

Institutional Cosmopolitanism

In response to the objection that demands of justice only apply where a coercive regime is imposed, many cosmopolitan theorists have sought to identify features of the global situation that could justify the appropriateness of making demands of global distributive justice. Various 'institutional' cosmopolitan approaches have been developed which cite features of global interaction and organisation and argue that these features make it appropriate to apply demands of social justice to the global order (Caney 2005, 106). These accounts identify negative

²⁹ Whether in both cases the same demands of justice apply is a question that is beyond the scope of this thesis. Furthermore, whether we identify duties to promote more justifiable distributions of property between independent states as demands of humanity or justice may not be important. It is not a question that I seek to take a stand on in this thesis. What agents are obliged to do is more important than what these duties are called.

obligations to avoid imposing injustice in addition to the humanity centred obligations to support justice which Caney explicates.

One form of institutional cosmopolitanism is proposed by Thomas Pogge. Pogge suggests that there is a global economic institutional order that is coercively imposed by the affluent states (Pogge 2010, 21). Pogge claims that this order knowingly and avoidably perpetuates human rights deficits (Pogge 2005).³⁰ Pogge suggests that the global institutional order is imposed by the governments of powerful and affluent states in the interests of their business and finance elites (Pogge 2010, 16-25).

Pogge defines an institution as a social practice governed by publicly known rules which stipulate roles and responsibilities (Pogge, 1989). Understanding this definition of institution is essential for understanding Pogge's ideas about global justice. According to Pogge, the central social practices of a society, which have a pervasive impact on people's life prospects, make up the *institutional order* of a society (Pogge 1989). Pogge thinks that demands of justice apply to institutional orders and hence whenever agents share an institutional order there are standards of justice that the order must fulfil.

Pogge argues that the global institutional order has not simply evolved from international interactions. He thinks that the global institutional order has been imposed by affluent governments and their representatives. They have achieved this by using their superior bargaining position to design the order to serve their economic interests. This superior bargaining position results from economic development, superior capital and economic might. Pogge states that the current order has been insisted upon by affluent nations and acquiesced in by the governments of poorer nations (Pogge 2005: 5).

Pogge argues that there is a moral obligation to refrain from coercively imposing an institutional order which is deeply unjust (defined as knowingly and avoidably perpetuating human rights deficits). This Pogge argues is a negative institutional duty and part of the duty to refrain from harming others. Pogge does not claim that we have a negative duty to refrain from imposing an institutional order which falls short of maximal justice. Our negative duty only requires that we refrain from

³⁰ Thomas Pogge's emphasis is on the fact that there is a global institutional order which should be subject to normative assessment rather than on the fact that it is imposed by the affluent states (Pogge 2010, 24).

imposing any order that is seriously unjust (this is defined as an order that knowingly and avoidably perpetuates human rights deficits) (Pogge 2010, 29).

Pogge suggests that citizens of the affluent liberal democratic states have some responsibility for the actions of their governments because they live under democratic political regimes. He explains that because citizens could prevent their governments from continuing with the offending policies, citizens are in a sense responsible for these policies (Pogge, 2010, p.7). He implies that because citizens fail to prevent this imposition they are complicit in it. Citizens could prevent the government from imposing injustice by protesting en masse against it, through a campaign of civil disobedience, or through voting out governments who continue to impose injustice. Pogge suggests that the fact that citizens have this power but do not use it makes them responsible for their government's policies, including the global economic system it helps uphold (unless they take compensatory action) (Pogge, 2010, p.7). Pogge even argues that if current political arrangements prevent citizens from influencing policy, then citizens have a responsibility to reform these systems (Pogge, 2010, p.8).

Pogge also suggests that by contributing financially to their government citizens become implicated in the acts of their government (Pogge, 2005, p.71). This is implied by his talk of contributions to the imposition of global institutional injustice. Obedience to law can also be perceived as a contribution to the government's imposition of injustice because such obedience enables the government to rule and maintain its position (Pogge, 2005, p.71). Obeying governments that impose injustice helps uphold their rule and the social institutions they impose. Voting in an election could also be considered a contribution to the government and therefore indirectly a contribution to the imposition of injustice.³¹

Pogge argues that citizens have a negative duty not to make uncompensated contributions to the imposition of seriously unjust institutional orders. He says

³¹ At other times Pogge suggests that citizens are complicit in the imposition of an unjust global economic order because they benefit from that order. Pogge believes that our duty to avoid violating the basic socio-economic rights of others 'institutionally' includes a duty not to 'profit from the unjust impoverishment of others' (Pogge, 2001, p.60). This suggests that he believes that profiting from a rights violating institutional order is a way in which an agent can collaborate in the institutional violation of rights. Pogge outlines a negative duty not to profit from injustice without taking compensatory action (or as he later puts it not to take advantage of injustice) (Pogge, 2005, p.71). In this thesis I will not be engaging with this strand of Pogge's argument.

that those who take compensatory political action or make compensatory donations to poverty charities are not in violation of this negative duty. He further suggests several different routes through which citizens of the affluent states, which dominate the global economic system, can be understood to contribute to the maintenance of that unjust global economic system.

Potential Problems with Institutional Cosmopolitanism

Pogge's theory suggests that there may be negative duties to avoid imposing injustice in addition to positive duties to promote justice, support just institutions or protect rights. He suggests that currently these negative duties are being violated. His account is interesting and plausible. However there are some issues that his account must address in order to establish that citizens of affluent states are currently violating these duties. Below some of these problems are briefly outlined.

The first controversial claim of Pogge's I will examine is whether the global institutional order is imposed by the wealthy states. At present there is no global agency or centralised power that effectively enforces the current regime through a claim to the monopoly of legitimate violence. The current global economic order is based on negotiations and agreements. In these negotiations economic and militarily dominant states dictate terms because they have a better bargaining position. No individual government unilaterally determines policy. This fact means that the global institutional order does not perfectly fit the leviathan model on which the political approach to distributive justice is based. Many global economic rules and norms have emerged through bargaining and tradition rather than being imposed by a unified power centre. However, the G8, a group of powerful states that meets regularly to discuss policy and global coordination exercise significant power in these negotiations. In the past, the G8 has been able to mould global financial and economic policy. However, in more recent years the G20 (a larger group of states that have begun meeting regularly) has had more power as the economic might of the eight, G8, countries has been threatened by the rise of other economic powers. In order to establish that the current order is imposed by affluent states this claim needs to be made precise and evidence must be demonstrated for the claim that global policies are being effectively imposed by these groups.

To a certain extent, Pogge's account avoids this critique by giving a broad definition of what constitutes 'coercive imposition' and 'institutional order' so that his account can apply to the global economic institutions which are shaped by the larger global economies and major Trans-National Corporations (TNCs) and from which smaller states cannot effectively opt out.³² Moreover, it does seem that the governments of rich states are using their power to create an international order that benefits their economies and maintains that power. In doing so they actively seek to expand globalisation and shape it to serve their own interests. This claim appears plausible considering the character of WTO decisions and bilateral 'free trade' agreements. It also seems plausible when the procedures and actions of the Bretton Woods international institutions are considered. It also fits with the aims expressed by negotiators for affluent states and multi state bargaining groups. Powerful states appear to impose intellectual property laws that benefit western corporations at the expense of poorer citizens. Rich states also use their power to forbid protectionist policies in poorer states as a condition for trading with them and gaining access to foreign markets and investment. Poorer states can be threatened with the removal of foreign investment if they fail to comply. In the past states who have not complied with the wishes of affluent states have suffered economic isolation, asset seizures, funding opposition parties, covert missions to destabilize and remove their governments as well as military actions like air strikes.³³

However, states are not the only global actors to actively influence the global institutional order. Powerful Trans-National Corporations (TNCs) also lobby to shape the global socio-economic order to suit their interests. TNCs shape global trade policy at the WTO via powerful corporate lobbying. These groups exert particularly significant influence on delegates from the USA and EU. They have extensive access to delegates and receive information about delegates' positions that is not made available to the public or NGOs representing social or

³² Trans-National Corporations are large firms that produce and sell goods and services in various states and are registered in more than one state.

³³ For example, an Argentinian war ship was seized by a Ghanaian court after an injunction was granted to creditors who did not accept the country's default. The creditors in the case were a hedge fund who purchased outstanding Argentinian debt at rock bottom prices from the original creditors when Argentina defaulted on payments as a speculative investment based on a strategy of litigation to obtain payment from Argentina of an amount significantly in excess of the amount they paid for the debt (The Economist, 2012). Other examples include Cuba's economic isolation and covert CIA operations in South America to destabilise the states of non-compliant leaders (like Salvador Allende) in the 1980s.

environmental concerns (Action Aid, 2006, pp. 2-3). They have even taken part in preliminary talks, negotiating directly with representatives of developing countries.³⁴ TNCs also lobby developing world governments directly in efforts to get them to adopt trade laws beneficial to their interests.³⁵ This gives reasonable grounds for the claim that TNCs share in blame for the imposition of unjust international trade rules. In pressuring representatives to adopt certain positions (with reasonable success), and directly negotiating with governments, lobbying groups for TNCs assist in the designing of the global institutional order.

TNCs are made up of employees who could be held responsible for the actions of the TNC in the same way that citizens are held responsible for the actions of their governments. In both cases it is likely that decision-makers should be held primarily responsible for the acts of governments and TNCs. Thus in the case of TNCs it is likely that senior management or share-holders should be held responsible for the actions of the TNC. However, TNC's are aided and abetted in their actions by consumers, suppliers and workers as governments are aided and abetted by citizens, politicians and civil servants. The argument for complicity in the actions of TNC's may run similarly to the complicity of citizens.³⁶ If citizens of states that help impose the global institutional order can be held responsible for that imposition or for assisting in that imposition it may be that employees or consumers of powerful TNCs can likewise be held responsible.

A second potential problem with Pogge's account is that it is not legitimate to find citizens of affluent states blameworthy on the basis that if they worked together they could have prevented their governments' aggressive economic policy.³⁷ In *Politics as Usual*, Pogge argues that because a majority of citizens could mobilise to alter their state's foreign policy, citizens of a democratic state can be held responsible for the policy of their states. Yet he admits that any individual citizen is powerless to alter foreign policy given that other citizens are reluctant to support such efforts (Pogge, 2010, p.7). He argues that citizens are only powerless if they do not work together. Pogge is suggesting that citizens within these countries share responsibility for their government's foreign policy *because*

³⁴ The USA delegates brought lobbyists to the meetings in the run up to the WTO Hong Kong summit in 2005 (Action Aid, 2006, p. 3).

³⁵ In 2005 phARMA encouraged the Indian government to push through a new patent law (Action Aid, 2006, p. 4).

³⁶ I do not explore this possibility fully here. It is a possibility that could be investigated in future research.

³⁷ A similar argument could be made about the employees and/or customers of TNCs.

a majority of citizens acting together (in an affluent democratic state) could alter that policy.

However, we cannot find individual citizens morally responsible for omitting to alter their government's foreign policy because they lack the power to do that. Perhaps we can find citizens collectively responsible for failing to alter their government's policy. However, more needs to be said to establish that citizens are a collective in the sense required for the attribution of omissions to that agent. Some work has been done on filling this gap (Pasternak, 2011). An alternative possibility is that the aggregate are collectively responsible for failing to work together to prevent their government acting in this way.³⁸ However Pogge chooses to flesh out his claim, it is vital to propose a theory in which we judge an individual citizen on the basis of their own actions or omissions rather than those of others.

It is not legitimate to blame any individual citizen on the basis that the citizenry as a whole omitted to alter their government's foreign policy. To do so is to blame an individual for what is beyond their control. It is to find them morally responsible for omitting to do something that is beyond their abilities to do. It is unjustifiable to praise or blame an agent for what is beyond their control. Therefore, agents cannot be blamed for failing to prevent the imposition of injustice because their ability to prevent the imposition of injustice is severely limited. What agents can be held responsible for is working towards the reform of the order of which they are a part.³⁹

Pogge states that it would be 'absurd' to absolve all citizens of responsibility on the basis that no individual citizen has the power to alter their government's policy (Pogge, 2010, p.7). However, it cannot be the case that individual can be blamed for something that they cannot avoid. If the citizenry were to form a collective and take political action they could alter their government's policy. It could be argued that individual citizens have an obligation to try to establish such a collective and take action that aims to influence the policy of their government. In this thesis an account of such obligations will be developed. However, the existence of such obligations does not mean that individual citizens can be blamed

³⁸ Virginia Held has an interesting proposal for the obligations of random collectives that could be usefully applied to this case (Held, 1970).

³⁹ Pogge's analysis actually suggests that citizens 'compensate' for contributions to the imposition of injustice in this way.

for the policies of their government. This is because they can only be fairly blamed for what they themselves do or fail to do. In order to establish that citizens are responsible for the actions of their government Pogge must provide a detailed account of why they can be held so responsible. This account must avoid blaming individuals for what is beyond their control. To my knowledge Pogge has not yet provided such an account.⁴⁰

Are Global or National Institutions Responsible for Poverty?

It is useful here to turn to David Miller's critique of Pogge. I will use Miller's critiques to demonstrate why an additional theory of justice is required to understand the duties agents have in relation to social injustice.

Miller argues that citizens of affluent states do not have the obligations Pogge outlines. He argues for this on the basis that the poverty and deprivation that Pogge identifies are not caused by the global institutional order. The global institutional order, Miller claims, cannot be identified as the cause of human rights deficits because national institutions also have an effect on whether human rights are secured. Miller explains that national institutions and cultural factors significantly affect the levels of poverty within any state. He demonstrates that these factors have an effect by comparing different development outcomes within the same global economic system (D. Miller 2007, 236-241).

Miller is right that the global economic institutional order is not the *only* factor which affects the extent and acuteness of poverty within a territory. The global institutional order is significantly different to the idealised notion of basic structure within a closed society described by Rawls (Rawls 1971). In *Realizing Rawls*, Pogge develops Rawls' conception of a 'Basic Structure'. Pogge explains how important social and economic institutions have a pervasive impact on people's opportunities and outcomes. He explains that it is this institutional order which is the subject of accounts of justice. However, when we consider central global economic institutions, it is only in conjunction with local norms, laws and

⁴⁰ Similarly, consumers and workers of TNCs may be at fault if they fail to organise and oppose the actions of the TNC. However, this does not mean that they can be held responsible for the actions of the TNC that they contribute to. This is because like citizens in respect to states they are not able to effectively control the TNCs they buy from or work for. However, in the case of TNCs they may have an obligation to give up working or buying from the TNC. Whether or not they have such an obligation will depend on the seriousness of the TNCs misdeeds and whether the costs of leaving work or ending consumption are excessive.

institutions that they *determine* people's opportunities and outcomes.⁴¹ Since the central global economic legal institutions do not effectively determine the entitlements of individuals we may not – and Miller claims we cannot – hold them responsible for these entitlements.⁴²

According to Miller's account, in order to hold an agent obliged to aid those in poverty we must either prove that the agent is responsible for that poverty or that the poverty is the result of natural forces beyond the control of those living in it (Miller, 2007, pp. 250-258). He argues that if national factors are responsible for poverty in a nation, then no outsiders are obliged by enforceable duties to assist. When it comes to the current economic order's responsibility for present poverty, Miller argues that outcome responsibility for poverty cannot be predominantly attributed to the international system. Miller disagrees with Thomas Pogge's analysis of moral duties that follow from poverty. He argues that affluent states and their citizens are only at fault for imposing the global institutional order if that order is 'outcome responsible' for poverty in the developing world.

David Miller uses the examples of Ghana and Malaysia to demonstrate that the development policies pursued by the governments of poorer nations have a dramatic effect on whether their people continue to live in poverty. Miller alleges that Malaysia has adopted an economic policy which has allowed the nation to develop and to pull its citizens out of poverty. Contrary to this, Ghana has adopted a different policy and as a result still has many citizens living in extreme poverty. This, Miller argues, suggests that national factors have a significant effect on the level of poverty within a country. Miller accuses Pogge of arguing

⁴¹ Central social and economic institutions alone determine the outcomes and opportunities at the national level. Informal institutions and patterns of action also contribute to the positions agents find themselves in.

⁴² In his account of global justice David Miller seeks to develop an account of responsibility to alleviate poverty which is sensitive to what he identifies as the causes of poverty. Miller argues that current poverty is predominantly to do with national factors rather than the result of the global institutional order. Miller thinks that it is necessary to determine which actors are 'outcome responsible' for poverty in order to know how to assign 'remedial responsibility' to take action to improve their condition. He adopts a principle of justice according to which those who are outcome responsible for a problem should be liable for the resultant costs. He uses this principle to attribute primary responsibilities for alleviating extreme poverty (Miller, 2007, p. 90). Miller argues that it is only if a responsible agent is incapable of assisting, or refuses to assist, that duties pass on to those who are not 'outcome responsible' (Miller, 2007, p. 257). In cases where responsible actors refuse to (or are unable to) take responsibility the duties of assistance pass to other actors but becomes an unenforceable duties of humanity rather than a duties of justice (Miller, 2007, p. 258). Miller argues that only when no agent is outcome responsible for a consequence, because it is the result of natural forces, are there enforceable and obligatory duties of aid (Miller, 2007, pp. 253-256).

that because under alternative international structures Ghana may not have such widespread poverty, responsibility for that poverty lies with those who impose international economic structures (Miller, 2007, p.240). This Miller argues is an ungrounded claim. Miller states that the fact that countries like Malaysia have developed and prevented poverty, shows that, contra Pogge, some considerable share of responsibility for poverty and underdevelopment rests on the shoulders of the undeveloped nations. Miller argues that at the very least outcome responsibility is shared between poor nations and rich nations who impose the global trade order (Miller, 2007, pp.244, 247).

It is controversial to claim that the reason why some poorer states struggle whilst others thrive in the global economic order is a matter of poor governance or a poor national work ethic. There are many possible explanations for the lack of growth in one state and its prevalence in the other. It may be that the global economic environment treated the two countries differently. Furthermore, there may be that the difference in fortunes can be explained by facts about populations and resources beyond the control of the governments. However, undoubtedly the policy of local governments has some effect on economic outcomes.

Governments within developing countries make their decisions concerning economic policy within an international order of explicit agreements, ruling bodies, network power and inequality in bargaining power. This order affects what options are available to that government and what burdens and benefits are likely to be the consequence of any particular choice. Finding national governments outcome responsible for negative consequences is unfair when the structures in which these actors make their decisions force them to make many harmful choices.

Analysis of global economic trends has suggested that in the late 1980s a dramatic change in policy by the USA led to a new global economic environment. Some developing states did well in this new environment whereas others struggled (Arrighi, 2002, pp. 17-24). Miller's analysis suggests that either global or national factors must be responsible for the flat-lining in growth that occurred in most Sub-Saharan African countries. However Arrighi's analysis suggests that regional and historical differences may also have played a role in the difference in outcomes different developing countries experienced.

Furthermore, Arrighi explains that before this period of intense competition some poorer countries received preferential treatment by the USA for strategic reasons. This preferential treatment came in the form of aid, market access and permitting protectionism (Arrighi, 2002, pp. 30-31). This put these states in a stronger position to face the dramatic change in situation. However, Arrighi notes that in many cases poverty has been exacerbated by the actions of national governments. He notes that national governments can increase or decrease poverty depending on the domestic policies they adopt and that this is true of both rich and poor states (Arrighi, 2002, pp. 35-36).

Regardless of whether Arrighi's analysis of the causes of the African crisis is accepted, there are good reasons to think that the global institutional order has a dramatic effect on outcomes for individual states. Consequences that follow from a state policy are always the result of a variety of factors including actions by other global actors and natural forces. This means that the consequences that follow an action are never completely under the state's control even if they have a fairly wide choice set. This is because the consequences of a particular choice are largely determined by the global institutional background. The actions of other states as well as global trade norms and specific agreements in part determine what the consequence of an action will be. A state government can alleviate poverty and redistribute wealth nationally as well as adopt policies that maximise growth given the situation their state faces. However, they must do this within a global institutional order that provides certain opportunities and denies others. They are thus restricted by the global economic situation they face as well as by national and historical factors that may favour or undermine their chances of development.

On top of this the global institutional order can also influence the decisions and character of national governments by attaching benefits and burdens to certain behavioural choices. Thomas Pogge has argued that features of the global institutional order like the resource and borrowing privileges, which entitle those in effective control of a state to borrow on its behalf and sell its resources, incentivise coups and corrupt practices by groups wishing to better themselves financially. Pogge argues that under a global regime in which resource and borrowing privileges are offered to those who seize power it is likely that groups wishing to further their own interests at the expense of the general population

will seize power. Thus poor and corrupt national governance may be causally related to the global institutional order (Pogge, 2010, pp. 47-50).

Pogge's analysis of the way in which the global institutional order affects the character of poorer state governments suggests that we cannot simply compare Ghana's economic policy to what it could have been and blame the people of Ghana for the deficiencies of their government. Instead, we must also consider what the Ghanaian government may have been like in a different global institutional order. Miller's criticism rests on holding the Government of Ghana constant, but there may be good reason to believe that a more just global order would, in turn, have produced a better and more just Government in Ghana.

In response to arguments of this sort, Miller suggests that nations are ultimately responsible for the outcomes of their choices even when those choices are made within a difficult international economic order. He uses the example of cars negotiating a difficult roundabout to model nations negotiating the international economic system. Miller asserts that even if a roundabout is statistically more likely to produce crashes than an alternative (like traffic lights) this does not make the roundabout 'outcome-responsible' for the crash (Miller, 2007, p. 240).⁴³

However, it seems problematic to judge a driver responsible for a crash when it occurs on an extremely dangerous roundabout and when the condition and skill set of the driver are themselves related to the structure of road traffic. Similarly a state can only be fairly held responsible for outcomes within a reasonably just system that offers sufficient opportunity for the state to do well. If the global order is such that it is difficult for poor countries to develop then it is problematic to hold them entirely responsible for their poverty. States can only be held responsible for causing an outcome against a background of just institutions. In the absence of such a just institutional order responsibility for outcomes cannot be easily identified.

⁴³ This is a problematic way of understanding the situation because it suggests that the global economic order is stable and that there are sensible and irresponsible ways of negotiating it. However, the reality is that the global order is forever changing and evolving. Furthermore, the strategies one state adopts affect the likelihood of success for other states (Arrighi, 2002, pp. 31-32). For example, lowering business rates may attract foreign investment and therefore boost development. However, all states lower business rates they will not all benefit from increased growth. This policy works by attracting investment in one location over another. Thus if all locales pursue the policy it fails to have the same result. Thus the analogy is misleading.

This suggests that we should aim for a global system that offers a decent level of opportunity for states to develop and to achieve good governance. Only within a background of just global background conditions, in which nations have a decent degree of sovereignty, can we fairly and conclusively judge nations to be responsible for their poverty. When just institutions have been established, which provide a decent number of options and determine fair consequences, agents can be fairly and uncontroversially be judged outcome responsible for consequences. This does not mean that being rewarded for more or less productive choices cannot be considered in designing a theory of justice for the global economic order. Nor does this mean that institutions that ensure states receive different benefits and burdens depending on their causal contribution to producing benefits or burdens cannot and should not be designed.

Miller acknowledges that when individuals have very few options to choose from, all of which produce negative consequences, then the outcome responsibility of the agent is mitigated. To illustrate this point he uses the example of an engineer who must choose between flooding one village or another. He argues that in such a case the engineer has only a trace of outcome responsibility and that they should not be liable for compensation to the villagers who are subject to the flood (Miller, 2007, p.93). If this is the case then surely a state that selects an economic policy that condemns a large section of its population (say 100,000 people) to poverty only has a trace of responsibility for the outcome if they had to choose between policies that would result in extreme poverty for 100,000 or 150,000 people.

Miller also acknowledges that our outcome responsibility is limited by what can reasonably be expected from us and others in eliminating risk. He explains that we are not responsible for burdens which follow our actions if they are exaggerated by the failure of other individuals to take reasonable precautionary measures. When this is the case Miller says we are only responsible for the burdens our actions would have produced *if* others had acted reasonably. For example, if I hold a bonfire that spreads to my neighbour's property and causes damage I am usually outcome responsible for that damage. However, if my neighbour fails to call the fire brigade and instead lets his property burn, then I am only responsible for the damage that would have occurred if the fire brigade had been called. This is because we can reasonably expect others to call the fire brigade to protect their property. The same sort of reasoning could be used to

argue that individuals should not be identified as responsible for the actual consequences that follow from their actions if these consequences are in part the result of an unreasonable social order.

These examples demonstrate two cases in which individuals are not held outcome responsible for the consequences of their actions. In the first case it is a natural disaster that forces the agent to choose between two bad scenarios. In the second case the unreasonable behaviour of others exacerbates the damage done by the action. In a similar way the outcome responsibility of national factors for poverty could be reduced to a trace if the nation were placed in circumstances where bad consequences would follow whatever policy they selected. Similarly, if the nation's policy resulted in widespread poverty because other states acted unreasonably the nation could not be held responsible for the actual consequences of its policy. This suggests that the conditions in which nations develop their economic strategy can mitigate their responsibility for the results of that policy. It also suggests that if the unreasonable behaviour of other states aggravates or increases the poverty that results from a developing nation's economic policy the nation cannot be held outcome responsible for the poverty that results. This suggests that nations should only be held outcome responsible for their poverty if the institutional order in which they operate offers them reasonable opportunities to avoid poverty and other states do not act unreasonably so as to exacerbate their poverty. To return to the roundabout analogy: the car using the roundabout can only be held responsible in the event of a crash if the roundabout offered a reasonable opportunity to avoid crashing and the other roundabout users do not drive irresponsibly.

Miller discusses whether it is herculean effort that allows a few 'Horatio Nelson type' nations to develop or whether it is bad governance and a low effort culture that perpetuates poverty in countries which fail to develop their economies (Miller, 2007, p. 241). Miller argues the key question in assessing whether global economic institutions contribute is:

"Whether the global order provides *reasonable opportunities* for societies to lift themselves out of poverty or whether it places obstacles in their path that are quite difficult to overcome, require extraordinary economic performance on the part of a developing society." (Miller, 2007, p. 241)

He is discussing how we determine whether the global institutional order offers sufficient opportunities to develop. If only a few nations can manage it the current order may not offer sufficient opportunities to develop. Miller denies that this is the case. In contrast, Pogge argues that there is a relationship between the global institutional order and levels of poverty and that this order causally affects the level of poverty. He does not deny that national factors also play a role. However, he insists that the current institutional order perpetuates poverty.

It appears that Miller and Pogge agree that assessing the global economic order is a matter of considering whether the global institutional order offers sufficient opportunities for development. Where they differ – dramatically – is in their assessment of the current order. Pogge judges the global institutional order as failing to offer reasonable opportunities for development and instead being ordered in such a way as to offer inadequate opportunity for development. Pogge assesses the order as being such that the interests of wealthy states and powerful corporations are put before the interests of poorer states in developing and eradicating poverty. Pogge condemns this order for not being designed so as to prioritising development.

On closer examination it is clear that Thomas Pogge and David Miller have two different ways of understanding what can be expected of the global institutional order. Pogge sees the global institutional order as placing states in particular positions in terms of options, powers, wealth and likely outcomes of various policies. Whereas Miller sees the institutional order as offering states opportunities which they can use to their benefit or fail to take up.

The Pogge/Miller debate is a replication of a national debate between holding people or institutions responsible for outcomes. Those who hold people primarily responsible for their poverty believe the domestic basic structure need offer only opportunities to become wealthy that agents can take up or fail to take up. Whereas, others who see structures as being responsible for levels of domestic poverty believe justice requires structures to ensure that poverty is avoided completely. There is a difference in understanding concerning on what basis a basic structure should be judged as fair. Either the structure need only give

reasonable opportunity to escape poverty or it must additionally ensure that no one who behaves reasonably decently will end up poor.⁴⁴

Pogge and Miller agree that causal responsibility for poverty is shared between global institutions and national governments. Neither can prove that the other factor is irrelevant. They also agree that altering either factor can improve the situation. They disagree on how just an institutional order needs to be for a nation to be held responsible for their poverty and on their understanding of the amount of opportunity for development offered by the current global institutional order.

One way to avoid the debate as to whether national or global institutions are primarily responsible for poverty is to adopt an account of poverty and obligation that can assign obligations in cases where poverty results from the combination of a range of factors. Injustice can emerge from the combination of global and national institutions. Identifying injustice in *social structures* offers a way to avoid having to attribute responsibility for poverty to either the global or national institutional order. Just as separate institutions can come together to disadvantage some whilst benefitting others, institutional orders can come together to put people in difficult circumstances.

Often problems are the result of a variety of humanly caused factors. In such cases the problems people face should not be considered merely misfortunes or natural difficulties. Rather, they should be considered as related to human choices, actions and institutions. This fact is relevant to how they should be viewed and the obligations agents have in relation to them. The concept of *Structural Injustice* developed by Iris Young identifies injustice which emerges from a variety of different humanly caused factors.

⁴⁴ Most people on first reflection expect much more of the domestic basic structure than merely to provide opportunities for wealth and success. Most liberals see the basic structure as responsible for ensuring not only reasonable opportunity for all but also reasonable outcomes for all. In liberal egalitarian political philosophy there has been a general consensus that our government must ensure even those who do not succeed in becoming affluent or successful have access to sufficient resources to live decent and fulfilling lives free from poverty and able to interact with other members of the community as equals. However, with the re-emergence of individual responsibility this consensus has been eroded.

Multiple Forms of Injustice and Multiple Obligations of Justice

The two forms of cosmopolitanism so far discussed identify a form of injustice and describe a moral obligation. Caney states that any situation where basic socio-economic human rights are not fulfilled or there are inequalities in opportunities or remuneration for the same work is unjust. He suggests that there is a positive moral obligation to support institutional arrangements that secure the human rights of others and fulfil other principles of distributive justice (Caney 2005, 121). Thomas Pogge suggests that the current global institutional order is unjust because it foreseeably and avoidably gives rise to human rights deficits. He argues that there is a negative duty that prohibits agents from making uncompensated contributions to the imposition of any institutional order which foreseeably and avoidably gives rise to human rights deficits (Pogge, 2010, p. 29).

Caney and Pogge are offering two alternative ways to understand poverty and the obligations which follow from it. Caney identified current levels of global poverty as an unjust state of affairs. He identifies obligations to support institutions which can bring about a just distribution of resources and opportunities globally. Thomas Pogge identifies global poverty as the result of an unjust global economic institutional order. He identifies obligations not to impose institutional orders that foreseeably, predictably and avoidably perpetuate human rights deficits. Caney believes that question of social justice concerns normatively appraising the opportunities and resources available to distinct individuals. In contrast, Pogge identifies social justice as appraising institutional orders. Hence there is a disagreement between the two theorists concerning what the subject matter of accounts of justice should be. They disagree over what it is that must be just or over what is the *site* of justice.

There are difficulties with both these approaches. However, I do not wish to argue that either approach is wrong. Rather, what I wish to argue is that in addition to the two duties which Pogge and Caney identify there may be additional duties in relation to *structural injustice*. It is likely that there are positive duties to establish justice between individuals by setting up institutions that can ensure fairness between individuals. Furthermore, elements of the global institutional order have no doubt been imposed by affluent governments and influential Transnational Corporations. It is likely that this order is not just or fair. There have been many accounts of how economic prescriptions that favour the interests of the rich have

been imposed on poorer states. This suggests that the global institutional order is both unjust and imposed by the affluent states. Undoubtedly imposing unjust rules and practices does violate a negative duty. Thus, if there is evidence of the unjust imposition of policy on poorer states then those who are imposing it violate a negative duty. Connecting this violation to citizens in general may be more difficult. However, these difficulties could potentially be overcome.

Recognising multiple duties in relation to global justice is something that is widely endorsed by cosmopolitans. Pogge does not deny that there are positive duties to secure the human rights of others in addition to the negative duties for which he argues (Pogge, 2010, p. 28) (Pogge, 2005, p. 102). Simon Caney acknowledges that in addition to the positive obligations he describes there may be the sorts of negative obligations identified by Pogge (Caney, 2011, p. 513). There may indeed be a range of obligations relevant to the question of obligations to the global poor. In his discussion of basic rights Henry Shue identifies both negative duties to avoid violating rights and positive duties to protect these rights and assist those who suffer violations (Shue, 1996, pp. 60-70).

In this section I suggest that social structure may be a site of global injustice and that there are additional obligations relating to this site of injustice. I argue that some injustices are humanly caused but are not the result of a single action, institution or even institutional order. It is often the case that a number of humanly caused factors come together to produce injustice. Following Iris Young, I identify these problems as *structural injustices*. In these cases no agent can be held causally responsible for the injustice. Young's analysis suggests that it would be a mistake to treat these cases as merely unfortunate states of affairs *because* they are the result of human choices and social institutions. Although in these cases no agent has violated their negative duty to avoid imposing injustice on others, the fact that humans are responsible for these states of affairs is significant. Thus these structural injustices are likely to attract duties in addition to the humanity centred positive obligations identified by Caney.

What I am proposing is that there are demands of social justice that apply whenever individuals indirectly affect the position of others in terms of the resources available to them and their relative bargaining position. I argue that there are moral obligations that require people who contribute to the social position of others to work towards the secure fulfilment of these demands. This is

not a negative duty to avoid imposing injustice or a positive duty to support or promote justice. Rather, it is an obligation to make efforts to prevent injustice emerging from the combination of one's actions with those of others. The connection between individuals and the unjust states of affairs is complex; they should be considered neither causally responsible agents nor innocent bystanders.

I will begin by outlining Iris Young's account of structural injustice. I will then explain why this may be a useful way to understand global economic injustice. I will then set out a corresponding account of social structural obligations. This account will suggest that individuals have a precautionary obligation that requires them to critically assess the social structures to which they contribute and to work with others to lessen any structural injustice they identify. I will then explain the benefits of understanding the obligation in this way over Young's own analysis of the obligations agents have in relation to structural injustice.

Structural Injustice

In *Responsibility for Justice*, Iris Young develops an account of structural injustice. Young describes how various human institutions and social rules, along with past actions that have permanently altered the physical environment, serve to create a social structure which places agents in various positions. This social structure is experienced as an objective fact that determines the options available and the outcomes attached to different choices. Part of the effect of such a structure is to determine individuals' access to opportunities to acquire resources. This structure is experienced as both a physical constraint on what an agent can achieve and an enabling channel allowing them to achieve certain things. When significant differences in options provided by a social structure are unjustifiable there is social injustice (Young 2011, 52-64). Young specifies that structural injustice occurs when social structural processes place a group of agents in a position where they are vulnerable to domination or deprivation relative to others.⁴⁵

To illustrate this idea Young introduces the example of Sandy, a woman seeking accommodation for herself and her young children. In the story, Sandy works as a sales assistant in an out of town shopping centre. Sandy has to move because the

⁴⁵ For the sake of this thesis I will bracket the issue as to how we determine the justice or injustice of social structures. What matters is the idea that some inferior social positions should be identified as unjust. The matter of which positions these are and why can thus be left aside.

owner of the apartment building in which she rents wishes to convert the building into a condominium. There is no cheap accommodation near Sandy's work. Sandy judges the cheap accommodation in town not to be sufficiently safe or decent for her family. She cannot find any housing which allows her access to affordable transport to work, so she realises she must get a car. She looks into subsidised housing but the waiting list is two years long. She finds a tiny place forty-five minutes from work but lacks sufficient funds for the deposit because she has spent all her savings on a down payment for a car. Sandy faces the prospect of homelessness (Young 2011, 43-45).

Young alleges that Sandy is suffering from structural injustice. The options available to Sandy place her in a position where her access to housing is insecure (relative to other people). However, Sandy's situation is not the result of an unjust law or immoral act (Young 2011, 47). Sandy's situation is one she shares with a significant section of her society (working class single mothers). The causes of her problem are multiple, large scale and relatively long term. She is in a situation where she is vulnerable to being deprived of housing. She is part of a group which face a 'systematic wrong' whereby they are put in a position of relative and significant deprivation in terms of opportunities to develop and exercise their capacities compared to their peers (Young 2011, 72).

Distinguishing Structural Injustice from Misfortune

At this stage it is worth discussing whether what Young describes as structural injustice is nothing more than a species of misfortune. Structural injustice is a concept that identifies groups of people who find themselves vulnerable to domination and deprivation which cannot be causally linked to a specific perpetrator and is not imposed by any identifiable actor or agency. If experiencing structural injustice cannot be distinguished from merely being in a difficult state of affairs, the only duties that apply are a humanity based duty to bring about a better state of affairs and a humanity based duty to bring about fairness between persons. If this is the case, then the concept of structural injustice adds nothing to humanity based cosmopolitanism.

Young suggests that injustice implies that there is something wrong with current social and political arrangements. The cases Young describes constitute injustice rather than misfortune because they are the result of a combination of actions, policies and social practices performed by people. This makes them humanly

caused. The fact that the problem is in some sense a social one means that it appropriately attracts feelings of anger, disappointment, regret and responsibility which are not present in identifying misfortune or natural disaster.

Injustices of this sort, as opposed to misfortunes, are things for which we hold society responsible. Hence, we believe them to press more urgently on the attentions of members of the society than outsiders. We feel that society could and should have been set up in such a way that it did not cause the problem. The power of Young's account is to make us consider social structures as a human responsibility rather than as natural and inevitable. Understanding an injustice as the result of the combination of human action, institutions and social processes makes us implicitly recognize an obligation to try to change social processes (Young 2011, 33-34) (Shklar 1990); recognising a disadvantage as the result of human factors gives us an additional justice based reason to do something about it.

Structural Injustice and Obligation

Structural injustice is defined as injustice which is produced by the combination of various factors: trends, social institutions and past actions. This means that no one individual, agency or collective agent can be found causally responsible for a structural injustice. In the case of Sandy and her housing difficulties one might claim that her government is to blame for coercively enforcing a regime in which working class single mothers are vulnerable to being deprived of housing relative to other citizens. One might suggest that Sandy's government is violating an obligation not to impose an unjust institutional order. One could additionally suggest that people have a duty to promote and support arrangements in which working class single mothers no longer face these difficulties. I wish to suggest that there is a further sort of injustice and obligation present in this case. This obligation requires individuals to critically assess the social structures they contribute to and to work with others to lessen any structural injustice.

Young outlines a way of identifying agents charged with duties to alleviate structural injustice on the basis of their social connection to that injustice. She argues that participating in institutional processes that produce structural injustice is the basis on which an agent can be identified as sharing in responsibility for remedying injustice. She states that:

“The social connection model finds that all those who contribute by their actions to structural processes with some unjust outcomes share responsibility for the injustice.” (Young, 2011, p.96)

However, Young makes explicit that agents are not blameworthy for the connection to injustice which makes them eligible for responsibility. Hence Young argues for a conception of responsibility that shares more with a role based notion of responsibility rather than fault based responsibility (Young, 2011, pp.104-06).

This forward looking responsibility is ‘essentially shared’ in that individuals bear responsibility in the awareness that others bear it with them (Young, 2011, p.110). The responsibility is shared because it belongs to each individual but only as part of a group. Young avoids using the term ‘collective responsibility’ because it is not clear that collective responsibility distributes down to all members of the collective in this way. Young insists that the responsibility is shared by the individuals. This forward looking shared responsibility (to transform structural processes so as to reduce and eliminate the injustice they cause) can only be discharged by joining with others in collective action (Young, 2011, pp.110-13). Young’s account gives obligations to citizens of poor nations and rich nations alike because responsibility to act is connected to participating in a structural process rather than to imposing an order.

Martha Nussbaum has criticised Iris Young’s approach because it involves a perpetually forward looking responsibility (Nussbaum, 2009, pp.140-5). Nussbaum insists that agents who currently share a forward looking responsibility to alleviate injustice should as time passes become agents guilty of failing to remove injustice (Nussbaum, 2009, p.142). Nussbaum argues that Young should not insist that responsibility to reform unjust institutional orders must not entail blameworthiness if one fails to fulfil those responsibilities. Nussbaum argues that to do so does not have the pragmatic benefits that Young claims (Nussbaum, 2009, pp.142-44).

It is odd to insist that agents have a forward looking shared responsibility to reform unjust institutional orders, but that they are not blameworthy if they fail in this task. The practice of asserting that an agent has a certain responsibility functions so as to make demands of agents which they can be blamed for failing to fulfil. Nussbaum stresses that this ‘follows from the logic of ought’ (Nussbaum,

2009, p.142). When we claim that parents, police men or managers have role based responsibilities we are claiming that these roles entail certain obligations. These obligations may include acting in a particular way, seeing that certain outcomes obtain or doing all that can be reasonably asked of them to promote certain aims (Young, 2011, p.104).⁴⁶ If agents fail to fulfil these obligations they are at fault and liable for blame. What would it mean to have a responsibility that one can never be blamed for failing to fulfil? Claiming that someone has a certain moral responsibility 'x' is stating that they are morally obliged to do certain things that constitute achieving 'x'. This means that (other things equal) they are morally at fault and liable for blame if they fail to do things which constitute 'x'. This must mean that agents who fail to lessen injustice when they have a shared responsibility to do so are guilty of failing to fulfil their shared responsibility.

Nussbaum suggests that Young's account could avoid this problem by admitting that those who fail to fulfil their responsibility to lessen structural injustice can be blamed (Nussbaum, 2009, p.142). However such a move could be problematic because it may mean that an individual could share in blame for failing to lessen injustice even if they did all that could reasonably be expected of them.

Nussbaum insists that agents should be found blameworthy if they fail to do their part in lessening injustice and that they as a result share part of the blame for continuing injustice (Nussbaum, 2009, p.142). However, Young is committed to the idea that the responsibility is essentially shared and is not disaggregatable into distinct shares. She is also committed to the idea that blame is shared by the individuals (Young, 2011, p.85). This suggests that if the shared responsibility is not taken up the group as a whole must share blame for the failure.

Young is right that all those who participate in structural processes are alike in having obligations to work towards the removal of structural injustice. She is also right that these obligations will require agents to work together. What may be wrong with her account is that she argues for a responsibility which is 'essentially shared' rather than for each agent having an individual obligation to make reasonable efforts to lessen injustice through getting involved in collective action. Young, by describing the responsibility as 'essentially shared', implies that it is a responsibility that the group achieves or fails to achieve together. This means

⁴⁶ Young references Henry S Richardson "institutional divided moral responsibility" in Ellen Frankel Paul, Fred D Miller and Jeffrey Paul, eds. *Responsibility* Cambridge university press 1999 218-249

that over time the group may share blame for failing to lessen injustice. The logic of responsibility suggests that this blame must be 'essentially shared' in the same way responsibility is shared. This means that agents will accept blame in the awareness that others bear it with them. Although Young denies this by claiming the responsibility is always forward looking the logic of responsibility requires that as time passes unfulfilled responsibilities can ground legitimate criticism of responsible parties.

Such sharing of blame is unfair because it holds individual agents blameworthy on the basis of outcomes it is not in their power to guarantee.⁴⁷ Young avoids this outcome by insisting that the responsibility must remain forward looking. However, as discussed above, this means that the responsibility has no teeth: it is a responsibility which agents cannot be blamed for failure to fulfil and hence which they are not at fault for ignoring. An account based on Young's, which does hold agents responsible for fulfilling their duties, would have to be careful to stipulate that individuals cannot be blamed unless they fail to take reasonable steps to work with others to lessen injustice. It would have to explain what was demanded of individuals and thereby have an account of individual responsibilities and not just shared responsibilities.

An Alternative Account of Structural Injustice and Obligations

I will now briefly offer an alternative account of the duties that fall on agents who participate in unjust institutional orders. I will utilise a concept of political duty to explain the intuition that agents' participation in an unjust global institutional order entails obligations on those agents. Pogge and Young both encourage a campaigning response to injustice over unilateral attempts to compensate through charitable donation (Pogge, 2007) (Young, 2011). I agree that in cases where an agent contributes to an unjust social structure what is morally required is political action which attempts to alter the institutional order that reproduces this injustice.

Individuals often cannot be held morally responsible for social structural injustice on the basis of their contribution to the social structures which contain these injustices. However, such individuals should not be considered innocent bystanders with no relationship to the injustice in question. The connection in

⁴⁷ Just as it is unfair to hold individual citizens responsible for the actions of their governments it is unfair to hold those socially connected to structural injustice responsible for failing to lessen it.

question is insufficient grounds for attributing blame or responsibility.⁴⁸ However, those who share such a social connection to structural injustice cannot reasonably reject a demand to work towards the alleviation of the injustice.

However, it is unreasonable to require any individual to *ensure* social structural justice. This is beyond what an individual can guarantee. Instead we can posit that each individual has an obligation to make *reasonable efforts* to work with others in order to establish and maintain a just and legitimate system of regulation which prevents social structural injustice in those structures to which she contributes. My suggestion is that, just as one must ensure one's behaviour does not directly harm or disrespect others, one has an obligation to do what can be reasonably expected to ensure one's actions or behaviour does not indirectly contribute to an unjust social structure.

I propose that there is a general duty to engage politically to promote justice in the social structures to which one contributes. The proposed political duty requires agents to critically evaluate their social structure and to take political action to work towards the reform of any injustice within those orders. This duty is one which all citizens can fulfil. Individual citizens can be commended if they fulfil it and are blameworthy if they fail to fulfil it. This way of conceiving of the problem avoids blaming citizens for what is beyond their control. However, it is an obligation which individuals can be blamed for failing adequately to fulfil. Therefore, it is better than a notion of shared responsibility which can find individual agents liable for blame even when they do all they can to remove injustice and yet injustice remains because others do not join them in the campaign.⁴⁹

This modification of Young's account can allow us to identify the political duties that come with participation in an institutional order. If these obligations are fulfilled by a sufficient number of participators, then injustice can be lessened over time. Each agent can be fairly judged not on the basis of whether attempts to overcome injustice succeed, but on the basis of whether they fulfil their political duties to identify injustice within their institutional orders and work

⁴⁸ I discuss this in detail in my paper "Complicity and Obligations to Reform the Global Economic Order" which was tabled at the ECPR general conference 2011.

⁴⁹ It could be argued that by 'shared responsibility' Young is suggesting that the aggregate of individuals who contribute to social structures each has an obligation to work with others to lessen injustice in that social structure. If this is the case then my proposal is an explanation of her theory rather than an objection to it.

towards its eradication. Although such a duty will require agents to seek to work with others it cannot be conceived of as a shared responsibility. It is an individual responsibility to do what can be reasonably expected to work towards eliminating injustice in the institutions one shares with others. It requires agents to try to establish working relationships with others in order to find collective solutions to structural injustice.

Just as one must ensure one's behaviour does not directly harm or disrespect others, one has an obligation to do what can be reasonably expected to ensure one's actions or behaviour does not indirectly contribute to a social structure that harms or disrespects others. Social structural injustices are systematic and widespread therefore they cannot be tackled through a single agent altering their behaviour; they require multiple agents to take action. The proposed obligation could be effectively discharged by people working together to establish and maintain a just and legitimate system of regulation for their social structure. Any such regulation or reform would need to meet the demands of moral permissibility. Therefore, any agencies for reform and regulation must be legitimate and just in addition to being effective.

The distinctive feature of my account is the claim that an agent A contributing to and living within a social structure X which features social structural injustice Y in its treatment of B, is grounds on which B can reasonably demand more of A in terms of alleviating the problem Y. There may be a positive obligation for A to work towards the alleviation of injustice Y as an act of humanity fulfilling the general duty to promote the wellbeing of others when they suffer from deprivation and one can help without significantly worsening one's life (Miller, 2010). There are also positive duties that demand all agents who can promote justice try to establish a political solution to the problem. However, the fact that B's problem Y is a species of structural injustice to which A contributes and under which both live provides grounds for B to legitimately demand more from A.⁵⁰

This proposed duty captures the popular ideal of 'social responsibility', which suggests that individuals should take an interest in the justice of the social relations they help to reproduce. Just as one must ensure decency in one's own behaviour, one additionally must normatively assess the justice of one's society

⁵⁰ Notice that this additional obligation also falls on B if b also contributes to the social structural injustice that disadvantages her.

and work towards lessening any injustice. The reason usually given for this demand is that one's society is in some sense one's business. If individuals do not have a commitment to ensuring justice in their social structures there is an ever present risk of great social injustice emerging from action which is morally permissible when considered in isolation. This fact alone speaks in favour of a norm demanding agents look out for and work with others to remove structural injustice.

The obligation I have outlined is unusual because it is an obligation to work towards the achievement of a collective project. It demands individuals pursue outcomes which they cannot individually guarantee. Moral analysis usually considers what an individual should do out of the options available given background assumptions about what others are doing. Instead this moral demand obliges individuals to take actions to interact with others in an attempt to alter what they collectively cause: it asks individuals to take action with others in an attempt to alter the society that is the aggregate result of their actions and those of others.

Considering the possibility of taking action together allows us to imagine possibilities which are not available whilst we only consider what can be achieved through unilateral action. There has recently been a wealth of work concerning backward looking collective moral responsibility. This literature predominantly considers moral blame for collective acts (Isaacs 2011; Kutz 2000; May 1992). What I am proposing is a moral obligation to try to join with others and perform collective acts. Contemplating collective action allows us to consider new solutions to problems that result from the aggregation of multiple actions and institutions (Isaacs, 2011, p. 36).

The demandingness of the proposed obligation will depend on what can be reasonably expected of those who participate in the current global institutional order. Factors that will determine what can be expected include how unjust the institutional order is and the position of the agent within the order. The agent's position will determine both the opportunities for, and the costs of, political action. Those in positions of relative power within an institutional order have more opportunities to alter the order and those in positions of relative weakness are more vulnerable to the costs that can follow from political intervention. What can be expected of an agent charged with an obligation to engage politically will

depend on the power the agent has to affect the institutional order (which will depend on the abilities of the agent, the structural position of the agent, and the availability of others willing to collaborate in this project) and the costs and risks associated with political engagement for the agent (which will depend on the political system in which the agent lives and their position within that system). The exact nature of the demand and what it requires in differing scenarios will be discussed in detail in chapters 5 and 6.

Global Poverty and Obligations to Alleviate Structural Injustice

Having sketched an understanding of injustice and obligations I will now conclude this section by briefly outlining how this approach can help us make progress in the global debate concerning obligations to alleviate global injustice in general and global poverty in particular.

Thomas Pogge in *World Poverty and Human Rights* outlines in detail the plight of people living in difficult conditions: these people lack secure access to adequate nutrition, housing, health care and education (2005). Pogge aims to explain this situation as unjust rather than simply unfortunate. The power of this change in perspective is to convince people to stop considering famine as a misfortune requiring aid and to start thinking of it as an injustice requiring social and political change. Young's theory offers an alternative way to understand the plight of these people. Her theory suggests that these individuals are systematically placed in a position where they are vulnerable to deprivation and domination relative to others. These positions are part of a social structure which is the cumulative result of various human actions and institutions.

In the modern world many people are placed in positions of vulnerability to deprivation as a result of a range of sources which include global factors. There are global formal legal, political and economic institutions like the United Nations, International Criminal Court, World Bank and International Monetary Fund. Voluntary associations like the World Trade Organisation have been established (Pogge 2010, 14). These associations provide norms for trade and attach significant advantages to members and disadvantages to non-members. National economies and financial markets have become increasingly interdependent. Trends, laws and acts of government in one state can have a pervasive impact on conditions abroad. The latest evidence of this can be seen by the effects of the latest global financial crisis which have reverberated across the world. In the

modern world there are transnational corporations that operate in multiple territories and link the fates of people in distant communities. These companies' policies have a huge impact on the lives of their employees and the economies in which they choose to operate. Consumer habits, worker's rights and tax regimes in one state can have an impact on the life prospects of agents in other states. More informally, global communications technology has allowed global trends and fashions to develop. One result of these changes is that trends, patterns and laws in one state can contribute to instances of structural injustice in another state. The integration and interdependence created by these factors means that individuals living in one state can contribute to social structural positions in other states. From this it follows that there can be obligations to lessen social structural injustice in country A which fall on agents in country B. This means that we cannot treat states as if they contain discrete social structures and we cannot assume that individuals only need be concerned with local social structures.

In order to show how a social structural account can help us to understand distant poverty and obligations it may be helpful to consider one example of structural vulnerability to poverty and consider who has the obligation to alleviate that injustice by regulating or otherwise altering the social structure in question. In *Responsibility for Justice*, Young describes the circumstances faced by workers in the global apparel industry (Young 2011, 125-35). Considering the position these workers find themselves in can help show how an understanding of structural injustice can assist the global justice debate. The social position inhabited by those working in factories to produce garments for the global apparel industry is one of extreme vulnerability to deprivation and domination (both relatively speaking and in absolute terms). These people (predominantly young women) lack other reputable employment options. This means they are wise to continue in their factory work no matter what conditions are imposed. They are unlikely to be protected by their government because bringing in regulations to improve pay and conditions is likely to result in the work being relocated to other states. Global competition for manufacturing contracts drives down wages and conditions. In this industry violence and intimidation is regularly used against those who seek to collectively bargain or form unions. These conditions are consistent across much of the global south, where many countries rely on external investment to provide jobs. The position such countries find themselves in means that they often cannot take unilateral action to improve conditions for

their apparel workers without radically increasing unemployment and poverty (Young 2011, 126-34).

Young's analysis suggests that we understand the plight of these garment workers as a form of structural injustice. The structure in question is made up of national, global and transnational factors (or social structural processes as she calls them). This means that we cannot isolate particular global formal institutions or national governments as causally responsible for the position workers find themselves in. However, we can still identify the poverty of these workers as an injustice which should be alleviated. Many of the relevant factors are contributed to by individuals around the world. According to the theory I have proposed here, these individuals have an obligation to work with others to alter the social structure so as to remove the injustice by trying to establish effective and legitimate ways to regulate global social structures.⁵¹ Individuals could discharge this obligation in a number of ways.

One way to do this may be to campaign for global regulation or international collective agreements that can enable state governments to effectively regulate internal social structures. Individuals could also work with others to build collective action networks and attempt to alter social structures directly through changing norms. Arguably this is what organisations that promote fair-trade or boycotts of particularly exploitative companies are attempting to do. Trade unions could also play a significant role in forcing better pay and conditions for those who work in the apparel industry.

Possible routes an individual trying to discharge his or her obligation could take include: campaigning for global minimum labour standards, lobbying politicians for legal changes and joining or showing solidarity with trade unions fighting for global reform. Individuals could also support alternative clothing networks which provide decently paid labour in good conditions as a means of demonstrating the effectiveness of different ways of organising the global economy. They could also draw attention to the problem and try to improve conditions by campaigning outside shops that use sweat shop labour.

The conception of injustice and corresponding moral obligation I have outlined obliges people to monitor their social structures and work towards the alleviation

⁵¹ They also have an obligation to inform themselves on the justice of their social structures and consider any claims of structural injustice made by others.

of any structural injustice within them. I am not suggesting that structural injustice is the only form of global injustice. Nor am I proposing that the obligations to assess one's social structures and work with others to lessen structural injustice is the only obligation people have in relation to global economic justice. I have argued that structural injustice is *one* sort of injustice that individuals can experience. I have stated that the obligation I propose can fit alongside positive humanity based obligations to promote justice and negative obligations to refrain from imposing sufficiently unjust institutional orders on others. I have not had room to address the various possible objections to the account I have proposed or to clarify the details of that account. If such an account is to be plausible more must be said to justify the reasonableness of the proposed obligation. More need to be done to show that it is intuitively plausible that contribution to a problem can ground an additional obligation to work towards overcoming it. My aim in this chapter has been to show how a structural approach to global economic injustice and obligation can help us to understand the obligations the affluent have in relation to global poverty. In the central section of this thesis this account of global injustice and obligation will be developed. It will be argued that social structure is a potential site of injustice and that current levels of extreme poverty are evidence of global structural injustice to which national and global factors contribute. Then it will be argued that individuals around the world must make efforts to form a collective to lessen structural injustice as a precaution to avoid future contributions to global structural injustice.

Part 2: Structural Injustice and Precautionary Obligations

This thesis argues that global poverty should be understood as a structural injustice that results from a range of global and national socially caused factors. The first part discussed existing accounts of poverty and obligation. Chapter one contained a discussion of Peter Singer's analysis of poverty and moral obligation. It suggested that poverty and obligation is a social and political problem requiring a social and political solution. The second chapter discussed various theories of global justice and cosmopolitan obligations. It suggested that the global justice debate could benefit from recognising structural injustice and considering what obligations agents have in relation to the structural injustice to which they contribute.

In this central section of this thesis I develop my own account of global injustice and obligation. In the first of these chapters I defend the idea that social structure can be a site of social injustice. After this I proceed to argue that social structures are global in scope and that bringing about global structural justice will require international or global co-ordination of some kind. The kinds of global coordinating institutions that could facilitate structural justice are explored and some potential dangers discussed. Chapter four also outlines why extensive poverty and extreme inequality indicates structural injustice.

Next, the obligations that agents have in relation to poverty (understood as structural injustice) are outlined. Chapter 5 considers positive and negative duties agents have in relation to structural injustice (which is identified as an essentially aggregative harm). It proposes that there are duties that demand agents make efforts to establish collectives and take action to prevent structural injustice from continuing. Chapter 6 proceeds to outline potential collective action strategies. It also considers what limits morality places on such collective action. It also discusses what can reasonably be demanded of agents in different social positions.

Chapter 3: Social Structure as a Site of Injustice

At this juncture, why we must recognise social structural injustice in addition to other sorts of injustice is considered. I have argued that recognising structural injustice can help identify an important aspect of the relationship between an individual and distant poverty. I have also argued that recognising social structures as a site of injustice can allow us to recognise duties to lessen injustice. Whatever the pragmatic benefits of recognising structural injustice may be, we cannot recognise such a site of injustice if it turns out that a social structure is not an appropriate subject for a critique of injustice. In this section I explore why social structures should be accepted as potential sites or subjects of injustice.

There is an extensive philosophical literature concerning the *site* or *subject* of accounts of social justice.⁵² As previously explained, in this thesis I do not wish to establish that justice applies only to one site. It is likely that there are a number of different sorts of injustice that apply to different sites. In this chapter I argue that it is vital to acknowledge that there can be injustice which is not the result of direct government coercion. I defend the idea that social structures in addition to coercively imposed institutions can be unjust. I explain why social structures should be considered a potential site of injustice and explore some of the advantages of recognising such a site. I proceed to discuss an objection to recognising social structure as a site of injustice.

Accounts of the sites of social justice determine which sorts of states of affairs may be judged unjust. The sites of justice which we recognise matter because such recognition can have a significant impact on the conclusions we come to about the requirements of justice and our assessments of existing arrangements. What explains disagreement on questions of justice is often the site of justice people recognise rather than the values they endorse. For example, libertarians and liberals often share the same values (freedom and equality) but disagree as to whether justice concerns the just use of coercive force by any actor or the maintenance of a just institutional order.

A further example of why it matters what sites of justice we recognise comes from the feminist movement. For feminists to argue that the treatment of women within the home was unjust they had to question the assumption that it is only

⁵² This literature includes the following examples: (Abizadeh, 2007) (Cohen, 1997) (James, 2005) (Pogge, 2000) and (Rawls, 1977).

legally enforced institutions that can be just or unjust. With their famous slogan 'the personal is political', third-wave feminists argued that problems concerning the treatment of women by partners, husbands and parents within the home was an appropriate subject for analysis of justice and not merely personal (Hanisch, 2006).

The current global justice debate concerns in part whether accounts of social justice developed within states can be applied globally: whether the scope of social justice is global. In order to determine the scope of social justice we must have an understanding of what sites of injustice there are and when concerns of justice or injustice may arise. Thus deciphering which sites of injustice there can be can help identify whether there can be global social injustice.

In this chapter I consider two accounts of the site or subject matter of justice; the coercive imposition account and institution based account. In both cases I suggest that what makes us wish to appraise these subjects normatively should also lead us to examine other sites. I argue that both accounts of justice are normative appraisals of states of affairs and processes that are *socially caused*, and have a *significant* and *systematic* effect on people's lives and *could be otherwise*. I argue that social structures, too, are the result of human action, have a significant and systematic effect on people's life chances and could be otherwise. Hence I conclude that social structure is also a site of justice. I discuss how various theorists have extended coercive and institutional accounts to include some aspects of social structures. I discuss in detail why informal institutions, norms and trends and patterns in treatment should be considered relevant sites of injustice in addition to formal institutions which are coercively imposed.

I defend the idea that social structure is a distinct site of injustice that must be clearly distinguished from states of affairs that have a pervasive impact on people's life chances. I explain why a state of affairs must be socially caused and alterable in order to be considered part of the social structure. Finally, I stress the importance of not diluting the meaning of *structural injustice* by including all significant sub-optimal states of affairs.

Coercion as the Site of Injustice

I will begin by considering the theory that accounts of justice concern the normative appraisal of the use of coercion. I will first explain why such a theory is

plausible. I then proceed to show why the reasons that lead to our monitoring uses of coercion for injustice should also lead us to be concerned with phenomena beyond the use of coercion.

The legal system is often called the justice system. This suggests that the term 'justice' describes the existing system that, amongst other things, applies existing laws to rectify legitimate claims and hands out punishments which penalise those found guilty of transgressing laws. Of course, individual verdicts in court cases can be described as 'just' or 'unjust'. This judgement concerns the belief as to whether justice has been done. This suggests a normative meaning of the term justice. It suggests that what is just is the verdict that should have been given. Declaring a verdict unjust may have originally been a way of saying that the law has not been correctly applied. However, laws themselves can also be judged as just or unjust. For example, a law that arbitrarily treats one group of people differently to others could be described as unjust. This suggests that injustice describes not just the incorrect application of existing law but an incorrect law. This means that the way laws should be is being discussed and not just what they are.

Sometimes laws can operate together to produce unjust treatment. For example if one law bans cars and another requires individuals to vote at polling stations which are inaccessible by public transport. Hence it may be better to consider whether a set of laws is just rather than simply considering each law in isolation from the legal system in which it operates.

What criticising verdicts, laws and sets of laws, have in common is that they are all criticisms of the use of government power. Rulings, laws and sets of laws are all uses of state power (or the power of collections of states). The political conception says that questions of justice exclusively concern the use of coercion by an authority acting in the name of the people (Nagel, 2005, pp. 120-123) (as discussed in chapter 2). The political account of the subject of justice suggests that judging what is coercively imposed by a government is what accounts of justice are primarily about. These accounts claim that the subject matter of an account of justice is primarily the regime of law that is coercively imposed on a people. These accounts suggest that 'justice' describes the regime that should or may be coercively imposed whilst 'injustice' describes that which deviates from what should be applied.

The aforementioned 'political account' is based on the idea that accounts of justice chiefly concern law and acts of government. According to this theory, it is the use of coercive power that marks out these topics for normative appraisal. As previously discussed, Nagel's political account suggests that the subject of an account of justice should be the use of coercive power by a legitimate government acting in the name of the community (Nagel, 2005).

There are similarities between the political approach and Robert Nozick's account of the subject of justice. Nozick's account identifies the actions of agents as the subject matter of justice. This includes the actions of governments as well as the actions of individual people or groups. Libertarians believe that the permissible use of coercive power is the same for individuals and states. They believe the permissible use of coercion is extremely limited and that acting in the name of the people does not confer any right to shape society by violating rights. Nozick's account suggests that the demands of justice (demands not to violate rights by harming, killing, imprisoning, threatening or interfering with the property of others) apply to all agents including persons and states. His account therefore takes the subject matter of justice to be the actions of agents. In contrast Nagel's political account understands the use of coercive power by an agent who represents the people to be the subject matter of an account of justice.

In recent years political theorists and political campaigners have attempted to extend critiques of injustice beyond criticising the use of power by the state. Those who support the political account of the site of justice have resisted the extension and denied that there can be other sites of justice. Many cosmopolitans recognise additional or alternative sites of justice. However, in her contribution to the global justice debate Laura Valentini develops an account of coercion as the site of justice that goes beyond the use of intentional force by a unified actor (Valentini, 2011). Valentini's extension of the concept of the coercively imposed will now be examined. I will argue that Valentini's account succeeds in showing that the reasons that lead us to evaluate the use of coercive power by the state should also lead us to recognise additional sites of injustice.

Valentini's Extension of the Coercion Account

Valentini develops an account of 'systemic coercion' to describe how freedom can be non-trivially constrained by norms and practices. Valentini describes the way that patterns of action and institutions shape choices as a form of systemic

coercion. Her account explains that successful coercion thwarts the victim's ability to act autonomously (Valentini, 2011, pp. 121-154). This leads Valentini to suggest that a system of rules (formal institutions, informal social practices, stable patterns of interaction or a combination of these) can be coercive if it restricts freedom (Valentini, 2011, p. 137). Valentini argues that if such a system foreseeably and avoidably places non-trivial constraints on some agents' freedom, when compared to their freedom in the absence of that system, then it requires justification and is a potential site of injustice (Valentini, 2011, pp. 137-8). Valentini distinguishes interactional coercion where an agent intentionally uses force to constrain the options of others from systemic coercion in which a system of rules or conventions (or some combination of the two) come together to restrict agents' options in non-trivial ways.

Valentini admits that her extension of the application of the term 'coercion' is controversial. 'Systemic coercion' like interactional coercion involves the constraint of freedom however unlike interactional coercion it lacks a perpetrator who intends to force others to alter their behaviour. Hence it deviates from our typical understanding of the term 'coercion'. Valentini explains that what is important is not that we accept her use of the term 'coercion', but rather that we acknowledge that questions of justice should be applied to systems (and combinations of systems) and not just to the results of government coercion (Valentini, 2011, pp. 123-124).

Valentini's account shows that what motivates normative appraisal of the use of interactional coercion should lead to the appraisal of what she identifies as 'systemic coercion'. What makes us concerned about interactional coercion, according to Valentini, is that it places non-trivial restrictions on the options agents have. This is why we require its use to be justified. What Valentini describes as systemic coercion also places non-trivial restrictions on the options agents have and therefore should also attract concern and require justification.⁵³ Direct state coercion requires justification because it is one way in which human

⁵³ Valentini's argument shares features with Charles Taylor's critique of the libertarian understanding of rights. Taylor's argument suggests that when we say that an agent's right to x should be respected this is because we believe that x is important. Therefore we should try to create a society in which the agent has the ability to practice x freely rather than a society in which others are restricted in their ability to interfere with the agent in terms of x (Taylor, 1985). Valentini could argue against a libertarian that if they are concerned with rights violations in which an agent coerces another they should also be concerned when systems coerce and thereby deprive individuals of options and capabilities they would otherwise have.

action significantly and avoidably affects the options of people have. However, coercion is not the only social phenomenon that non-trivially limits the options available to agents. As Valentini recognises, systems, practices, conventions and combinations of these can also non-trivially restrict the options agents have.

Valentini suggests that her account coheres with the way theorists and activists use the term 'injustice'. She produces a host of examples of established domestic injustices and shows how they are best understood as the result of systemic coercion rather than interactional coercion on the part of the government. She describes a culture of sexism as a form of systemic injustice. She argues that if sexism is *unjust* it must be that criticisms of injustice can apply to patterns of treatment (Valentini, 2011, p. 138). She also suggests that markets are an obvious subject for assessments of justice and identifies markets as systems. She explains that markets are not the direct result of government coercion. Rather they are the result of many individual transactions and common practices (Valentini, 2011, pp. 136-137).

Libertarians, who focus on interactional coercion, deny that systems or structures can cause problems of injustice. They maintain that it is only the use of force by a responsible actor (either an individual or a state) which can violate the demands of justice. Thus they recognise only interactional coercion. There are consistent positions which concentrate on the evaluation of coercive action and refuse to apply normative critiques to patterns, practices or the cumulative effect of actions. It could be insisted that only the action that Valentini describes as 'interactional coercion' should be evaluated. A theorist could consistently resist evaluation of markets, norms and patterns. Some theorists are not convinced that markets and trends in behaviour are concerns of justice. They believe that what matters is interactional coercion. They fear that including systemic coercion will lead to support for forms of interactional coercion which aims to prevent unjust systemic coercion. They believe that the existence of constraints on freedom produced by voluntary practices and informal organisation cannot justify state action which alters these constraints through coercion.⁵⁴ Although this position is consistent it is difficult to see why we should only care about interactional

⁵⁴ The libertarian theorist F. A. Hayek who rejects the idea that a government or other agent should take action to bring systems in line with normative ideals will be discussed in detailed in chapter 5.

coercion and not be concerned with other ways in which human action and social practices constrain people's lives and undermine their abilities.

Valentini argues that those who support the political conception of the site of justice and limit accounts of justice to appraising what is coercively imposed by governments fetishize state coercion (Valentini, 2011, pp. 125-126). Her point is that the reasons we care about coercion by the state should also lead us to care about systemic coercion. We care about state coercion because it interferes with freedom. However, if our real concern is with non-trivial restrictions on freedom (understood as ability to do something rather than freedom from interference) systemic coercion should be treated as seriously as interactional coercion.

Those who adopt the political approach to the site of justice are right that we should be concerned with the legitimacy of government action, the permissibility of political acts and the explicit use of coercion. The use of coercive power by a government is a potential site of injustice and there can be unjust uses of coercive power.

Libertarians are also wise to be wary of the use of coercive power to prevent systemic coercion. Using coercive state power has costs and dangers that should be weighed up in deciding whether to try to regulate social structures. Using state power usually requires giving power to officials and this allows some persons to wield extensive power over others in ways that can be dominating and problematic. Systems that are not governed by any particular office holder or official are not open to the abuse of power that can come with coercively imposed laws. Furthermore, there is a unique form of morally problematic domination that comes from having one's options intentionally limited by another person that does not feature in cases where one's options are restricted by a set of conventions. This suggests that it is important to consider uses of state power as significantly different from systemic power. Thus it is important to treat the coercively imposed as a unique subject of justice.

However, Valentini's argument shows that there is reason to appraise the way social norms, practices and trends constrain and enable different individuals. The reason why the use of coercion is of concern is not simply because it creates problematic power relations between agents and risks abuse of those relations. State coercion is also of concern because it shapes opportunities, advantages and access to resources. Institutions and conventions also shape advantages,

opportunities and access to resources. They also have an effect on the power relations between agents; they can increase vulnerability or make some persons dependent on others or decrease the relative bargaining power of some actors. Hence, Valentini is right that we should also be concerned with the way institutions, practices and norms constrain and enable individuals. Systems and practices should be recognised as sites of justice. What they have in common with direct coercion is that they are socially caused and have a significant effect on the opportunities of agents. However, an account of the sites of justice can include what Valentini identifies as 'systemic coercion' without stretching the meaning of the term coercion.

Institutions as the Subject of Justice

As Valentini suggests, we often think of major social institutions, like the market, as paradigm cases of phenomena which should be evaluated in accounts of social justice. There is an alternative to the coercive imposition account which sees *institutions* or practices as the primary subject of justice. Such an account states that evaluations of justice should focus on assessing practices and institutions rather than merely acts of coercion. However, there is extensive disagreement as to which institutions should be included in the subject matter of justice.

In this section I will introduce the idea of considering institutions or practices as the primary site of justice. I will give reason to support recognising social institutions as a site of injustice. Then the dispute concerning which institutions and practices should be included as sites of justice will be discussed. It will be argued that the reasons that support recognising central coercively imposed institutions should also lead us to include informal institutions in the subject matter of accounts of justice. These informal institutions include voluntary associations, societal norms and shared practices in treatment.

John Rawls is the most famous supporter of the institution based approach to the site of justice. Rawls's *A Theory of Justice* famously proposed that justice is 'the first virtue of social institutions as truth is of systems of thought' (Rawls, 1971, p. 3). Rawls defined an institution as a rule governed activity that people participate in. It is important to recognise that his understanding of an institution was not that of an explicitly political public body charged with governance. Instead an institution was defined as a set of people following a set of publicly known rules. Rawls talks about how complex institutions may include roles, rights, duties and

permissible moves. Thus, institutions are in some ways like games (Rawls, 1971, p. 54). In society, interaction is often governed by many explicit and implicit rules which govern how to proceed and what to expect of others. Examples of important social institutions include the market economy, the family and the legal system (Rawls, 1971, pp. 54-55).

Rawls believed that the fundamental social institutions of society considered as one scheme should be the primary subject of accounts of *social justice*. Hence, he did not apply his theory of justice to social institutions individually, but rather considered how the fundamental social and economic institutions work together to have a pervasive impact on people's life prospects (Rawls, 1971, p.7). The reason for this is that Rawls thought that features and effects of some institutions can be offset by the features of others such that overall they are just. He also thought that institutions considered just in isolation could work together to put individuals in challenging and unfair positions. Hence he concluded that it was the position that these fundamental institutions together put people in – in terms of their prospects, opportunities and powers – that matters.

By considering the effects of the basic institutions considered as a whole Rawls acknowledges how sets of institutions can mistreat members of certain groups without explicitly designating them for inferior treatment. This is important and progressive because it allows oppressed groups to identify that they are suffering from injustice even if no individual law or practice can be identified as unjust when considered in isolation (Rawls, 1971, pp. 7, 57). This means that Rawls's account can recognise that an institutional order that includes programs that specifically target individuals from minority backgrounds and assists them to achieve and succeed could be justified as part of a basic structure which does not overall favour members of the minority.

As Thomas Pogge recognises, under Rawls's theory what an institutional order brings about is as important as what it simply lets happen and that what an institutional order foreseeably engenders is treated as seriously as what it establishes (Pogge, 1989, p. 44). In *Realizing Rawls*, Pogge builds on Rawls's understanding of the subject of justice. Pogge argues that an account of justice should normatively assess the institutional order which is made up of publicly known and followed norms, laws, practices and offices which govern human interaction. Pogge describes Rawls as setting up a powerful and accessible debate

by framing arguments of justice as discussions of how social institutions should be. Pogge explains that Rawls is “trying to bring about a broad debate about the justice of existing institutions and feasible avenues of institutional reform.” (Pogge, 1989, p. 3)

Rawls’ theory shifts debate away from a discussion about what government should be like and what sort of use of coercion is justified to a discussion about what set of norms and laws should govern our societies. By focussing the debate on what a just set of institutions would be like Rawls asks for the basic rules of society to be justified in light of possible alternatives. These norms and laws are not seen as natural or inevitable but instead as humanly caused and open to reform. Rawls encourages debate around what rules should govern the major social institutions of our society. By framing the debate in this way Rawls calls for social arrangements to be justified. Rawls does not focus on what government may do but instead asks what justifies us living by one set of norms (rules, rights and obligations) rather than another. This is in stark contrast to the libertarian approach of Nagel who, as we have seen, concentrates only on what sort of coercion can be justified. Normatively assessing institutions rather than the acts of agents (be they persons or governments) is a radical shift in approach. Such a shift highlights injustices that would remain invisible were evaluations restricted to acts of governments.

One advantage of this approach is that it allows us to draw a clear distinction between two sorts of normative analysis: morality and justice. Aaron James has suggested that moral analysis is a matter of evaluating the actions, intentions and dispositions of agents. In contrast, justice concerns the evaluation of shared practices or collective institutions. James insists that in addition to analysis of agents and their actions we need to assess practices and institutions. Hence the concept of justice is required in addition to morality (James, 2005).

James’ analysis is in stark contrast to that of Robert Nozick who suggests that justice is a matter of agents fulfilling their negative obligations not to violate the rights of others (Nozick, 1974). James would insist that the obligation not to violate rights is part of morality not justice. James believes justice is matter of evaluating not what individual agents do but how institutions, practices and organisations are. He believes that this analysis is needed in addition to evaluations of the actions of moral agents. The problem with libertarianism is that

it suggests that institutions need not be evaluated as all that matters are the actions of agents.

Justification for Accepting the Institutional Order as a Site of Justice

James suggests that normative analysis of social institutions and organisations is needed because they hold power over agents (they have a pervasive impact on the opportunities, advantages and rights of individuals). He insists that the way practices work and the way institutions are organised can have a significant effect on the lives of others (James, 2005, pp. 40-45). A different sort of evaluation is needed in addition to the moral evaluation of agents because these practices and institutions are usually not the result of the actions of a moral agent. Rather, they are participated in by a variety of agents none of whom has complete control of, or responsibility for, the practice in question.

Rawls's rationale for normatively evaluating the central social institutions of a society and calling for them to conform to principles of fairness is that these central social institutions 'considered as one scheme' are present from birth and have a pervasive impact on agents' life chances. It is because these central social institutions have a pervasive effect on agents' prospects, rights and duties that they require justification (Rawls, 1971, pp. 6-7).

The way an agent treats others is a matter of legitimate concern to others. It is plausible that the actions of individuals must be brought under moral analysis because they affect the lives of others. This is why the motives, acts and dispositions of agents can be subjected to analysis for their morality rather than simply being normatively assessed ethically.⁵⁵ My account states that moral evaluations and obligations are distinguished from ethical discussions concerning the good life and what is of value. Moral questions concern whether an agent's dispositions, actions and motives are justifiable to those affected. It is a question of whether the agent has been satisfactorily considerate of others. It is because the actions and dispositions of agents affect others that they can be judged as moral or immoral and agents can be criticised for transgressing moral standards.

Practices, organisations and institutions also have a significant effect on people's lives, perhaps to an even greater extent than the acts and dispositions of individuals. Important social institutions have a huge impact on the advantages,

⁵⁵ As previously discussed morality concerns justifiability to others whereas ethics is a matter of coherence with one's own values and deep convictions (see the Introduction).

liberties and capabilities individuals and groups enjoy within a society. They also influence the power relations that exist between people putting them in stronger or weaker bargaining positions and making them more or less dependent on others. They even affect the rewards that are attached to different decisions that individuals make. Furthermore, they alter how people are viewed by others in society and can undermine their self-respect. Often these institutions produce a situation where some are constrained and others enabled based on arbitrary factors. The norms and laws which govern social interaction often explicitly favour certain groups. Other times they come together to place certain groups in inferior positions without law makers intending to disadvantage these groups. Different institutions contribute to different patterns of outcomes. These patterns can be altered when the norms, rules and practices of the society change. Hence there is reason for persons within a society to be concerned with the central institutions of their society.

Rawls, James and Valentini's analysis of social justice provide powerful arguments for why we should bring shared human practices under normative analysis. Justice can ask whether these institutions and practices are justified. Normatively assessing institutions and practices is a legitimate activity because these practices have a significant effect on the opportunities and advantages available to agents. These institutions are human creations that have a pervasive impact on people's lives and could be otherwise.

On further consideration it is clear that much of what we consider coercively imposed by the state is made up of institutions that are reliant on the beliefs, practices and actions of individuals. Valentini suggests even the coercively enforced and democratically amended legal system of a western democracy may not be best understood as an act of interactional coercion (Valentini, 2011, pp. 141-143). The legal system is maintained by the actions and beliefs of a variety of agents who participate in the court, system, government system and comply with the law. It is only the obedience of these agents that allows government to make law that will be effectively enforced.⁵⁶ Furthermore the government is made up of many individuals who have varying levels of influence over policy. The decisions of the government are also constrained by what they believe the legal profession,

⁵⁶ G. A. Cohen makes a similar point in his discussion of the basic structure (Cohen, 2008, pp. 144-154). Cohen argues that formal institutions are brought about and maintained by the on-going obedience of many people. Thus they are not that different to the informal norms he wishes to include in the basic structure.

police, citizenry, and powerful groups will accept. Hence the government does not have the power to make any law it desires. Given these facts, it may be better to understand the legal system as an institution that has a pervasive impact on individuals' lives that is therefore liable to normative analysis rather than as an act of coercion by the government which must be morally justified. If Valentini is right, when we assess legal systems for justice we are judging not what is coercively imposed by an agent, but a social practice. This means that the assessment of law (the original subject of justice) is in fact an evaluation of a practice rather than the use of coercion by an agent.

What should be included in the institutional order?

Rawls identifies some fundamental social institutions which have a pervasive impact on peoples' life chances and deems them together to constitute the 'basic structure'. This structure includes the political constitution and the principal economic and social arrangements of the society. However, Rawls does not spend much time discussing which institutions are included in the basic structure and which are not. Nor does he offer a clear rationale for why some institutions should be considered as part of the primary subject matter of an account of social justice, whilst other institutions should not.

It is not clear whether informal institutions made up of practices and norms which are not coercively imposed by the state or formally set out as mandatory should be included in the basic structure. Pogge's analysis of what constitutes an institution suggests that informal norms should be included. However, Rawls's analysis suggests that it is only major social institutions that should count. Many informal norms and practices are not universally practiced. This may be grounds for considering them out with the subject matter of justice.

In *A Theory of Justice*, Rawls does not apply his two principles of justice to the internal workings of private organisations and voluntary societies. He explains that his principle may be inappropriate, irrelevant or unfair if applied to these informal institutions. However, Rawls states that the 'monogamous family' is part of the basic structure (Rawls, 1971, pp. 7-8). The family is not a universally practiced institution nor is it coercively imposed by the government. It is an informal institution. However, membership is by no means voluntary for children.

In his later work, Rawls includes the family in a set of informal institutions and organisations that should not be internally interfered with but can be externally regulated. Rawls suggests that some of these institutions can be made to avoid discrimination and certain practices can be banned. He explains that this can be necessary to ensure the two principles obtain in the society (Rawls, 2001, pp. 10-11). Rawls has always insisted that the two principles apply to the basic structure considered as a whole and not to the internal workings of any institution. Thus, obviously they do not apply to the internal workings of a church, university or family. Nor do they apply to the internal workings of property law or the economy. They apply only to the basic structure considered as a whole. The interesting question is whether families, voluntary associations, churches and universities are *part* of the basic structure: whether they are they part of the 'background social framework', or are just associations that act within that framework or are merely actors that take action within that framework (Rawls, 2001, p. 10). Rawls's discussion in *Justice as Fairness* suggests that the family is, the church is not, and the status of the university is unclear.⁵⁷

However, in this thesis what is of interest is not whether Rawls considered the informal institutions part of the basic structure but whether they should be considered part of the subject of justice. In the following sections I will consider whether informal institutions, voluntary organisations and social norms should be considered sites for evaluations of justice.

Norms and Informal Practices

I will now consider whether informal norms should be included in the subject matter of justice. In the discussion of morality and justice it was suggested that the reason why normative critiques of the institutional order are necessary is because they have a pervasive impact on the opportunities, outcomes and social relations of agents. In order to determine whether or not to include informal institutions in the subject matter of an account of justice it must be asked whether these institutions have a pervasive impact that requires justification.

Informal practices, which are enforced by ideas about what is good or normal or through disapproval and social ostracism, can have an effect on the advantages and opportunities available to individuals. In his discussion of liberty, John Stuart

⁵⁷ Rawls suggests that the university must not discriminate in order not to undermine equality of opportunity (Rawls, 2001, pp.10-11). This suggests that it is part of the basic structure, but the discussion is a little confusing.

Mill emphasised the restriction that social norms can have and recommended that those who practiced different ways of life that are harmless to outsiders should not be criticised (Mill, 1863). Thus he recommended allowing liberty in norms as well as in formal laws.

Aaron James has suggested that the potential site of injustice should include informal norms and practices. He claims that an analysis of justice is appropriate whenever agents act in a coordinated manner. His analysis suggests that just as individuals must ensure that their actions are justifiable, so collectives are responsible for ensuring that their coordinated activity is just. James's analysis suggests that norms can have a pervasive impact on the abilities and opportunities individuals have. In support of this point he offers the example of an airline industry in which a norm of not reporting safety breaches is rife. In the example, the practice of ostracising and criticising those who report a safety breach prevent such breaches from being reported. James explains that the existence of the norm and sanctions effectively restricts the options individuals have (James, 2005, pp. 40-41).

Whether informal norms should be included in the basic structure of society is something that G. A Cohen has discussed at length. Cohen argues that because these institutions have a pervasive impact on people's life chances they should be included in the basic structure of society (Cohen, 2008, pp. 135-140). Above I explained that Rawls sees the basic structure as the primary subject of justice because it has a pervasive impact on people's life chances. Both formal laws and informal norms are human creations that have a pervasive impact on life chances and could be otherwise. Thus it seems plausible to include both in the subject matter of justice. Given that both rely on the obedience of a sizable portion of the population for their existence there does not seem much reason to limit analysis of justice to formal coercively imposed institutions. Below I offer some examples that support this analysis.

Racism and sexism are often thought of as paradigm examples of injustice. Campaigners have long insisted that equal civil and political rights have not ended the injustice faced by minority groups. Feminists have insisted that 'the personal is political' and that discussing the difficulties individual women suffer in their lives can reveal injustice (Hanisch, 2006). These problems are often the results of norms concerning the treatment of women and the informal rules concerning

responsibility for labour within the home. The effects of these norms are profound and the result of human actions and behaviour. This suggests that they should be considered part of the subject matter of justice.

Susan Moller Okin has suggested that what she calls 'the gender system' is unjust. This is a set of customs and assumptions concerning what is natural, correct and appropriate for persons of different sexes. She explicitly includes 'customs' as part of this system. Okin suggests that justice requires an equal division of caring and household labour within a family and it is current attitudes, assumptions and patterns of behaviour which prevent this. Okin explains that they can have a pervasive impact on the opportunities women have and the goods to which they have access, their dependence on others, and their ability to participate in paid work and politics, and finally on their self-respect (Moller Okin, 1987).

The informal practice of treating members of different genders and races in different ways has persisted in spite of legal changes granting people equal rights and banning discriminatory hiring policies and restrictions on access to public institutions and private businesses. When a norm operates stipulating how a particular group should be treated it can lead to disadvantage in terms of opportunities and outcomes for members of that group. For example, a norm of treating women as emotionally vulnerable and irrational can lead to their opportunities being narrowed and their being denied positions of responsibility. These norms alter how women are treated and viewed. It can mean they are seen as less suitable than men for positions of responsibility and that they are therefore not offered such positions. It may also alter how they behave and what they aim for (Young, 1990).

These norms operate at the level of informal institutions. Yet they are commonly referred to as unjust. In *Justice and the Politics of Difference*, Iris Young describes how assumptions about certain groups that can operate unconsciously can lead to individuals being frustrated in their opportunities because of their social group classification. Statistical research suggests that double standards still operate subconsciously in the rating of candidates for jobs. A piece of research which involved getting established scientists to rate candidates for jobs in their field based on CV alone found that the CVs with female names attached were consistently rated lower than those with male names. Female candidates were

offered lower starting salaries and thought less suitable for mentoring. However they were thought to be more fun (Moss-Racusin, et al., 2012).

The examples discussed above suggest that informal rules and practices do have an effect on the opportunities, outcomes and social positions of agents. This suggests that there is a norm within the scientific community of judging women more harshly than men and that this norm reduces the job opportunities women have and decreases the pay they will receive. Not only does this show that norms can have an effect on opportunities, it also suggests that norms can have a significant effect on outcomes.

A Defence of Restricting Analysis of Justice to Formal Institutions

It could be objected that what this example shows is not unjust informal norms but unjust formal structures. It could be argued that justice requires changes to the way in which candidates are selected and salaries set or harsher penalties for discrimination and better enforcement of existing laws. In fact it is changes in law and national policy that feminists often demand in response to evidence that women are being treated unequally. Such responses suggest that it is the formal institutional order that needs to be changed so that it can produce the best outcomes and processes given people as they are and this includes people's sexist attitudes. A Rawlsian who wished to restrict the basic structure to formal institutions could argue that justice concerns how formal institutions should be but that these institutions should be designed to promote the best outcomes given people as they are. They could argue that it is the absence of state intervention to prevent sexist attitudes limiting women's employment opportunities that is unjust and not those attitudes themselves or the fact that women's employment opportunities are limited. This position is in line with the project Rawls sets himself. Rawls follows Rousseau in suggesting that accounts of justice should take 'men as they are and consider laws as they could be' (Rawls, 1999, p. 13). It could plausibly be argued that taking people as they are includes taking attitudes, norms, dispositions, assumptions and beliefs as they are. This includes taking informal institutions like norms as given.

However, there are several deficiencies in any approach that restricts the subject matter of justice to formal institutions. It seems plausible that the fact that women find it harder to get positions in science and get lower salaries given the same talent and experience is *unjust*. It seems reasonable to say that it is the

practice of expecting more from women to achieve the same position and salary which is unjust not the current formal institutions that fail to prevent this practice. Thus, a better theory of the subject matter of justice would be one that could include all these things as injustices.

Furthermore, limiting the subject matter of justice to formal institutions restricts discussions of justice to what formal institutions can achieve. This means that if the formal institutions cannot tackle a systematic social problem then the problem cannot be said to constitute or indicate injustice. It follows from this that if the practice of under-rating female candidates for jobs cannot be eradicated through formal legal changes (or should not be eradicated because any changes that could achieve this would undermine basic liberties) then there is nothing unjust going on. This understanding of justice requires that before something can be deemed unjust it must be shown that it can be resolved through altering formal institutions. There are undoubtedly some forms of disadvantage and inequality can only be addressed through changing norms. These problems must be considered not to be unjust according to an account that restricts the subject matter of justice to formal institutions despite the fact that they are socially caused, have a pervasive impact, and could be otherwise.

A further disadvantage of not recognising that informal institutions can be unjust is one which has been highlighted by G A Cohen in his rejection of Rawls's conception of the subject of justice (Cohen, 2008, pp. 143-144). Consider two societies A and B that have the same formal institutions, but different norms. Society A has worse social norms and as a result the objective constraints faced by the least advantaged in society A are worse than those faced by the least advantaged in society B. Cohen argues that we should be able to say that society B is more just than society A. However, equipped only with a theory that constrains analysis of justice to formal institutions enforced by the state we cannot make this judgement.

There is a further, even more significant problem with restricting appraisals of justice to formal institutions. Consider an unjustifiable and significant social inequality that could be overcome through altering formal institutions. According to the restricted understanding, if such an injustice is overcome by a change in laws then injustice has been eradicated. However, imagine instead that the inequality is eradicated by a change in norms. If this occurs we cannot say the

society has become more just according to the restricted understanding of the basic structure. This is despite the fact that a significant unjustifiable inequality that used to exist is no longer present. This is a very odd consequence of restricting the subject matter of justice to formal institutions.⁵⁸

Those who defend restricting the basic structure to formal institutions could defend themselves against this charge. They could insist that the society after the change in norms can be called more just because the society now has all the laws it requires to prevent unjust inequalities, whereas previously it was missing some laws that could have removed unjustifiable inequality. Thus the society has become more just because it no longer has deficient formal institutions. Previously the society lacked laws that could have removed inequalities and thus it was unjust. After the norm change this is no longer the case. After the norm change the set of laws the society has are appropriate to the society and justice obtains. This is because after the norm change laws are the best they can be. However, it could be insisted that this does not mean that norms are part of the subject matter of justice.

This means that a campaign for such changes cannot be identified as a campaign for justice. However, a campaign to address the same problem through the formal institutions can be described as a campaign for justice. The fourth major disadvantage of restricting justice to an assessment of formal institutions is that it means a strategy of informal collective action aimed at changing norms directly cannot be described as a campaign for justice. Restricting accounts of justice to appraising formal institutions suggests that only action that demands legal changes are campaigns for justice. However, many feminists are involved in

⁵⁸ Perhaps this analysis of the change is right. In the society that has an informal norm change those who no longer experience inequality cannot be secure in their protection from that inequality. This is because their freedom depends on the choices of others. Thus they are still subject to the arbitrary interference of others even if they enjoy more opportunities. This is of course unless we consider dominant norms as coercive. If that is the case then the liberty of the previously deprived is reasonably secure and injustice has been eradicated. To discover which is right consider a society in which women suffer from lack of opportunity because there is a norm of only spending family income on the education of males. If the state were to guarantee free education for women they would resolve this problem. This would mean an injustice had been resolved. However, if instead the norm was replaced with a norm of spending family resources educating all children equally would the injustice have been removed? The women would have more opportunities. However, they would not be guaranteed access to education. However, they would not be more vulnerable of being deprived education than males. This suggests that they would not be suffering an unjustifiable vulnerability to deprivation relative to others. Thus the injustice would no longer be present.

campaigns to alter norms and attitudes rather than change laws or social provision.

It seems arbitrary to insist that feminist activities that aim to alter the position of women by challenging informal norms are not about justice when campaigns concerning the very same issue that seek legal changes are seen as concerning justice. Why should an action that tries to improve the position of women by encouraging men to be equal parents be described as not concerning justice whilst a campaign for equal parental leave entitlements is a campaign concerning justice?

One example of a feminist protest that aims to alter informal norms is the series of 'slut walks' which took place in 2011 (BBC, 2011). One of the aims of this campaign was to alter people's attitudes (The Toronto Observer, 2011). The action sought to try to get people to question their assumptions concerning why women are sexually assaulted, how women should behave, and how women may be treated.

The 'slut walks' aimed to question attitudes and object to norms. The organisers wished to change these norms as a means to improving the lives of women (Slutwalk Toronto, 2012). These actions seek to alter informal norms and therefore alter the social position of women so that they are less disadvantaged, more independent, have more opportunities and more control over assets and resources (Slutwalk Toronto, n.d.). Such action seeks to alter informal institutions as a means to overcoming socially caused disadvantage. An understanding of justice which suggests that justice is simply a matter of just formal institutions cannot identify such actions as aiming to alleviate injustice because they do not aim to alter formal institutions. This represents a deficiency in such a theory.

The discussion above suggests that restricting the site of justice to formal institutions prevents us from recognising some significant instances of socially caused disadvantage as unjust. It also prevents us from recognising societies with better informal institutions as more just. Finally it prevents us from recognising that injustice can be alleviated and justice can be brought about without using coercive power. This excludes anarchistic forms of organisation that attempt to overcome injustice through collective agreement and using norms backed up with sanctions of disapproval.

These anomalies suggest that we should expand our understanding of potential sites of injustice to include informal norms and the conjunction of formal and informal norms. Informal institutions wield the same sort of power as formal institutions. Some difficult positions in society result from the way formal and informal institutions work together. These problems can be altered by changing formal or informal institutions. Societies with better informal institutions can be more just. Attitudes stereotypes, norms and types of informal organisation can change over time. They can also be altered through informal collective action. This action is action aimed at promoting justice. Thus these informal institutions should be included in the subject matter of justice.

Voluntary Organisations

It has been argued that informal practices and norms should be included as a possible site of injustice because they are socially caused, could be otherwise and have a significant impact on the opportunities, advantages and outcomes of individuals within a society. Voluntary organisations like churches, fraternities and social clubs also have an effect on people's opportunities and advantages. Thus perhaps they too should be included in the subject matter of justice.

Susan Moller Okin's suggests that a girl brought up a Catholic who admires and wishes to emulate the priest but is told she cannot because she is a girl may have her self-respect significantly undermined (Moller Okin, 2005, p. 242). Such a child also has her career opportunities restricted by the gender rules of the organisation. Thus the rules of private organisations can have a pervasive impact on people's lives.

It could be argued that since these organisations are voluntary they should not be included in the subject matter of justice. The idea is that because members consent to be part of these organisations they may be organised and involve any practices they choose. There are two problems with this solution. The first is that many children are brought up within such organisations. They do not choose to be a part of these organisations. Worse still, in later life they may have become dependent to an extent on these organisations. Being brought in to these institutions at a young age may undermine people's autonomy. Furthermore, the existence and activities of these voluntary organisations also has an effect on outsiders without their consent. These organisations can exclude some in a way that limits their opportunities. Moreover, people within them can act together to

alter the distribution of advantage to favour some groups over others. Furthermore, if these voluntary organisations control important goods they can be less voluntary than they first appear. Hence, the consent of adult members cannot exclude these organisations from normative analysis. This suggests that these voluntary organisations must be included in the institutional order that is the subject matter of justice.

There may be good reason to allow voluntary groups and private organisations a degree of freedom in how they organise themselves. However, this does not mean that they must be exempt from regulation or external incentives. Nor does it mean that they are not part of an institutional background that needs to be justified to those they affect. There is a difference between suggesting that private organisations are part of the institutional order and suggesting that inegalitarian organisations can be justified as a means to ensuring freedom. Thus including voluntary organisations as part of the institutional order need not mean preventing individuals from having a large degree of freedom in terms of creating such organisations and running them as they please. The only regulation required is that which is necessary to ensure a just institutional order all things considered. What is being argued is that these institutions are part of the subject matter of justice, not that a particular notion of justice should be applied to them.

Individual Institutions or Institutional Order

As is the case with formal institutions, informal institutions and voluntary organisations that can pass normative appraisal when considered in isolation can come together to create injustice. For example, the norm of women taking on the majority of house work and caring duties within the home in combination with an economic situation in which both partners must work full time to achieve the level of income to maintain their position in society puts an excessive burden on women in terms of labour. Similarly formal or informal institutions that look problematic because they favour certain groups over others when considered in isolation can come together as part of an institutional order which is just overall. Hence, a voluntary organisation which seeks to improve the employment opportunities of ethnic minorities which appears unjust if considered in isolation

can be part of an overall institutional order in which no group is advantaged all things considered. Hence, there is a need to appraise the institutional order as a whole rather than assess only its constituent parts. This means that informal institutions must be normatively appraised as part of the institutional order.

Social Structure as a Site of Injustice

I have argued that informal institutions and voluntary organisations should be included within the subject matter of justice on the basis that like formal institutions they are the result of human action, have a significant impact on the position of agents (in terms of their opportunities, outcomes and relationships with others), and could be otherwise. However, trends and patterns of action that are not the result of norms or informal organisation can also have a significant effect on agents' options and outcomes. Patterns in treatment are not always the result of practices with publicly known norms and rules. Yet, even when they are not, they can have significant effect on opportunities, outcomes and relationships.

To see this consider an example in which many different people unilaterally decide to buy a holiday home in a particular country village. The result of this pattern of action is that house prices and rents increase. As a result many local people find that they can no longer afford to live in their home town. This is because they are priced out of being able to buy their own home and can no longer afford local rents. As a result local working class people suffer from housing deprivation. In such circumstances it does not matter whether it is a norm of buying a country residence in the village that has caused the problem. It could be that there is no such norm and that individuals simply all happened to make such a decision. Whether or not the problem is the result of a norm, a trend or an amalgamation of actions makes no difference to the resulting situation for local working class people. Patterns, trends and the amalgamation of human actions can have pervasive impacts on people's life chances as can norms. These factors are humanly caused and could be otherwise. It would be odd to describe the housing deprivation as unjust only if it was the result of an informal norm, but not if it is the result of a random pattern of behaviour. Thus there is a case for including the results of amalgamations of individual actions as well as trends and patterns in the subject matter of justice.

Young's structural account suggests that we also include trends and patterns in treatment in the subject matter of justice. She proposes that we examine all that is humanly caused and that has a systematic effect on opportunities, outcomes and relationships (Young, 2011). Her structural account suggests that all that is socially caused, has a pervasive impact on agents and could be otherwise can be a site of injustice.

As explained in chapter 2, Young takes the social structure that has a pervasive impact on what agents can do and achieve as the primary subject of accounts of justice (Young, 2011, p.44). She describes how various sorts of human action work together to produce a social structure which is experienced as an objective force in people's lives, both constraining and enabling them in different ways. She expands Rawls's theory arguing that this social structure is the result not only of institutions and laws but also of uncoordinated human actions, social norms and past acts (Young, 2011, pp.54-55). All these factors which originate in human actions contribute to the positions in which agents find themselves in terms of what capabilities powers and opportunities they have. This structure is the cumulative result of many different (and often uncoordinated) human actions.

According to Young this social structure is the subject of justice rather than the institutions that help to create it. The difficult situations in which agents sometimes find themselves are partly the results of other agents' choices, and the norms that shape those choices as well as laws of the formal institutions of their society. According to Young, accounts of justice look at human situations at the structural level and highlight cases of injustice; that is, where groups of individuals systematically find themselves in situations where they are vulnerable to oppression, domination or deprivation. In cases of structural injustice there need not be a perpetrator who intends the situation or is causally responsible for it. Nor need there be an informal institution or social norm that is responsible for the problem. It is simply about how social structures are. This, Young explains, are the socially caused background conditions in which actors live (Young, 2011, pp.43-75). She argues that when assessing justice or injustice one must look at the whole society in a particular way; one must look for patterns in the relations among people and the positions they occupy relative to one another (Young, 2011, pp. 70-71).

In Young's view the distinction between moral analysis and analysis of justice is that they take up different points of view in considering social relations. Moral analysis considers direct relations between agents whereas accounts of justice take 'a more macro view on social processes' (Young, 1990, p. 71). Accounts of justice analyse society to identify structures and patterns of treatment. Young explains that the subject matter of justice is the background conditions in which the activity of agents take place (social structure), whereas the subject matter of morality is the activities themselves (the individual actions or interactions of individuals or associations) (Young, 2011, pp.67,71)

Young's approach reflects the idea that it is the *social position* of disadvantaged groups which is unjust. We may demand institutional change in order to lessen this injustice but the injustice is in the difference in opportunities, liberties and access to resources that a disadvantaged group experiences without a justifiable reason. Identifying injustice is about the structure which agents objectively experience. We do not need to look at practices or legal rules to identify injustice. We can simply look at the situation of particular groups within a society.⁵⁹ If there are commonalities in personal experiences of restraint and lack of liberty, power or access to goods, then we can argue that this group is disadvantaged and occupies an inferior social position. We can then investigate whether the group is suffering from a structural injustice by considering whether their position is worse than others, whether it could be otherwise and whether it is justified. The social structural account of the site of justice also allows us to criticise inferior treatment that is not the result of conscious discrimination but rather the result of unconscious stereotypes that may lack the consciousness required to be classified as norms or informal practices.

Advantages of Recognising Social Structure as a Site of Injustice

Social structures are socially caused and in part determine the opportunities, advantages and access to goods agents have. They also help to determine power relations between individuals. Recognising structural injustice in addition to recognising injustices in an institutional order can allow us to show why there can be injustice even when human interaction is not mediated through institutions. In such scenarios agents can still affect each other's opportunities and advantages through interaction, trade, and having an effect on a shared environment. This

⁵⁹ Groups are sets of individuals that share particular characteristics or have been traditionally identified as a social or cultural group.

means that there is still a social structure even though there are no formal or informal institutions. Such institutions may in fact be required in order to regulate that structure and prevent injustices. This is because even when there is no such coordination significant and unjustifiable inequalities in social structural position can still occur. Without coordination these inequalities that constitute structural injustice cannot be overcome.

Understanding that there can be structural injustice can also allow us to recognise that injustice can be tackled without using coercive regulatory institutions: that changing norms or engaging in collective action can also produce justice. Norms and patterns of treatment are part of the social structure. Altering these can prevent structural injustice without government action. Recognising structural injustice helps us to realise that groups of persons can work together to lessen injustice. It also helps us to see justice as a collective project rather than something achieved only by governments or power holders.

Recognising structural injustice can also help us to adopt a plausible account of the difference between morality and justice. It shows that they have a similar root because they both concern justification. However, it shows that they have a different subject matter. Questions of morality consider what sorts of action and dispositions are justifiable. In contrast, questions of justice examine human action at the meta-level and questioning the justice of the positions into which human action as a whole places individuals. It concerns the justification of practices, institutions, norms and structures. Questions of justice emerge because the aggregative effect of action and interaction can be problematic and unjustifiable even if all the actions that contribute to it can be justified.

Distinguishing Social Structure from States of Affairs

A state of affairs approach to justice considers the justice of the situation agents find themselves in and compares it to other feasible arrangements. Such an approach concentrates on what could be made otherwise rather than what is socially caused. Thus, it does not draw a distinction between what is socially caused and what is natural. Instead, these accounts distinguish injustice from misfortune by designating injustice to describe misfortunes of a particular kind that institutions can and should be used to overcome. In contrast, a social structural approach identifies structural injustice as the result of human choices,

actions, and institutions that could be otherwise. It demonstrates a connection between persons and injustice and causally connects people to these problems.

An approach that concentrates on what could be made otherwise suggests that it does not matter if a person's situation is natural or socially produced. However, whether a situation is the result of human actions and practices is morally significant. Recognising injustice in one's social structure is significant because one is a participator, contributor and member of that society. This makes structural injustice in some sense one's business. Not distinguishing social structure from unfortunate states of affairs (of a particular kind) that could be overcome when thinking about injustice neutralises this moral power.

When a person is disadvantaged by states of affairs that are not socially caused it is not clear who must attempt to provide a justification for the situation. It is not clear who (apart from God) can be held responsible for a person's situation, nor is it clear who is accountable for it. Others may be responsible for failing to address the unfortunate state of affairs and there may be positive duties in relation to it. A supporter of the states of affairs view could insist that a society is not responsible for causing the problem, but is responsible for allowing the disadvantage to continue when they could overcome it. However, the structural approach insists that the distinction between socially caused disadvantage and disadvantage that could be socially alleviated is morally significant. Although we may believe that the demands of justice may not be restricted to what is socially caused, we may still think that there is something additionally bad about socially caused disadvantage. Disadvantage that is socially caused should be distinguished from other forms of disadvantage because it may attract additional duties. There may be duties to alleviate socially caused disadvantage that operate in addition to duties to oppose avoidable disadvantage. When an unfortunate situation is socially caused it is likely that there are negative duties to avoid causing the problem that have been violated. These duties may require members of that social structure to prevent that state of affairs from occurring.⁶⁰

However, it is not obvious that socially caused disadvantages can in practice be distinguished from unfortunate states of affairs that could be prevented or alleviated through social change. Identifying what is the result of an accumulation

⁶⁰ The relationship between contributor to an unjust social structure and that injustice is a complex one. They cannot be correctly characterised as innocent bystanders or perpetrators. This relationship is discussed in detail in chapter 5.

of human factors requires an idea of what would be the case in the absence of such factors. What is required is a baseline against which to judge current conditions in order to identify what is socially caused. However, it is impossible to determine what a person's situation would be like in the absence of any effect from social practices, institutions and/or the choices of others. Persons have never been free from the effects of other people's actions, practices and institutions. Nor is it easy to imagine what an individual's situation would be like in the absence of social structures. In fact there is good reason to believe that humans cannot develop the capacities of rational thinking and autonomy used to define persons without being part of a wider community. These communities shape human beings and help them develop into persons capable of action and choice. In the absence of contact with other humans it is unlikely that a human being could survive let alone develop into a fully functioning person capable of autonomous choice (Taylor, 1985, pp. 187-211). Hence, it makes no sense to consider the position a person would be in in the absence of social structures because it is unlikely that they would be a person at all.

In G A Cohen's discussion of the problem of how to judge whether a social system makes an individual worse off he suggests that we must judge current social conditions against how they could be rather than against how an individual would fare in the absence of society (Cohen, 1995, pp. 78-80). Another alternative in judging society is to compare current institutions with a set of minimum requirements. Both these ways of solving the 'baseline problem' avoid differentiating the socially caused from the unfortunate. Instead they judge current society compared to other feasible ways of organising social life. Utilising one of these strategies means that theorists do not have to distinguish between what is natural from what is caused by current social arrangements. Instead of arguing that a particular situation is socially caused, they argue that a particular situation could be alleviated by alternative institutions.

In my account of poverty and obligation I wish to consider what can be identified as socially caused in order to identify negative duties to avoid causing it. Thus I do not wish to adopt Cohen's approach of comparing what is with what could be. However, it is difficult to distinguish the socially caused from states of affairs. In Iris Young's discussion of this question, she explains that determining what is misfortune and distinguishing it from socially caused injustice is indeterminable.

She quotes Shklar to suggest that what is deemed socially caused by a society has changed over time and is matter of struggle and debate (Young, 2011, p.34).

For example, there is currently a struggle over whether the disadvantages faced by those who are visually impaired are natural or socially caused. It has traditionally been assumed that to be born without sight is a natural disadvantage and that society may compensate those who are so disadvantaged by offering additional help or resources. However, this view has been challenged by those who suggest that much of the disadvantage faced by those without sight is caused by the way society is organised. By organising public institutions and spaces as well as private businesses, work places and recreational areas with the assumption that the customers, users, employees and citizens can see we systematically put those without sight at a huge disadvantage. Activists have suggested that the choices made in designing and organising social life seriously disadvantage those who cannot see. Public and private institutions could have been designed in a different way, but they have not been. Hence, it is alleged that much of the disadvantage faced by blind people is in fact socially caused or constructed (Anderson, 1999) (The Union of the Physically Impaired Against Segregation and The Disability Alliance, 1975; Oliver, 1990).

Shklar suggests that because the socially caused cannot effectively be distinguished from mere states of affairs according to robust criteria and is rather a matter of instinct and opinion we would do better to concentrate on what she calls 'passive injustice' in which agents allow bad states of affairs to continue when they could be altered. She suggests injustice can occur when institutions could improve conditions under other feasible arrangements but do not do so (Shklar, 1990, pp. 54-56). This is to retreat to assessing what could be otherwise. Just like Cohen's solution it involves comparing how things are arranged with how they could be arranged. Both these solutions fail to differentiate the socially caused and states of affairs and therefore cannot be used to differentiate between negative duties to avoid designing society in a way that disadvantages some from positive duties to assist those who are naturally disadvantaged.

Any social problem results from a combination of natural and human factors. This means that it can be difficult to determine whether the problem is a socially caused injustice for which the social structure is causally responsible or a natural misfortune that could be alleviated through social institutions. Below I develop a

way to distinguish the socially caused from mere states of affairs. I will consider how we determine causal responsibility for outcomes in the case of agents. I will use this analysis to show that what we hold an agent responsible for is dependent on a conception of what we can reasonably expect from an agent. I will use this insight to suggest that what we hold society responsible for causing depends on what we can reasonably expect society to avoid. I will develop an account of what we can reasonably expect society to avoid. I will then use that account to suggest what society can be held causally responsible for.

In the physical world any outcome is the result of a multiplicity of contributions none of which can be identified as *the* unambiguous cause. However, in human discussions we do identify causally responsible parties. In everyday life only being one factor among many is no barrier to that factor being legitimately identified as *the* cause. Furthermore, we identify people as causally responsible for outcomes to which multiple people contribute. In a similar fashion, it may be legitimate to define as 'socially caused' positions and situations to which both human and natural factors contribute. How this can be done will be explored below.

In discussions of liability we identify agents who are outcome responsible for states of affairs in a number of complicated ways. Often we identify a morally responsible party because they intend to cause the result and knowingly intervene to alter what would have otherwise occurred. When they act, agents intentionally alter their behaviour in order to alter outcomes and change states of affairs. We thus hold agents causally responsible and liable for the states of affairs they intentionally create by intervening. This way of identifying a causally responsible party is inappropriate for identifying things that are socially caused. This is because society does not have any shared intentions. Social structures result from the aggregation of a multiplicity of acts and practices. No agent can be held responsible for this structure or what it causes.

There are cases where we hold agents liable for outcomes although they do not intend to bring about those outcomes. These cases may help in establishing how to determine what is socially caused. We sometimes identify an agent as liable for an outcome because their action comes together with normal background conditions to produce an outcome. This is because we expect agents to act responsibly and this involves navigating a complex background environment and being aware of the likely results of their actions and behaviours given predictable

background conditions. We expect competent agents to bear in mind the likely outcomes of their actions before taking action. Thus we hold competent actors causally responsible for the outcomes that their actions and normal background conditions come together to cause.

For example, we hold an individual who strikes a match in a clearly labelled flammable area liable for the fire whether or not they intended to cause the fire. This is the case despite the fact that the lit match was just one of the factors that came together to cause the fire. Other factors included a flammable material and an atmosphere containing oxygen. What explains the practice of holding the agent liable for the fire is the fact that we identify these other factors as normal background conditions. We see the agent as responsible for navigating this environment and competently engaging with it. Hence we identify the agent as liable for the fire. In cases where an agent's action causally contributes to an outcome in unpredictable conditions we may not identify the agent as liable for the outcome. For example, an agent who strikes a match in a scenario where the room they have entered has secretly been filled with highly flammable material would not be liable for the resulting explosion.

An account of the social caused could attribute liability to social structures for only those outcomes that result from the amalgamation of human action and normal background conditions. We could identify social structures as liable for those states of affairs that social factors contribute to when they operate under predictable normal background conditions. This would mean that social structures can be considered liable for states of affairs unless they are the result of unusual and unpredictable natural events. Where the natural background is normal and predictable, social structures can be held responsible for the position agents find themselves in. For example, when a portion of society suffers from a common disease, and this group could have avoided this disease under alternative social arrangements, the social structure can be found liable for their suffering.

Whereas, if agents within a society are struck by an unforeseeable and rare plague the social structure cannot be identified as liable even if society could have been organised so as to prevent their suffering. In the same way that the agent who strikes a match in a room that has been secretly filled with flammable gas cannot be identified as liable for the explosion, the social structure in which people suffer from the unforeseeable or rare plague cannot be identified as liable for the victims suffering. In both cases we judge the action or structure as liable

for the outcomes it contributes to in normal conditions. Where the conditions an agent or society operates in are abnormal we do not identify the action of the agent or structure of the society as liable for causing the resultant state of affairs.⁶¹

The account of why agents are held causally responsible for outcomes they contribute to relied on the idea that agents can reasonably be expected to navigate background conditions. This is what justifies identifying agents as causally responsible for outcomes that result from their own action in combination with the actions of others. However, when it comes to social structures there is no agent whom we can hold responsible for negotiating normal natural background conditions. This is because there is no agent who can be held accountable for how human actions and practices come together to affect the positions agents find themselves in. If there is no agent responsible for the socially caused there is no-one whom we can expect to ensure that the socially caused does not work with normal background conditions to cause significant problems. Hence we cannot hold the social structures liable for the outcomes it contributes to in normal background conditions.

However, there may be a set of agents that can be expected to navigate normal background conditions and avoid putting anyone in an unjustifiable position of significant disadvantage. It could be that those who contribute to social structures can reasonably be expected to work together to navigate normal background conditions. It could be that they must work together to avoid their action coming together with background conditions to put anyone in a position of significant and unjustifiable disadvantage. I propose that those who contribute to a social structure are remedially responsible for ensuring that structure does not come together with normal background conditions to cause problems for people. Thus it is the community of contributors who can be expected to work together to navigate normal background conditions and avoid placing any agent in an unjustifiable position of significant disadvantage. If this group can be reasonably expected to work together to avoid causing structural injustice in predictable background conditions, this mean that we can hold social structures causally

⁶¹ It is interesting to note that this means that in cases like the rare plague once this plague becomes part of the foreseeable background conditions in which society functions future suffering that could have been prevented by alternative arrangements can be identified as caused by the social structure.

responsible for the positions agents are placed in given normal background conditions.

The idea that those who contribute to social structures must work together to avoid those structures from coming together with predictable background conditions to cause unjustifiable disadvantage will be discussed in chapter 5. However, for now it is enough to establish that social structures can be identified as causally responsible for the positions agents find themselves in given normal background conditions. In judging a social structure, we should hold that structure responsible for the overall position agents find themselves in given predictable background conditions. This means we can understand the positions agents are placed in as socially caused rather than simply something that could be socially alleviated. Thus, a distinction can be drawn between states of affairs and what social structures are causally responsible for. Social structures are only responsible for those states of affairs that are caused by social factors in combination with predictable background conditions which it is reasonable to expect those who contribute to social structures to avoid.

However, this account is incomplete. This is because it does not consider whether it is always reasonable to expect a social structure to navigate background conditions. There may be some cases where it is too difficult for us to expect the social structure to do so. Identifying causal responsibility in agents, even given normal natural background conditions, can be problematic in cases where individuals have few options or face tough choices. It is often the case that agents must choose between options none of which will produce good outcomes. In these cases it seems unfair to claim that the agent is causally responsible for the outcome that follows. For example take a person on a low income living in the USA. This person has to choose between paying monthly fees for health insurance and having enough money properly to heat their home in the winter. Say they decide not to get the insurance. Later they get sick and face high medical costs. It seems unfair to claim they are causally responsible for facing these costs even if the illness they develop is common and the risk of contracting it part of normal background conditions. If they choose to purchase the insurance and suffer from health problems due to the cold it also seems unfair to hold them responsible for their condition. Intuitively, it is unfair to hold the agent morally responsible in either scenario. Furthermore, it also seems incorrect to hold them causally responsible. The person does not cause themselves to be vulnerable to illness or

liable for the costs of medical treatment. It is their action in collaboration with the social and natural environment that creates the outcome. The reason why it is intuitively unappealing to find such an agent responsible is that it is unreasonable to expect such an agent to navigate such a difficult environment successfully. This suggests that it is only where an agent faces normal and reasonable circumstances that we can hold them responsible for the outcomes they contribute to.⁶²

In the case of identifying the socially caused in some cases it would be unreasonable to expect those who contribute to social structures to avoid agents ending up in a position of disadvantage. In these cases the disadvantage should not be identified as socially caused. These are cases in which it would be impossible or very burdensome for contributors to social structures to prevent an individual ending up in such a position. Where background conditions are particularly difficult or individuals are particularly self-destructive it is unreasonable to expect contributors to social structures to avoid some people ending up in a position of disadvantage. As working together is difficult, social structures cannot be expected to be as competent as agents in negotiating background conditions. However, contributors to social structures can reasonably be expected to work together in many cases to avoid the combination of their actions and the predictable natural background coming together to disadvantage some significantly and unjustifiably.

To recap, we can only hold societies (collections of people who contribute to the positions agents are placed in) causally responsible for the states of affairs they contribute to in circumstances that are not just normal (foreseeable and standard) but are also reasonable. When a social community contributes to outcomes in circumstances where their choices are unfairly limited by an unreasonable environment we cannot hold that society responsible for outcomes even if that environment is predictable.⁶³ This suggests that we cannot consider unfortunate

⁶² This suggests we should only hold agents responsible for outcomes when they face a reasonable range of choices. This suggests that in order to hold agents accountable for their outcomes in everyday life we must ensure a social environment that is reasonably fair and offers a decent range of opportunities. This mirrors, to a degree, the debate between David Miller and his critics considered in Chapter 2.

⁶³ This also suggests that when a national community contribute to outcomes for people (within their state) in a global environment that severely limits their choices or attaches difficult burdens to whatever choices they make they cannot be held responsible for the outcomes to which they contribute.

social positions as socially caused in circumstances where social structures cannot reasonably be expected to prevent inequality given the background conditions.⁶⁴

Review

The coercion account of injustice is important. It is vital that state power is used justly and legitimately and not used to do great evil. Many Twentieth Century disasters resulted from the use of state power and collective violence. The use of coercive law and punishment does matter. It can be unjust both in terms of who has it and what they do with it. Legitimacy and justice questions concerning procedures, powers, opportunities, rights, advantages and relations are also important. However, the absence of collective planning, organisation, regulation or restraint can also lead to great evil (Hayden, 2010, p. 33). This is why humanly caused constraint more generally is also a concern of justice. It is not only intentional constraint that is significant. Hence, Valentini is right that if we care about coercion because it constrains we should also be concerned with forms of constraint that do not result from agents intentionally exercising power over others.

The institutional account captures the idea that practices can have a significant and extensive effect on people's life chances and therefore should also be the subject of normative appraisal. I have shown that informal institutions, voluntary organisations and norms can also have a pervasive effect on life chances. The structural account recognises that much of the restraint that agents experience is the aggregative result of human action, practices and institutions; it describes how injustice can emerge from a variety of sources coming together. Thus, it identifies that trends and patterns in treatment can also have a pervasive impact on the life chances of individuals.

Accounts of social justice normatively appraise the social world. What the coercion, institutional and structural accounts of injustice have in common is that they believe justice to be the appraisal of something that has a significant and extensive effect on the lives of people, is caused by human action and could be otherwise. These accounts recognise constraint that is not natural but socially caused. They stress the fact that it is a human creation which could be otherwise.

⁶⁴ These considerations of reasonableness mean that in some cases where an agent ends up in a disadvantaged position it may be the case that the social structure cannot be held causally responsible. This is because it would be unreasonable to expect the social structure to prevent this disadvantage because doing so is very difficult.

This means that agents recognise a connection to these problems and may acknowledge a responsibility to lessen this injustice because of that connection. A structural account of injustice is different from an account which considers states of affairs that could be otherwise because it identifies these problems as socially caused and dependent on ways of life and organisation that could be otherwise. This fact is morally significant and motivationally important.

Chapter 4: The Requirements of Social Structural Justice

I have argued that understanding that social structure can be a site of injustice can allow us to recognise forms of injustice that are not coercively enforced by a centralised government. I have suggested that this can help us to recognise forms of social injustice that are the result of both local and distant factors. The central aim of this thesis is to establish that 'global poverty' is a case of structural injustice to which agents around the world contribute and that agents who contribute to this structural injustice have an obligation to work towards alleviating this injustice. Before considering what obligations fall on individuals (the task of the next chapter) it is important to consider what recognising social structure as a site of justice means for the debate concerning poverty, inequality and global justice. This is the topic of this chapter.

This chapter argues that social structures are just when they are justified to all those they affect in terms that cannot reasonably be rejected. It then suggests that social structures that place some in a position of extreme poverty in which their basic needs are frustrated cannot be justified to those they condemn to such a position and thus it will be argued that such extreme deprivation constitutes structural injustice. This claim is then extended to extreme inequality. It is also noted that it can be widely accepted that extensive poverty and extreme poverty violate demands of social justice even by those who do not accept the validity of contractualism.

I then argue that achieving structural justice requires having institutions that regulate social structures effectively. It is suggested that making social structures just will require global coordination. This is because state governments often lack the power to determine social structures effectively. I note that states have particular problems in addressing poverty and securing socio-economic rights. Hence, they aim for progressive realisation rather than effectively securing these rights now. I also note why state governments have problems addressing inequality.

The chapter then considers some potential problems with global governing institutions. Whether such institutions will undermine national sovereignty and force all societies to adopt the same conception of social justice and whether such institutions represent a threat of global totalitarianism are discussed. Some ways in which global institutions could be organised in order to minimise these threats

are outlined. Finally, it is claimed that the likely benefits of such institutions outweigh their likely costs.

As noted in the Introduction, in this thesis I adopt a contractualist account of justice. According to contractualism justice is a matter of justifiability. Thus a social structure is just when it has been justified to those whom it affects in terms they cannot *reasonably* reject. A rejection is reasonable when it can be endorsed by a person committed to living among others on terms that are fair. Thus, according to contractualism, debates about the requirements of justice concern what constitutes a reasonable compromise between agents (with conflicting interests) who are motivated to live together on terms that respect the equal standing of all.

In this chapter I repeatedly draw on the contractualism to justify my points. However, each time I also argue that these points can also be accepted by those who do not recognise the validity of a contractualist account of morality and justice.

Avoiding a Comprehensive Account of Social Structural Justice

In this section I will discuss what structural justice requires. I will not be laying out a comprehensive theory that outlines what social justice requires social structures to be like. I will now explain the reasons behind this choice.

The aim of this thesis is to show that the scope of social justice is global, that extreme poverty indicates social injustice, and that there are negative duties that require citizens of the world to take political action that aims to eradicate this structural injustice. In order to establish this central thesis it is not necessary for me to lay out a comprehensive theory outlining the requirements of social justice. All that needs to be shown is that extreme poverty and inequality of prospects indicate social injustice and that tackling social structural injustice requires global governing institutions. Therefore, an account of the general principles or precise demands of social justice is outwith the scope of this thesis. Below I will explore some other reasons why it may be inadvisable to engage in a comprehensive account of the precise demands of social justice. However, I wish to note that the arguments of this thesis do not rely on the truth of the observations detailed below.

Laying out a comprehensive theory of social justice would require extensive knowledge of the current social circumstances and the effects of different approaches to public policy. It would also require extensive knowledge of the positions, interests, values and worldviews of the population. This is knowledge that as a political philosopher focussing on normative issues I lack. Furthermore, there is good reason to believe that any lone theorist seeking to establish the demands of social justice is unlikely to come up with a comprehensive account which is fully just. This is because the knowledge and understanding of any individual is necessarily limited. A political theorist can access facts concerning the social positions of others as well as their needs, desires and values. However, even a theorist with access to data on these issues would still be lacking the personal experience of being in any particular position other than their own. Such personal experience is important because it draws attention to particular problems that others may overlook.

In the existing social justice literature, well intentioned authors have often failed to notice aspects of their prescriptions that others could reasonably reject. This could be explained by the fact that these reasons did not become apparent to the authors in question because these authors do not belong to the subsector of the community who can reasonably reject their prescription. One obvious example of this is John Rawls's neglect to consider the fact that some aspects of the monogamous family household can be reasonably rejected by women because they undermine their access to equal opportunities. In *A Theory of Justice* Rawls includes the monogamous family in the basic structure of society (Rawls, 1971, p. 462). He goes on to sketch out what institutions conforming to his principles of justice would be like. However, he neglects to analyse whether the 'monogamous family' is just.⁶⁵ In doing so he neglects to notice that some aspects of this institution are unjust to women and that it teaches people to accept and propagate injustice. This neglect could be explained by the fact that this injustice was to some extent invisible to him because he had not experienced first-hand gender discrimination within the family or because he was not aware that the traditional family's organisation undermines the aims and interests of many women.

⁶⁵ Rawls's neglect to discuss the requirements of gender justice in his theory is discussed at length in Susan Moller Okin's article 'Justice and Gender'.

There are aspects of subjective personal experience that simply cannot be grasped by 'armchair' appraisal. Thus those who do not share a particular social position, value scheme or world view cannot fully understand that position, value or world view. Although, they may gain objective knowledge of these things they will always lack the particular knowledge that comes from experiencing a particular position or holding a particular value scheme or world view. It could be argued that this knowledge is essential for knowing whether a particular policy prescription is one that can be reasonably rejected by those within the social position or have that value scheme or world view. If this is the case then in order to establish whether or not a particular social structure is just it is essential to discuss the matter broadly and come to conclusions through deliberation with a diverse cross section of those affected.⁶⁶

However, it is not clear that in order to work out general principles of social justice one must actually engage in public deliberation with all those affected. It may be that subjective experience of a social position, world view or value system is not required and that objective knowledge of social positions, world views and value systems are sufficient for establishing whether a particular social structure is just. It is likely that general principles of social justice can be formulated 'from the armchair', even if their precise application requires personal experience. Individual theoretical reflection can at the very least establish that certain practices are unjust by showing that they cannot be justified in a manner consistent with understanding people as equals. For example, when social structures violate the basic interests of some or make arbitrary exceptions for others it can be theoretically established that these structures are unjust.

However, in reality any individual's access to objective knowledge will also be limited. Thus, even if subjective knowledge is not essential for determining whether a principle or policy can be reasonably rejected, the precise requirements of just public policy can much better be determined by including those with a diverse range of standpoints, experiences and interests. This is

⁶⁶ Iris Young has argued that instead of looking for objective and impartial solutions to moral problems in which interests and values conflict what is required is an inter-subjective agreement. Young argues that any claims to be impartial or objective usually involve adopting a particular view point or perspective and passing it off as objective. Instead she recommends coming up with principles and legislation through participatory democracy (Young, 1990, pp. 96-122). This account of the limits of theoretical enquiry is controversial and not fully defended here. However, as explained above my thesis does not rely on the validity of this criticism of theoretical reflection on the requirements of justice.

because a diverse group of people will have knowledge and understanding of a wide range of interests, perspectives, value systems and social positions. This diversity will allow them to understand some of the problems with existing social structures. It will also allow them to have greater insight as to whether any proposed changes to social structures will unfairly undermine the interests, position, plans or values of a particular sub-sector of the community. This means that it is less likely that a key injustice or significant problem will be missed. Thus for practical reasons the best way to come up with valid principles of social justice and public policy prescriptions may be to have public deliberation involving representatives of different views, social positions and value schemes. The lack of knowledge of any individual reasoned also suggests that the use of experts in the effects of different public policy prescriptions, knowledge of the current situation and statistical data outlining the positions, views and values of the wider population would also be advisable.

Furthermore, any governing organisation that co-ordinates activity on a large scale and regulates social structures will wield significant power and will therefore need to fulfil legitimacy criteria. Legitimacy requires transparency and accountability concerning the decisions such an organisation makes. This requires having a decision making mechanism which is not the preserve of a minority who enforce their conception of justice on others. Legitimacy requires that all those affected by any legislation have the chance to authorise, reject or reform that legislation. This is important to avoid dominating people by imposing a particular coercive institutional order upon them.⁶⁷

All of the above points suggest that what is most urgently needed is not a set of policies but a procedure and a mechanism for establishing structural justice. It is only once such a procedure has been set up that a discussion of what sort of policies should be enacted will be required. Hence, at this stage it is better to consider what institutions are required in order to establish structural justice rather than considering the demands that social structures must meet in order to be just.

⁶⁷ The account of legitimacy often referred to in this thesis is not fully developed within it. However, what I wish to note is that it is likely that constraints of legitimacy will require that political institutions meet some basic requirements concerning participation and non-domination.

Human Rights and Global Poverty

Although there are barriers that prevent an individual theorist without extensive knowledge from identifying the precise requirements of social structural justice in a particular context, this does not mean that such a theorist cannot identify social structural *injustice*. An individual theorist may be able to show that a particular state of affairs, social structure, institutional order or legal system is unjust by showing that it cannot be justified or that any justifications for it can reasonably be rejected by some party affected by it.⁶⁸

What is needed in order to show that global levels of poverty and inequality indicate structural injustice is an argument that shows that any justification of structures that put a large portion of the global population in a position where they are vulnerable to acute deprivation and in which they are desperately poor relative to others can reasonably be rejected by those placed in positions of poverty.

Those who live in poverty could reasonably reject the social structures that avoidably place them in a position of such extreme vulnerability because these structures make them vulnerable to having their most basic interests undermined.

In *The Right to Justification*, Rainer Forst suggests that Universal Human Rights are a list of political demands. They describe a set of minimum standards the violation of which cannot be justified to those affected (Forst, 2010, pp. 711-740). Human rights declarations are political documents outlining a set of minimum requirements of justice that can attract widespread agreement. There may be serious disagreement about the justice of social structures. However, there is likely to be broad agreement that these structures should not condemn anyone to deprivation in terms of basic needs. Thus even those who do not accept a contractualist understanding of justice could support the premise that the violation of such rights is unjust.

Many of the rights described in such declarations proscribe certain sorts of government coercion. However, some of the socio-economic rights outlined in these documents do not fit this model. These rights could be understood as

⁶⁸ Coming up with positive prescriptions can be more difficult because it may be that some of those affected can reasonably reject the proposal for reasons that the theorist has overlooked because they lack knowledge or understanding of the value system, position of world view of the party who can reject their prescription.

proscribing certain sorts of social structures; as demanding that no individual be placed in a social position that does not meet these standards.

The International Covenant on Economic Social and Cultural Rights states that those living in deprivation are having their fundamental human rights violated. It suggests that those who lack a healthy living environment, decently paid work, basic healthcare, social security, education and accommodation suffer from a fundamental injustice (UN, 1966). The extreme deprivation faced by a large portion of the world's population involves the violation of many of the socio-economic rights. Thus, this suffering violates minimal standards and can be agreed to be unjust because there can be no possible justification for this sort of deprivation.

These socio-economic human rights can be interpreted in a number of ways. It could be argued that it is unjust to leave people living in conditions that fall below these standards when institutional changes could end extreme deprivation. Alternatively, it could be claimed that it is unjust that a particular institutional order imposes conditions of extreme deprivation on these people. However, in many cases the conditions that fail to meet these standards are the result of a variety of institutions, practices and trends none of which is entirely responsible for the resulting injustice. A social structural account offers a plausible way to understand extreme deprivation as determined by social structures that violate basic rights. Such an account suggests that it is unjust that social structures place people in positions where their fundamental rights are not secured.

Social structures that place groups in a position where they are vulnerable to serious deprivation cannot be justified to the members of these groups. Recognising that such social structures violate human rights is a way of recognising when it is uncontroversial to recognise these structures as unjust. Those who are vulnerable to being deprived of the means to fulfil their basic needs can reasonably reject the social structure that places them in such a situation. This is because it is not unreasonable to reject a social structure that places one in a position where one is vulnerable to being deprived of basic necessities. There are alternative achievable social structures in which large portions of the global population are not made so vulnerable. Given the fact that this vulnerability is avoidable, arbitrary and extreme there can be no justification for it that is not reasonably rejectable. Thus it is unreasonable to expect

individuals to tolerate such a social position. Hence such on-going vulnerability constitutes serious structural injustice. The human rights to make a living through work and the right to enjoy just and favourable conditions at work prohibit social structures that leave people in social positions where they have no non-exploitative employment opportunities (UN, 1966). Such individuals are vulnerable to being deprived of basic necessities or falling in to submissive or exploitative working relationships.

Likewise, when a social structure avoidably places some in a position where they are liable to ill health due to their living and working conditions no justification that cannot be reasonably rejected can be offered. There can be no possible justification for unnecessarily placing some in a social position where they are vulnerable to significant health problems relative to others and in absolute terms. Just as being vulnerable to being deprived of the basic goods required for a healthy life is something it is unreasonable to expect some to accept, it is equally unreasonable to expect some to accept living and working conditions that significantly threaten their health and well-being. Thus a social structure that avoidably condemns many to living and working in poor conditions can be shown to be unjust. The human rights to health, the right to safe and healthy working conditions aim to protect people from such structural injustice (UN, 1966).

Agreement by representatives from various different states on a set of basic socio-economic rights indicates a shared understanding that societies that do not secure these rights are unjust. The International Covenant on Economic Social Cultural Rights was produced by a committee containing members of 7 different states and has been signed or ratified by 167 states (UN, 2013). This suggests that these basic rights can attract widespread support.⁶⁹

I will now argue that social structures that contain gross inequality cannot be justified (in terms they cannot reasonably reject) to those condemned to an inferior social position. The sort of extreme differences in life chances between members of different classes and different states is the result of the fact that global social structures place individuals in radically different starting positions.

⁶⁹ Those who do not accept the validity of a contractualist understanding of justice could agree that the violation basic socio-economic rights indicate structural injustice. These rights could be defended on the basis of the essential dignity of human beings or by the existence of natural rights. Utilitarianism is also likely to support the idea that widespread extreme poverty is unjust because such poverty causes extensive suffering and extreme deprivation prevents the satisfaction of desires.

This sort of extreme inequality in opportunities cannot be justified to those who suffer from it.⁷⁰ An attempt to justify these inequalities could point out that the differences in prospects between members of different classes are just because they result from differences in the efforts made by some individuals' ancestors compared to those of others. It could also be claimed that differences in prospects between agents born in different states are the just results of different cultural attitudes to work and differences in the priorities of different nations or peoples (cf. the discussion of David Miller in Chapter 2). There may be good reason to doubt that current inequalities in prospects are a result of these factors. However, even if they are, both of these justifications can reasonably be rejected by those who find themselves radically deprived compared to others. This is because a structure that disadvantages individuals on the basis of choices made by others in their family, culture or society can be reasonably rejected. One can reasonably reject a justification of disadvantage that is based not on what an individual has done but on what others have done. This is because it is not fair to hold an individual liable for the actions of others. Individuals may be able to contribute to the on-going culture and priorities of their community. However, they cannot fairly be held liable for the actions and choices that were made before they were born or before they became adults. Thus these justifications of the dramatic difference in prospects between individuals (even if they hold, which as was seen in Chapter 2 is unlikely) can reasonably be rejected. This argument suggests that social structures with massive inequalities in prospects between different sectors of the population cannot be justified in terms that cannot be reasonably rejected.⁷¹

The purpose of this section has been to show that poverty indicates injustice in social structures and that inequality in prospects and positions could also be a sign of social structural injustice. This is because unnecessary extreme deprivation cannot possibly be justified to those who suffer from it and extreme inequality will be very difficult to defend to those who experience it. Thus, there is good

⁷⁰ There is also good reason to think that a social structure that places agents in dramatically different social positions depending on their class and nationality cannot be justified even if all people have equal opportunity to compete for a position in the most privileged class. This is because such large inequalities prevent people from interacting politically and socially as equals and undermine the social basis of self-respect.

⁷¹ Massive inequalities can also be identified as unjust by those who do not accept the contractualist method. Different conceptions of justice will reject social structures containing extreme inequality for their own reasons. For example, such inequality violates the demands of utilitarianism due to the law of diminishing marginal utility.

reason to think that global inequality and extreme poverty are indicators of global structural injustice. It has also been suggested that socio-economic human rights could be interpreted as outlining some minimum requirements for social structures that can attract widespread agreement.

Institutions for Establishing Just Social Structures

In order for structural injustice to be avoided some institutions must be established which can coordinate behaviour. Such institutions must have the power to legislate over the actions and practices that contribute to social structures. Thus these institutions will have power over people and thus must also avoid violating the norms of coercive justice. They must also be legitimate. As previously discussed, this will require that they are in some way authorised by those over whom they rule.

For there to be structural justice requires political institutions for determining policy and enforcing that policy. These institutions can determine what structural justice requires by including the viewpoints of those with different social positions, value systems and world views. In this way they can establish what social structures are justifiable to all in terms they cannot reasonably reject. These institutions can then take action to coordinate behaviour to avoid structural injustice.

Such institutions can also provide an arena in which competition between different conceptions of the precise demands of social justice can be fought out. Thus they can allow decisions to be reached that can be provisionally accepted by all those affected even where substantial disagreement remains.

Structural Injustice and Global Coordination

The social structure that currently denies those in poverty essential resources is contributed to by local, national and global sources, including trends in consumer choices, the aims and organisation of TNCs, global competition and the rules of the World Trade Organisation. Furthermore, often national governments lack the power to shape local social structures so as to avoid extreme poverty. Some countries are so poor that local wealth or income redistribution cannot prevent some people from being placed in social positions where they are vulnerable to being deprived of basic goods. Furthermore, all countries' abilities to use taxation to redistribute income are limited by the fact that wealthy individuals can assume

residence or nationality in a foreign country where they will be taxed less. This means that there is competition between states to attract wealthy individuals by decreasing taxes on the wealthy. There is also competition between states to attract businesses with low tax rates.⁷² Attracting manufacturing through offering low costs can also be achieved by minimising health and safety requirements and allowing low wages. Thus, some countries cannot raise minimum wages high enough to lift workers out of poverty because in doing so they risk increasing unemployment. This is because in the absence of low wages Trans-National Corporations can move the manufacture of their goods elsewhere.

Competition between states that decreases standards and prevents the realisation of social structural justice is often described as a 'race to the bottom'. The ILO have noted that where countries simultaneously adopt a policy of decreasing wages it can create such a race to the bottom (ILO, 2013, p. xiv). These factors suggest that tackling structural injustice requires global coordination. Such coordination could prevent competition of this sort between states from undermining their ability to ensure social justice.

As discussed in chapter 2, in *Responsibility for Justice* Iris Young describes the circumstances faced by workers in the global apparel industry (Young 2011, 125-35). Considering the position that apparel workers in export processing zones find themselves in can help show why tackling poverty requires global coordination to be overcome.

The social position inhabited by those working in factories to produce garments for the global apparel industry is one of extreme vulnerability to deprivation and domination (both relatively speaking and in absolute terms). These people (predominantly young women) lack other reputable employment options. This means they are wise to continue in their factory work no matter what conditions are imposed. They are unlikely to be protected by their government because bringing in regulations to improve pay and conditions is likely to result in the work being relocated to other states. Global competition for manufacturing contracts drives down wages and conditions. In this industry violence and intimidation is regularly used against those who seek to form unions or engage in collectively

⁷² For an example of this see the TJN-A and AAI report on the results of tax completion in East Africa. The report finds that countries tax revenues suffer as they provide tax incentives in an attempt to attract foreign direct investment (TJN-A & AAI, 2012, p. v). However the report suggests that these policies do not offer much benefit to states.

bargaining. These conditions are consistent across much of the global south, where many countries rely on external investment to provide jobs. The position such countries find themselves in means that they often cannot take unilateral action to improve conditions for their apparel workers without radically increasing unemployment and poverty (Young 2011, 126-34).

The national government in the case described face a situation where they must choose between allowing these exploitative conditions to continue or suffer widespread unemployment and underdevelopment. This is because the companies that commission the products the factories make can easily use alternative factories in other countries if utilising the current suppliers becomes too expensive. Keeping costs down requires making the workforce work long hours for low pay. It also requires minimising the amount spent on the safety and comfort of the workforce.

The only way that the local government can improve working conditions, wages and hours without losing investment and risking a rise in unemployment is to agree to, and enforce, global minimums in terms of pay, hours and conditions. Local unions (where they exist) have a similar problem. Union activity is often heavily punished as it threatens the livelihood of factory owners and managers who must keep costs down in order to win contracts. Where workers are organised into unions locally they cannot demand better wages without risking losing employment. The only way to overcome this problem is to coordinate with unions around the world to secure better pay, conditions and hours worldwide.

The above example demonstrates that structural injustice experienced by agents within a particular state cannot always be effectively dealt with by local governments or civil society organisations, even if that government or organisation has the ability to control agents within its borders. This is because external institutions, organisations, norms, trends and markets contribute to the social positions in which residents find themselves. These factors cannot be regulated or controlled by the national government or local organisations. In some cases the national government can navigate the external factors and compensate for them so as to avoid structural injustice. However, in other cases national governments cannot alleviate structural injustices without causing more serious structural injustices to emerge. This is because external factors and inter-

state competition constrain what the government can achieve and prevent the alleviation of structural justice. These factors can also undermine a national government's ability to tackle structural injustice. This can be through making it more difficult to address such injustice or through providing adverse incentives. These can discourage dealing with structural injustice directly or can prevent countries from establishing governments motivated to address injustice.⁷³ Global coordination is required to overcome these problems. This suggests global institutions must be established in order to allow structural injustice to be eliminated and social justice secured.

Risks of Global Institutions

The case made in this chapter is that the kind and degree of poverty characteristic of the modern world indicates global structural injustice. It has been argued that in the case of widespread and extreme poverty structural injustice can only be avoided by the establishment of global governing institutions. These institutions can coordinate action around the world and thereby allow structural injustice to be avoided. However, the fact that such institutions could prevent structural injustice does not in itself show that they are required. These institutions could be rejected on the basis that the benefits of such institutions are outweighed by their costs. There are good reasons to be wary about the establishment of institutions of global co-ordination. Using coercive force can be dangerous and can produce more injustice than it tackles. However not co-ordinating globally allows structural injustice to continue with no organisation with the power to prevent it.

Any governing or coordinating institution limits the negative liberty of those agents who fall under its jurisdiction. Coordination and regulation has definite costs. Global regulation would restrict the liberty of states and constrain their choices. This would involve limiting what they can do and interfering with their plans. Thus such regulation comes with significant costs.

Establishing powerful institutions represents a significant risk because these institutions could be used to impose injustice. A global governing institution could impose injustice on a massive scale. It could end up controlling every aspect of people's lives and undermining their ability to live decent lives. Worse still it

⁷³ . These problems with the global order are outlined by Thomas Pogge in his work on global justice and are discussed in detail in chapter 3 of this thesis.

would be impossible to escape its dictates because one could not leave its jurisdiction.

It is vital to be aware that potential solutions to structural injustice could be (come) worse than the original problem. Powerful governing institutions are capable of significant harm. During the 20th century actions by states have revealed the capacity of governments to impose extreme injustice. Governing institutions can be used by a minority to promote their own interests and to oppress and punish others. Establishing a means of imposing decisions on all effectively risks agents using this mechanism to serve private interests. It also risks them using this mechanism not simply to ensure justice but to impose a certain way of life on all.

In the most extreme cases repressive states have used their power to eradicate sections of their population. This practice has occurred when settlers or colonials have systematically exterminated local populations as part of their rule. This has occurred in North and South America, Canada, Guatemala, Australia, Namibia. Other cases involve the eradication of particular sections of a domestic population on the basis of membership of a particular ethnicity, religion or social group. In some cases these actions have been coordinated by the government. Cases of such large scale murder and deportation include the Armenian Genocide, the Jewish Holocaust, Stalin's Terror, Mao's Cultural Revolution, and the Rwandan Holocaust (Jones, 2006).

Global governing institutions could represent an even greater threat because they offer the potential power to do even more evil. If the governance of the globe was usurped by minority interests they could impose their demands on the whole world. Worse still, if such an institution were to conduct a campaign of discrimination or engage in ethnic cleansing people could not escape through emigration. This represents a serious and significant threat to humanity.

With global coordination or global institutions backed up by coercion there is a threat of abuse of power. The power to intervene in the lives of distant peoples and states can be abused to further a state's or institution's own interests. It can also be used to impose local understandings of justice or efficiency on far-away places. There is a risk that rulings will favour the interests or ideals of the powerful.

Global institutions are often dominated by the richest or most militarily advanced states and are used to promote their interests and values. This would explain why many global organisations impose institutional arrangements that favour wealthy states and their Trans-National Corporations at the expense of the autonomy and interests of poorer and weaker states and their people (Pogge, 2008, pp. 26-28) (Pogge, 2010, pp. 34-36). Worse still, a global governing body with the power to enforce its rulings could represent a dangerous force. There would be no escape from its power and it could enforce injustice on states and peoples that they could not escape. Moreover, there would be no alternative power-holder to compete for the loyalty of governments and peoples. Without such competition there would be no need for the governing institution to favour the interests of those states it wishes to control. All of this gives good reason to be suspicious of coercively imposed global institutions.

Having discussed some of the potential costs of global institutions, I will now proceed to discuss some ways of organising global institutions that could minimise the likely costs. After this discussion whether or not the likely benefits of global institutions outweigh the likely costs can be evaluated.

Global Minimalism

One solution to the risks posed by institutions of global co-ordination that has been proposed is to limit global regulation to enforcing human rights claims. By restricting the function of global government to enforcing a set of universally agreed minimum standards the threats of global totalitarianism and cultural imperialism can be avoided. I will discuss this strategy below and give reasons against adopting it.

Some have sought some global regulation, but believe it should be minimal and restricted to standards that can attract global consensus (Rawls, 1999) (Wenar, 2006). The minimalist approach seeks global institutions that protect populations from having their fundamental rights violated by their governments. Such theories recommend that global institutions come up with a minimal list of injustices that can be the subject of global agreement. Then these institutions can sanction military intervention to depose governments that violate these standards. They support a system where the sovereignty of states is respected unless they violate these minimal standards.

There are some advantages to such an approach. An approach that is minimal in terms of what it demands avoids the dystopian nightmare of a global governing body that coercively imposes unjust institutions. Furthermore, it can minimise external intervention in the business of states. This approach is modelled on dealing with cases of extremely unjust acts of government coercion such as genocide. When states cross the line and perform acts that violate minimal standards of decency, global institutions can sanction and carry out invasion to prevent the continuance of the action.

A minimalist approach prevents global coercive institutions from imposing rules that have not been justified to the global population. The idea is that by demanding only norms be imposed that cannot and are not reasonably rejected by any peoples this approach avoids global injustice whilst protecting some fundamental rights and preventing crimes against humanity. If rights are understood as standards the violation of which is required to justify military intervention on humanitarian grounds, then it is important to ensure they are subject to consensus and that they can attract almost universal agreement.

However, the minimalist approach fails to deal with problems of social justice adequately. One proponent of the approach, Leif Wenar, claims that there should not be any principles of social injustice enforced by global coercive institutions. His justification for this is the fact that there is unlikely to be global agreement on principles of social justice. Wenar argues that in the absence of any sort of overlapping consensus as to what social justice requires there should be no coercively enforced global demands of social justice (Wenar, 2006). Hence, Wenar's account remains unresponsive to claims of social injustice.

It is not clear why Wenar believes reaching an agreement on minimum standards of coercive justice will be any easier than reaching agreement on minimum standards on social justice. There are currently two international covenants on rights. One outlines civil and political rights. The other outlines social, economic and cultural rights. This suggests that there can be global agreement on both kinds of justice. It is not clear why the coercive imposition rights should be considered any less controversial than the socio-economic rights. My discussion above suggests that these socio-economic human rights should be interpreted as requiring that social structures avoid placing individuals in positions where they are vulnerable to being deprived of these rights.

An institutional model that aims to enforce minimal standards through legitimising intervention when they are not fulfilled does not look like a good model for ensuring the secure fulfilment of these socio-economic rights. The rights detailed in the covenant concerning social, economic and cultural rights include a right to fair wages, healthy working conditions, paid holidays, free education and a right to enjoy the benefits of scientific progress (UN, 1966). As discussed above, often governments cannot achieve the fulfilment of these rights given the political and economic circumstances they find themselves in. The sweatshop case described above demonstrates how governments can be unable to secure decent wages and working conditions whilst maintaining decent level of employment. The 'race to the bottom' in wages and tax can prevent governments from securing social structures which do not violate these rights. Furthermore, lack of development in some states can also represent a barrier to their fulfilment.

Where a government is unable to secure socio-economic human rights, invading the country on the grounds that the government has failed to secure these rights would be unjust and unwise. This is because this would involve punishing governments for failing to do something that they are unable to do. Taking such action would thus be unfair and ineffective: such a system cannot incentivise states to do better (since they cannot do better). This suggests that simply adding minimal socio economic demands to the minimalist approach will not work. Thus, recognising structures as a site of injustice highlights a problem with only enforcing a minimal set of demands that can garner global consensus through coercing states that fail to fulfil them. This minimalist approach could work to prevent governments from directly imposing extreme injustice. However, it does not work as a means to ensuring that social structures do not violate socio-economic rights.

Global institutions could try to apply the minimal standards of social justice outlined in the International Covenant on Economic, Social and Cultural Rights (UN, 1966) by directly ensuring that social structures do not place any individual in a position where these rights are not secure. Such an approach would require global institutions to directly regulate populations and agencies. There may be reasons not to support a global state that directly regulates social structures in this way (some are detailed in the section following this one).

Furthermore, when it comes to social justice the strategy of only enforcing basic socio-economic rights (on which there can be a global consensus) may be problematic. This is because having no regulation unfairly favours the status quo. Under a global system that only enforces socio economic rights less extreme structural injustices will not be addressed. When no enforcement mechanism is in place, norms, associations, voluntary organisations, informal institutions and trends are left to constrain the abilities of governments to determine social structures. This means that in a scenario where only minimal demands are imposed by global coordination the result could be social structures no one believes to be just. Furthermore, enforcing such minimal socio-economic rights globally will not give nation states the power to deliver more comprehensive conceptions of social justice locally. Thus, national governments may not be able to overcome the status quo bias.

Recognising social structural injustice is important because it counters the trend towards global regulatory minimalism. A suspicion of coercion can lead to an argument for minimal global regulation. However, the structural approach can allow us to recognise the fact that there can be much injustice in the absence of coercive regulation or military intervention and that regulation or coordination can be necessary in order to alleviate such injustice.

Global Super State

However, a rejection of minimalism does not mean that a global super-state that can enforce a maximal conception of structural justice should be imposed upon the world. Such a solution would be problematic for many reasons. Firstly, such an institution would have extensive powers and there would be a threat of global despotism or totalitarianism. Furthermore, it may be that different populations wish to make different demands of their social structures. A global system without federalism would have difficulty meeting this demand. Secondly, a global system involves a concentration of extreme power in the hands of one organisational unit. Diversity in power holders can be a means to avoiding the worst forms of domination and injustice. It provides agents with options and prevents any single entity having complete control. Many studies in political science prefer pluralistic systems of governance for this reason (Dahl, 1978). Chantal Mouffe has argued that progress requires a multi-polar world in which weaker powers can play off the most powerful regimes and thereby achieve gains (Mouffe, 2008). This gives us reason not to support a universal single ruling power.

Problems of legitimacy also speak against such a proposal. If we wish to establish democracy in global governance, as well as accountability and responsiveness to claims of injustice, this will probably require a system for selecting leaders and holding them to account. The more people involved in such a vote, the less power each individual has to influence the decision and the more powerless they are. In addition, democracy requires a common language in which to publicly discuss and articulate competing regimes. It may be difficult to establish a global public sphere to debate policy and to hold leaders to account.

All these reasons speak against a centralised universal government that can effectively tackle structural injustices. They favour breaking up a global constituency into smaller units that govern within specific areas as part of a federal system. A plausible option is that global institutions, instead of directly regulating social structures, should seek to establish and maintain effective control for each nation over their own social structures through a federal system. What is needed is a solution that limits coercive government so as to minimise the dangers of corruption and abuse of power and yet addresses the need to coordinate action to tackle structural injustice and tame global forces effectively.

The concern to avoid coercively imposed injustice, avoid domination, imperialism, corruption and abuses of power, and a need to ensure legitimacy in any coercive body, will lead us to prefer some solutions to tackling structural injustice over others. Below I will discuss some proposed systems of global coordination that operate along these lines.

Federal Systems and 21st Century Sovereignty

Miriam Ronzoni and Iris Young have proposed new concepts that could help in delivering global justice without endorsing a global super-state or falling back on global minimalism. Ronzoni has developed an account of the requirements of global justice based on a new conception of global sovereignty. She proposes a conception of sovereignty not simply based on an absence of direct interference by another nation state, but instead based on the capacity to maintain internal problem-solving capabilities and make meaningful discretionary choices on a range of national issues (Ronzoni, 2012).

Ronzoni suggests that in the modern world individual states often lack the power to determine policy independently within their territory. The problems that national governments have in preventing structural injustice (discussed at length

above) are one example of such difficulties. Ronzoni recognises that states can lack the capability to make significant choices about policy even if they are not coercively constrained by the threat of military intervention by another state. States' internal problem solving capabilities and their ability to make meaningful discretionary choices about local social structures can be undermined by dependency, poverty, a lack of domestic capital. Contrary to a traditional negative-liberty understanding of sovereignty, under Ronzoni's account cosmopolitan global institutions are not necessarily a threat to sovereignty. In fact Ronzoni suggests that positive sovereignty can only be secured through such institutions (Ronzoni, 2012, p. 574).

Ronzoni's positive conception of sovereignty is interesting and plausible. She suggests that global coordination and regulation is needed to secure positive sovereignty (Ronzoni, 2012, p. 574). She recommends that global institutions be established that can take action to ensure positive sovereignty. By constraining governments and states coercively, global institutions can thus secure each state's ability to make meaningful discretionary choices on national issues.

To see how external regulation can increase rather than undermine state sovereignty consider the case of European Union (EU) directives on food production. The EU constrains what its member states can do by making regulations that cover all members. However, by making shared rules the EU allows its member states to establish policies and outcomes that would otherwise not be possible. States within the EU in the absence of any collective agreement are often constrained in their domestic policy by competition between states to attract investment and secure trade. For example, any member state that sought to enforce stricter animal welfare rules on food production would cause their farmers to be at a significant comparative disadvantage. For example, banning battery chicken farms in the UK would have forced UK farmers not to participate in the practice. However, battery eggs and poultry would still be on sale in the UK because they could be imported from other member states. The result of the legislation would not be fewer battery chickens. The legislation would just have moved production abroad and disadvantaged British farmers. The creation of EU wide welfare standards that outlaw battery cages of a particularly inhumane kind in poultry farming allowed the preventing of maltreatment of birds within the UK (and of course elsewhere) without disadvantaging British farmers or creating the equivalent of a welfare race to the bottom (Barclay, 2012). Thus the existence of

regional governing institutions actually increases rather than decreases the sovereignty of member states by increasing the number of meaningful policy options available to member states.

In a similar way, global minimum labour standards or minimum levels of corporate tax could prevent the race to the bottom on working conditions. It could thus allow poorer states to improve the conditions and pay in the apparel industry without threatening investment in their states. In this way the actual choices available to poorer state governments would increase rather than decrease and as a result their real sovereignty would be bolstered rather than undermined.

Thus, a global federal system could give state governments more meaningful choice over domestic policy through regulation and coordination. This regulation and coordination would constrain governments. However, overall it would ensure all states had positive sovereignty to make real choices concerning domestic policy. A global organisation for coordination and regulation backed up by a reliable enforcement mechanism that can offer assurance could make this new conception of sovereignty a reality for constituent governments. This would mean that if a local government has sufficient local power to determine social structures and residents have a mechanism for rejecting or accepting a government's justifications for their policies, then just social structures can be pursued. Thus establishing global institutions that guarantee states' positive sovereignty does not mean that social structural justice will necessarily follow. However, establishing such institutions removes a significant barrier to establishing structural justice. It is only in combination with strong, just and legitimate national institutions that such global institutions will result in structural justice.

Iris Young also recommends a federal solution as a means to establishing global justice. Her account tries to establish that self-determination for states can be compatible with transnational government coordination. Young develops an understanding of self-determination as non-domination rather than non-interference (Young, 2007, pp. 39-57). Thus, under her account, global coordination does not necessarily undermine self-determination. Rather, it is only when global institutions have the power to interfere arbitrarily that self-determination is undermined (Young, 2007, p. 52). Thus if global institutions do not have power to interfere arbitrarily, then they do not undermine self-determination.

Young suggests that states have a right to self-determination. However, she insists that this does not mean that outsiders should have no say over what a government does. She explains that a right to self-determination comes with an obligation to respond to claims by outsiders that they are being harmed by the state's activities (Young, 2007, pp. 6-8).

Young suggests that in a mutually interdependent world securing non-domination for each state requires global federalism. Young's federalist proposals involve members of the federation designing a system of fair cooperation that secures self-determination as non-domination. She explains that the federalist system does not overrule state governments. Instead the federal system consists in 'regulated practices of negotiation and cooperation among units' (Young, 2007, pp. 6-8). Young insists that 'peoples' must have a prima-facie right to set their own governance procedures. However, she insists that they must also explain that peoples relationship with others requires they 'acknowledge the legitimate interests of others' (Young, 2007, p. 51).

These two examples of federalist cosmopolitanism show that there are ways of imagining global institutions that can allow for the regulation of social structures whilst avoiding the perils of a global maximalist state. These proposals suggest that global regulation or coordination is required as a means to allow states to determine justice within their borders, rather than as a constraint on their self-determination.

Weighing the Case for Global Institutions

In the section above various ways to minimise the threat to sovereignty and the risk of tyranny that global institutions represent were discussed. The proposals discussed suggested that global coordination does not necessarily require a global super-state that governs all aspects of people's lives. It was argued that a federalist system of global coordination could prevent the threat of global injustice being imposed and could avoid recommending that one contentious conception of social structural justice be imposed on the world.

The seriousness of current global structural injustice and the necessity of global coordination to overcome this injustice mean that global governing institutions that can allow state governments to regulate their social structures effectively are

required. This is because the benefits of such institutions easily out-weigh the risks associated with establishing such institutions.

Global structural injustice is currently very serious, predictable and on-going. It causes many deaths, immense suffering and extensive frustration of autonomy and liberty. Current social structures condemn millions of people to premature deaths. Thomas Pogge argues that this represents the largest crime against humanity ever committed (Pogge, 2010, pp. 1-3). Patrick Hayden has argued that this is a new form of banal evil (Hayden, 2010).

Much of this injustice cannot be addressed without global coordination. This is because it is contributed to by transnational and global factors that state governments cannot regulate. In some cases competition between state governments prevents them from being able to tackle structural injustice. This is the case when it comes to competing to attract global capital with low taxes, cheap labour and low environmental and other standards.

Worries about a global government imposing injustice should be addressed by considering ways in which the danger can be alleviated through the balancing of power and the use of democratic mechanisms that allow governing officials to be held to account. Global institutions must be transparent and accountable and great care must be taken to avoid tyrannous global government. Thus global governing institutions must have their power limited by other institutions.

Furthermore, such worries should lead us to ensure that the use of global coordination is limited and that the majority of decisions are made at a local level. A federalised system of the sort recommended by Iris Young offers a system where global power is limited, but includes a means through which global coordination can be achieved (Young, 2007, pp. 13-77). Miriam Ronzoni's conception of sovereignty suggests that global coordination is required to ensure the sovereignty of states. Under global institutional arrangements that maximise state sovereignty the threat of cultural imperialism would be minimised. Instead of taking power away from states, global institutions would actually increase their power. Thus the coordination does not prevent different states from having radically different policies (Ronzoni, 2012). This means that there would not be one set of global policies, but variation around the world. This offers citizens the chance to escape injustice through emigration in a way that would be unavailable in an unjust global super state.

It is vital to be aware of the potential danger that global institutions represent. However, the threat these institutions represent should lead us to be careful in the design and maintenance of these institutions, rather than to avoid addressing structural injustice.

Chapter 5: Obligations and Structural Injustice

The purpose of this thesis is to examine the duties agents have in relation to the serious and significant problem of global poverty. So far it has been established that we can understand much of the troubling poverty identified by Singer and Pogge as a form of structural injustice to which both local and national factors contribute. The purpose of this analysis of the problem is to develop an understanding of poverty which can be utilised to identify the obligations agents have in relation to extreme poverty. Identifying obligations in relation to accounts of injustice is important. This is because it is not much use to recognise something as unjust if no agent or agency is identified as responsible for ending the injustice. Statements about structural injustice alone do not make a direct claim on any party to change their actions. If an account of poverty as structural injustice is to have any chance of motivating change it must be connected to an account of who can and should take action to bring it about.

In this section I will proceed to the central task of this thesis: identifying obligations that arise in relation to poverty. In this chapter a thorough analysis of the obligations agents have in relation to structural injustice will be undertaken. In the chapter that follows this one, these findings will be applied to the case of global poverty and details will be given of the courses of action agents could follow in order to fulfil their obligations.

In this chapter a systematic approach will be utilised. The first section of the chapter considers whether there are positive duties in relation to structural injustice. First the positive obligations individuals have to take direct unilateral action in relation to structural injustice will be considered. Next, the idea that considering collective action possibilities could reveal additional duties will be introduced. Whether a collective agent could promote structural injustice will then be discussed. Next, the possibility that members of an aggregate can sometimes have obligations to *form a collective* will be investigated. Virginia Held's discussion of the responsibilities of a random collective will be utilised to suggest that agents have an obligation to work with others to form a collective capable of ensuring structural justice. It will then be proposed that an aggregate that could form a collective capable of ensuring structural justice has a positive duty to do so.

I have previously suggested that identifying an injustice as socially caused rather than simply something that can and should be socially addressed is significant (see chapters 2 and 4). Recognising a problem as socially caused suggests that members of the society may have additional responsibilities in relation to the problem in question. It suggests that there may also be a negative duty not to cause the problem in the first place. This possibility will be considered in the second part of this chapter.

Again, it will be individual obligations to act unilaterally that will be considered first. Thus whether there is an individual duty to avoid contributing to structural injustice will be investigated. After which the analysis will again proceed to the collective level. Whether there is a collective agent who causes structural injustice will be investigated. It will be found that the group of individuals who contribute to structural injustice should not be considered a collective agent but an aggregate. Virginia Held's analysis of the obligations of random collective will then be extended to consider whether an aggregate who together cause harm violate the duty to avoid harming others. It will be suggested that an aggregate that together causes a structural injustice violates a duty to form a collective capable of avoiding the injustice. It will be argued that this obligation is distributable such that each member of the aggregate has a duty to work towards forming a collective capable of preventing each from causing aggregative harm.

It will be suggested that where individuals are members of an aggregate that not only could prevent a significant problem but which actually causes the problem they have an additional reason to form a collective that can take preventative action. It will be argued that the fact that they are causally linked to the impending injustice grounds an additional moral reason to form a collective and take action. This is on top of the members of that aggregate's duties to prevent suffering and to promote justice. Possible explanations for this additional reason will then be explored. It will be suggested that agents have an obligation to form a collective capable of preventing structural injustice as a precaution to lessen the chance of future contribution to structural injustice.

Individual Obligations to Aid the Victims of Structural Injustice

Individuals can feel powerless when confronted with the fact that much of the world's population is condemned to lives of extreme poverty. There is very little any individual acting alone can do to alleviate or prevent this problem. This is true

regardless of whether the problem is identified as the result of human institutions or of an amalgamation of institutions and patterns of treatment. Peter Singer's work (*The Life You Can Save: acting now to End World Poverty*) highlights the fact that an individual can save lives and prevent suffering by sending money to those in poverty or by using money to buy essential resources that can protect the poor from premature death. Singer suggests that each individual with income in excess of what is needed for essentials could save many lives every year. He thus identifies a positive individual duty to take action to save lives in this way (Singer, 1972).

The obligations individuals have in relation to structural injustice in general will now be considered. Individuals can take individual action to assist the victims of structural injustice. In this way, those who suffer from serious structural injustice can have their suffering relieved through individual acts of assistance. Structural injustice causes significant suffering. Since agents have positive moral obligations to relieve suffering, assisting the victims of structural injustice is required as part of this positive duty of assistance.

By taking individual action to alleviate suffering from poverty individuals contribute to bringing about a distribution of resources closer to the distribution that is required by justice. Thus it could be that such action is required for reasons of *justice* as well as reasons of humanity. If individuals have positive duties to promote justice then it could be that these actions may be a means of fulfilling this duty.

This thesis has identified poverty not simply as a misfortune that can be alleviated but as a form of injustice that should not continue. The suffering inflicted by poverty is the result of a combination of human actions and practices and is thus unjust. Individual action to alleviate poverty adds to the combination of human actions and practices so as to improve the position of some of those who will otherwise be placed in a difficult and unjustifiable position. However, the gross structural injustice that systematically makes much of the global population vulnerable to extreme poverty cannot be altered through individual assistance of its victims. This is because such assistance does nothing to alter the fact that a significant sector of the population is vulnerable to extreme poverty. Those who receive such aid have no guarantee that this assistance will continue; they are vulnerable to having assistance cut off on the whim of the individual who aids

them. Furthermore, individuals who receive such aid are dependent on aid in a way that will make them vulnerable to domination. If the aiding individual makes assistance conditional on going to church or adopting a particular way of life the dependent will have no option but to fulfil this demand.

This example shows that those who rely on aid can be dominated by those who give aid. Thus individual aid is not a means by which the poor can have a minimum level of income, wealth and opportunity secured and thus avoid vulnerability to serious deprivation and domination. Justice requires that no individual is placed in a social position where they are vulnerable to significant deprivation and domination relative to others. Since aid cannot remove such vulnerability it cannot promote justice. Hence, such individual giving cannot be a means of fulfilling a positive obligation to promote structural justice.

Even if we understand justice as a state of affairs in which no individual is arbitrarily disadvantaged in terms of access to resources opportunity and wealth (compared to others), individual assistance cannot promote justice. This is because it does not secure a just position for those who are aided. Individual acts of assistance do not bring about an alternative system of distribution of income in which the socio-economic rights of those who are currently poor are secured. As a result, such action cannot be seen as fulfilling the positive demand to promote justice. Thus the moral demand to promote justice cannot be fulfilled through individually assisting those who are in unjustifiable positions of disadvantage. However, this does not undermine the fact that the moral demand to assist those who suffer does ground an obligation to assist the victims of structural injustice.

It looks as if there can be no positive duties to promote structural justice because individuals cannot alter social structures so as to prevent systematic vulnerability. However, so far we have considered only what an individual can achieve by acting unilaterally. Although there is little individuals can do to bring about structural injustice, there could be much a committed collective of individuals could do to bring about structural justice. As previously mentioned, Tracy Isaacs has discussed how considering collective action can allow us to identify possibilities which would otherwise remain invisible (Isaacs, 2011, p. 36). Collectives can produce effects and perform actions which go well beyond what a group of uncoordinated individuals can achieve. It could be that considering collective action possibilities is the key to identifying obligations with regards to structural injustice.

Collective Action and Positive Obligations

Organisations and institutions have much greater power to address poverty than do individuals. Aid organisations can coordinate donations, make assessments of need and deliver assistance effectively and efficiently to those suffering from poverty. If individuals donate to such agencies they work together with others to assist those who are suffering and thus amplify the effects of their efforts. Singer recommends that assistance take the form of donation to organisations that coordinate relief efforts and spend money efficiently. He recommends websites that rate charities for their ability to change money into positive results in terms of lives saved (Singer, 2009, pp. 81-90). Individuals can best alleviate suffering and assist the victims of structural injustice by acting through these agencies. By joining their relief efforts with those of others they can do more to assist those who suffer. Thus individuals can best fulfil individual duties to assist by donating to organisations whose aim is to alleviate such suffering. Individuals could work with existing organisations to promote the goal of poverty alleviation. Alternatively, they could work with others to establish new organisations that aim to assist the victims of structural injustices.

Collective efforts can do more than assist the victims of structural injustice. Particular sorts of organisations could actually prevent the continuance of structural injustice by securing access to income and opportunities and thus preventing vulnerability to deprivation and domination. Some institutions can alter social structures so as to end systematic disadvantage and secure access to resources, opportunities and wealth. Institutions can stop groups from being vulnerable to serious deprivation by regulating behaviour to avoid actions coming together to place agents in inferior positions or by securing access to resources and services that dramatically and securely improve agents' social positions. This can be done through governing institutions that coercively enforce these measures or by forging collective agreements with enforcement mechanisms. In this way the socioeconomic rights of the poor can be guaranteed and their vulnerability to deprivation ended. These organisations can set in place arrangements whereby the poor have secure access to basic necessities either by regulating the practices and trends that lead to structural injustice or by providing

a collective means to improve the position of the poorest through a safety net of benefits and social security.⁷⁴

The positive duty to promote justice gives agents moral reason to work together to overcome structural injustice through these sorts of organisation. Organising regulatory institutions to coordinate their action to avoid injustice is one way in which structural injustice can be prevented. Individuals can join existing organisations or create new organisations that aim at this purpose. Working with others to alter structures permanently and systematically offers individuals a means to overcoming structural injustice because it secures access to goods and income and therefore ends vulnerability. Furthermore, using regulatory institutions can allow people to fairly share out the costs of avoiding structural injustice.

The possibility of working with others offers individuals the opportunity to make more of a difference. If successful, such action can maximise the efficiency of efforts to promote justice. If collective action to establish institutions that prevent the continuance of structural injustice works then the effort expended on establishing these institutions will have done more good than a similar amount of effort aimed at directly assisting those who suffer from structural injustice or working with organisations that aim to assist the victims of structural injustice.⁷⁵

Whether individuals have an obligation to develop such institutions will now be investigated. This is a difficult question because establishing such institutions requires collaboration between agents. It is not something that individuals can achieve alone. I will consider whether random collectives of individuals can be obliged to work together to achieve particular outcomes.

Virginia Held has developed an account of how in some cases a random collection of individuals can be obliged to work together to prevent a tragedy. In her analysis Held draws on an example in which a group of bystanders could prevent a serious assault if they worked together. She suggests that in certain circumstances a

⁷⁴ Henry Shue in his account of obligations to fulfil human rights to subsistence suggests that obligations to protect individuals from having their basic rights violated can be fulfilled by establishing governing institutions that can coordinate action and fairly distribute the burdens of such action. He explains that there is a duty to develop and preserve such institutions (Shue, 1996, pp. 17, 54-62).

⁷⁵ For this reason charitable organisations, like Oxfam, engage in lobbying governments and international institutions and trying to forge international agreements that improve the position of the global poor. By taking such action they aim to permanently alter structures as an effective means to preventing future suffering and deprivation

random collection of individuals must become a collective and take action to prevent a tragedy. Held's account of the responsibilities of bystanders suggests that in the absence of organisations powerful enough to prevent a significant moral problem a random collection of individuals, who could form such an organisation, have an obligation to do just that. This organisation then has a positive duty to take action to prevent the problem (Held, 1970). Held's account suggests that people have a responsibility to form such a collective in order to prevent suffering. She even suggests that this obligation is 'distributive' such that each member of the random collective has an obligation to work with others to establish a collective capable of preventing the problem (Held, 1970, pp. 475-477).

In a similar way, in the absence of the existence of an organisation with the ability to prevent structural injustice, otherwise seemingly unconnected collections of individuals could have an obligation to create such an organisation. Where there are no governing institutions capable of coordinating activity in such a way as to prevent an on-going structural injustice, those who could form such institutions could be obliged to form such an institution. Where the on-going structural injustice is significantly serious the duty to relieve suffering as well as the duty to promote justice will require such action. Each individual who could be part of an organisation that prevents structural injustice from continuing is obliged to work towards such an organisation.

So far this analysis has suggested that in relation to global poverty there are not just individual duties of aid. There are also duties to work with others through existing collectives like charitable organisations to alleviate the suffering caused by structural injustice. Where there are no such charitable organisations agents can work together to establish such organisations. In addition to these duties I have proposed that there are obligations to work with others to establish and maintain governing institutions charged with preventing the continuance of structural injustice. Any such governing organisation must fulfil the demands of legitimacy in order to have the proper authority to systematically shape social structures. Where such governing organisations are absent individuals can work together to form an organisation capable of shaping social structures. However, any such organisations they create must meet the standards of legitimacy if they are to avoid illegitimately coercing others.

The analysis here suggests that individuals have positive obligations both to aid the victims of structural injustice and to work towards establishing a collective organisation capable of ending this injustice.⁷⁶ If these institutions are successfully established aid will become unnecessary. However, whilst these institutions have not been fully established there will still be obligations to assist the victims of structural injustice directly. Thus, in many scenarios, individuals will have to split their efforts between campaigning for political change and providing direct assistance.

Agents who are committed to charitable assistance efforts cannot argue that they have discharged their duties to promote justice by taking such action. This is because direct assistance efforts cannot secure social conditions in which agents are not vulnerable to deprivation or domination (as argued above). However, if the charitable organisation in question attempts to alter social structures permanently by lobbying governing institutions or establishing sustainable businesses their action becomes political and can count as promoting justice. In such circumstances such action cannot be distinguished from collective efforts to bring about just social structures.

However, agents who take political action may claim that by doing so they discharge duties to relieve suffering as well as promote justice. Thus they may claim that by taking such action they fulfil obligations of assistance. However, it could be argued that such agents still have moral reason to assist the victims of structural injustice in the short term because it is unlikely that political efforts will be immediately successful. This argument relies on the idea that it is unreasonable to ignore an individual's legitimate request for aid on the basis that one is trying to prevent others requiring aid in the future. Whether direct assistance is required in addition to political action will depend on whether this argument is successful.⁷⁷

⁷⁶ Shue in his analysis of duties in relation to basic rights suggests that there are both duties to establish and maintain institutions that protect basic rights and duties to assist the victims of rights violations (Shue, 1996, pp. 59-63).

⁷⁷ There is also a problem with claiming that one has fulfilled an obligation of assistance by attempting to relieve suffering. The success of political action is by no means certain. Thus although agents aim to relieve suffering in this way they cannot ensure suffering will be relieved.

Structural Injustice and Negative Duties

Structural injustice is the result of human actions, practices, organisations and institutions. Those suffering are not only facing misfortune but suffering from injustice. They are not just in a situation that social institutions could alleviate, they are in a situation that is in an important sense socially caused (see chapter 3). The problems they suffer from are systematic, humanly caused and avoidable. The fact that their situation is the result of human actions, choices and capacities suggests that there may be negative duties on others in addition to the positive duties so far discussed. In cases where a potential problem is humanly caused there are often negative duties to refrain from continuing to cause the problem in addition to positive duties to avert the problem.

Such negative duties arise because there is a moral obligation to avoid harming others. Agents are obliged to negotiate the world in such a way as to avoid illegitimately risking setting back the interests of others in certain ways. This relies on the idea that individuals are entitled to not have their interests harmed in particular ways (Ripstein, 2004, p. 377). For a harm to be prohibited it must be significant and a prohibition on causing the harm must not be reasonably rejectable. Thus, a balance must be struck between ensuring sufficient negative liberty and protecting people's essential interests from damage by others.

Structural injustice places sections of the population in social positions where they are vulnerable to being dominated or deprived in serious and significant ways relative to others. Thus, structural injustice significantly and seriously threatens the essential interests of those it places in inferior social positions. Individuals are entitled to having their basic needs fulfilled and to avoiding domination. The social positions structural injustice places agents in are by definition unjust: they cannot be justified in ways that those affected cannot reasonably reject. This suggests that if an agent is causally responsible for structural injustice there is a strong case for suggesting that they have violated the duty to avoid harming others. This is because the suffering structural injustice causes is significant and concerns people's essential interests. This suffering cannot be outweighed by the interest agents have in avoiding excessive obligations.

It could be that some agent or agents can be held responsible for the social structures that treat people unjustly. However, there is no individual who can be identified as causally responsible for structural injustice according to traditional

criteria. As discussed in Chapter 3, when there is one human factor that contributes to a state of affairs amongst a host of natural and predictable background factors we identify the human action as the cause. However, structural injustice results from the combination of a range of different actions and practices. Thus a causally responsible party cannot be isolated in this way. In cases where there are multiple human factors which contribute to a problem sometimes we can determine the morally responsible party by isolating those who, for example, intend to cause a particular result. However in typical cases of structural injustice no agent intends to bring about the injustice.

A third way that a morally responsible party can be isolated is by identifying those contributing actors who do something unusual or violate an established norm. In these cases the other contributing factors can be considered as part of the natural background of the world. However, in the case of structural injustice it is impossible to isolate any contributor on the basis that they act unusually or violate an established norm. Hence, there is no clear basis for isolating a causally responsible individual.

This means that no particular contribution to structural injustice can be identified as *the* cause of the problem and thus no individual can be identified as liable. Typically all that can be said of any particular individual is that they contribute to the unjust social structure. This suggests that individuals have a negative duty to avoid *contributing* to structural injustice. In some cases where harm results from the combined effect of many different actions agents have an obligation to avoid contributing to the harm. This is because the seriousness of the harm can reasonably justify prohibiting their contributions to it. If such a norm is followed, then significant suffering can be avoided without unreasonably inconveniencing anyone. The next section takes up the possibility of there being an obligation to avoid contributing to structural injustice.

Individual Negative Duties

There are many reasons to doubt that there is a general prohibition on contributions to structural injustice. In modern society it is likely that many of an agent's actions make small contributions to structural injustice. This suggests that it may in fact be impossible for individuals entirely to avoid contributing to structural injustice across their lives. In fact, it is almost certain that all individuals have already made substantial contributions to continuing structural injustice. The

effects of actions and practices continue even after the acts or practices have finished (for example, when they permanently alter the physical landscape). This means that past actions can contribute to future structural injustices. Thus by the logic of 'ought implies can' there cannot be a duty to avoid all contributions to structural injustice if it is not possible to fulfil this duty.

Individuals could try to avoid making any more contributions to structural injustice by withdrawing from social life so as to minimise their impact on others from now on. If such a strategy is possible it would require refraining from engaging in social life and living an isolated existence of self-sufficiency. However, such a life is unavailable to many who lack the resources or opportunities to take up such a difficult project. Worse still, those who do adopt the life of a hermit may still fail to avoid contributing to structural injustice. This is because they will still have an impact on the local and global environment which will affect the social position of others. The hermit could take precautions to off-set any use of resources or emissions to combat this problem. However, by utilising land and resources they will still be preventing others from using or consuming them. Thus they will still have some effect on the position of others. In theory it may be possible to live off the land in a way that does not have any impact on the social position of others. This could be by making sure that the land is still open to use by others and that its person supporting capacity is not diminished by their actions.

There are moral and prudential reasons that speak against taking action to avoid contribution to social structures. These reasons, coupled with the fact that refraining to contribute will do little or no good towards preventing the problem, suggest that it is unreasonable and unwise to demand such action.

Cooperating with others can be highly beneficial to both parties. Individuals can gain from trades and can enrich their lives through valuable interactions. Thus, adopting the life of a hermit is demanding because it involves forgoing such benefits. Such isolation deprives an individual of community and company which are essential human interests. Becoming a hermit to avoid contribution would be extremely costly as it would seriously restrict one's opportunities and likely damage one's wellbeing. It is unreasonable to demand agents take such action in the circumstances, especially when these contributions are required to maintain

their livelihood or to fulfil their other obligations. Furthermore, it is unlikely that agents will be motivated to fulfil such a demanding duty.⁷⁸

In addition, those suffering from vulnerability to deprivation might lose rather than gain from affluent individuals withdrawing from social life because they would lose the opportunity of benefiting through trade or other interactions. In many cases even exploitative interaction is better than none at all. The desperate neediness of some individuals means that even exploitative trades or work arrangements can benefit them. Thus, by withdrawing from interactions agents may actually worsen the position of those suffering from structural injustice. This provides a moral reason in support of continued interaction.

Finally, the moral reasons in favour of such a prohibition are relatively weak because refraining from making a contribution to structural injustice will not prevent the harm from taking place and will make no significant difference to the seriousness of the problem. Hence, there are significant reasons to doubt that agents have a moral duty always to avoid making contributions to structural injustice.

Negative Duties and Collective Action

Above it was argued that no individual can be identified as liable for structural injustice. Perhaps instead we should consider whether the group of all those who contribute to social structures can be held liable for injustices within those structures. It might be that those who contribute to a social structure are collectively liable for injustices within that structure; after all it is this group together that creates the social structure which is unjust.

One difficulty with holding contributors as a group responsible is that it is not clear that this sort of group can be held responsible for their acts or omissions. It is unlikely that just any set of individuals can share responsibility for what they collectively cause. It is more plausible that a set of agents can only be held so responsible when they fulfil some sort of criteria. In her account of collective responsibility, Tracy Isaacs defines two sorts of collective that can be held responsible for their actions. These sorts of collective can potentially be held liable for what they cause because they are capable of taking action. The first sort

⁷⁸ In his account of obligations in relation to basic rights, Henry Shue suggests that in some cases where harm is the result of a number of human actions coming together it is unrealistic to insist agents refrain from such actions (Shue, 1996, p. 43).

of collective Isaacs discusses is an organisation. Individuals knowingly join organisations and act to further the organisation's goals. These organisations have decision making mechanisms which determine the goals and strategies of the organisation (Isaacs, 2011, pp. 23-25).

Some of the factors that contribute to structural injustices are the acts of governments, corporations and other organisations. However, structural injustice occurs when a variety of actors (organisations and individuals) contribute to a situation in which agents face unjustifiable constraint and occupy a social position that cannot be justified. Hence, no particular organisation is causally responsible for structural injustice.

To see this consider again the case of women in export processing zones who work for poverty wages in poor conditions. These women accept work at factories that supplies the global apparel industry. They usually work for a local manufacturing organisation. However, this organisation cannot be held responsible for their plight. This organisation is a group of people with shared aims and shared decision making structures. It provides the women with work. This offer of work is taken up because it offers a means to a better situation. The organisation does not harm these women by offering them work, rather it benefits them. Thus, the organisation cannot be held responsible for harming the women by causing their vulnerability to deprivation and domination. The vulnerability of these women is the result of a multitude of social and economic factors that are beyond the control of the organisation for which they work.⁷⁹

The organisation cannot be held responsible for the situation of its workforce in which the employees must choose to continue working for low pay and long hours. Nor can it be held responsible for the fact that it cannot offer decent wages, conditions and hours without going bust. The organisations works within a very competitive environment where it will not receive orders from apparel TNCs unless it can keep costs down. The women who work in these factories suffer from a social structure that places them in a position where they have few opportunities and their lives are vulnerable to exploitation and deprivation. The

⁷⁹ This does not mean that the organisation is exempt from criticism. All it means is that the organisation is not responsible for the structural injustice from which these women suffer. By allowing sexual harassment within factories, restricting toilet visits and demanding unpaid overtime this organisation is guilty of not treating its workforce decently. However this organisation cannot be held fully responsible for the poor pay that they offer.

problem is one of structural injustice. This injustice is contributed to by factors that are both local and global. However, no particular organisation is causally responsible for this structure.

The other example of a morally responsible collective which Isaacs highlights is a 'goal orientated collective'. A goal orientated collective is a group of individuals with a collective goal. All those who share in this goal are part of the collective. The goal is essentially collective because the individuals intend to do something with others; usually something they cannot achieve alone. Goal orientated collectives need not have a formal decision making procedure or extensive organisation. All that is required is that they have a shared collective intention and that they alter their individual actions to be responsive to the actions of others (Isaacs, 2011, pp. 23-25).

Those who contribute to structural injustice do not intend to take part in any collective project encompassing all contributors. The group in question does not share a collective goal the pursuit of which causes harm. Each contributor is consumed with a variety of individual and collective projects none of which includes all contributors to structural injustice and none of which is causally responsible for structural injustices. Some contributors to the structure are intentionally engaged in complex collective practices. However, no single practice or shared activity is responsible for the social position of vulnerability to deprivation that characterises structural injustice. Structural injustice is not a collective enterprise or the foreseeable result of any particular collective enterprise. The group of all those who contribute to structural injustice have no shared goal. Hence they cannot be identified as a goal orientated collective.

Without some form of organisation or shared collective goal, contributors to structural injustice are just a set of individuals. They are in no sense a collective that takes action. Therefore, it appears that the concept of collective causal responsibility cannot be applied in such cases. Rather each individual contributes marginally to structural injustice; they each make a small contribution to an aggregate of actions which causes the injustice.

Structural injustice is the result of the aggregation of human actions. The vulnerability to deprivation and domination experienced by those who suffer from structural injustice is part of a social structure that is humanly caused and could be otherwise. Although those who contribute to structural injustice are not part

of an organisation or collective that can be held directly liable for causing that injustice, the fact that they contribute to the problem is relevant to the obligations they have in relation to it. Those who contribute to social structural injustice are not perpetrators of injustice but nor are they innocent third parties who have only positive duties.

Essentially Aggregative Harm

To recap, the group of individuals that contribute to a social structural injustice are not a collective that can take action and be held morally responsible for the results of that action. These individuals can be identified as a set only because they all contribute to the social structure or structural injustice. This makes them an aggregate rather than an organisation or a group of individuals engaged in a shared project.

Structural injustice is an essentially aggregative problem because it is the result of the aggregation of a number of independent actions. Harm can be classified as essentially aggregative when it results from the combined efforts of various uncoordinated acts and is not instantiated (even in a minimal form) by any of its sources. Harm is essentially aggregative when the suffering is caused by a number of individual acts and the suffering would not have occurred as a result of any one of those acts if it were performed in circumstances where the other contributing acts did not occur.⁸⁰

Essentially aggregative harms are interesting for several reasons. Unlike regular harms no agent (either a collective agent or individual person) is morally responsible for the harm caused. Essentially aggregative harms can occur even when every actor's actions are impeccable when considered in isolation.⁸¹ Yet, it

⁸⁰ For an instance of harm to be classified as essentially aggregative it need not be the case that the acts in question do not make a significant difference to the amount of essentially aggregative harm done. However, if it is the case that harm is significantly increased by the number of actors involved there may be moral obligations not to contribute.

⁸¹ Judith Lichtenberg distinguishes essentially aggregative harms from aggregative harms which are made up of individual acts that are wrong in themselves (Lichtenberg, 2010, p. 568). However, it is possible that several actions which are wrong in themselves contribute to a different harm which is more than the sum of its parts. For example hunting an animal to extinction is an aggregative harm. Suppose that each act of hunting is wrong in itself. This fact would not change the fact that causing extinction is an essentially aggregative harm. This is because the wrong that is causing an animal to become extinct is distinct from the wrong that is hunting. Hunting an animal to extinction has significance beyond killing a large number of animals; it is more than the sum of its constituent acts. Hence, even if hunting is wrong in itself, hunting to extinction can be considered an essentially aggregative harm. However, the interesting forms of essentially aggregative

would be wrong to treat an essentially aggregative harm as simply a misfortune. Structural injustice will not occur unless a set of people act in a particular way. The aggregate that contributes to a structural injustice causes the injustice even if there is no collective actor who can be held morally responsible for that injustice. This makes it difficult to assess these scenarios normatively. How to deal with cases like these is an important question in moral philosophy.

Some of the acts that contribute to structural injustice may be wrong when considered in isolation. However, structural injustice is an essentially different harm to the harm of any wrongful act which contributes to the overall injustice. For example, the widespread consumption of sweatshop produced goods by consumers in affluent countries is a significant part of social practice that contributes to the social structure that places sweatshop workers in an unjustifiable situation. Any particular purchase is therefore a contribution to the social conditions faced by these workers. Such purchases contribute to a global social structure which places some individuals in positions of extreme disadvantage (both relative to others and in absolute terms). These individuals (among them those who labour in sweatshops) suffer from the sort of systematic disadvantage Young identifies as structural injustice.

It could be argued that purchasing shoes produced in sweatshop is wrong because it involves taking unfair advantage of an injustice. Judith Lichtenburg gives buying products made in exploitative conditions as an example of an act which is wrong in itself and not a contribution to an essentially aggregative harm (Lichtenberg, 2010, pp. 9-10). Similarly, on Thomas Pogge's account (Pogge, 2005, p. 72), purchasing the shoes is an act in which an individual profits from injustice. However the wrong of profiting from exploitation is distinct from the structural injustice to which it contributes. Structural injustice is not simply the sum of many acts of exploitation. Rather, it is the sum of acts, laws, institutions and trends which make exploitation possible and in some cases unavoidable.

Having identified structural injustice as an essentially aggregative harm, I will now proceed to discuss the moral reasons agents have to be concerned with alleviating essentially aggregative harms. All agents have humanity based reasons to alleviate essentially aggregative harms. It is well established that individuals have moral

harms are ones in which the actions are not wrong in themselves because these cases pose a dilemma as to whether contributing actions should be avoided.

reason to improve the wellbeing of others in difficulty. Individuals have humanitarian obligations to benefit others. One way in which they can benefit others is by assisting those who suffer from essentially aggregative harms. Positive obligations to assist the victims of structural injustice and promote structural justice have been discussed at length above.

Alternatively agents could assist others by preventing essentially aggregative harms.⁸² The idea that individuals who are potential contributors to an essentially aggregative harm have an additional moral reason to try to prevent its occurrence is intuitively appealing. Judith Lichtenberg argues that it is prima facie plausible that a causal connection to a problem gives an additional moral reason to be concerned with resolving it (Lichtenberg, 2010). In the following section possible explanations for why a causal connection to an essentially aggregative harm can ground an additional moral reason to address that problem are explored.

The Negative Duties of Aggregates

There may be cases where a collection of individuals have not got a collective goal or formed an organisation and yet they can be held liable. Unlike organisations or collectives an aggregate does not form intentions or shared goals and it does not take action in pursuit of those goals. However, this does not necessarily mean that an aggregate cannot be held liable for causing a problem.

There are cases in which an agent can be held liable for things that they do not intend to cause. An agent (individual or organisation) can unintentionally cause harm but remain liable for the consequences. This is because it is reasonable to demand that the agent negotiates background conditions in such a way as to avoid harm to others. Thus, in some circumstances, we can hold the agent liable for what is caused whether intended or not. This shows that there can be liability in the absence of intention. It is worth investigating whether aggregates, despite their lack of shared intentions, can be held liable in a similar way. It could be that we can hold aggregates responsible because they could reasonably have been expected to avoid the outcome by forming a collective and taking action. In this section I will explore such a possibility.

⁸² Standing with others and offering protection from essentially aggregative harm as part of a reciprocal arrangement of mutual support could be another moral reason to justify a demand to assist. In the absence of such a scheme there may be an obligation to enter into one. However, such solidarity based obligations are not explored in this thesis. For discussions of obligations of solidarity and injustice see (Gould, 2004) (Gould, 2007) (Sholz, 2008).

Aggregates do not have intentions so they cannot be found liable for something on the basis that they intend to cause it. Usually we cannot expect aggregates to negotiate the background environment because they lack the organisational mechanisms to do so. However, aggregates can become collectives or organisations and take action. In certain extreme circumstances we could demand an aggregate *become* a collective or organisation so as to avoid aggregative harm or to perform an emergency rescue. However, this is a fairly demanding request that could only be reasonable in circumstances where the threat is reasonably serious. As a result it can only be justified in scenarios where the threatened harm is significantly serious. An aggregate is required to take such action in cases where the action is required to prevent their causing a serious, avoidable and foreseeable harm. In these cases members of an aggregate have an obligation to form a collective and the collective has an obligation to avoid the harm. In such cases, if the aggregate fails to organise into a collective and avoid the problem, the aggregate could attract blame precisely because they should have organised to become a collective and avoided the harm. In these cases the individual members of the aggregate do not just fail to perform a rescue, they fail to act responsibly so as to avoid causing, or risking, harm. They are not merely bystanders who could have prevented a tragedy; they are contributors to the tragedy who should have organised to avoid causing it.

As previously discussed, Virginia Held has argued that in certain circumstances a random collection of individuals can be expected to work together to prevent harm (Held, 1970). She uses examples where the harm threatened is serious and the required action is obvious to the reasonable person (Held, 1970). Held's account is interesting and plausible. The circumstances Held identifies are ones in which bystanders can prevent a tragedy if they work together. Thus, she identifies that in certain circumstances aggregates can have a positive duty to act and individuals can have a positive duty to work with others to prevent a tragedy. Held's account goes as far as to suggest that in some cases where members of an aggregate fail to work together to prevent a tragedy they are guilty of an omission: they fail to fulfil a required positive duty. She states that when the action called for is obvious to the reasonable person and the expected outcome is clearly favourable, the collection of individuals may be held responsible for not taking collective action (Held, 1970, pp. 475-477).

Held's account shows that it can be reasonable to demand an aggregate organise in certain circumstances. Held restricts her discussion to considering cases where an aggregate could prevent some given independent harm. But, the argument can be expanded to cover cases where an aggregate causes harm. The discussion above suggests that under certain circumstances aggregates can be reasonably expected to form a collective and thereby avoid causing aggregative harm. In these cases the aggregate may be held liable for the harm because they could reasonably be expected to avoid it by working together as an organisation.

This account could be applied to cases of serious and uncontroversial structural injustice. An aggregate can be held liable for an essentially aggregative harm when they could reasonably be expected to form a collective so as to avoid the problem.⁸³ This suggests that in cases of structural injustices the aggregate who contributes to the injustice (understood as contribute to the position an agent or group faces) could be held liable for the injustice on the basis that they should have formed a collective and prevented the structural injustice from occurring. Thus, members of an aggregate that is otherwise likely to cause a serious aggregative harm have an obligation to work towards forming a collective capable of preventing the harm.

Those who currently contribute to structural injustice could avoid future contributions by forming a collective and acting together to regulate behaviour or alter practices so as to avoid structural injustice. Any individual acting unilaterally has very few choices and could do very little to overcome structural injustice. However, by forming a collective they can prevent the injustice from occurring or continuing. Aggregates have an obligation to form a collective in order to avoid serious aggregative harms such as structural injustice. This obligation is distributable such that all individuals who contribute to an on-going or potential structural injustice have an obligation to work towards establishing a collective capable of ending that injustice. However, the demand to avoid illegitimately imposing one's will on others requires that individuals must establish a collective that is legitimate and thus has the right to regulate behaviour and impose sanctions. If this action is successfully pursued the members of the aggregate can avoid causing structural injustice and thereby avoid violating a negative duty.

⁸³ The liability of individual members of an organisation, group pursuing a shared goal or aggregate who contribute to an essentially aggregative harm, is a further question.

Whether the proposed obligation is a positive or negative duty is a difficult question to answer. Each member of the aggregate who together cause an on-going structural injustice has an obligation to take positive action to work towards establishing a collective. They must do this so as to fulfil their positive duty to promote justice. However, the fact that they will otherwise contribute to structural injustice provides an additional reason for them to take such action. Members of the aggregate must take positive action to establish a collective that can prevent aggregative harm as part of their duty to avoid harming others. If they fail to take this action they will contribute to aggregative harm and they will be part of an aggregate liable for causing structural injustice.⁸⁴

It seems odd to suggest that individuals must take action to avoid violating negative duties. However we often take positive actions to avoid causing harm. These actions are known as precautions. Responsible individuals take precautions in order to avoid causing harm to others.

Taking Precautions

Obligations to avoid harming others sometimes require that individuals take action prior to, or during engagement in, a risky activity in order to reduce the risk of the activity causing harm to others. For example, those wishing to conduct firework displays are required to take certain precautions in order to avoid causing harm to others. Being responsible requires that agents take these precautions. This example shows that the obligation to avoid harming others sometimes requires ex-ante precautionary action.

Action that aims at alleviating structural injustice through coordinated change can reduce the likelihood and severity of structural injustices. Thus such actions could be seen as reasonable precautions that those who contribute to social structures must take. In times of grievous structural injustice informed and targeted campaigning or organising can make structures more just. In times of more minor

⁸⁴ My analysis of obligations to take precautions to avoid structural injustice has revealed that the distinction between positive and negative duties is somewhat artificial at the collective level. Fulfilling negative duties is a matter of avoiding what we can reasonably be expected to avoid, whereas positive duties are a matter of doing what we can reasonably be expected to do. However, when it comes to the socially caused avoiding essentially aggregative harm requires taking collective action. Fulfilling a negative duty to avoid essentially aggregative harm requires taking action to create a collective. The distinction between avoiding harm and doing good dissolves to a certain extent. This is because taking positive action to form a collective enables an aggregate to avoid causing harm.

structural injustice such efforts can prevent future structural injustices by overcoming them. Both sorts of action can be understood as a precaution against future contribution to structural injustice.

As previously discussed, it is unreasonable to ask individuals not to contribute at all to structural injustice and there are moral reasons for them to continue to contribute to social structures. However, these reasons do not speak against trying to establish collective solutions that prevent the continuance of structural injustice. I am proposing that one has an obligation to do what can be reasonably demanded to prevent one's action contributing to an essentially aggregative harm. In the case of structural injustice this requires taking action together with others to form a collective to prevent structural injustice.

In cases of structural injustice where ending contributions directly is unreasonably demanding, and morally suboptimal, potential contributors to aggregative harm should make efforts to form a collective and prevent the harm that may otherwise result from the aggregation of their actions. By working together agents can agree on a scheme and adopt an enforcement mechanism that provides reasonable assurance that structural injustice will be avoided. Taking action of this kind will reduce to an acceptable level the risk of structural injustice resulting from the aggregation of their actions.

Taking a precaution is never guaranteed to prevent one's actions causing harm. In the case of a fireworks display there remains a risk of injury. The precautions taken aim to reduce the risk of injury to an acceptable level. Similarly, efforts to establish a collective charged with preventing future structural injustice will only reduce the risk of future structural injustice. They do not guarantee that all structural injustice will be overcome.

Acting responsibly to avoid harm encompasses more than simply taking precautions. It also involves maintaining an awareness of the world around us and the likely consequences of our actions. Moving responsibly in the world requires an awareness of background conditions and the likely consequences of particular actions. This knowledge is required to avoid harmful actions, negotiate background conditions, and take necessary precautions. An awareness of aggregative harm should lead us to look out for potential aggregative harms and organise with others so as to be able to avoid them. Individuals who live in a shared social environment and have an indirect impact on the social position

faced by others will inevitably contribute to structural injustices unless they establish agencies charged with avoiding this sort of injustice. Responsible individuals must work towards establishing such agencies. Once they are established they must obey and support these agencies. However their obligations do not end here. They must also look out for potential structural injustices, raise awareness of these problems and hold their agencies to account if they fail to address them. This is an obligatory part of moving responsibly through the world and avoiding harming others. In a shared environment where humans interact individuals must be socially responsible and this requires these actions.

Individuals must monitor social structures and draw attention to structural injustices. They must support governing institutions that are collectives capable of preventing structural injustice. They should draw attention to any failures to address structural injustice and work with others to encourage these institutions to respond. If these institutions are regularly unresponsive they may need to be reformed or replaced. Where this is the case, individuals must form a collective with others to achieve this goal. The populations who are ruled by institutions must form a vague collective known as a public in order to hold these institutions to account. This public can identify injustices and work together to prevent them by pressuring the government to take action.

In cases where there is no governing organisation capable of ending the structural injustice, individuals have an obligation to reform institutions so that these institutions gain this capacity or forge new institutions through collective action. Social movements are a means through which individuals can build or reform governing institutions. Where such movements are absent, agents must work together to establish them.

Problem: Who is Included in the Aggregate?

In this final section of the chapter I will head off some potential criticisms of the obligation to take precautions to lessen the chance of contributing to structural injustice. It has been suggested that members of the aggregate who are contributors to structural injustice must try to organise a collective of aggregate members and take action aimed at preventing the continuance of structural injustice. Such a collective could create or form governing agencies that regulate and coordinate behaviour to end structural injustice. However, it is not clear how

to identify who to include in the aggregate who contribute to structural injustice. This problem will now be explored.

In cases of structural injustice a range of humanly caused factors come together to place a group (or groups) at a significant disadvantage. Any individual contribution to any one of these factors is very unlikely to make the situation any worse. Thus if contributors to a problem are identified by their particular contribution making the problem worse, no such individuals can be identified. This is an unsatisfactory state of affairs because these are problems that are humanly caused. In response to this difficulty it is legitimate to develop an alternative way to identify contributors.⁸⁵

Designating which individuals should be considered members of the aggregate that together cause structural injustice is a difficult task. There is a general problem with identifying agents who can be held responsible for causing aggregative harms. Accounts of responsibility become more complex where no individual's action is necessary or sufficient for causing a problem. Where no individual's marginal contribution makes a problem better or worse the difficulty is further amplified. It is a difficult philosophical puzzle to establish how we identify who is to be included in an aggregate responsible for a particular problem. Derek Parfit has discussed this problem at length (Parfit, 1986, pp. 67-86).

It is not enough to say that a particular aggregate is responsible if the problem would not have occurred had members of the group not taken the actions they did. This is because such an approach allows the adding of individuals at random to the aggregate: it places no limit on who may be included. To see this, consider the following grisly example of aggregative harm. Imagine a case in which an unconscious patient is in a hospital room attached to a life support machine. Many doctors within the hospital are faced with patients desperately in need of a blood transplant. During the night a number of different doctors sneak in to the room and take a pint of blood from the unconscious patient. The next day the patient dies. Now consider who is responsible for the death. No single doctor's

⁸⁵ Altering the means by which we identify the contributors in order to hold agents responsible for aggregative harm may seem an illegitimate move. However, the way we determine causal responsibility is complex and not purely based on the physical facts. Agents are held responsible for outcomes when they act in ways we can reasonably demand that they avoid. If we can reasonably expect individuals to form collectives to avoid suffering, then we can hold them responsible if they fail to do so.

actions were sufficient to kill the patient. All of the doctors act unusually and none of their actions belong to what are described above as normal background conditions. Although we may say that all the doctors' behaviour was impermissible it is not clear that any individual can be held responsible for the death. Instead it may be better to consider a group of people responsible for the death. If we just choose a group whose actions together are sufficient to kill the patient membership of that group is unlimited. Within that group could be included randomly selected individuals like John Travolta or Eric Pickles. Even with these additional members the group still meets the condition that their actions are sufficient to kill the patient. Thus there needs to be some way of limiting who may be included in the group responsible for the death.

The problem of how to identify who should be included in the aggregate who contribute to an essentially aggregative harm will be discussed in detail in Chapter 8. For now, the argument need only rely on the idea that some individual's actions are clearly causally relevant to an outcome whereas another's are not. Where an agent participates in a practice, or contributes to a trend, or supports an institution or collective that in turn contributes to structural injustice, they can be considered a contributor to that structural injustice.

In real life there are epistemic problems with determining whether a given individual contributes to a trend or supports an organisation or institution that contributes to a particular structural injustice. This means that any individual can never be sure that they have not contributed to any given structural injustice. Given this uncertainty, being responsible requires forming or joining a collective and then acting with others to end any structural injustices that threaten to emerge. This is best done by establishing political institutions and working with others to monitor them for responsiveness and justice. In this way individuals take action that is likely to prevent them from being a member of the liable group. It also allows them to ensure they do not free ride on the efforts of others to avoid structural injustice.⁸⁶

The precautions individuals who live in a social environment must take are precautions to avoid being within an aggregate responsible for structural injustice. Once a collective is formed and structural injustice has been avoided no one will

⁸⁶ The problem of free riding on the precautionary efforts of others is discussed in detail in chapter 8.

contribute to structural injustice. In such conditions agents may be obliged, by fairness, to join the collective and take on their fair share of the burden of preventing structural injustice. Members of the collective are obliged to ensure it continues to prevent structural injustice and help support and maintain the collective, ensure it is fair and legitimate, and act as required by the collective. If such a collective has been formed and yet structural injustice remains members of that collective are obliged to work together to prevent this continuing. In these conditions non-members of the collective who contribute to social structures must join the collective and work towards lessening structural injustice as a precaution to avoid contributing to that injustice. That is, unless the collective is acting in a radically unjust way or is illegitimate, in which case they are obliged to work towards establishing an alternative collective. If no justice promoting collective has been formed, agents must make efforts to form such a collective as a precaution to prevent being a member of the group of actors whose actions are sufficient to cause structural injustice.

All individuals have positive duties to organise to establish a just regime that prevents structural injustice as part of their positive duty to promote justice. However, it is significant that contributing to a structural injustice grounds an additional reason to take this action. By fulfilling this positive duty, potential contributors also fulfil their duty to take reasonable precautions to avoid contributing to foreseeable essentially aggregative harm. An individual will almost certainly contribute to structural injustice unless a regime is established to identify structural injustices and coordinate behaviour to avoid them. The epistemic situation means that all those who contribute to a social structure must work towards forming a collective and that collective must try to prevent structural injustice. This is required as a precaution to avoid contributing to structural injustice as well as being required by a positive obligation to promote justice.

Problem: Can there be Unavoidable Precautions?

One objection that could be formulated against the obligation to take precautions to avoid contributing to structural injustice is that it is unfair to demand agents take precautions when they have not chosen to take part in a risky activity. Since agents cannot avoid contributing to structural injustice they cannot avoid the obligation to take precautions. In the fireworks example it is justifiable to demand

those who put on fireworks displays take precautions to avoid harming others. These individuals choose to put on such displays and can avoid the costs of taking precautions by not putting on such displays. However, because individuals cannot avoid contributing to social structures there is no way that they can avoid the obligation to take precautions. It could be argued that it is simply implausible that agents can have unavoidable precautionary obligations of this kind because it is unfair to demand agents take costly precautions in cases where they cannot avoid the risky activities in question.⁸⁷

The demand to take a precaution could be interpreted as a special obligation that applies to an agent in virtue of the risky activities they choose to participate in. Special obligations are demands that can be made of agents on the basis of roles they take on, agreements they make or relationships they form. Agents can avoid these obligations by not entering into these relationships, not taking on these roles, or not making these agreements. In contrast, general obligations are ones that fall on all people by virtue of their being moral persons.

Intuitively, it is unfair arbitrarily to burden some individuals with more obligations than others. Thus assigning special obligations must be done on the basis of some morally significant factor. In most cases this factor is the choices an agent has made. This is the case where an individual has special obligations as a result of contracts, relationships or roles they have taken on. In other cases agents have extra duties because of the activities they choose to engage in. For example, when individuals take part in risky activities they gain special duties to take precautions to avoid harming others. The justification for making the demand that agents take these precautions is as follows: the agent has chosen to undertake some action which is only permissible when they take precautions. Thus they have through their choices become liable for the costs of such precautions. It could be argued that it is only reasonable to demand individuals take precautions where they could avoid these costs by making different choices.⁸⁸ The intuition behind the claim that persons do not have obligations in relation to unavoidable contributions to structural injustice is that it is unfair to make extra demands of particular agents on the basis of states of affairs they could not have avoided. The

⁸⁷ I am grateful to Rob Jubb for pointing out this potential problem in personal correspondence.

⁸⁸ Jubb makes the case against unavoidable liabilities in his article 'Contributions to Collective Harms and Responsibility' (Jubb, 2012).

idea is that an agent should not have greater burdens to carry as a result of bad luck rather than their own choices.

However, in the case of precautionary obligations to minimise the risk of contributing to structural injustice particular agents are not being singled out for additional obligations. Rather, these obligations fall on all individuals. This is because all individuals contribute to social structures simply by living their lives.⁸⁹ Thus, the obligation to take precautions to lessen the risk of contributing to structural injustice is one that falls on all individuals. It is not an obligation that singles out some unfortunate individuals for additional duties that they cannot avoid. Thus it does not unfairly burden some people compared to others in an unreasonable manner.

It could be argued that it is still unreasonable to expect individuals to take precautionary obligations because they cannot avoid these obligations even if these obligations fall on all people. However, not taking precautions in these cases would be unreasonable because it would lead to a situation in which some individuals suffer from structural injustice. Not tackling structural injustice would be unreasonable to those who suffer as a result of it.

However, in reply it could be said that the reasonable demand to make efforts to prevent structural injustice should be made on the basis of ability to help rather than contribution to the problem. In response to such a claim what must be explained is that there are positive obligations that fall on all people to alleviate structural injustice in order to promote justice and avoid suffering. However, it seems disingenuous to identify obligations as purely positive when they are obligations to prevent a problem to which the individual will contribute (if the problem is not averted). This is true even if the individual cannot avoid contributing to social structures and thus cannot avoid the precautionary obligation. To describe these obligations as purely positive would be to treat such problems as unfortunate circumstances that could be addressed rather than humanly caused problems to which individuals themselves contribute. Thus it is more accurate to identify negative duties in addition to positive duties.

The objection to obligations related to unavoidable precautions may work better against the general duty to take precautions to avoid contributing to essentially

⁸⁹ This is established in the section above concerning obligations to avoid contributing to structural injustice.

aggregative harm outlined in this chapter. In many cases of essentially aggregative harm only an identifiable group of people contribute to the harm. In these cases it could be argued that it is unfair to burden this sub-sector with precautionary duties. However, when it comes to essentially aggregative harms it is usually the case that contributors can avoid such precautionary obligations by avoiding contributing to the potential problem. Thus, in these cases the precautions are avoidable and thus the objection does not apply.

There may be some incidences of essentially aggregative harm to which contributors cannot individually avoid contributing, but to which not all individuals contribute. In these cases it may be unreasonable to demand that contributors take precautionary obligations. This is because in such cases some individuals shoulder greater moral burdens for reasons they cannot avoid. Methane is a significant contributor to greenhouse gas. Through no fault of their own a proportion of the human population produces methane in their flatulence.⁹⁰ This methane represents a threat to the well-being of all because it is a green-house gas that contributes to climate change. However, intuitively it would be unfair to demand that those who produce methane in this way must do more to prevent climate change than other people. However, the duty proposed here recommends that in such circumstances methane producers have an additional negative duty to take precautions to avoid causing climate change. This operates in addition to the positive duties all people have to work together to prevent problematic climate change and their negative duties to take precautions to avoid contributing to climate change through burning fuel.

There is something morally problematic about demanding more from those who through no fault of their own produce methane in this way. However, the moral reasons against such demands are not decisive. In many cases it is not unreasonable to demand more from some individuals than others in cases where they cannot effectively avoid these extra burdens. Often complying with negative duties is more burdensome for some rather than others. For example those who have a tendency to be aggressive and are quick to temper may find it burdensome to avoid physically assaulting others. They cannot avoid this additional burden and have not chosen to have it. The additional burdens such individuals face are

⁹⁰ There is some evidence to suggest this is true. I am not committed to this view. I am just using this as an example to consider cases of a sub-group unavoidably causing essentially aggregative harm (Miller, et al., 1982).

unfortunate. They may even be to some extent unfair. However, this is not grounds for rejecting the negative obligation in question. In cases where morality burdens some more than others, through no choice of their own, it may be possible for others to alleviate this burden to some extent. In these cases there is likely to be a positive obligation to do so out of fairness. However, this does not mean that those with heavier burdens do not have the burdensome negative duty in question.

Likewise, in some cases positive duties of rescue can be more burdensome on some rather than others. Some people come across needy people in need of rescue more often than others. This means that fulfilling a general duty of rescue is more burdensome for them than it is for those who never come across others in need of rescue. Often these people cannot avoid being in a position where they can rescue others. The burdensomeness of fulfilling their duty is unfortunate and there may be positive duties on those less burdened to compensate these individuals. However, it does not mean that there cannot be such a positive duty.

The general duty to take precautions to avoid contributing to essentially aggregative harm – like the two duties described above – may demand more of some than others. There may be a duty of fairness on those who are not overly burdened to compensate or assist those who are. However, this does not mean that there is no duty to take precautions to lessen the chance of contributing to essentially aggregative harm.

Problem: Is it Wise to Regulate Social Structures?

The account proposed so far suggests that populations should mould their social structures to ensure that social injustice is avoided. The account has suggested that there is a remedial responsibility on contributors to ensure that their social structure navigates normal background conditions to avoid placing agents in unjustifiable positions of disadvantage. F A Hayek has written a series of books criticising approaches that seek to achieve social justice through institutional intervention. He argues that people should not collectively organise to mould and shape their social environment so as to fit particular ideals. Hayek objects to any approach that he sees as trying to make collective life rational and which rests on a conception of society as a large organisation. He believes any approach of this kind is fundamentally flawed. Hayek's criticism is extensive and contains several

inter-connected strands. I engage below with some of the central arguments of these strands (Hayek, 1982).

Hayek suggests that many of the norms, patterns and trends that determine social life are the result of social evolution rather than conscious planning (Hayek, 1982, vol. 1, p. 8). These practices spring up randomly or because someone changes their actions and others follow suit (Hayek, 1982, vol. 2, p. 26). These outcomes often benefit from widely dispersed knowledge and efforts. They survive because those societies that contain them do better (Hayek, 1982, vol. 2, P. 15). Hayek suggests that these practices can achieve better outcomes than those that are likely to result from intentional organisation (Hayek, 1982, vol. 2, p. 30).

Hayek attacks a sort of rationalist philosophy that seeks a justification for social practices and ways of going on. He argues that we should not dismantle the practices and trends that spontaneously emerge and replace them through planning a rational social life based on a conception of the will of all or the common good (Hayek, 1982, vol. 1, pp1-31). Presumably he would also object to regulating social structures according to a conception of structural justice.

There are several reasons for Hayek's rejection of social planning and regulation. The first is that the practices that emerge spontaneously are usually useful and valuable. Hayek suggests that the fact they have emerged from a process of social evolution suggests that they are useful for human purposes. Hayek also rejects rational planning because he thinks that in order to be good the socially caused does not need to be in accordance with a rational plan. He rejects wholeheartedly what he understands to be a Cartesian project of dismantling all that cannot be justified (Hayek, 1982, vol. 1, pp. 9-11). Instead he believes that the fact that a way of going on has emerged and survived is evidence that it serves human purposes. Furthermore Hayek is sceptical about the ability of people to construct just social orders according to a rational plan. He believes that these plans will always be less clever and efficient than the solutions that emerge through social evolution.

In addition, Hayek holds that these rationally constructed social orders require a general will or conception of a common good. However, there is no such thing according to Hayek. Such projects simply mean that the conflicting interests and aims of individuals are frustrated by a totalitarian system that enforces one particular will or one set of interests. Establishing a common good and moulding

social life to fulfil it undermines freedom. Instead Hayek recommends a society of freedom that is not explicitly organised according to a plan. He suggests that we should recognise the benefits of social evolution and not hubristically try to replace them with a humanly constructed ideal.

The account I have so far outlined suggests that society is remedially responsible for social structures that emerge. It suggests that members of society should regulate their social structures so that they navigate background conditions in order to avoid suffering and unjustifiable disadvantage. A Hayekian critic could argue that a society has no responsibility to mould social structures and ensure they navigate normal background conditions to avoid structural injustice. This is to make the mistake of believing that social structures are something that society must shape. It is to treat society as a cohesive organisation rather than as a conglomeration of free individuals. It is to believe that humans together can have a single will that should shape social structures.

Furthermore a critic could argue that the social structures that emerge without collective intervention are likely to be the best for a free society and that attempts to shape social structures will be inefficient and restrict freedom. This criticism is interesting and revealing. It suggests that the approach I have adopted may be deeply flawed. In this section I will explore whether it proves fatal for a social structural account.

The social evolution of order that Hayek postulates is based on the idea that the best ways of going on are the ones that outcompete others and survive. However, the fact that the social practices in question survive does not mean that they are good. Often the practices that emerge favour the dominant and powerful. Worse still, often they condemn many to significant suffering. Our critical function allows us to analyse these practices for deficiencies. It allows us to identify when the practices and trends that survive are problematic. We can then seek to reform the practices that emerge so as to avoid significant injustice.

Hayek acknowledges the importance of criticism. However, he insists we can only criticise rules for conflicting with other established rules. He insists that criticism must be a matter of internal critique from within a cultural tradition (Hayek, 1982, vol. 2, p. 25). However, he thinks that on the whole traditions emerge that are conducive to avoiding social disturbance and resolving clashes of interests. I do not share this optimism about the rules and norms that emerge from a social

order. These norms survive but it does not mean that they are the best way to coordinate action, nor the way that is fair between competing interests. Hayek himself admits that rare but serious social disturbances cannot be prevented by the rules of spontaneous order. The norms that emerge from the spontaneous order should be subject to critique and norms which are found to contradict more fundamental norms should give way. Critique can function to improve laws and norms according to general and universal criteria that agents can agree are fairer than existing practices (Hayek, 1982, vol. 2 pp. 25-30).

Furthermore, our critical faculties and ability to organise can allow us to move ahead of evolution and avoid the sometimes painful mechanisms of evolutionary change. We can plan and organise effectively to make our society more free by altering rules through coordination or coercion. Problems with current rules and norms can be identified and agreed upon. These rules can be altered.

Furthermore, social evolution alone cannot be relied upon to avoid serious social problems. There is no reason why collective action which does not violate norms of permissibility and legitimacy cannot be used to improve problematic social structures.

Hayek is right to suggest that we should not design social structures in accordance with a conception of a shared will or substantive common plan for the good. Such an approach is problematic because it treats all members of society as one organism. It is problematic to design society so as to serve a controversial conception of the good. Instead, liberal political theorists suggest that a just society fairly arbitrates between competing interests. Rawls recommends that a just basic structure facilitates conditions in which individuals and groups can pursue their own conception of the good life (Rawls, 1971, pp.185-95). Reforming social structures to bring them in line with demands of social justice does not require enforcing a comprehensive conception of the good life. Instead, social structures can be shaped to allow individuals to pursue their own aims, interests and values.

Hayek identifies the threat of using government to create specific states of affairs thought to be required by justice. He explains that such a project involves extensive use of force and coercion to create particular states of affairs. Such action violates the demands of justice which restrict what may be coercively imposed. As discussed in chapter 2, coercively imposed institutions are limited in

what they may do by demands of justice. Furthermore, such institutions must meet standards of legitimacy (this fact was discussed in chapter 1 and chapter 5).

In concentrating on the threat posed by coercive institutions Hayek prioritises avoiding coercive injustice and rejects social structural injustice. As previously noted, such a move unjustifiably prioritises avoiding direct coercion over avoiding other forms of constraint.⁹¹ The values that lead us to criticise the use of coercion should also lead us to criticise forms of constraint that result from an aggregation of a number of human factors. Not to acknowledge the injustice of other forms of humanly caused constraint is to fetishize state coercion (Valentini, 2011, pp. 125-126).

However, Hayek's analysis draws attention to a significant concern. It warns of the fact that regulating social structures so as to ensure they are just can involve morally problematic forms of coercion. There may be good reason to avoid a system of government that seeks to mould social structures to fit a particular pattern or design. The coercive organisations required to achieve this could commit coercive injustice.

However, there is no need for the social community to come together to determine a shared comprehensive plan that effectively brings about ideal social structures. This account does not demand such an approach. Instead what is being suggested is that we identify where social structures are inconsiderate or harmful. The aim is not to demand that agents enforce an ideal social structure, but rather to remove blatant injustices.

A theorist can be acutely aware of how regulation and institutions can undermine freedom, and also be aware that existing structures also undermine freedom. This fact means that institutions are needed to regulate social structures. However, it also means that regulatory institutions must be monitored, limited, and restricted so they do not transgress the demands of justice themselves. Recognising multiple sites of injustice can allow us to formulate a balanced account in which we do not fetishize coercively imposed injustice. Instead we recognise that social structures

⁹¹ This is discussed in chapter 3. Laura Valentini's account of the site of justice suggests that it is unreasonable to only be concerned with direct coercion and not be concerned about systemic coercion (Valentini, 2011, pp. 125-126). Those who wish to restrict the subject of justice to direct coercion must establish why questions of justice do not arise from other sorts of coercion.

can also be unjust and thereby seek to prevent such injustice without proposing solutions that become a problem of injustice themselves.

A critical approach to social structures does not seek to impose structures that can be determined through pure reason or a common will. Nor does it seek the replacement of all that cannot be supported through rational argument. An approach which is critical rather than foundational seeks to reform those structures that can be shown to be problematic. This approach seeks to prove the injustice of certain aspects of social structures and then reform those parts. It identifies serious and significant problems where human interests are seriously undermined by current structures.

Contributors to social structures do not need to be responsible for social structures in the same way that agents are responsible for their actions. The group together are not a conscious actor. However, just as we must be concerned with how our life plans affect others and be considerate we need to be aware of how social structures affect others and ensure they are not seriously inconsiderate. Demands of justice do not call for actions or structures to be justified as rational. Instead they call for their effects on persons to be justifiable as sufficiently considerate.

Conclusion

In this chapter several different obligations agents have in relation to structural injustice have been identified. Positive obligations to assist those suffering from structural injustice were identified first. Next it was suggested that by forming a collective, or joining existing collectives, agents can do more to assist those suffering from structural injustice. It was suggested that individuals have obligations to join or form such collectives. Next it was suggested that by forming a collective people can go beyond assisting the victims of structural injustice: they can actually prevent structural injustice from occurring. A sufficiently large organisation could systematically alter social structures through regulating or coordinating behaviour. In this way structural injustice can be ended. It was suggested that taking such action is demanded by moral obligations to relieve suffering and promote justice. It was also noted that any organisation with the power to shape social structures must meet the requirements of legitimacy because it will exercise significant power and will probably have to utilise an enforcement mechanism involving coercion.

Next the account proceeded to consider negative obligations. First individual obligations to avoid contributions to structural injustice were considered and rejected. Instead it was suggested that individuals have precautionary duties that require that they work to establish a collective that can prevent structural injustice. This precaution should be taken so as to avoid contributing to structural injustice by being part of an aggregate that causes harm when it is not unreasonable to demand the formation of a collective so as to mitigate the risk of that harm. It was concluded that this precautionary duty demands that agents organise and then establish and maintain agencies that can address structural injustice. Furthermore, it was suggested that individuals must ensure these agencies address structural injustices through the formation of a collective 'public' that holds these agents to account. Thus this account has identified positive and negative duties to form a collective and to take action to establish and maintain agencies that can permissibly prevent structural injustice, in addition to positive obligations to assist, through organisations, those who suffer as a result of structural injustice.

It is important to note that the reasoning in my account of structural injustice and obligations is circular, but virtuously rather than viciously so. In chapter 3 I defined the socially caused as that which society causes in predictable background conditions. This was justified by the fact that it is reasonable to expect society to navigate these conditions in order to avoid placing individuals in positions where they are vulnerable to serious deprivation and domination relative to others. In this chapter I have argued that serious vulnerability to deprivation and domination relative to others attracts negative duties because it is socially caused. I have explained that negative duties require agents to work together to form a collective so as to avoid causing significant vulnerability to deprivation and domination relative to others. However, the fact that society has an obligation to work together to avoid causing serious vulnerability to deprivation and domination relative to others is what was used to identifying this vulnerability as socially caused. Thus the judgement that vulnerability to deprivation and domination is socially caused and the judgement that society must avoid causing vulnerable to deprivation and domination are interdependent and mutually supporting. My account of poverty as socially caused relies on a belief that society should avoid poverty in normal background conditions and my account of obligations in relation to poverty relies on a belief that poverty is socially caused.

This circularity also exists in accounts of individual causal responsibility and negative duties. As Ripstein notes in his discussion of the reciprocity conception of responsibility it is feature of this conception that individuals are only held morally responsible for the injuries they had a duty to avoid imposing (Ripstein, 2004, p.374). Judgements on what an agent should be held responsible for depend on judgements about what can be reasonably demanded of them, whilst judgements about what can be reasonably demanded of an individual depend on what they are responsible for causing.

Chapter 6: Poverty, Structural Injustice and Collective Action

Strategies

The last chapter provided a general account of the obligations that agents have in relation to structural injustice. It proposed that those who contribute to social structures ought to work together to regulate action to permanently alter those structures so as to prevent the continuance of structural injustice. It was suggested that obligations to promote justice require that agents take part in such collective efforts to alter social structures. It was then argued that it is not unreasonable to demand that those who contribute to a structure make such efforts in order to avoid future contributions to essentially aggregative harm. It was explained that although these efforts cannot guarantee that agents do not contribute to any particular structural injustice, they do lower the chance of contributing to serious structural injustice. Thus they should be considered necessary precautions required to limit contribution to serious structural injustice.

This chapter considers the particular structural injustice of widespread and extreme poverty. It explores what the above account means for those who contribute to global social structures that condemn much of the global population to serious deprivation. The aims of this chapter are to make the case for obligations to take *political action* to alleviate future deprivation and to discuss what form such political action could take.

I begin by outlining the obligations that global poverty attracts because it is a form of structural injustice. I then proceed to suggest possible forms the action required could take. The limit legitimacy places on such political action will also be considered. Then, what this obligation requires of individuals in different situations is examined. The extent of the precautionary obligations different agents have in relation to global poverty is discussed. Finally, I consider whether the objection can be rejected on the grounds that it is overly demanding.

Precautionary Duties and Poverty

In this first section I will bring the analysis of previous chapters together to formulate an account of the precautionary obligations agents have to lower the risk of contributing to future poverty (understood as structural injustice). This thesis proposes that there is an obligation to make efforts to form a collective and

take political action. Such political action must be aimed at establishing global institutions capable of coordinating action so as to allow state governments to tackle structural injustice in general and extreme poverty in particular. Extreme poverty is understood as a feature of social structures that systematically and avoidably places a sector of the global population in an inferior social position of a particular kind. A social position can be understood as one of extreme poverty in any of the following circumstances. The social position is one that significantly and unacceptably undermines the person's health and well-being because they live in un-healthy conditions. The social position is one in which the agent is acutely vulnerable to being deprived of the means to fulfil their basic needs. The social position is one in which an agent is acutely vulnerable to domination and exploitation by others because it is one in which they are likely to agree to work in conditions that significantly and unacceptably undermine their health, well-being, autonomy and self-respect because accepting such an offer will improve their position all things considered. I will now break down this proposal and justify each part of it referring back to the analysis outlined in previous chapters. Along the way I consider in detail the case of garment manufacturing workers in Bangladesh in order to demonstrate the practical implications of my normative proposals.

Poverty as Social Structural Injustice

As discussed in chapters 1 and 4, the current global social structure places many of the world's population in social positions where they are vulnerable to acute deprivation, domination and exploitation. These agents lack entitlement to the basic resources required to maintain a healthy existence and many die prematurely. Their poverty is avoidable and foreseeable and a range of global and local formal and informal institutions contribute to their social position. They lack resources with which to pursue their own plans and the way they live is determined by necessity; many have to spend all their time merely securing the necessities to maintain their existence. Often they spend almost all their waking hours in work where their every action is determined by their superiors. Thus, their autonomy is undermined and they are dominated as well as deprived.

Their position is the result of a combination of both humanly caused and natural factors. However, as discussed in chapter 3, we can identify their situation as socially caused because the natural factors that contribute to their vulnerability are predictable and standard rather than anomalous. The claim that this vulnerability is socially caused relies on the assumption that we can expect social

structures to be organised so as to avoid condemning people to poverty given normal circumstances. This is because we can reasonably expect people to take responsibility for what they collectively cause such that in normal circumstances they can ensure that the social structures their actions together produce do not result in suffering.⁹²

The individuals who face deprivation make choices that in some cases contribute to their difficult circumstances. However, the vast numbers that face such deprivation suggest that individuals who end up poor do not make unusually bad choices. As Pogge suggests 'it is bad luck to be born in to a family that is too poor to feed one... the fact that a quarter of all children are born in to such families is not bad luck but bad organization.' (Pogge, 1998, p. 531 n. 12) The fact that a life of acute deprivation is the lot of so many families suggests that their poverty is not always the result of very bad decisions but bad social circumstances. Thus we can safely conclude from the fact that a billion of the world's population are undernourished and that 50,000 people face premature death as a result of poverty every day that the social position these agents find themselves in is unjust (Pogge, 2008, p. 3) (Pogge, 2010, p. 4). This shows that the levels of deprivation and exploitation in the world currently indicate structural injustice.

An examination of the conditions the global poor face confirms this fact, as does an examination of the groups who end up in this situation. Examining the situation of some in poverty reveals that they were placed in a starting social position in which the risk of deprivation was high. This suggests that deprivation is extremely difficult to avoid. Just as we can demand that social structures should be organised so as to avoid extreme deprivation in normal natural conditions we can demand that social structures be so organised so as to avoid deprivation given a reasonable and normal level of competence and decency on the part of actors.

To support this analysis a particular example of poverty and structural injustice will be considered: the case of garment workers in Bangladesh. These workers are badly paid and work long hours. Their pay can be as low as 37\$ a month compared to minimum wages in China of up to 200\$ a month (Banjo & Al-Mahmood, 2013). They work in conditions that are radically unsafe. The buildings

⁹² Although this account derives responsibility from causality and causality from what can be expected, the circularity is not vicious. The same relation coexists between individual responsibility and what can reasonably be demanded (Ripstein, 2004). This point is discussed in chapter 5.

in which they work are dangerous and as a result these workers are vulnerable to premature death. 414 workers were killed in fires between 2006 and 2009. The high number of deaths is the result of “substandard buildings, poor emergency procedures, inadequate and blocked fire exits and overcrowded workspaces.” (The Clean Clothes Campaign, 2012). In spring 2013, 1,127 workers were killed in a single building collapse (Hossain & Alam, 2013).

The situation faced by garment workers in Bangladesh is the result of a range of local and distant humanly caused factors. The clothes they manufacture are sold in the European Union and the United States. The Bangladeshi government is keen to attract orders from transnational clothing brands and therefore tries to keep costs down. Local factory owners are in competition and bid for orders on price. They seek to be able to deliver orders fast and at low cost (The New York Times, Editorial Board, 2013). Garment factory workers are often rural migrants. They leave their local village to seek work in factories. This is in part because there are very few opportunities in the country and because of the low value of crops. They leave the villages because of unemployment and poverty. Those involved in agriculture in the ‘manga’ regions face problems with meeting the input costs of agriculture and the lack of employment outside of harvest and cultivation times. Others face problems with flooding and river bank erosion which destroys their means of subsistence in the country. Other factors include getting into debt (Farhana, et al., 2012).

Once they have left their villages and gained employment, the high competition for jobs in garment factories keeps wages low and government rules that require factory owners’ permission to form trade unions prevent workers from forming unions and bargaining for higher pay. These laws help to create a cheap environment in which to produce clothing and thus attract international brands to Bangladesh. Factory owners have the power to demand much of workers because they can threaten them with dismissal if they do not comply.

Agents from around the world contribute to the social structure that places a billion of the global population in a position of vulnerability to deprivation. All those who live on the planet contribute to the social structures under which others live: this is because they necessarily contribute to the physical environment that others face through interacting with that environment. Most also contribute to social practices, institutions and trends that make up a

significant part of social structures. However, identifying which individuals contribute to global patterns of deprivation is difficult. Who it is that contributes to the factors that together place many agents in positions of vulnerability to extreme deprivation can be difficult to determine. However, for any particular individual who participates in the global economy it is very likely that they make contributions to at least one of the institutions, trends and practices that place others in positions of vulnerability to extreme deprivation and domination.

Obligations in Relation to Structural Poverty

In Chapter 5, it was suggested that in most circumstances it is impossible to avoid contributing to social structural injustice by refraining from contributing activities. This is because persons cannot avoid contributing to social structures entirely and it is exceptionally difficult to ensure that one's contributions do not contribute to structural injustice. This is often the case with structures that create poverty. Chapter 5 also suggested that there is moral reason not to withdraw from social practices, institutions and interactions that may contribute to social structural injustice. Often these collaborations have many positive benefits that it would be wrong to stop providing. Furthermore, often these activities are vital for a decent life and it would be unreasonable to demand that agents withdraw, especially when their contributions to structural injustice are likely to be marginal.

In the case of factory workers in the apparel industry in Bangladesh, one could attempt to limit contributions to the structures that place these workers in a situation where they are vulnerable to premature death by not purchasing clothing made in the country. However, such action is likely to make the position of these sweatshop workers even worse. Given the difficult situation people in poor countries face, refusing to trade with them would significantly disadvantage them. Thus, there is a moral reason not to withdraw from trade.

However, it is not unreasonable to demand that agents take precautionary efforts to reduce the likelihood of contributing to serious structural injustice. Chapter 5 concluded that agents have an obligation to work towards removing any serious structural injustices in the social structures to which they contribute. It also suggested that agents who contribute to a social structure have a responsibility to work with others to make that structure just. These duties are best discharged by working with others to establish institutions capable of shaping social structures so as to avoid serious injustices and bring about social justice. Thus those who

contribute to social structures have positive and negative obligations that require they promote structural justice and work to lessen structural injustice.

I argued that these duties are best served by engaging in collective action aimed at permanently altering social structures. Individual unilateral efforts can make very small differences to social structures. However, they cannot systematically alter social structures unless many individuals take unilateral actions that come together to alter social structures in a positive way. Thus agents must work with others to alter social structures by coordinating behaviour through organisation or regulatory institutions.

Collective Action to Alter Social Structures

Having established that poverty is a form of structural injustice and that there are precautionary duties to make efforts to form a collective and lessen structural injustice I will now proceed to consider what form this collective action could take.

Social structures are the result of human practices, institutions and trends. Human actions, in the absence of coordination reproduce these structures. By altering human action en masse these structures can be altered. Thus, by forming a collective, agents can coordinate their action and work to permanently alter social structures. If individuals get together to form collectives they can decide on collective action strategies and bring them about. In this way collectives gain the power to alter social structures. To do this they require a decision making mechanism, the results of which are recognised and followed by the group.

There are three different strategies that collectives can adopt in order to alter social structures. They can seek to directly alter social structures by coordinating their action in new ways. Alternatively they can work to establish coercively imposed institutions that can coordinate everyone's actions so as to avoid structural injustice. A third possible strategy is to influence existing power holders to coordinate action in ways that can prevent structural injustice. I will consider each of these strategies in turn in relation to structural poverty.

Directly Altering Social Structures

Collective action that aims to eliminate structural injustice can directly alter social structures through coordinated behaviour. This involves a large group taking action together. Membership of the group is voluntary and the success of the

project depends on sufficient numbers joining the group and acting in line with the results of the decision making mechanism. Direct action of this kind involves joining together with others to form institutions and then taking coordinated action to alter social structures systematically. This would work by permanently altering structures so they do not place agents in positions where they are seriously vulnerable to deprivation and domination relative to others.

This anarchistic response to the problem involves citizens of the globe coordinating action on a voluntary basis to alter social structures. Such action is encouraged by members of the global justice movement who support civil society solutions and believe they can 'change the world without taking power' as John Holloway suggests (Holloway, 2010). The World Social Forum is an example of such an effort.⁹³

Putting Pressure on Power Holders

A second strategy an organised collective can take is to act together to pressurise current power holders into altering their behaviours. If power holders do not respond to pressure the collective can threaten en masse to refuse to follow their dictates. If this threat is realised by a large enough collective they can disempower current power holders. This option does not require the group to be as large, as the group required for a successful anarchistic strategy, in order to have a significant effect on social structures. This is because the group works together to influence a larger and more established group with much greater powers.

In this strategy, is the dictates of the established existing institutions, parties, governments or organisations that have a significant effect on social structures. Recognising the existing organisations power, collectives of committed activists work together to influence the decisions made by these more powerful and better established institutions. They work together to influence current decision makers who are recognised and followed by many. These are the decision makers within powerful organisations like corporations, the police or the civil service.

Those who have the power to direct institutions, organisations and practices have the power to influence social structures in a dramatic way. This is because they can alter the behaviour of many actors at once by setting rules or reforming

⁹³ See <http://www.fsm2013.org/en>. The aims and ability of the forum to address social injustice is a matter of much debate. Criticism of the undemocratic nature of the forum and its collaboration with big business has been widespread (Holmes, 2013).

practices. Individuals that have such power can fulfil obligations to make efforts to work with others to prevent structural injustice simply by directing the behaviour of others by altering the policy of the organisations they direct or reforming the practices they co-ordinate. However, the majority of individuals are not in such positions of power and therefore cannot fulfil their precautionary obligation in this way. Instead they must work with others to form a collective and try to pressurise power holders to alter social structures.

If such campaigns are to be successful organisers must be well informed and research the likely effects of proposed reforms. They must also act strategically to maximise the chance of success. Much of campaigning will be a matter of raising awareness and encouraging others to support the campaign. Once these activities have taken place the level of support must be demonstrated through actions or petitions. If governing institutions fail to respond to these demonstrations direct action may be required to pressure them to act. Such action could include boycotts, strikes, sit-ins or collective civil disobedience.

Such action will not by itself solve structural injustices, nor will it prevent agents from contributing to these injustices. However, it will alter the political climate in which governing organisations act. Thus, it will make some policies possible and undermine the feasibility of others. The political climate effects the decisions taken by governing institutions (and to some extent the leadership of private organisations). Campaigners can thus make certain policies more or less likely by attaching costs and benefits to different courses of action. This means that protest and civil disobedience can function to lower injustice over time. Smart forms of collective action by informed publics can dramatically lessen structural injustices.

Often protests fail to prevent specific government acts or policies; however they do chastise governments and alter their future plans so as not to attract further demonstrations. To give one example it is often argued that the anti-Vietnam war movement in the USA altered the political climate in such a way as to make the use of nuclear force in the conflict politically impossible (Hari, 2010). Why such protest action can be effective will now be considered.

When agents are described as being 'in power' it is usually because other individuals obey their dictates. Power is generally understood as the ability to bring about certain states of affairs. Thus, to some degree agents have power in

virtue of being able to direct the action of others. However Hannah Arendt's theory of power is interesting because it turns this commonsense analysis on its head. Arendt suggests that groups of people can grant or deny others power by obeying or disobeying their dictates. Arendt suggests that instead of describing individuals as being 'in power' we can describe them as having been 'empowered' by the group of individuals who choose to follow their directions (Arendt, 1970, p. 143).

To see this, consider any powerful committee or individual. It seems that we describe them as powerful because they have the ability to make what they decide or desire come to pass. This is usually because people do as they dictate or pre-empt such dictates by taking action that serves their goals, desires or interests. In the typical case, their dictates are explicitly obeyed. If their dictates were not adopted and obeyed they would have no power. Describing these individuals as 'powerful' suggests that others are in some sense compelled to obey their dictates. In contrast, describing these individuals as empowered suggests that others grant them power by obeying their dictates.

In most cases of power both of these descriptions have elements of truth. It is typically the case that a powerful individual has the ability to make other individuals do as they desire. In usual cases, these others have a strong prudential reason to obey because this individual can ensure they suffer if they do not obey and benefit if they do. Thus the individual in question has power over them. However, it is also the case that this powerful individual can only ensure this because a substantial group of people obey their dictates. If this group were collectively to withdraw their obedience, then the individual in question would lose their power and could do nothing to punish the group because they lack the auxiliaries to carry out the punishment. Thus the powerful depend on the obedience of a large group of others for their power and are unable to maintain their power in the face of a large enough organised group of disobedient individuals.

Often a given entity's power to alter social structures is amplified by the fact that those who follow through their dictates work together to impose them on others. In some cases, the auxiliaries who impose the dictates on others use violence or threats to coerce those who do not follow their commands. The police force could be understood as the auxiliaries of government power. However, the strategy of

utilising auxiliaries cannot work when the auxiliaries come up against a larger group well of organised individuals. Thus, a government's power is dependent on the fact that the majority of people do not oppose their rule.⁹⁴ This analysis suggests that if an organised collective opposed to the governments rule becomes large enough it can effectively disempower the government by refusing to obey its dictates.

Campaigns to pressurise governments to take action to tackle global poverty could take many different forms. These campaigns could use political parties, charities, churches, unions or other civil society groups. These campaigns could try to get governments to alter policies that perpetuate global poverty. An example of such a campaign is the Jubilee Debt Campaign's efforts to get the UK government to stop lending money to regimes that do not meet legitimacy criteria and drop debt obligations falling on countries as a result of the deals made by previous regimes that do not meet these standards. The current campaign focusses on the debt that was taken out by Hosni Mubarak and that Egypt is now being called on to pay ('Jubilee Debt Campaign', n.d.).

Alternatively campaigners could try to get existing governments to work together to establish systems of global coordination that can allow structural injustice to be tackled. One example of such a campaign is organised by the UK international development charity *Action Aid*. The campaign is putting pressure on David Cameron the Prime Minister of Britain. It is asking Cameron to make efforts to establish a collective solution to Tax Havens at the G8 summit (which the UK hosted in 2013). Currently tax havens allow transnational corporations and wealthy individuals to avoid paying taxes. The tax income they avoid in this way could be used to improve schools, hospitals, welfare and the enforcement of the rights of the poor. The charity is getting supporters to email David Cameron to demand he takes action ('Action Aid', n.d.).

Another option open to those agents who seek to prevent an aggregate of which they are a member from causing structural injustice involves utilising international organisations and power blocks like the EU or OECD. Groups from member states

⁹⁴ In some cases this obedience may be the result of fear or greed. However, the reason why the government can offer rewards and punishments to those who obey or disobey is the result of the obedience of the majority or a significantly large group. The root of power is the general obedience of a group (Arendt, 1970, pp. 139-170). This obedience could be the result of convention, habit, a trust in stability, self-interest or support for the system.

could campaign to get these groups to alter their policies in the same way that they pressurise national governing institutions. The pan-European campaign to alter subsidies for E.U. farmers is an example of such an effort. Campaigners are convinced that these subsidies unfairly disadvantage farmers in the majority world. Their campaign wishes to change EU policy and thereby permanently and systematically alter the conditions faced by farmers and potential farmers outside the E.U. World Development Movement is currently lobbying the EU to get tougher regulation on food speculation by financial institutions in Europe. Their research suggests that this speculation cause spikes and troughs in prices that can impoverish farmers and those on low incomes ('World Development Movement', n.d.).

Collective action to alter social structures can also pressurise unofficial power holders (like transnational corporations) to work together to alter social structures. Many modern campaigns aim to use consumer and/or worker power to alter the policies of transnationals. Sometimes these campaigns target particular brands. At other times they call on industry leaders to organise pacts to improve working conditions.

In Chapter 4 it was argued that currently many governments lack the power to address social structural injustice within their jurisdiction. Facts concerning global competition and under-development were used to argue that state governments are constrained by global factors in ways that prevent them from dealing with social structural injustice. Thus it was argued that if poverty is to be tackled global coordination must be established. This suggests that collectives must concentrate on either pressurising existing global governing institutions or establishing new global governing institutions.

Reforming existing global institutions would require a global campaign linking agents in different locations. This could involve global social movements, NGOs and other players in global civil society. A collective made up of many different actors can work together to put pressure on global governing institutions to address the problems that prevent states from dealing with structural injustice. However, currently many powerful global institutions lack transparency and are not accountable to the people. A campaign to change this could be the first step towards tackling structural injustice. Democratising these institutions and making their decisions open to criticism is important because it can create conditions in

which a collective can scrutinise their decisions and take political action to pressure the institutions to address structural injustice or to enable national governments to deal with that injustice.

An example of collective action aimed at pressuring global decision making organisations is the effort to pressure the G8 to take action to promote global social justice. For the 2013 G8 summit of the 8 largest economies, NGOs charities and civil society groups have put together an agenda to tackle global hunger. 150 organisations have come together to lobby the G8 about aid, tax, land and transparency. The campaign aims to get people to sign up to indicate their support and to take part in actions and lobbying before and during the G8 ('Enough Food For Everyone If', n.d.). Ahead of the G8, the 'World Development Movement' is collecting money to assess the effects of G8 countries' current policies and to design policy suggestions that could prevent structural injustices. Campaigning and action must be informed by sound knowledge of the current situation and well thought out policy proposals that can effectively combat systematic poverty ('World Development Movement', n.d.).

Forming New Institutions

A third way in which collectives can tackle structural injustice is by trying to establish new governing institutions. In the case of poverty, establishing new global governing institutions is a means through which this structural injustice can be addressed or the circumstances that prevent state governments from tackling it can be addressed.

If established, global formal institutions can enforce policy that guarantees state governments the ability to make meaningful decisions about local social structures. This is to follow Ronzoni (discussed at length in chapter 4 (Ronzoni, 2012)). Alternatively, global institutions could provide a means through which a state government's action can be made responsive to the claims of outsiders affected by their policy decisions. This proposal is outlined by Young and again discussed in chapter 4 (Young, 2007, pp. 13-77).

Alternatively, global institutions could seek to alter the social structure directly. They could provide a global safety net that provides necessities to those in need. Another possible policy could establish a global fund for health priorities. This could cover treatment costs or provide funds for researchers to work on solving public health problems. These institutions could also make global interventions to

establish certain key industries or achieve development. They could potentially coordinate production to make it more efficient and to ensure it serves the needs and desires of the global population.

Furthermore, a global institution could establish and maintain global minimum standards in terms of minimum wages and health and safety at work. This would prevent different states competing for investment by lowering these standards. Thereby, it can enable states not to have to choose between securing decent standards and securing investment. A global institution could also agree and enforce minimum levels of tax. This would allow states to tax corporations and wealthy individuals without fear that the targets of taxation will relocate to other states. A global institution could also regulate Trans-National Corporations to ensure that they serve the people who consume their products and those who work for them. It could also establish global competition law.

Any such institution – or institutions – would have to be designed in a way that minimises the chances of tyranny and that ensured responsiveness to the demands of the global population. They would have to be designed so as to avoid being an instrument through which powerful states impose their interests and values on others, as is noted in chapter 4.

An organised collective could work together to establish new institutions that can effectively impose regulation on all people within a given sphere. These institutions could then regulate behaviour to avoid structural injustice. This strategy will only be successful if sufficient numbers of people work to establish them, a sufficient number of people commit to imposing their decisions, and a majority of the people who they aim to constrain obey their dictates. Without the obedience of the majority it is likely these institutions will lose their ability to enforce their decisions.

Global institutions of the kind being discussed could be realised in a number of different ways. Existing governments could make efforts to establish them and to cooperate on fair terms rather than compete for advantage in the global sphere. Populations could pressurise their governments to make such efforts through campaigning and voting for those parties that respond to these campaigns. Individuals could discharge their obligation to take precautions to avoid contributions to structural injustice by campaigning for their governments to

cooperate internationally and by voting for those parties that respond to their demands.

Another strategy would be for a global collective to elect representatives to informal global institutions. These institutions could make decisions democratically about global concerns. Those who support these institutions could obey these informal institutions. This would have a significant effect on social structures if the number of those taking part was sufficiently high. Furthermore these institutions would represent a threat to the power of existing institutions. This would put pressure existing global governing institutions to enforce the recommendations of the informal institutions.

Collective Action to Alleviate the Structural Injustice Experienced by Apparel Workers

The plight of those who work in apparel factories in Bangladesh was described above. I will now consider how collective action could alleviate the structural injustice they experience. This injustice is a form of poverty. Those who work in these factories stand in a social position where they are vulnerable to taking on work in conditions that undermine their basic interests. This is shown by the fact that they accept employment in conditions that are dangerous and unhealthy and for wages that are insufficient to secure goods required to fulfil their basic needs.

The structural injustice that results in many individuals working in appalling conditions could be overcome by governments coordinating to establish global minimum standards in working conditions. Individuals could put pressure on governments to create such an agreement. Alternatively, it could be tackled by consumers of apparel working together to boycott those brands that are supplied by factories that do not meet minimum conditions. A third strategy could involve the workers forming a global collective and refusing to work in conditions that do not meet minimum standards.

In the wake of the 2013 factory collapse in which many workers lost their lives there have been renewed efforts to tackle the poor conditions in apparel factories in Bangladesh (Banjo & Al-Mahmood, 2013) (Jakarta Globe, 2013). The International Labour Organisation, trade unions UNI Global Union and IndustriALL, local trade unions, the Bangladeshi government, German officials, NGOs, local factory owners associations and global clothing brands and retailers have entered

in to discussions to establish an effective system of regulation that can enforce health and safety standards. The discussions have led to the 'Accord on Building and Fire Safety.' The agreement commits signatories to finance and implement a plan to enforce health and safety regulations through inspections and orders to make changes. It includes clauses that demand workers at factories that are abandoned by brands because they do not meet standards are relocated to safe factories. It also involves a commitment to pay workers whilst renovations are taking place. In addition, it offers workers the right to refuse to work in conditions they reasonably believe to be unsafe without losing pay. As of the 22nd May 2013, the following companies had signed the accord: H&M, Inditex, C&A, PVH, Tchibo, Tesco, Marks & Spencer, Primark, El Corte Inglés, jbc, Mango, Carrefour, KiK, Helly Hansen, G-Star, Aldi North, Aldi South, New Look, Mothercare, Loblaw, Sainsbury's, Benetton, N Brown Group, Stockmann, WE Europe, Esprit, Rewe, Next, Lidl, Hess Natur, Switcher, Abercrombie & Fitch, John Lewis, Charles Vögele, V&D, Otto Group, s.Oliver, Bonmarche, HEMA, Comtex, Fat Face, Newtop. The Accord, and the process leading up to it, offer an example of how different contributing agents can come together to produce a collective solution to structural injustice. It is also an example of how individual contributors can coordinate their action to work towards a solution. Over a million people signed an online petition calling on CEOs to sign up to the agreement (Avaaz.org, 2013) and 12,000-20,000 Bangladeshi workers and supporters protested for better conditions (Blake & Farid, 2013) (ChannelNewsAsia AFP, 2013). This collective action put pressure on CEOs, factory owners and government officials in turn to take collective action.

This example is one in which various agents who contribute to a structural injustice have formed a collective and taken action to alter social structures. By working together workers, consumers, governments and corporations have been able to alleviate a significant structural injustice. They have managed to achieve something which none of these agents could have achieved by working unilaterally. If carried out the proposal will result in the right to a safe work environment being effectively enforced within the garment industry in Bangladesh. This will mean that the Bangladeshi working class will no longer be placed in a position where they are vulnerable to enter into employment in conditions that are severely detrimental to their health and in which their lives are at risk. As a result these people's right to safe and healthy work environment will

have been secured.⁹⁵ Thus the collective action (if followed through) will effectively tackle a form of structural injustice and a form of deprivation characteristic of poverty. This is an example of the sort of action that my account is proposing as a moral obligation that falls on all people.

Limits of Legitimacy

Those taking political action to try to lessen structural injustice must be careful not to act unjustly or illegitimately themselves. Political action involves using collective power. Uses of power must be legitimate and just. Thus power relations in political campaigns are important. A political movement cannot be legitimate if it allows some individuals' interests and opinions to drown out those of others who have a stake in the issue on which they are campaigning. For example in an anti-sweatshop campaign it is vital that rich and powerful consumers in affluent states do not ignore the judgements and interests of those who currently work in sweatshops and those who currently lack employment opportunities. Thus organisations formed to address structural injustice must be organised in a way that fulfil demands of legitimacy. The aims of the movement must be determined in a process in which the interests of all relevant parties are thoroughly considered and the autonomy of all is respected.

This account has suggested that agents must make efforts to form a collective and take action to prevent structural injustice. Actions that such collectives could take to pressure power holders to address structural injustice include civil disobedience, strikes and direct action. These strategies are controversial because they often involve breaking the law and/or inconveniencing or harming the interests of bystanders. The seriousness of structural injustices can sometimes justify such actions. If such actions undermine legitimate democratic processes there may be good reason not to employ them. However, these means are required when the democratic process offers no reasonable means of addressing these problems.

In some extreme cases using violence or armed revolt to force governments to address structural injustice may be necessary, particularly in cases where

⁹⁵ This solution relies on a commitment by a wide range of retailers not to stop producing garments in Bangladesh despite the additional costs of producing in safe conditions. Thus it manages to secure better conditions for Bangladeshi workers without the risk of TNCs moving production. This coordination between TNCs is what allows social structural injustice to be improved in Bangladesh.

governing institutions are unresponsive to public demands. However, some uses of violence may be excluded as never permissible no matter how serious an injustice may be. Furthermore, it could be that some violent action can only permissibly be used in response to serious coercive injustice (where a governing institution explicitly uses violence in an unjustifiable way) and cannot be justified in cases where suffering is not directly caused by the government. These are difficult questions to consider and will not be fully addressed here.⁹⁶

However, it is worth noting that in many cases violence is unlikely to be a means through which just governing institutions can be built that address structural injustice. Tackling unjust and illegitimate institutions through violence causes suffering but has no guarantee of success. Furthermore, it is difficult to build just and legitimate institutions through violence. If violent action is not a strategy that can reasonably be believed to advance structural justice then those who wish to end structural injustice have no reason to employ it. If violent action is not a means through which structural justice can be secured, then such violent action cannot be justified by the fact that it will remove structural injustice. Thus, there can be no moral reason to support such violence. However, it is not clear that violence is never a realistic strategy for bringing about structural justice. In cases where violence is one possible means among others which can achieve structural justice there is moral reason to adopt the other means if it involves causing less harm. However, in cases where violence is the only possible means to achieving structural effective it must be considered. Whether the moral reasons in favour of ending structural injustice outweigh the moral reasons against using violence would then need to be decided on a case by case basis.⁹⁷

The Extent of the Efforts Required

Having outlined that people around the world have obligations to make efforts to form collectives to address structural injustice, I will now consider how to determine the extent of the efforts required of any particular individual. In determining the extent of an agent's obligations with regards to addressing injustice there are two possible ways to proceed. The first is to begin by

⁹⁶ Some of these issues are discussed in Ted Honderich's exposition of the subject (Honderich, 1989).

⁹⁷ For example, Honderich argues against the use of violence by the IRA in the 1980s on the basis that it was unlikely to be a means to achieving justice (Honderich, 1989, pp. xi-xx).

considering what can be reasonably demanded of an agent given all the facts about their personal situation and their relationship to the problem. The second, by considering what is required in order to address the problem satisfactorily. This second approach begins by considering the rights of the party whose interests are threatened and then proceeds to assign duties to alleviate the problem based on splitting up the required work fairly between all those with an obligation to act.

However, whichever end of the problem a theorist begins with, they must weigh the legitimate demands of the (potential) injured party against what can reasonably be demanded of the obligated individual. Factors that must influence the judgement concerning how much can be demanded of a particular individual will include concerns about the problem and the injured party. These will include the seriousness of the problem, the number of people affected, the importance of the threatened interests, and what is required in order to prevent the injury. The judgement must also consider facts about the obligated individual. These will include how much they contribute to the problem, whether they benefit from the problem, the time and resources to which they have access, the extent of their abilities to address the problem, whether they have a social network, whether they themselves will suffer as a result of the problem, and what risks and costs they face in fulfilling the obligation. I will now demonstrate why adopting the second method is inadvisable for determining the extent of obligations to make efforts to form a collective and prevent structural injustice.

The seriousness of structural poverty means that the obligations that arise in relation to it are demanding. However, it is difficult to determine how much effort will be required to establish and maintain just social structures. This fact speaks in favour of being careful to ensure that the efforts that are demanded are sufficient to address the problem. This can be achieved by demanding an amount of effort that will definitely succeed in ending the injustice.

Given that individuals have different relationships to structural injustice, different abilities to help, and different costs to absorb in taking collective action, it is unlikely that each contributor is obliged to take an equal share of the task of organising and taking political action. This is because more can be reasonably demanded of some than others. It would be unreasonable to demand the same amount of effort from individuals who have different connections to the problem, levels of political influence and amounts of time to engage in such activity. Much

effort could be demanded from an affluent upper-class person, who lives in a country that has benefitted from imperialism and in which their right to vote, protest and collectively organise is recognised and enforced. If this person has no dependents, a high income and has inherited shares in various concerns this should also influence our judgement. The fact that they regularly purchases goods made under exploitative conditions and work only 30 hours a week may also lead us to demand they make considerable efforts to promote structural justice. In contrast not much can reasonably be demanded of a lower class person who works long hours and supports several dependent relatives. If they live in a society where they are prohibited by law from demonstrating or seeking to influence government and face serious penalties for disobeying, then we cannot demand as much from them. This means that determining an individual's fair-share of efforts to establish and maintain structural justice will require extensive knowledge of the position of all those so obligated. Given that no person has access to such knowledge it is impossible to work out what precisely an individual's fair-share of efforts would be.

Furthermore, there is good reason to think that agents are obliged to do more than the minimum required to avoid the problem. This is because others may fail to do their share of preventing structural injustice. Given that if this occurs the victims of structural injustice will suffer and efforts expended on trying to alleviate the injustice will be wasted, it is important that this is avoided. Thus there is good reason to insist agents must go beyond a fair share of the minimum action required. Those who are obligated to do more than their fair share may legitimately object to the laziness of others giving them additional burdens. However their right not to be so burdened is not as morally significant as the potential victim's right to be free from structural injustice and thus it must give way.⁹⁸

For these reasons it is implausible to adopt the approach of determining what is required in order to prevent structural injustice and then to allocate fair-shares of that task to all those obligated to alleviate it. It is instead more practical to consider what can reasonably be demanded of an individual and why. The

⁹⁸ Once just institutions are established the costs of avoiding structural injustice can be fairly shared. However, the demand to maintain the justice of social structures may still mean that some must take on more burdens because of others' failure to comply. The politically active could offset these costs by using governing institutions to demand more of the apathetic. However, this is likely to be controversial.

seriousness of structural injustice will still be a significant part of this assessment, as will the shortfall in efforts that currently exists. Thus, I will assume that all those obligated to make efforts to form a collective and prevent structural injustice must put considerable effort in to this project. I will then consider what limit reasonableness places on what can be demanded of them. In each case a high level of demandingness can be justified. This is to ensure that the morally required efforts would eradicate structural injustice if practiced by a reasonably large number of agents. However, what this requires of a particular individual will depend on their circumstances.

Personal Circumstances

This section will consider the limits to what can reasonably be demanded of different individuals in terms of establishing and maintaining institutions that regulate social structures so as to avoid structural injustice. The obligation to make efforts to maintain institutions and ensure they do what is necessary to tackle structural injustice will be limited to some extent. Each individual's personal circumstances will have an effect on what can reasonably be demanded of them. I will now discuss the constraints that limit what can be demanded of individuals.

Each person is in a unique situation in terms of ability to help establish and maintain just institutions. Some will have other obligations, some will be in a position where contribution will be more costly, and others may have to dedicate the majority of their time to maintaining their existence. The obligation to make reasonable efforts will require different amounts of time and commitment from different individuals based on the precise circumstances of their case.

An agent's position will determine both the opportunities for, and the costs of, political action. Those in positions of relative power within an institutional order have more opportunities to alter the order and those in positions of relative weakness are more vulnerable to the costs that can follow from political intervention. Moreover, the demandingness of an agent's obligation to engage politically will depend on the seriousness of structural injustice. What can be expected of an agent charged with an obligation to engage politically will depend on the power the agent has to affect the institutional order (which will depend on the abilities of the agent, the structural position of the agent, and the availability of others willing to collaborate in this project) and the costs and risks associated

with political engagement for the agent (which will depend on the political system in which the agent lives and their position within that system).

As discussed above, the intense seriousness of global poverty means that much can be expected of individuals. This means that obligations to act with others to alter global social structures can be demanding. Each agent's position will determine both the opportunities for, and the costs of, political action.

In certain political contexts organisation and campaigning is illegal and those involved in such action are persecuted. In such circumstances the dangers and risks involved in such action can outweigh the deprivation and domination risked by failing to deal with the collective action problem. Obviously considerably less can be expected of individuals for whom participating in such action carries a high risk of serious retribution by the state. Citizens of affluent democratic states have ample opportunity to engage politically with their government's global economic policy without fear of reprisal. This means that more can be reasonably expected of such individuals compared to those who toil in the sweatshops of developing nations with less open systems of government.⁹⁹

Another case in which less can reasonably be demanded of an individual is when fulfilling an obligation may require neglecting other significant obligations. Sometimes the ability to fulfil special obligations can be undermined by the demandingness of a general obligation. For example, a parent has an obligation to provide for the needs of their young children.¹⁰⁰ More effort to engage in political action to end structural injustice can be expected from those who do not have to care, or pay, for dependent others.

Those in positions of relative power within an institutional order have more opportunities to alter the order and those in positions of relative weakness are more vulnerable to the costs that can follow from political intervention. Citizens of affluent democratic states have ample opportunity to engage politically with their government's global economic policy. Furthermore, their governments are the ones who are imposing the current order (Pogge, 2010) (Pogge, 2005). If

⁹⁹ Young argues that considerations of power, privilege, interest and collective ability should be utilised in assessing what can reasonably be expected of agents who share in forward looking responsibility (Young, 2011, pp.142-47).

¹⁰⁰ Of course who is charged with special responsibilities will depend on the norms and rules within which the individual lives. In most circumstances agents will have an obligation to fulfil the obligations outlined by local norms given that the system is not particularly in-egalitarian or overly demanding (Dworkin, 1986).

citizens of affluent states work together they have the ability to make substantial progress towards eradicating global injustice. These considerations come together to suggest that more can be demanded of such individuals than of those who toil in the sweatshops of developing nations with less open systems of government. Both groups have a significant connection to structural injustice. However, the costs to affluent consumers of taking political action are much less. This means more can be reasonably demanded from them. Given their action is likely to be more successful, this means more can be expected from them in terms of results. In weighing up the likelihood of success against the costs of taking action it is clear that where the likelihood of success is high and the risk of action is low, there is a stronger case for taking action.

What can reasonably be expected of many individuals is limited by their personal circumstances. However, there are many individuals of whom substantial efforts can be expected. Thus, if a decent sized portion of obligated individuals were to fulfil their obligations global coordination could be established. This is because it is possible for global coordinating institutions to be established without any individual being unreasonably burdened. If political leaders can gain sufficient support for establishing such institutions and are committed to tackling these problems then such coordination can be established. Furthermore if a decent sized portion of people engaged politically to the extent that this can reasonably be expected of them, much structural injustice could effectively be alleviated. If a decent portion of the global population commits itself to being politically engaged and takes action to pressure institutions into tackling injustice then much progress can be made. Thus, it is not the case that limits on what can be reasonably demanded of individuals means that structural injustice cannot be effectively tackled.

Conclusion

In this chapter I have set out an account of what agents must do in relation to poverty. I have argued that poverty is a form of structural injustice. In chapter 5 I established that agents who contribute to social structures have an obligation to make efforts to form a collective to take action to prevent structural injustice. In this chapter I have outlined what this requires in the case of poverty. I have outlined several different strategies collective action could take and offered some examples of such action.

Next I proceeded to consider what limits what can be demanded of agents who contribute to the structural injustice that is global poverty. I argued that legitimacy demands that political movements meet certain criteria and briefly discussed the conditions under which collective action that attempts to force others to change their action can be justified.

In the final section, I argued that the demand to make efforts to form a collective and tackle structural injustice must be limited by what can reasonably be demanded of an individual. Finally I outlined the factors relevant for determining the extent of the obligation that falls on any particular individual. In the final part of this thesis various objections to obligations outlined in this thesis will be discussed. Whether the demand to make efforts to form a collective to prevent structural injustice will be explored can be reasonably rejected will be explored.

Part 3: Objections

In this final part of this thesis some objections to the obligation to make efforts to form a collective and take action to prevent structural injustice as a precaution to lessen the risk of contributing to structural injustice will be considered. Chapter 7 discusses whether the fact that many other agents are not fulfilling their precautionary obligations in regards to global poverty can be used as a reasonable excuse for an agent not to comply with the duty. Then, in Chapters 8, two separate inconsequentialist objections are explored.

Chapter 7: Apathy

This chapter considers two objections to the claim that there is an obligation to make efforts to work with others to form a global collective capable of preventing structural injustices. These objections state that there cannot be such an obligation given that others will not make similar efforts. If other global citizens are apathetic and unlikely to participate in establishing a collective solution, then it may be unreasonable to demand that any particular individual makes efforts to establish such a collective solution.¹⁰¹

There are two possible ways in which an agent could use the fact of others' inactivity to reject the obligation to make efforts to form a collective to take action to prevent structural injustice. In such circumstances, any agent who makes such efforts will be at a disadvantage compared to others as they will have expended time and effort trying to establish a solution. Thus it could be argued that it is unreasonable to demand that agents take action that will put them at an unfair disadvantage relative to others. The first objection states that because others will not make similar efforts it is unfair to demand an agent complies with the obligation. The second objection states that the general apathy of the global population means that any efforts to form a collective to tackle structural injustice will fail. Thus, it is argued that individuals cannot be obliged to waste their efforts in this way. This is because there cannot be an obligation to take precautions that are unlikely to work. In such circumstances it would make more sense to insist that agents take action to assist the victims of structural injustice rather than take pointless precautions against future injustice. In circumstances where an individual's efforts are unlikely to be successful they will not avoid contributing to harm. Furthermore, if their efforts fail then agents do not even lessen their contributions to aggregative harm. It is difficult to see why such efforts should be seen as necessary precautions if they are unlikely to have any effect on future contributions to structural injustice.

¹⁰¹ The failure of others to acknowledge the obligation means there are fewer people to promote a collective solution so the burden on those who do take up the demand will increase if they are to be successful. This is not just a case of sharing the same work between fewer people. This problem means that there are more people to persuade and pressure to join in a collective solution and therefore more work to do. It may be unreasonable to pursue a collective solution to the destruction of the commons in such circumstances.

I will begin by discussing whether it is the case that apathy is widespread and thus the likelihood of a collective able to tackle structural injustice being formed is small. I will then proceed to consider whether apathy can be used as grounds for reasonably rejecting an obligation to make efforts to form a collective and prevent structural injustice. I will first discuss whether complaints of unfair disadvantage can ground a rejection of the obligation. Next, whether there can be reason to make efforts to form a collective to prevent structural injustice in conditions where such action is likely to fail is explored. First the long term effects of such failed efforts are considered. Then, it is suggested that there can be pattern based reasons that require agents to take action on the grounds that it is part of a pattern of action with certain qualities and consequences. I discuss whether such 'pattern based reasons' apply in circumstances where there are insufficient others willing to take part in the pattern. I then consider whether agents have an obligation not to be part of a set of actors who prevent collective action to prevent structural injustice from succeeding. Finally, I argue that there is something unreasonable about justifying inaction on the basis of a social fact to which your inaction will contribute.

Is the Global Population Apathetic?

It is not clear whether the population of the globe is on the whole apathetic. The political cultures of societies across the globe differ radically and there is no general trend to observe. However, over the last few years there have been a number of protest movements that have attracted mass participation. The so called 'Arab Spring' involved populations across the middle-east taking political action to address structural injustice and government abuses. Large protests took place in Tunisia and Egypt among others (National Staff, 2011). In Europe, protests against austerity measures have also been prevalent, with significant unrest in Greece and Spain (BBC, 2013) (Robinson, 2011). More recently in Brazil protests about bus fares have turned in to large mobilisations against inequality and the priorities of politicians (BBC, 2013). There have also been dramatic protests in Turkey against creeping totalitarianism and the destruction of green spaces (Human Rights Foundation of Turkey, 2013). This suggests that parts of the global population are not averse to taking political action. However, it by no means shows that it is realistic to believe that sufficient individuals will make efforts to form a collective and prevent structural injustice.

In this chapter I will consider whether widespread apathy could in theory justify a rejection of the obligation to make efforts to form a collective and prevent structural injustice. However, I will not be making a judgement on whether or not the global population's level of apathy is likely to prevent the success of efforts to address structural injustice collectively. Instead I will be considering whether, if there is such apathy, it can provide a legitimate excuse for rejecting the positive and negative duties to make efforts to form a collective and prevent structural injustice.

Fairness and Problems with Obligations to Make Efforts When Others Do Not

Supposing that the majority of people will not fulfil the precautionary obligation to make efforts to form a collective and prevent structural injustice, will this place those who do make such efforts at a disadvantage? They will have expended considerable effort and time in taking action. This will mean they are disadvantaged relative to those who take no action. Individual action takers could argue that this is unfair. They have a moral reason to object to this unfairness. However, it is not sufficiently strong to ground a rejection of the obligation. This is because their right not to be disadvantaged in this way is outweighed by the rights of the victims of structural injustice not to be seriously and significantly disadvantaged. Only in cases where the disadvantage that falls on those who contribute is greater than the disadvantage involved in a particular form of structural injustice could this objection be reasonable.

However, it could be objected that there is no moral reason in favour of making efforts to form a collective and prevent structural injustice in circumstances where those efforts will fail. It makes no sense to insist that agents owe the victims of structural injustice efforts that will not improve their situation. Thus, there is no moral reason in favour of taking action that can outweigh the reasons against acting (the fact that it will put an individual at a disadvantage). It could be argued that it is unreasonable to demand agents make these efforts and thereby put themselves at an unfair disadvantage since it will not reduce the unfairness from which the victims of structural injustice suffer.

Thus, whether or not this excuse works depends on whether or not there is reason to make efforts to form a collective and prevent structural injustice in

circumstances where those efforts are likely to fail because insufficient numbers will join the collective.

Rejecting the Obligation on the Basis that it is Unlikely to Work

In cases where efforts to establish a collective capable of preventing structural injustice will not succeed it could be argued that there is no moral reason to take this action and thus there can be no obligation to take this action. It could be objected that making such efforts will not only fail to do any good, but will also put those who make the effort at a disadvantage. Alternatively, it could be argued that one's time and effort could instead be spent assisting the victims of structural injustice. This is because this alternative action will actually improve the lives of those who are currently suffering.

Collective efforts to alter social structures to make them more just will only succeed if sufficient numbers participate. Thus, if there is reason to believe that sufficient numbers will not join collective action, it is likely that such effort will be wasted and not result in any significant gains. The first strategy described in chapter 6 is most vulnerable to the critique that these efforts are likely to be wasted because it requires the largest number of actors to be successful. An anarchistic strategy of individuals voluntarily joining together and coordinating their action to avoid structural injustice will need nearly all people to join if it is to eradicate structural injustice fully.¹⁰² Thus it will only work if the majority of people join the collective.

A more realistic strategy that a collective could adopt would involve campaigning to get power holders to work together to establish global coordination and then tackle structural injustice. For this strategy to work it does not require the majority of the global population to contribute. Thus it may be the most realistic approach to tackling structural injustice because it requires a smaller number of individuals to participate in order to be successful. However, the group pressurising the power holder to take action must be sufficiently large to outweigh the influence of organisations and individuals who are opposed to global coordination or fairly tackling structural injustice. It is likely that those organisations and individuals who profit from structural injustice may oppose

¹⁰² However, this approach could eliminate or lessen structural injustice with a smaller group of committed individuals. This fact will be returned to in the discussion of reasons to reject the objection.

such action. It is likely that those organisations and individuals will be able to exercise considerable power over decision makers because they are likely to be wealthy (in part because they have benefited from structural injustices). It is likely that some TNCs, rich states and wealthy individuals may oppose efforts to undermine structural injustice through global coordination. This is because they benefit from the fact that global competition between states produces low manufacturing costs and low taxes. Large TNCs and wealthy individuals are likely to be able to influence political decision makers because they can offer bribes, fund electoral campaigns, and/or bring jobs and lucrative contracts to a state. The leaders of rich states can influence the decisions of leaders in poorer states by offering trade benefits, low cost loans, aid, military support or threatening economic isolation or military intervention.

This suggests that unless the group campaigning for change is large and well organised they will not be unsuccessful in their efforts to get political leaders or other powerful decision makers to work together to establish global coordination and avoid structural injustice.

The aim of the collective is to pressurise power holders to establish new institutions. However, the success of the project will require that a larger number of people accept and obey the institutions once they are built. Thus, this strategy depends on a large number of people complying with any new institutions that are established.

These strategies are all vulnerable to failure if insufficient numbers take part. If insufficient numbers join the collective action, then the action will fail and the efforts expended on the project will have been wasted. In the case of direct action the worry is that insufficient numbers will join to alter social structures permanently and effectively. In the case of political action aiming to influence existing power holders the worry is that insufficient numbers will join and thus their influence and power will be outweighed by existing groups and powerful institutions. Once global institutions have been established there is a further worry that insufficient numbers will support the new institutions.

Thus, if not many people are committed to joining a collective and taking action to prevent structural injustice it will not succeed. I will now consider whether there can be reason to make such efforts in conditions where they are likely to fail to prevent structural injustice because insufficient individuals will participate.

Thinking Long Term

Although apathy may make it unlikely that global coordinating institutions will be brought about in the near future there may still be positive consequences of political action that aims to achieve such coordination. A political movement may fail in its primary aim but still manage to influence decision-makers' behaviour.

Political movements affect public opinion, draw attention to particular issues, and communicate particular messages to the electorate. They put certain issues on the agenda to be discussed and challenge decision makers to justify their choices. They directly and indirectly affect the political climate and this in turn affects the decisions that are made by power holders who rely on others to maintain their position. This means that although a political movement may fail to achieve its target of establishing global institutions it may cause some states to coordinate on particular issues. These achievements can then be built on by future campaigners and may lead to further cooperation in the future. This more likely possibility can justify making such efforts where succeeding in establishing global governing institutions is unlikely. Furthermore, the long term effects of participating in collective action aimed at alleviating structural injustice in terms of alleviating suffering, promoting justice and preventing contributions to structural injustice may be able to justify the demand to take such action.

One long term effect of participating in political action is to promote politically active citizenship. Taking political action can encourage others to talk about justice and to take part in campaigns. In this way a climate where people are concerned about justice and take action to bring it about develops. Disparate people can develop into a group of concerned citizens who debate political issues and take political action. In this way a public can develop that holds government to account and demands the government alleviate structural injustice, avoids imposing injustice, and promotes good states of affairs. In this way a norm of civic engagement can be developed. The public can begin to recognise that they have a social responsibility to analyse their society and work together to remove any injustices. A norm of civic engagement and active citizenship could be a long term consequence of collective action aimed at pressurising governments to alleviate structural injustice through global coordination.

Political action can set an example which encourages others to change their own action. Approval and praise of those who take collective action to try to alleviate

structural injustice, and disapproval of those who contribute to social structures but take no interest in their justice or injustice, can help to develop a norm of civic engagement. Norms can develop such that people generally approve of those who recognise a duty to look for injustice and take action with others to try to alleviate it when they find it.

Social norms and human behaviour change over time and cannot be relied upon to remain constant. This means that current norms should not be considered immutable facts in considering new norms or new applications of existing norms. For moral analysis to accept facts concerning human behaviour as static would be to accept that moral argument cannot convince people to alter their behaviour. This would make moral discussion pointless. Moral argument aims in part to alter individuals' choices. If enough individuals are convinced by a moral argument to change their action then this can alter social facts. Moral arguments should take in to account, but also try to change, social facts.

Thus, widespread apathy should not be taken as a permanent inalterable fact. It could be that by adding to efforts to establish a collective agreement an individual contributes to altering the norm of apathy and replacing it with one of conscientious activism. In determining what can be reasonably demanded of others current facts concerning apathy and likelihood of success must to some extent guide judgement. However, an awareness of the ability of these social facts to change through individuals being convinced to alter their behaviour should also affect judgements concerning what can reasonably be demanded. Thus the fact that in current conditions collective action is likely to fail to establish global coordination to remove structural injustice should not lead us to judge it unreasonable to demand that individuals make efforts to work together to try to promote structural justice.

Reasons and Collective Action

The objection considered here (that rejects the demand to make efforts to form a collective and take action to lessen structural injustice on the basis that such action is unlikely to succeed) assumes that it is only the likely consequences of a particular action that can justify a moral demand to take it. Thus, if the lessening of structural injustice is not a likely consequence of making efforts to form a collective and prevent structural injustice, there is no reason to take the action in question. However, likely consequences are just one way of justifying demands to

take action. There are many alternative proposals as to what could justify a moral demand. For example, it could be that the intrinsic worth of an act, or what that act symbolises or expresses, justifies the demand for it.¹⁰³ I will now consider reasons other than likely consequences that could potentially justify a demand to take the recommended action. I will assess the plausibility of an approach that suggest that sometimes an agent can be obliged to take action not because it is likely to have particular consequences but because it is part of a *pattern of action* that is likely to have consequences of a particular kind.

Christopher Woodard has argued that the value or rightness of a whole pattern of action can provide a reason to perform a part of it (Woodard, 2008, p. 65). He points out that sometimes we perform a particular act because it is part of a pattern which we have reason to enact. In such cases, it is the merits of the pattern that justify the action. Sometimes this is a long term individual pattern, as when we adopt a fitness regime to improve our health. In other cases the pattern involves many different actors. The purpose of each actor's act is to contribute to a pattern which they have reason to bring about.

It is a pattern based reason that justifies the demand to make efforts to form a collective and prevent structural injustice. The demand is justified by the potential effects of a pattern in which many people take such action. If such a pattern is realised, it will prevent essentially aggregative harm and remove structural injustice. Individuals are obliged to promote justice and avoid contributing to harm. They are obliged to take action to establish a collective and prevent structural injustice because it is part of a pattern to avoid contributing to harm and promote justice. It is the merits of this pattern that justify taking the action.

Where it is likely that sufficient numbers will participate, and as a result it is likely that the pattern will succeed, the obligation is clearly justified. However, if it is unlikely that sufficient numbers will join in then it is likely the pattern will fail and it is less clear that agents have such an obligation. In these cases the objection considered here suggests that there is no reason to make such efforts. The objection rests on the idea that unless a pattern is likely to be realised, there can be no moral reason to do your part in it. Woodard explains that many theorists

¹⁰³ Robert Nozick talks about symbolic value in *The Nature of Value* 1993 26-35, 41-50 Princeton University Press and is quoted in (Woodard, 2008, p. 65).

accept pattern based reasons only where a 'willingness requirement' is fulfilled.¹⁰⁴ Thus they state that there is only reason to support doing an action as part of a pattern *if* others are also willing to perform their part in the pattern. They argue that where others are not willing to do so there is no pattern based reason to support the action.

Woodard rejects the willingness requirement. He argues that there can be moral reason to do one's part in a pattern even if it is unlikely that others will cooperate. He states that there can be reason to take an action (which is part of a possible pattern of action that could be realised) even if it is unlikely that others will do their part. He argues that it is the fact that the action is part of a potential pattern that would have good consequences, if it were to be realised, that gives reason to take that action. If Woodard is correct there may be sufficient moral reason to justify a demand to make efforts to establish a collective that can prevent structural injustice, even if others are unwilling to form a collective. I will now assess the reasons Woodard offers in favour of accepting that 'pattern based reasons' can apply even when the 'willingness requirement' is not met.

Woodard uses the un-pragmatic intuitions agents have about sticking to a rule even when the consequences are likely to be bad (given sensible predictions about how others will act) in order to justify rejecting the willingness requirement. It is this intuition that leads people to believe that some moral principles should be adhered to even when they will not result in a morally superior outcome. This is the intuition that leads some to adopt a deontological or rule consequentialist approach to moral questions. These intuitions no doubt exist. However, it is not clear that what explains them is pattern based reasons.

Woodard suggests that when bad consequences are likely to result because others are likely to fail to do their part in a pattern there is an intuition which supports doing one's part in the pattern regardless. Similarly, he suggests that where bad consequences are threatened because others are unlikely to fulfil a moral norm there is an intuition that supports still taking the action that would be best if they were to fulfil their obligation (Woodard, 2008, p. 99). Thus Woodard's theory suggests that moral norms are in some ways like a pattern of action.

¹⁰⁴ For one example of a theorist who endorses the willingness requirement see Donald Regan's *Utilitarianism and Cooperation* (Regan, 1980).

Woodard distinguishes between when a pattern of action is likely to fail because others do not fulfil their moral obligations from other reasons which could make a pattern fail. Thus he separates dilemmas of *acquiescence* in which an agent makes a second best choice because others act impermissibly from dilemmas of *necessity* in which agents are barred from their first preference by natural forces.¹⁰⁵ He argues that in dilemmas of acquiescence our intuitions suggest that there is still reason to perform our part in the best possible pattern of action, even if we have good reason to believe that others will not do so. He describes this as an anti-pragmatic intuition (Woodard, 2008, pp. 31-40). He argues that what we are obliged to do should be sensitive to changes in natural facts. However, he suggests that there is an intuition that supports the idea that they should not necessarily be sensitive to the threat of impermissible actions by others.

To support his analysis Woodard considers an example from the work of Bernard Williams in which an individual is threatened (Williams & Smart, 1973, pp. 108-118). In the example Jim is approached by Pedro who is planning on shooting 20 people as an act of intimidation in order to prevent protest. Pedro states that if Jim shoots one person he will forgo killing anyone else.¹⁰⁶ Woodard suggests that there is a strong intuition that there is a moral reason for Jim not to shoot the one even if, on balance, it is the right thing to do. Woodard suggests that pattern based reasons explain the intuition that Jim has a reason not to shoot; reasons ultimately over-ruled by the moral reasons he has to shoot. Woodard explains that the best possible pattern of action is one in which neither Jim nor Pedro shoots anyone. Thus, it is the fact that not shooting is part of an optimal pattern that explains why there is some moral reason not to shoot. The reason not to shoot is a pattern based reason (Woodard, 1999). Woodard insists that this reason still applies even though Jim knows Pedro will not fulfil his part in this pattern. Woodard suggests that despite the fact Jim knows that Pedro is unwilling to be part of this best pattern he still has some moral reason to perform his part in it.

¹⁰⁵ Woodard also discusses dilemmas of frustration in which an agent is barred from their first preference by the permissible acts of others.

¹⁰⁶ I have omitted some details from the case. The original example involves 'Indians', a South American dictatorship, official and a visiting botanist. The example is a bit xenophobic in its characterisation.

However, Woodard's explanation is not the only way that our intuitions about the case can be explained. It could be that individuals have some reason to do their part to uphold sound moral rules (that if universally adhered to would produce a fair world) regardless of what others do. However, sound moral rules could be understood as a sort of pattern of action involving all people justified on the basis of its likely consequences.¹⁰⁷ Thus this explanation could be understood as a form of Woodard's explanation.

Alternatively the intuition could be explained by the fact that what an individual themselves does is more morally significant in assessing their conduct than what they fail to prevent others doing. This could rely on a conception of moral responsibility in which the division of labour for achieving good outcomes is divided between people. Thus, each individual must ensure they fulfil their responsibilities and not worry about what others are doing. However, this responsibility conception can be understood as a pattern. Each person's responsibility can be understood as their part of a pattern. They have reason to ensure they do not shoot anyone because it is part of a pattern of action which if carried out will result in no one being shot. Thus this explanation is also reliant on pattern based reasons. All of the alternative explanations explored here can be understood as reliant on pattern based reasons. Thus, in this case Woodard's way of understanding the moral reasons against shooting that apply in the case looks plausible.

Woodard also discusses a version of Williams' case of George the chemist (Woodard, 2003, p. 221). In this example, George is offered a job making chemical weapons. In Williams's example George is opposed to the development of chemical weapons. Under Woodard's description of the problem developing chemical weapons is assumed to be morally problematic. If George does not accept the job, someone else (who is enthusiastic about their production and more likely to develop the technology at a faster pace) will take it. Woodard suggests that George has some moral reason not to take the job but also some moral reason to take it. He explains that George has some moral reason not to take the job (even if this will speed the development of chemical weapons) because not taking the job is part of a pattern of action in which there is a moratorium on this sort of work. Thus George has reason to refuse the job

¹⁰⁷ Kantianism and Act Utilitarianism are described as based on prioritising pattern based reasons in Woodard's later work (Woodard, 2013).

because it is part of this pattern even if he has reason to believe others will not play their part in creating the pattern.

Again Woodard's explanation of the reasons that apply in this case is plausible. The alternative explanations for the intuition that there is some moral reason not to take the job are the same as in Jim's case. It could be that there is a deontological moral norm that prohibits agents working on chemical weapons no matter what the circumstances. However, this prohibition could be justified on the basis that it is a pattern which is best all things considered. This pattern offers George a reason not to take the job even though he knows others will not follow the pattern. The other explanation for why he has some reason not to take the job is that he is responsible not for what happens but for what he directly does. As discussed above, a system that divides up responsibility could be understood as a pattern that requires one to play one's part in the pattern.¹⁰⁸

In this case, Williams suggests that it is integrity that gives George a reason not to take the job. Williams explains that integrity is about making one's actions consistent with one's deepest convictions. Williams suggests that George has a reason not to take the job because it violates his values. However, in doing so Williams is offering an ethical reason against taking the job. This is a reason that George himself may weigh in determining what to do. However, it is not a moral reason (which is part of Williams's point).

In the case under examination – where chemical weapons' development is assumed to be morally wrong – there is an intuition that there is something immoral and not just unethical about taking the job. However, integrity cannot count as a moral reason that speaks against the justifiability of taking the job. It cannot be argued morally that George should not take the job because it violates his deepest commitments. The moral problem with developing the weapons is not that it is problem for George (because of his convictions), but that the development of the weapons is a problem for all; in that sense, George owes it to others not to take the job.

¹⁰⁸ In this case Williams suggests that it is integrity that gives George a reason not to take the job. Williams explains that integrity is about making one's actions consistent with one's deepest convictions. However, George could be by conviction against chemical weapons and a committed consequentialist. If this is the case taking the job would not violate his commitments.

Thus, Williams's account of the problem with George taking the job does not explain the intuition that there is something morally problematic about George taking the job. Whereas the explanation offered by Woodard does. Thus an investigation of the case of George the chemist adds support to the pattern based reasons Woodard identifies.

In the case under discussion in this thesis, the agent has reason to make efforts to form a collective and prevent structural injustice because it is part of a possible pattern whereby structural injustice is prevented. According to Woodard's account, the fact that this pattern is unlikely to be followed through by other actors reduces the strength of the demand, but does not entirely neutralise it.

It is often asked "are you part of the problem or are you part of the solution?". This slogan suggests that there is an obligation to be part of a problem-solving pattern of action even if it is unlikely enough others will join in. It also suggests that if you do not do your part in a pattern that solves the problem you will be playing a part in the pattern that is problematic. This implies that there is an obligation not to be part of a group that prevents the pattern from being realised. In the case of the scientist offered a job making chemical weapons he can be part of a potential solution or part of a potential problem. If George takes the job he will be part of an organisation that manufactures chemical weapons. Furthermore, he will be part of an aggregate that prevents a moratorium on accepting such work from succeeding. In contrast, if he refuses the job he will have done his part in upholding a moratorium that would result in preventing the development of dangerous technologies if universally practiced.

The existence of pattern-based reasons is also supported by the conviction that people have some moral reason to 'be the change they want to see'.¹⁰⁹ that they must play their part in a way of living or a set of norms that is not currently in operation, but which would produce a better world if universally practiced.

Consider a case in which a small group of individuals boycott a state because of its appalling human rights record. There may be reason to join such a boycott even if it is unlikely to succeed in changing the policies of the state. In cases where individuals commit to playing their part in a pattern they know is unlikely to be

¹⁰⁹ This is a common catch phrase of political activists of an anarchistic persuasion. It is sometimes suggested that the catch phrase originates from Mahatma Gandhi, however this is disputed (Morton, 2011).

realised they demonstrate to others their willingness to be part of a better way forward. They thus influence future action and can provoke widespread change. Thus, there are consequence based reasons to be part of a boycott even if it is likely to be ineffective. According to Woodard's account, the fact that joining such a boycott is part of a pattern of action that would put significant pressure on the state if others were willing to join the boycott also provides a reason to take part in such a boycott. He claims that this is true even if one knows that others are unlikely to join in.

It could be argued that by participating in a boycott that they have reason to believe others will not join individuals absolve themselves of responsibility for the failure of the boycott because they have done their part in the pattern. They can claim that it is those who have not done their part who are responsible for causing the failure. It could be that they are only responsible for performing their part of the pattern and that they should do this regardless of whether it is likely others will do their part. This is because being responsible only for ensuring you avoid directly harming others could be part of a pattern of action which produces the best consequences.

If an agent chooses to take part in a boycott, it could be because they believe that it is important to be part of such a pattern even if they do not think sufficient numbers will join in to make it successful. Often this is because of the symbolic value of such a stance; it is to do with what their action expresses and the example they set to others. They hope in part that others will be inspired by their action and change will eventually come. However, sometimes they also believe that it is important to take this action *because* it is part of a solution that would work *if* enough people cooperated. This belief is perfectly articulated by Woodard.

Acting on a pattern based reason in the absence of a group willing to perform the pattern involves acting on the basis of what others should do rather than on predictions of what they are likely to do. It is a way of refusing to treat others as a natural background against which one acts. It is to treat them instead as agents with moral obligations; as collaborators in morality who can alter their behaviour to fulfil better patterns. If we were all to respond to pattern based reasons regardless of whether we have reason to believe others will do the same then all these patterns would succeed.

The analysis above suggests that the idea that agents can have some reason to take an action because it is part of a pattern that would have certain effects even if it is unlikely to be realised is intuitively plausible. It is also intuitively plausible that without a willing group this reason is relatively weak. However, Woodard does not offer anything other than these intuitions and the usefulness of this way of thinking to justify the fact that we should accept and act upon these reasons. However, Woodard's analysis does not justify why we should accept pattern based reasons. It merely shows that our intuitions about our obligations can be explained by pattern based reasons.

In the case of global poverty, the agent has reason to make efforts to form a collective and prevent structural injustice because it is part of a possible plan whereby structural injustice is prevented. According to Woodard's account, the fact that this plan is unlikely to be followed through by other actors reduces the strength of the reason for the demand but does not entirely neutralise it.

Responsibility

As noted above, in cases where the success of a pattern depends on the cooperation of many different actors it could be argued that each individual is responsible for performing their part in the pattern of action. Thus, if that pattern fails, this can be blamed on those who did not fulfil their part in the pattern. This way of conceiving of an agent's obligations suggests that moral rules should be based on what can be reasonably demanded assuming full compliance, rather than what can be demanded given likely levels of compliance.

The aggregate of individuals who make no efforts to form a collective to prevent structural injustice thwart the efforts of those who try to form a collective to achieve that goal. Thus those who do not make efforts are responsible for the failure. They – as an aggregate – are guilty of an omission.

This analysis relies on the idea that there is an obligation to be part of a collective working to prevent structural injustice and an obligation not to be part of an aggregate that prevents that action from working. Thus it begs the question against the apathy objection. However, if this account is plausible there is reason to embrace it rather than an account which claims that only the likely consequences of the individual in question fulfilling a particular demand can justify that demand.

No individual members of the aggregate who do not make efforts (to form a collective and prevent structural injustice) prevent the collective action from working. A solution to structural injustice does not need every contributor to structural injustice to contribute to a collective solution and thus the efforts of others could succeed without any particular individual. However, if a large number of contributors do not join the collective they do prevent the solution from working. As a group they make a difference even though as individuals they do not.

If collective action is likely to fail whether or not a particular individual participates the reason for the failure will be the fact that insufficient individuals participate in the collective action. If an individual does not make efforts to prevent structural injustice they will be part of this set; they will be part of a group whose inaction prevented the change from taking place. Although their own refusal to act did not make the difference between the action working and the action failing, they are part of a group whose inaction prevented the solution from working.

The problem is such that if a group of people of a particular size are committed to not taking action, then collective action will fail. It is difficult to determine the size of this group. There are multiple combinations of people who could be part of this group. For any individual who does not make efforts to form a collective and prevent structural injustice it is not true that their refusal to take such action makes a difference. In a situation where apathy is prevalent no particular member of the apathetic group is required to prevent collective action from succeeding. However, all individuals who do not take part in collective action *could* be part of a group that if they changed their mind and joined collective action would make the difference between failure and success.

Any individual that is a difference making part of a group that could make a difference can be fairly accused of being part of the problem. They can be identified as part of the aggregate of individuals who can be held responsible for the fact that the action fails. An agent is part of the aggregate who culpably omit if they are part of any set of agents who fulfil the following criteria. Each member of the set has an obligation to make efforts to lessen the chance of contributing to structural injustice. Each must be such that the individual in question could have been a difference-making part of a group of individuals of whom it is true that had

they acted then the structural injustice would have been avoided. By a difference-making part of such a group what is meant is that if the group minus them had made the same efforts they would not have succeeded in preventing structural injustice. Thus a set of agents can be isolated who could have contributed to avoiding structural injustice, but do not. This set can be held responsible for the failure of efforts to prevent structural injustice. Individuals have an obligation to avoid being part of such a set. Thus they must make efforts to form a collective and prevent structural injustice even if it is likely that this action will fail in its goal because of the impermissible omissions of others.¹¹⁰

Is the Apathy Objection Unreasonable?

This way of thinking draws attention to something suspicious about using apathy to justify not taking part in collective efforts to prevent structural injustice. Above it was suggested that those who do not take part in efforts to form a collective and prevent structural injustice are part of an aggregate of agents who prevent such solutions from working.

There is something problematic about utilising the social fact that not enough individuals are willing to make efforts to form a collective and prevent structural injustice as a justification for joining the aggregate that is unwilling to make such efforts. There is an element of hypocrisy in utilising an unfortunate social fact to justify contributing to that very same fact. For example, it may be true that the social fact of widespread apathy means that making efforts to establish a collective and take action will not succeed. However, this does not necessarily mean that this fact can provide a reasonable excuse for being apathetic. Using this excuse is in some sense unreasonable.

This unreasonableness is something to which G. A. Cohen draws attention in his discussion of Rawls' argument for offering incentive payments to those with rare and useful skills. Cohen argues that the argument for such incentives payments cannot pass what he calls the 'interpersonal test'. This means that those who demand such incentive payments cannot justify their need for those payments to others. It may be a fact that if the public offers such incentive payments they will make the least advantaged as well off as possible. However, Cohen argues that it cannot be the case that individuals with rare marketable talents can use the fact

¹¹⁰ This means of identifying when an agent is culpable on the basis of the fact they are a difference making part of some potentially difference making group is developed fully in chapter 8.

that they will only work effectively and productively if such payments are offered to justify the need for these payments. This is because they should not refuse to work effectively and productively without these payments (Cohen, 2008, pp.27-87).

Rejecting the obligation to make efforts to establish a collective and prevent structural injustice on the basis that such acts will fail because not enough people will participate fails the interpersonal test for similar reasons. Those who are apathetic and do not take part in efforts to form a collective and prevent structural injustice cannot justify their apathy to the victims of structural injustice on the basis that any efforts they make will fail because people are generally apathetic and will not make efforts to establish a collective and prevent structural injustice. An agent cannot reasonably use an unfortunate social fact to which they themselves contribute to justify contributing to it. This is true even if the social fact does offer an objective reason to believe that the plan of action will fail.

Furthermore, there are pragmatic reasons not to accept rejections of obligations that rely on facts to which failing to fulfil the obligation contributes. This is because generally accepting such excuses will mean that we cannot demand an end to some morally problematic social practices. It means that no one can be obliged to break the vicious cycle and start a trend that may end the problematic social fact. Overcoming problematic social facts requires some people to change their behaviours. If the existence of the social fact is accepted as a reason to refuse to stop contributing to the fact then the social fact will be allowed to continue ad infinitum. Thus, no individual will be obliged to end a social practice that is morally problematic. However, ending such a fact would be morally desirable. Doing so will require moral pioneers even if these moral pioneers may not directly cause any improvements. However, if more and more people join them in changing their action eventually the social fact will be reversed and much good will have been done. Accepting that an agent is permitted to continue contributing to a social fact because of the existence of that social fact would involve conceding that no one is obliged to be such a pioneer.

Conclusion

In this chapter some reasons to take part in collective action schemes that are likely to fail because insufficient numbers of people will join the scheme have been explored. It has been suggested that long term taking part in political action

can alter a climate of apathy and bring about a public that discusses political issues and takes action. Thus it has been argued that there is moral reason to take part in political action that fails in its goal as it can alter the social and political climate long term in positive ways. Thus efforts to establish global coordination to tackle structural injustice that fail can have a positive effect on the chances of success of movements to establish such institutions in the future. This offers some moral reason to make efforts to form a collective and take action aimed at trying to prevent structural injustice. However, it may not be sufficient to outweigh the unfair disadvantage that individuals who take up such action will suffer as a result of taking part when others do not.

Next it was suggested that there may in general be moral reason to take part in patterns of action with morally desirable consequences even if others will not play their parts in such patterns and as a result they are not likely to be realised. The analysis of Woodard's account of pattern based reasons showed that they are a plausible explanation of intuitions about certain examples. It was also found that these reasons can explain the conviction that agents must 'be the change they want to see'.

After this it was considered whether agents have a responsibility not to be part of a pattern of action that prevents collective effort to prevent structural injustice from succeeding. It was proposed that agents who have a prima facie obligation to make efforts to form a collective and prevent structural injustice have moral reason not to be part of a pattern of action that prevents such efforts from working. Thus it was suggested that agents must be part of a collective working to prevent structural injustice in order to avoid being part of an aggregate that prevent such a solution from working.

In the final section of this chapter it was argued that there is something hypocritical about using generalised apathy as an excuse to be apathetic. It was argued that an agent cannot reasonably reject an obligation to make efforts to form a collective and prevent structural injustice on the basis that such efforts will fail because of apathy. This is because they are trying to use a morally problematic social fact to which they contribute to justify their contribution to it. It was suggested that such an excuse is unreasonable and that there are additional pragmatic reasons that speak in favour of refusing to accept it.

This analysis suggests that an obligation to make efforts to form a collective and prevent structural injustice cannot be reasonably rejected on the basis that such efforts will not work due to the prevalence of apathy. Although there are reasons of fairness that speak against demanding such action, these reasons are outweighed by the moral reasons in support of such action. This is because our moral intuitions suggest that there are moral reasons to take part in patterns of actions that are morally required even where others will not play their part in the pattern. It is also because there is moral reason not to be part of an aggregate that prevents a collective action solution from working. Finally, it is because such an excuse is unreasonable because it involves using an unfortunate social fact to justify contributing to that fact.

Chapter 8: Inconsequentialism

This chapter will tackle what I consider to be one of the most challenging objections to the theory thus far proposed. This is the challenge of inconsequentialism. The challenge states that there cannot be a legitimate moral demand to do, or refrain from doing, something if it will not make any morally significant difference to states of affairs. This criticism can be mounted against various moral demands including the obligation to vote in elections, to refrain from eating meat, or to refuse to accept well paid employment working on a harmful project. In all these cases it can be argued that taking the action demanded will not make any difference to the level of suffering and injustice in the world and that as a result there cannot be a moral demand to act or refrain from acting in the way outlined.

To see how this objection works, consider the case of elections. In elections it is usually the case that no individual vote makes any difference to the outcome. This is because the winning candidate almost always wins by more than one vote. Thus it seems that the obligation to vote cannot be justified by the likely effects of voting. In a similar way an inconsequentialism objection can be made against the idea that there is a moral obligation to avoid eating a ham sandwich. In the case of a vegetarian contemplating eating a ham sandwich at a buffet, whether or not they eat that sandwich will have no effect on the number of animals killed. Thus the inconsequentialist can insist there can be no moral reason to refrain from eating the sandwich. In the case of a chemist who is offered a job making chemical weapons, whether or not they take the job will have no effect on the number of chemical weapons developed. This is because if they refuse to take the job, another scientist will take their place.

In all these cases the inconsequentialist objection states that *because* the action prescribed or proscribed has no effect on the level of suffering or injustice there can be no justification of the prescription or proscription. Inconsequentialism insists that individuals cannot be obliged to refrain from taking actions which do not effectively make things worse. This means that in a lot of market based cases there is no obligation to refrain from performing a particular action. This is because if one refrains it is likely someone else will take one's place such that the bad outcome will occur anyway (Woodard, 2003, p. 222). For example, where an individual refrains from buying goods made in sweatshop conditions, or from

working for a pay day loans company, it is likely that the goods will be bought by someone else and the job will be taken by someone else. Thus, according to the inconsequentialist objection there cannot be a legitimate moral demand to refrain from doing either.

The objection from inconsequentialism also suggests that there can never be an obligation to participate in a beneficial collective project when one's participation will not increase the effectiveness of the project. It also suggests that there can be no obligation to refrain from participating in a harmful project when one's contribution will not make the project any worse. The claims of inconsequentialism threaten the idea that there can be obligations to work with extremely large groups of others to achieve particular outcomes. This is because any individual joining a collective and working within it in pursuit of a particular outcome is extremely unlikely to make any difference to whether that action fails or succeeds. If the group succeeds in its goal, it is likely that the tasks performed by this individual could have been spread throughout the group in the absence of their participation. If the group fails in its goal, the individual joining the group will have made no difference by joining the group. Thus there can be no obligation to take part in large scale collective action.

Thus the inconsequentialist objection is a threat to any moral demand that requires large numbers of individuals to work together to achieve a particular goal. It is a particularly effective objection to cases in which there is a set goal which will either be achieved or not depending on whether the numbers exceed a particular threshold. In cases where every additional contribution will improve outcomes the inconsequentialist objection is less effective.

Inconsequentialism grounds two serious criticisms of the theory of poverty and obligations proposed in this thesis. The first criticism questions whether or not any individuals can be identified as contributors to a structural injustice (or any form of essentially aggregative harm) given that no individual's contribution makes a significant difference to the vulnerability to deprivation and domination the victims of structural injustice face. Identifying agents as obligated to take precautions to avoid contributing to structural injustice relies on the idea that they can be identified as at least partially causally responsible for the structural injustice if it occurs. However, if any particular agent's contribution does not make the injustice worse, then it is controversial to claim they are contributors to the

injustice. The inconsequentialist objection states that if an individual's action has no effect on the likelihood or level of structural injustice, then they cannot be considered a potential contributor. If they are not a potential contributor they cannot have an obligation to take action to prevent the injustice as a precaution to avoid contributing to the injustice.

The second objection argues that there cannot be an obligation to make efforts to establish a collective to prevent future structural injustice because whether or not individuals make such efforts will have no effect on whether the project succeeds and structural injustice is avoided. This suggests that we cannot claim that the agent has a moral reason to take the action recommended and thus there can be no such obligation.

I will deal with each of these objections in turn. Drawing on the work of Derek Parfit in 'Five Mistakes in Moral Mathematics', I will argue that the existence of aggregative harm grounds the need to go beyond the likely consequences of an act in assessing its permissibility. I will argue that agents must also consider the effects of aggregations of acts of which their act is part. This means that agents can be considered contributors to harm even if their action does not make the problem worse and thus that agents can be required to take action to avoid consequences which they do not make worse. I will set out an account of how individuals can be identified as part of such an aggregate.

Inconsequentialism and Contributing to Structural Injustice

I will begin by considering the first inconsequentialist objection. This objection states that no individuals can fairly be identified as contributors to structural injustice because no individual makes structural injustice worse. This objection states that agents cannot be considered contributors to structural injustice when their actions do not make the problem any worse. As a result, in many cases where the account advanced in this thesis suggests individuals' negative duties require they make efforts to form a collective and prevent structural injustice, they have no such obligation. This is because in the absence of collective action they will not make structural injustice worse and thus they should not be considered contributors.

How can an individual be said to contribute to a problem when their action is neither necessary nor sufficient for the problem and their actions do not make the

problem worse? My account suggests that individuals can be identified as contributors to structural injustice even when their actions do not make the problem worse. This is because in many cases of essentially aggregative harm outcomes are over-determined. This means that a given individual's actions do not make the difference between justice and injustice. Thus they do not make the problem worse. Restricting the category of contributors to those that make the problem worse would mean in many cases considering no individual a contributor.

In cases of essentially aggregative harm no individual act is a necessary or sufficient cause of the harm. Furthermore, in many cases of essentially aggregative harm no individual act makes the structural injustice more acute. This is because once the number of actions reaches a threshold additional actions do not make the problem worse. It follows from this fact that in these cases removing any particular contribution cannot alleviate or lessen the injustice. However, if a large proportion of the acts were to stop, then the structural injustice would be avoided. In the case of structural injustice, the injustice is the result of the aggregation of a range of practices, institutions, past actions and trends. None of the acts that contribute to these factors worsens the vulnerability to deprivation and domination of the victims of structural injustice. If any of these acts were not performed, there would be no effect on the level of structural injustice. However, if some of these practices institutions or trends were to change, then structural injustice could be lessened or even avoided. Thus most of these acts do not worsen structural injustice and yet together they cause it.

The solution proposed here is that in order to be identified as causal contributors it is not necessary that individuals make a problem worse. The plausibility of this suggestion can be seen by considering other cases of harm that are over-determined. Consider the case of a firing squad carrying out an execution. Each member of the firing squad simultaneously fires a bullet into the condemned person. Who is causally responsible for causing the death? For any member of the firing squad it is true that whether or not they fired made no difference to the outcome. The condemned would still be dead whether or not that particular member of the squad fired his rifle. Thus no single member of the firing squad makes things worse; the condemned would die regardless of whether or not they pulled the trigger. However, intuitively it cannot be the case that none of these individuals is even partially causally responsible for the death. This suggests that

for an individual to be partially causally responsible for an outcome it need not be the case that they make the outcome worse.

Considering how we should think about such a case may help us deal with cases where outcomes are over-determined. It seems plausible to say that the firing squad as a group made a difference between whether the condemned person lived or died. Without their actions the condemned would be alive. After their actions the condemned died. Their combined actions made the difference between life and death.¹¹¹

However blaming a group for a consequence on the basis of the difference their combined action made is difficult. Some account is needed of who can be included in the group so as to avoid random individuals being added to the group. In the case of the firing squad a random individual – for example, Betty – could be added to the group. Say Betty brushed her teeth that morning. It is true that if the five members of the firing squad had not fired their guns and Betty had not cleaned her teeth then the condemned would have lived. A theory that demands individuals consider the consequences of sets of acts of which their act is part needs a way of distinguishing when an act should be considered part of a relevant set. Without such an account the act could be added to other actions to form a random amalgamation. This would mean agents would have to consider consequences of unrelated acts. Thus we need a way of restricting who can be included in a set in order to avoid Betty's brushing her teeth being included amongst the set of actions that results in the death of the condemned. Some criterion for restricting membership to the causally responsible group is required.

In the firing squad example there are many possible ways to differentiate members of the group who together cause the death. Each member of the firing squad intentionally took part in a collective act with a planned result.

Furthermore, they each performed an action that was sufficient to cause the

¹¹¹ In the case of the firing squad there are ways of explain why each member of the firing squad act is wrong without appealing to what the group cause. In the case of the firing squad each member fires a shot into the condemned. Any such act is sufficient to cause death. This is true regardless of whether in the circumstances the shot made a difference to whether the condemned lived.

outcome. These factors could be used to identify them as part of the group that should be considered responsible for the death.¹¹²

However, in other cases where actions come together to cause outcomes that are over determined there are no intentions to be part of a group that create an outcome. Furthermore, in some cases the individual acts that contribute to a problem are not themselves problematic when considered in isolation. In order to determine when an individual's action is causally relevant to these cases some criteria are required. What is needed is a way of determining which acts to identify as causal contributions to the problematic outcome.

I will now consider a case in which ten factories release excess water into a river. The river overflows and a town is flooded. It is the case that for any particular factory manager, whether or not they release water into the river makes no difference to whether there is a flood. This is because the other factories' contributions are sufficient to cause the flood in the absence of a contribution from any particular factory. Thus any factory manager can claim that their act of releasing waste water into the river does not cause the flood. They can also plausibly claim that their actions do not make the situation worse because flooding would still have occurred whether or not they released water into the river.

In this case no factory manager intends to take part in a collective plan and the factories are not part of a collective organisation. Moreover, (assume) it is not the case that any of the individual contributions is wrong in itself. However, it seems plausible to say the combination of all ten factories flushing their waste water into the river caused the flood. Furthermore, it seems fair to say that each act of flushing waste water into the river contributed to the flood. In this next section I will develop an account that can identify aggregates as causally responsible for outcomes whilst denying that random agglomerations of actors can also be identified as causally responsible for outcomes. A strategy is proposed that can show why all ten factory managers¹¹³ can be identified as causally contributing to

¹¹² Tracy Isaacs has developed a plausible account of accountability, liability and causal responsibility for group actions of this kind (Isaacs, 2011).

¹¹³ In the example each factory is controlled by a single owner-manager. The manager takes the action of turning a switch which releases the waste water in to the river. Issues of moral responsibility for the acts of corporations are not explored here. The example is about how to identify causal responsibility in cases where many factors come together to cause negative outcomes.

the flood but the actions of random individuals like Betty cannot be considered causal contributions to the flood.

Derek Parfit has developed a theory for dealing with cases in which a harm or benefit appears to be caused by a collection of actions none of which is necessary for causing the outcome. His account aims to establish whether an agent has moral reason to act or refrain from acting. He suggests that a group can be identified as causing harm (or benefit) when it is the smallest group of which it is true that, if they had all acted differently, the harm or benefit would not have occurred (Parfit, 1986, p. 71).¹¹⁴

Parfit plausibly argues that, when considering how an agent is obliged to act in a particular scenario, it is not simply the likely consequences of potential actions that matter but also the consequences of sets of actions of which the action in question is part (Parfit, 1986, p. 70). Going beyond the consequences and significance of a particular action and judging an action also on the consequences and significance of a set of actions of which it can be identified as part is a significant move.

If we apply Parfit's method to the flooding example it will identify the smallest group of factories which could prevent the flood by refraining from releasing water into the river as harming the town by causing the flood. In cases where each factory releases the same amount of water into the river, this group is indeterminate. There are multiple smallest groups. In such a scenario it is plausible to consider all individuals that are members of one of the smallest groups as causally contributors to the flood. All of these managers' actions are all causally relevant because they all stand in the same relation to the problem. None of them could have prevented the problem simply by refraining from action. However, for each of them it is true that they could have prevented the problem by being part of a group – in fact, multiple cross cutting groups – which refrained from flushing waste water in to the river.

Parfit's account offers a way of identifying aggregates as causally responsible for outcomes. His method offers a means of identifying causal contributors in cases in

¹¹⁴ Parfit is concerned with when a group harms or benefits. I am concerned with when an aggregate can be regarded as causally responsible for an outcome. These are different problems. However, they both require a means of separating relevant parties from non-relevant parties. In this section I utilise the criteria he outlines to solve the objection to my account.

where there is no causally responsible organisation or collective taking part in coordinated action. Parfit's method suggests that aggregates can be identified as causally responsible on the basis of the consequences of their actions considered as a set. This practice is vital if we are to hold people causally responsible for aggregative harms. If serious essentially aggregative harm is to be avoided, aggregates must be identified as causally responsibility for the effects of the aggregation of their actions.

To recap, Parfit suggests that groups who harm or benefit can be identified by considering who belongs to the *smallest* group of agents who could together avoid the problem by altering their actions. In this way Parfit isolates a particular group of individuals who can be held prima facie responsible for a particular harm or benefit (Parfit, 1986, pp. 71-72). By insisting that only the smallest group that could together prevent a harm or benefit are causally responsible for it Parfit avoids including random individuals like Betty. Any group that contains superfluous individuals with no connection to the outcome will be larger than the group without these random individuals and thus it will not be the smallest possible group.

However there is a significant flaw with Parfit's method. By insisting that only the smallest group that could together avoid the outcome are to be credited with causing the harm or benefit he excludes many causally relevant parties. To see the deficiency with Parfit's method, consider a variation on the flooding example in which the factories all put different amounts of water into the river. Assume that if the three biggest factories stopped putting excess water in to the river the flood would be avoided. Thus these factories are part of the smallest possible group that could have prevented the problem by refraining from dumping excess water in the river. In the absence of these three actions the flood would have been avoided. In such a scenario, Parfit's way of identifying who harms absolves the other factories from responsibility for the harm. However, four of the smaller factories could also have prevented the flood by not dumping water into the river. Parfit's method precludes the assessment that this group, too, harms. This is because these four factories are not members of the smallest group that could prevent the problem by refraining from acting. The group of four factories is larger than the group of three factories and thus these four factories are excluded from causal responsibility just as the group of three factories and Betty is excluded. Yet these four factories could together take action to prevent the flood

and have a real causal connection to the problem. Using Parfit's method to establish which aggregate is causally responsible for the flood is problematic because it excludes from the aggregate of causal contributors factory managers that put water into the river and are part of a group of agents who could have prevented the flood if they had refrained from so doing.¹¹⁵ Although we may want to say that each of the three larger factories have a greater share of causal responsibility it is implausible to say that the four smaller factories have no causal responsibility. This flaw in Parfit's method suggests that a different way of identifying causally relevant parties is required.

The strength of Parfit's method is to exclude identifying as contributors those who have no causal connection to the outcome. However, the weakness of his approach is that it also excludes causally relevant parties who make small but significant contributions to the outcome. In this next section I will develop criteria for determining membership of the aggregate of causal contributors by which random individuals can be excluded but those who make small contributions are not.

What matters for ascribing causal responsibility is whether any particular agent's actions are a *difference-making* part of a group of actions that if not taken would avoid the outcome in question. The term difference-making aims to distinguish cases where an agent's actions are irrelevant from cases where they make a difference to the success of the group in avoiding the outcome. The way to rule out adding random individuals to a group who together make the difference between the outcome occurring and not occurring is to consider whether the same group minus the individual under consideration would still make the difference between the outcome occurring and not occurring.. If the exact same group minus any particular member could avoid the outcome without them, then they are not a difference-making member of the group.

Thus an agent should be considered causally relevant to an outcome if and only if the following conditions are met. Firstly, the agent is a member of some group of

¹¹⁵ Parfit's aim in 'Five Mistakes in Moral Mathematics' is not to establish causal responsibility. Instead he is concerned with obligations to refrain from harming. However, it does seem odd only to consider the three largest factories as 'harming' the village. It might be pragmatic as a means to avoiding aggregative harms to only hold members of the smallest group to be harmers. This limits obligations. However in non-ideal conditions of partial non-compliance this may be a risky strategy. When reasoning about what a factory manager is obliged to do it also seems implausible to say that the managers of the smaller factories are not obliged to refrain from putting water into the river.

agents of whom it is true that if they together refrained from acting in a particular way the outcome would be avoided. Secondly, it must be the case that this group of agents could not avoid the outcome by refraining to act if the agent in question was removed from the group and not replaced.¹¹⁶ Thus Betty cleaning her teeth cannot be considered a contributor to the flood. Betty is part of several groups of agents who if they refrained from acting could prevent the flood (one example of such a group is the three biggest factories and Betty). However, the same group could still prevent this outcome in the absence of Betty even if she was not replaced. Thus Betty cannot be considered a difference-making part of this group. There is no group of agents that include Betty of which it is true that with Betty they could avoid the outcome but without her they could not. Thus Betty cannot be identified as a causal contributor to the flood.

However, each of the four small factories is a difference-making part of a group of agents who could together prevent the flood by refraining from acting. Together the four factories can prevent the flood by not flushing water into the river. However, if any of the four factories were removed from the group (so continued to add water to the river), and not replaced, the flood would still occur. This is because three small factories refraining from adding water to the river would not be sufficient to prevent the flood. This means that each of the four factories is a difference making part of a group that could prevent the flood by not acting. Thus they should all be considered contributors to the flood. In fact for each factory that dumps water in the river there are likely to be multiple groups that could prevent the flood with their contribution but not without it.

This account of identifying causal contributors can isolate causally relevant actions from random actions. It identifies only those actions that could be a significant part of an aggregation of actions that would together make the difference between one outcome and another. It is all those individuals who are a difference-making part of a group of individuals who could together prevent structural injustice by refraining from acting who should be considered contributors to structural injustice.

This method shows why an individual can be identified as a contributor even though their particular contribution does not make the harm worse. This is

¹¹⁶ The same method was used in chapter 7 to identify those responsible for preventing collective action to prevent structural injustice from working.

because their action is a difference-making part of a set of actions that if avoided would prevent the consequence. In the case of essentially aggregative harms – such as global structural injustice – there will usually be multiple groups of this kind. The fact that any individual is a difference-making part of a group whose actions are sufficient for the harm to take place demonstrates that the individual in question is a contributor to the essentially aggregative harm in question.

This solution to the inconsequentialism objection challenges it head on. It states that it does not matter that an individual's actions do not make a problem worse. It instead insists that it is a mistake to think it is only the consequences of an action that matter. This response suggests that a sophisticated understanding should consider the effects of sets of acts in addition to the effects of individual acts. Where an action is a significant part of a set of actions that together make a difference to the consequences then this is morally significant. In these circumstances the agent may have an obligation to avoid the actions in question, take precautions to prevent the harm, or take on the costs the harm causes. In the case of structural injustice, agents are obliged to take precautions to reduce the risk of harm being caused by the aggregation of their actions with those of others.

According to my account, any individual who has reason to believe that their future actions are likely to contribute to essentially aggregative harm (according to the criteria just stated) has a precautionary obligation to work with others to prevent the essentially aggregative harm from taking place. It is the likely effects of the set of actions (of which the individual's action is a significant part) that grounds this demand rather than the likely effects of the individual's actions. In this way the individual can be identified as a contributor even though their actions are neither necessary nor sufficient for the problem in question and their actions do not make the problem worse. This account holds all those who share a causal connection to an aggregative harm responsible for taking precautions to avoid it.

This solution calls on individuals to take responsibility for aggregative harm. It asks them to consider the likely results of the aggregation of their and others' actions rather than just considering the difference their actions make. This demand is justifiable because the costs likely to result from taking into account aggregative harms and working with others to avoid these problems are not as serious as the suffering and frustration that is likely to result from failing to address aggregative harm. Thus it is reasonable to call on agents to consider the effects of the

aggregation of their actions with those of others rather than just the effects of their actions.

In the absence of considering the effects of aggregation of acts much suffering will take place. In the case of essentially aggregative harms no individual's actions are harmful when considered in isolation, yet the net result of all these actions is significant suffering. The fact that a set of actions can be harmful, when the individual actions that make up that set are not, means that consequences of sets of acts must be considered in moral judgements over the acts which are part of these sets.

Inconsequentialism and Obligations to take part in Collective Action

The aim of this section is to examine the second inconsequentialist objection. This objection states that there cannot be an obligation to make efforts to form a collective and establish institutions to prevent future structural injustices because whether or not any individual makes such efforts is likely to have no effect at all on the success of those efforts. For the efforts to work a large number of individuals must join the collective and seek to address the injustice. When it comes to global structural injustice the numbers needed will be very large and the number of individuals in the set of those who could work together will be enormous. This means that for any given individual it is extremely unlikely that their joining the global justice movement (a movement that aims to build a collective to prevent global structural injustice¹¹⁷) will have an effect on whether or not it succeeds in its aims. The inconsequentialist objection states that since the obligation is justified by the aim of preventing structural injustice, if the action is unlikely to have any influence on the success of this aim, there can be no obligation to take such action. In these cases it seems odd that any individual is obliged to make any effort, especially as a *precaution* to avoid contributing to structural injustice. If these efforts do not actually prevent structural injustice, it is difficult to see why they should be considered a precaution at all. In these circumstances it would be more reasonable to demand that individuals make efforts to assist the victims of structural injustice. In this way they do more to relieve suffering because they take action that is actually effective.

¹¹⁷ This movement also aims to tackle injustices imposed by global institutions, organisations, transnational corporations and powerful states.

Dealing with this objection thoroughly requires extensive analysis. I will proceed as follows. First, I make a serious case against *applying* the inconsequentialist objection to the duty to make efforts to establish a collective and lessen structural injustice in order to promote justice and prevent future contribution to structural injustice. I then proceed to make a case against the plausibility of inconsequentialist objections in general.

It is useful to make explicit the assumptions on which the objection relies. After doing this, I will question each of these assumptions in turn. The result is several distinct problems with the objection. Some concern the application of the objection to the particular case, some to do with the way it functions generally. From this analysis I will conclude that the inconsequentialist objection does not defeat the obligation offered in this thesis.

I begin by arguing that an individual's efforts to form a collective and prevent structural injustice are more likely to make a difference than the objection supposes. Then I discuss whether there can be moral reason to reject the inconsequentialist objection even if it is true that any individual's efforts are unlikely to make a difference to outcomes. I use the first part of this discussion to demonstrate that the inconsequentialist objection does not offer reasonable justification for rejecting the obligation to make efforts to form a collective and prevent structural injustice. Some of the later parts of this discussion are less developed and more speculative. Their role here is to explore the way of thinking on which the inconsequentialism objection relies.

Assumptions of the Inconsequentialist Objection

I will begin by deconstructing the inconsequentialist objection and revealing the assumptions on which it relies. The objection outlined above assumes that there is one single identifiable goal of the required action (preventing future structural injustice) and that if the power of the collective working to prevent structural injustice surpasses some threshold this goal will be met. This is the first assumption I will show to be false.

The objection rests in part on the claims that the amount of effort required to pass the threshold and achieve the goal is large and that the pool of potential contributors is even larger. These facts come together to produce a situation in which any individual's contributions are unlikely to make the difference between failure and success. Indeed, it is almost certain that no individual contribution will

have a defining effect on the outcome. In making these claims, the objection assumes that the consequence of an individual making efforts to form a collective and prevent structural injustice is the equivalent of adding one extra person to the number of people working together to prevent structural injustice. This is the second assumption I will show to be false.

The objection states that it is unreasonable to demand an action that is unlikely to make any morally significant difference to consequences. In the case under examination, it is claimed that the importance of avoiding structural injustice cannot justify the demand to make efforts to establish a collective capable of establishing and maintaining institutions for avoiding structural injustice because these efforts are unlikely to have any effect on whether or not structural injustice is eradicated. Thus the objection assumes that there cannot be a moral reason to take actions that have very little chance of making a difference. This is the third assumption I will show to be false.

More generally, the objection assumes that when a contribution does not make the difference between failure and success there is no reason to contribute. Thus it assumes that there is no reason to contribute to efforts that will succeed without your assistance and that there is no reason to contribute to efforts that will fail. In the final section of this chapter I will offer reasons to doubt these assumptions.

Multiple Tipping Points

The first assumption the objection, then, is that there is a single identifiable goal of the efforts demanded and that there is a single tipping point at which efforts will become sufficient to achieve this goal. The objection states that the aim of making efforts to establish a collective is to establish institutions capable of preventing structural injustice and that there is a single point at which efforts will become intense enough to achieve this outcome. However, the actual situation is much more complex than this. It is not the case that structural injustice will be prevented or will continue. It could be that the collective fails to eradicate structural injustice fully and yet manages to remove many structural injustices and to lessen others. Furthermore, a global social movement may successfully achieve global coordination on some of the issues that undermine state's abilities to regulate social structures but not others. In such circumstances it is not the case that the efforts made have not made any morally significant difference. The

aim of the efforts is not simply to prevent structural injustice, but also to lessen structural injustice. This goal can be achieved to a lesser or greater extent. If efforts succeed in reducing future structural injustice they will have promoted justice and reduced the harm caused by social structures even if structural injustice is not completely eliminated.

Thus, there is not just one single goal that action either fails to achieve or succeeds in and there is not just one single threshold that makes the difference between current levels of structural injustice continuing and structural injustice being eradicated. Instead there is relative success or failure as more or less structural injustice is tackled and more global coordination is achieved. I will now examine what difference these facts make to the likelihood of an individual's efforts making a significant difference.

Collective action of the kind defended in this thesis often works by pressurising existing regulatory institutions to address structural injustice. Political action of this kind can alter the decisions made and lead to a reduction in structural injustice even if it does not manage to eradicate it completely. Political action feeds into a political climate that constrains and enables decision makers who rely on public support; the climate effects what decisions are made. Thus collective political action can alter the decisions power holders make. As argued in chapter 7, political action works by using collective power to incentivise certain actions and make others impossible.

Every additional protester or petition signer has a small effect on the political climate which in turn has an effect on power holders. Decision makers can bring in laws, policies or initiatives that can lessen structural injustice. The political climate has an effect on the decisions they make. In many campaigns that do not succeed in their ultimate aim of removing a particular structural injustice there can be minor successes that significantly lessen structural injustice. The numbers who take part in political action have an effect on whether these minor successes are achieved or not. Any individual choosing whether to take part in political action cannot be sure that their joining will not make the difference between reaching one of these thresholds or not.

There are many ways in which decision makers can reduce structural injustice and many issues on which they can coordinate globally in order to overcome structural injustice. Instead of one tipping point there are multiple points at which

a reduction in structural injustice will take place. This fact increases the chance that any individual's efforts will make a difference to the extent of future structural injustice. This fact threatens the conclusion of the inconsequentialist objection because it increases the chances that an agent's efforts will make a difference. In the case of efforts to build a collective capable of preventing structural injustice, it is more likely that an agent's efforts will make a difference than the objection's analysis suggested.¹¹⁸

Spiral Effects

The inconsequentialist objection states that each individual only has a very small chance of making the difference between failure and success. It assumes that each individual just adds to the chance of success by expending their efforts in support of the shared goal. This second assumption is also open to question. It is unlikely that adding one additional person to the collective's political action will make a difference to the success of a collective project. However, each individual can make more of a difference than the addition of their own efforts.

Individuals may, through setting an example and influencing the behaviour of others, affect widespread societal change (Hourdequin, 2011, pp. 452-454).¹¹⁹ Research has shown that the actions and attitudes of individuals can affect the actions of others to create spirals which over time alter social facts. So called 'spiral effects' mean that the behaviour and attitudes of some individuals can have a dramatic effect on others who have an effect on still more people (Hourdequin, 2010) (Pachucki, et al., 2011). This is because the more individuals alter their behaviour, the easier it is for others to change as the idea of normal changes to incorporate the new practice. Thus one individual joining collective efforts may encourage, and make it easier for, many others to join. Thus, they may more significantly increase the chance of success than initially thought.

Any individual joining a collective may cause other members to join by lowering the costs of joining, setting an example, or influencing the decisions of others. In

¹¹⁸ Shelly Kagan makes a similar case in discussing the utilitarian rationale behind vegetarianism. He argues that an individual buying food at the supermarket cannot know whether their potential meat purchase will trigger additional orders. However, the number of additional chickens ordered will be related to the likelihood of the triggering an order such that the expected number of chicken murders you will cause by buying a chicken will be one. This is because the supermarket are likely to order x chickens if they order every time x chickens are sold. Thus there can be reason to refrain from purchasing a chicken even if it is unlikely to trigger an order (Kagan, 2011).

¹¹⁹ The norm she discussed is a demand to put efforts in to persuading others to engage in individual action to lower contributions to humanly accelerated climate change.

this way they may increase the chance of success rather more dramatically than originally thought. This chain of consequences can result in significant change. When a large enough number of members of a social group start taking some sort of action it becomes easier to do it than not. This is because remaining part of the social group requires sharing in activities and spending time together.

The fact that the activity of forming a collective capable of preventing structural injustice is recruiting additional members means that in this particular case spiral effects will be even more significant. Part of political activity is encouraging others to join the collective. For any individual who joins in such action, they will encourage several others to join. If those others in turn persuade others to join, who persuade others, and so on, there will be exponential growth in the size of the movement. This means that the effect of that first individual making efforts to establish a collective capable of preventing structural injustice will be hundreds of additional members joining the collective. This means that it is much more likely that an individual making efforts to establish a collective will make the difference between the action succeeding in its primary goal of establishing a collective and preventing structural injustice.

Provisional Conclusion

I have argued that in the case of efforts to establish a collective and prevent structural injustice there are multiple tipping points which if reached will result in significant gains. This suggests that the chance of an agent's efforts making a difference is significantly higher than the objection assumes. I have also argued that each individual's effort is not best thought of in terms of a mere addition of one extra member to the collective. Rather they will recruit new members who in turn will recruit new members and thus their efforts will result in a significant increase in the efforts committed to alleviating structural injustice. This also increases the chances that their making efforts to establish a collective to prevent structural injustice will make a difference. Thus the likelihood of any agent's efforts to form a collective and prevent structural injustice making a difference to the level of global coordination and structural injustice is larger than the objection assumes. As a result, contra the objection, there may be some moral reason to take such action.

Small Chances Can Matter

Having argued that in this particular case there is more chance of making a difference than the inconsequentialist objection assumes I will now proceed to question some of the assumptions on which all inconsequentialist objections rely. Thus, the following criticisms reveal some fundamental problems with the objection. I will argue that even if there is only a very small chance of an action making a difference there can still be moral reason to take that action.

As noted above, the inconsequentialist objection rests on the idea that there cannot be an obligation to take action that has very little chance of making a difference. However, there are cases where agents are obliged to perform actions that have very little chance of making any difference. These are cases in which the difference that they make, if they do make a difference, is large and significant. Where there is a very small chance of making a very big difference individuals can have an obligation to act. This is because the expected benefits of the action can still turn out to be high. As Derek Parfit notes, a very small chance of making a very big difference is worth taking (Parfit, 1986, pp. 73-75)

In the case under discussion, there is a small chance that an individual's contribution will make the difference between succeeding and failing to eliminate structural injustice and a larger (but still small) chance that an individual's contribution will make a difference to the extent of structural injustice. Although this chance is small for any individual, no individual can know that their contribution will not be the one that makes a difference. Thus there is a small chance that an agent will make a difference. However, despite the fact that the chances of making a difference are small the benefits of success are significant enough to justify the demand to take action. Thus, this small chance of making a very big difference can be legitimate grounds on which to demand action.¹²⁰

Non-Consequentialist Moral Reasons to take Action

Inconsequentialist objections assume that there cannot be any moral reason to perform actions that are unlikely to make any difference to morally significant facts. However, there may be good reason to doubt this. In the closing sections of this chapter I will consider various proposals for moral reasons that do not appeal

¹²⁰ As discussed above, in the particular case of efforts to form a collective as a precaution against structural injustice, the chance of making a difference is not incredibly small. This is because there are multiple tipping points at which structural injustice will be reduced and because joining a social movement involves recruiting new members and thus one's efforts are likely to produce additional efforts by others.

to the consequences of a particular action to justify recommending it. I will consider whether any of these account offer reason to take action in cases where the expected moral benefits of such action are low.

Expressing Respect

Even if the chance of making a difference to consequences is low, there may still be good reason to make efforts to form a collective to tackle structural injustice. In fact, even in the absence of such consequences it may still be reasonable to demand agents take such action. It could be argued that there is moral reason to make efforts to establish a collective and prevent structural injustice even when such efforts will not make a difference because taking such action expresses respect for those suffering from structural injustice as well as concern for their plight. This is based on the idea that agents are morally obliged to act in ways that honour others and express respect.

Of course, concern and respect for victims could also be expressed in other ways. Assisting the victims directly is also a means through which this concern and respect can be expressed. Since such efforts will make a difference to their lives it does not look like the need to express respect is a decisive reason in favour of making efforts to establish a collective and prevent structural injustice when these efforts are unlikely to make any significant difference. There is no reason why what individuals who contribute to structural injustice must do is make efforts towards a purported solution that will make no significant difference rather than take some other action that will have positive consequences (such as aiding the victims of structural injustice). It seems odd that agents cannot reject an obligation to perform an action which they have good reason to believe will make no significant difference to the state of the world. Thus expressing respect cannot count as a decisive reason in favour of working with others to prevent structural injustice.

Pattern Based Reasons

In chapter 7 it was argued that there can be a moral reason to take an action because of the fact that it is part of a *pattern of action* with certain properties or likely consequences even in cases where the other parts of that plan are unlikely to be carried out. If such pattern based reasons exist they offer a reason to take part in collective action even when your contribution is unlikely to make a difference. This is because your action is part of a pattern of actions with morally

significant consequences. Making efforts to form a collective and prevent structural injustice is part of a pattern of action in which many people make such efforts and as a result global institutions are established and structural injustice effectively regulated. It is the consequences of such a pattern that justify the demand to take action. Thus, if the proposed actions may be considered part of this pattern, then pattern based reasons offer a justification for the demand.

The obligation to make efforts to establish a collective and prevent structural injustice is an obligation calling on individuals to perform their part in a pattern of action that if fulfilled will prevent the continuance of structural injustice. It is the importance of preventing structural injustice that justifies the demand. Thus it is the consequences of the *pattern*, of which the efforts are part, which justifies the demand to take the action in question rather than the immediate consequences of the act itself. Those who make such efforts enact part of such a pattern. This action can be demanded because it fulfils part of a pattern we have moral reason to bring about.

Pragmatic Reasons to Embrace Pattern Based Reasons

Accepting pattern based reasoning involves rejecting the premises on which the inconsequentialist objection relies. It involves suggesting that it is not merely the likely consequences of an action that can justify the obligation to take it. There may be pragmatic reasons that speak in favour of embracing pattern based reasons and rejecting inconsequentialism as an excuse for inaction.

If we are determining what excuses should be generally accepted for failing to take part in collective action, then it is a bad idea to accept the excuse that such efforts are unlikely to make a significant difference to consequences. This is because generally accepting this excuse would mean that contributing to collective projects with significant moral outcomes could never be morally required. Thus, there would be no obligation to tackle serious moral and political challenges that require the cooperation of many individual in order to be addressed. This would be disastrous. As argued in the introduction to this thesis, in the modern world humanity faces many challenges that cannot be overcome without global coordination. Rejecting pattern-based moral reasons that require that individuals play their part in patterns that if fulfilled will prevent these problems would thus be disastrous.

In cases where multiple individuals can take part in collective action accepting that any individual's contribution is unlikely to have an effect on the consequence as an excuse for inaction would mean that no individual is obliged to act. This would mean that no large scale collective actions could be morally demanded. The fact that such actions are required to prevent serious structural injustice offers a reason not to accept this excuse. Intuitively the potential benefits of these collective efforts can justify the demand to play your part in them even if your own contribution is unlikely to make a difference to outcomes.

Reasons of Fairness and Obligations to Contribute

The inconsequentialist objection states that it is very unlikely that an individual's contribution will make the difference between structural injustice being alleviated or not. This is because there are two far more likely scenarios in both of which the individual's efforts will be wasted: either the individual will make superfluous contributions to a collective action that would have succeeded in any case or they will waste their efforts contributing to collective action that fails to achieve its goal. Chapter 7 discussed why there can be reason to make contributions to collective efforts to alleviate structural injustice that are likely to fail. It suggested that pattern based reasons offer a justification of the obligation because these reasons apply even when an insufficient number of others are willing to contribute to the pattern. This section will suggest that there can be good reason to contribute to efforts to form a collective and prevent structural injustice even if collective action to avoid structural injustice will succeed without your contributions. It will be argued that there is some moral reason to participate in these collective efforts out of a commitment to fairness.¹²¹

The strongest case for reasons of fairness can be made in situations where one can relieve the burdens of others taking part in collective efforts by joining them. If an agent's contribution to forming a collective and preventing structural injustice can lessen the burden of others also taking such action, then they may have moral reason to do so. It is not fair to allow others to bear a greater amount of the costs of taking precautions because you are not contributing to

¹²¹ There has been widespread debate as to when and why obligations to avoid free riding occur. This case is particularly interesting because it concerns a case in which an agent free-rides on the precautionary efforts of others. It is a case in which an agent avoids causing harm because of the efforts of others. In the more usually discussed cases it is considered whether an individual has an obligation not to benefit as a result of a mutual benefit scheme to which they do not contribute (Nozick, 1974) (Barry, 1991).

precautionary efforts. It is important that each agent who contributes to social structural injustice takes on a share of the costs of preventing injustice in those social structures. This can mean that an agent is required to make efforts to form a collective and prevent structural injustice even when the collective efforts would fully succeed in the absence of their contribution. This is because in the absence of their contribution other agents will take on a larger share of the costs.

To see this, consider the following analogous example. In a small town many local people set off fireworks on a traditional holiday. This practice is fairly dangerous and often people are injured and property is damaged. Thus there is an obligation on those who set off fireworks to take precautions to reduce the risk of injury.

Suppose that a group of residents work together to protect property and establish a fire safety team to put out any fires promptly and thereby avoid damage.

Consider the obligations of a resident who puts on an annual firework display but is not part of this collective effort. The analysis here suggests that such an agent has an obligation to join the collective who fire-proof the town and help organise the fire safety team: they must contribute time and money to this collective effort. This is because not to do so would be to free ride on the precautions of others. This is the case even if their fireworks will not cause any harm regardless of whether or not they contribute, because the fire proofing and fire-safety team will prevent this harm.

Unlike in cases of free-riding on mutual benefit schemes, in this case an agent cannot simply claim that they do not want the benefit of the other agents efforts and thus they would rather no such scheme was established. This is because they have an obligation to make efforts to establish such a scheme where there is no such scheme. This is because the schemes aim is to avoid harm rather than to provide benefits.

Similarly, it would be wrong for those who contribute to social structures to free ride on the efforts of others to prevent structural injustice. Thus, agents have an obligation to make efforts to prevent structural injustice in their social structures even when sufficient others are already engaged in such collective action. This means that the inconsequentialist is wrong to suggest that there is no obligation

to take such action in cases where sufficient others are already partaking in such action.¹²²

The fact that agents do not voluntarily choose to pose a threat to others does not affect this analysis. To see this consider a case in which the residents of a slum without sewerage organise a scheme whereby effluent is cleansed from the street on a daily basis. Those slum dwellers who do not contribute to such a scheme non-voluntarily contribute to a hazard that threatens the health of all occupants. They have an obligation to contribute to the cleansing scheme even if the scheme would succeed without their efforts. This is because they have an obligation to avoid free-riding on the precautionary efforts of others. It would be unfair of them not to contribute. This is true even though they cannot avoid contributing to the problem that requires the cleansing.

To see the strength of reasons of fairness, consider a case in which it is clear that efforts to prevent structural injustice will succeed with or without an agents contribution.¹²³ Consider a scenario in which a society is regulated by just institutions and in which there is an established civic public who participate in political discussion and action aimed at maintaining the justice of the established political institutions (by holding them to account) and ensuring they deal with any structural injustice. In such a scenario the loose collective of active citizens take on various costs (dedicating time to discussion of political issues, organising meetings, taking political action) in order to play their role effectively. They are likely to distribute essential organising tasks between members who commit lots of time and rely on a larger membership to flag up emerging issues to organisers, attend demonstrations, and sign petitions. In such a scenario, does a politically inactive citizen have an obligation to follow public events, consider them thoroughly and work with others to prevent structural injustice?

First consider whether they have an obligation to join structural justice promoting demonstrations and sign relevant petitions. Such action will not lessen structural

¹²² The argument above suggests that there is an obligation to take part in such efforts in order to alleviate the costs to others already taking part in such action. However, it could be argued that even where joining in such efforts does not alleviate the costs on others, the moral demand to avoid free riding may require that individuals contribute. It could be argued that fairness can demand such action even where it will neither prevent more harm nor relieve the burdens of others. This is a controversial moral claim.

¹²³ In contrast, in the inconsequentialism case it is likely that agents will either contribute to efforts that will succeed anyway or contribute to efforts that fail. However, it is unclear which will be the case.

injustice (as the example is described the agent knows that structural injustice will be avoided anyway thanks to the politically active citizens). Nor is it likely that such action will relieve the burden on those who currently take similar action; it is likely that these individuals will still spend as much time staying informed, attending demonstrations and signing petitions. In such a case the demand to take such action cannot be supported by its effect in terms of relieving the burdens on others. However, it may still be required as a strict requirement of fairness. It may be demanded because there is a general obligation not to free ride on the efforts of others. However, this is a controversial moral claim.

In contrast, consider the case of a citizen who is considering helping to organise meetings, petitions and political events. It is likely that if they take on an organisational role or assist in these ways they will be relieving the burdens of others. It is likely that if they volunteer for such duties at meetings, other politically active citizens will have the burdens of maintaining structural justice alleviated. They will be able to spend more time on leisure activities or valuable projects, safe in the knowledge that structural injustice will still be avoided. Thus, there is an obligation to take on these organisational tasks even if taking them on will have no effect on the level of structural injustice experienced. This is because taking on these tasks will alleviate the burdens of other active citizens. In this way the costs of maintaining structural justice will be more fairly shared and the previously inactive citizen will no longer be free-riding on the precautions of others.

The analysis in this section suggests that there can be moral reason to contribute to efforts to prevent structural injustice when those efforts will succeed with or without your contribution. The section before suggested that pattern based reasons offer grounds for justifying an obligation to make efforts to form a collective and prevent structural injustice even when such efforts are likely to fail. These two sections come together to suggest that there can be reason to contribute to collective efforts to prevent structural injustice even when it is unlikely that your efforts will make a difference to whether structural injustice is lessened or not. This is because they offer reasons to support taking such action when it does not make a difference to the level of structural injustice (either because injustice will be alleviated anyway thanks to the efforts of others or because it will continue at current levels due to the apathy of others).

Conclusion: Rejecting the Inconsequentialist objection

The first part of this chapter developed an account of how contributors to structural injustice can be identified. It argued that contributors can be identified by the fact that they could be a difference-making part of a group that could prevent structural injustice by refraining from contributing. I defined an agent as difference making when the same group could not prevent structural injustice without them (assuming that they were not replaced). This account offers a way to identify all genuine contributors while excluding random individuals. Thus it enables an aggregate of contributors to be identified who can be charged with duties to work together to avoid causing structural injustice.

In the second part of this chapter several different problems with the inconsequentialist objection to the obligation to make efforts to form a collective and prevent structural injustice were discussed. It was first noted that if collective efforts succeed in *lessening* structural injustice this is morally significant and that there are many tipping points which make a difference to the level of structural injustice. It was thus argued that an individual's chance of lessening structural injustice by joining such efforts is higher than their chance of making a difference to whether or not there is any structural injustice. Next it was argued that the fact that the obligation is in part an obligation to evangelise and recruit new members to the movement also increases the chance that an agent's efforts will make a difference. This is because they will attract new members, who will attract new members. In this way one agent making efforts to form a collective and prevent structural injustice could result in hundreds of new members.

Next it was argued that the fact that lessening structural injustice through political institutions will make a huge difference to many lives for the foreseeable future combined with the fact that there is a significant chance that an agent's action will lessen structural injustice mean that the expected moral benefit of such efforts is high and thus there can be a consequentialist reason to support making efforts to form a collective and prevent structural injustice.

In the final section of this chapter the notion that there is no reason to make non difference-making contributions to political movements was questioned. It was argued that it could be argued that agents have moral reason to take part in political action because their action is part of a set of actions which, if others contributed, would result in morally significant consequences. It was suggested

that there can be moral reasons to perform acts or refrain from taking actions on the basis that they are part of a set of actions that achieve or undermine certain goals. Pragmatic reasons for accepting such an account were offered. Finally, it was suggested that there can be reasons of fairness that demand an agent join in such action even when it will succeed without them. This in combination with the reasons that support contributing to efforts that are likely to fail due to apathy (outlined in chapter 7) undermine the inconsequentialist objection. They offer reasons to take action aimed at forming a collective and preventing structural injustice when those efforts will not make a difference to structural injustice. Thus they suggest that there can be moral reason to make non-difference-making contributions.

This final section proposed certain ways of thinking that may be helpful and intuitively plausible. It proposed that pattern based reasons and demands of fairness could justify making efforts where they are unlikely to be difference-making. However, no definitive argument for embracing these ways of thinking was offered. Such an account would involve extensive consideration and may be an interesting project to pursue elsewhere. However, such an account is not required in order to address the inconsequentialist objection as this objection can be defeated by the reasoning set out in the preceding sections.

Conclusion

This thesis proposes that there are both positive and negative duties which require that people around the world take political action that aims to regulate social structures to prevent poverty and avoid extreme inequality. In this conclusion I will outline the arguments made in this thesis, situate the ideas set out here in the existing literature, and discuss what my account adds to that literature. Finally I will discuss possible future directions for this research project.

Review of the Argument

This thesis proposes that poverty and inequality are socially caused. It outlines an account of poverty in which it is understood as the necessary result of a social structure that systematically and avoidably places whole sections of the global population in inferior social positions. These are social positions in which they are vulnerable to severe deprivation and domination. Thus it establishes that poverty can be understood as a form of social structural injustice.

The analysis here suggests that there are positive duties to promote structural justice. It also outlines the case for the existence of negative duties in relation to social structural injustice. It explains that these are ex-ante duties to prevent social structural injustice as a precaution to avoid contributing to structural injustice (which is understood as a form of essentially aggregative harm).

This account states that structural injustice can effectively be avoided only by a range of actors coordinating their action and behaviour. It has been suggested that by working together people can lessen structural injustice in a number of different ways. They can coordinate their action so as directly to avoid the injustice, establish institutions to regulate behaviour to alleviate structural injustice, or pressurise current power holders to alter policies and/or to coordinate with others to prevent structural injustice. All of these solutions require that a significant number of people to work together.

Trying to establish a collective to prevent the continuance of structural injustice is both a positive action and a means through which agents can avoid contributing to structural injustice. Such action fulfils positive duties to establish structural justice and negative duties to take precautions to avoid contributing to structural injustice. Thus, this thesis defends the claim that there are positive and negative

duties to address poverty by taking explicitly political action. Such action promotes justice (which there is a positive duty to do) and is a precaution that can lessen the chance of an individual contributing to structural injustice. Thus this analysis suggests that people must take political action in response to poverty.

Given that the action and practices of agents in one state alter the environment and social and economic situation of agents in other states, agents' obligations to avoid contributing to structural injustice require that they consider the social positions of agents in other states. This is true even in the absence of a shared global state.

This thesis has argued that in order to tackle poverty and inequality it is vital that there is global coordination. It has explained that such coordination is required in order to allow national or local governments and communities to regulate social structures locally so that they fulfil principles of social justice. Tackling structural injustice in many states is impossible because governments are constrained in what they can do by global competition and international pressures. Often a state's ability to redistribute wealth, promote development, ensure decent working conditions, ensure fair wages and provide essential services, is undermined by global competition as well as by global pressures, norms, and institutions. Thus, social structural injustice offers a reason to establish global institutions.

Traditionally international institutions have been thought to be a threat to national sovereignty and as having the potential to undermine state's self-determination. However, the discussion in chapter 4 suggested that global institutions can in many circumstances actually increase sovereignty and secure self-determination. This was argued on the basis that global coordination can prevent states from being constrained by global competition. In this way, global coordination can allow states a greater range of effective policy choices and a higher degree of independence. Thus such global coordinating systems instead of enforcing a single conception of social justice could allow for states to impose a locally agreed conception of social justice in their jurisdiction.

In the final sections of this thesis it was demonstrated that concerns with apathy and inconsequentialism do not offer sufficient reason to reject an obligation to take political action aimed at lessening structural injustice. In relation to apathy, it was argued that there is something unreasonable about using the social fact of

apathy to justify being apathetic. In relation to inconsequentialism it was argued that the chance of making a difference is larger than this objection assumed and that a small chance of making a very big difference can justify a demand to take action. It was also proposed that the action recommended by the negative duty is justified on the basis of the pattern of which it is part and not simply on its own merits. Thus it is not the likely consequences of the action itself that matter but the likely consequence of a pattern of which it is part. If true, this means that the fact that the action itself is unlikely to have positive consequences does not show that there is no moral reason to take the action in question.

Contribution to the Literature

In part one of this thesis existing accounts of poverty and obligation were discussed. I explained that Simon Caney has offered an account of positive duties to bring about global justice (Caney, 2005) and Thomas Pogge has offered an account of negative duties to avoid making uncompensated contributions to the imposition of unjust global institutions (Pogge, 2008). It was argued that there may be additional obligations that have yet to have been identified. This thesis adds to the literature on poverty and obligation by suggesting that even in the absence of coercively imposed institutions there can be negative duties in relation to global injustice. Furthermore, it introduces the idea that there are ex-ante precautionary duties to prevent poverty rather than compensate for contributions to it. My account suggests that these duties can only be fulfilled by taking political action.

Negative Duties in Relation to Structural Injustice

The thesis introduces the idea that there can be negative obligations to take political action even in scenarios where there is no shared state or coercively imposed institutions of any kind. It explains that all that is required is for there to be people who have an effect on shared environmental, economic or social conditions. Whenever this occurs there are shared social structures. These social structures will place agents in social positions. Wherever there are social structures there is a threat of social structural injustice. In these conditions agents have a negative duty to try to form a collective and take action to prevent structural injustice. This is required as a precaution to limit the chance of contributing to structural injustice.

Ex-ante Precautionary Duties

My account is original in its use of precautionary duties to justify obligations to take action to avoid contributing to social structural injustice. Precautionary duties require agents to take positive action ex-ante rather than compensatory action ex-post. Understanding duties to prevent structural injustice as precautions brings to the fore both the humanly caused nature of structural injustice and the need to take aversive action to avoid such injustice.

Many accounts of poverty and global injustice consider obligations to assist or pay reparations to the victims of injustice or cover the costs of injustice (Miller, 2007) (Pasternak, 2011) (Jubb, 2012). Instead my account focusses on what can be done to avoid future social injustice and who can be obliged to take such action. As discussed in Chapter One it is important to consider ex-ante action because in many circumstances acting ex-ante and thus avoiding a problem is preferable to allowing it to occur and then attempting to aid or compensate. This is in part because in many cases ex-ante action is less costly than ex-post compensation. It is also because it is often better for the victim to avoid harm in the first place than to have that harm occur to them and then compensate them.

Duties to take Political Action

The account of duties in relation to poverty established in this thesis aims to emphasize the importance of taking political action. Political action is required of all agents so as to protect others from structural injustice and to avoid contributing to such injustice. The analysis here suggests that it is not enough to assist the unfortunate and avoid directly harming others. In an interconnected world responsible agents must take action to establish and maintain institutions that prevent the serious aggregative harm that is structural injustice.

This thesis suggests that private charitable giving cannot offset contributions to structural injustice. This is because such action does nothing to secure a social structure in which no group is systematically and seriously disadvantaged in terms of the vulnerability to deprivation and domination characteristic of poverty. Only joining with others to alter social structures can act as a precaution to lessen the chance of contributing to serious structural injustice. This does not mean that efforts to assist the victims of misfortune and injustice are not required.

However, it does mean that this action cannot replace political action which is demanded by positive and negative duties alike.

Assisting the victims of poverty cannot substitute for political action. This is because charitable assistance can alleviate suffering, but cannot address injustice. Injustice can only be addressed by altering social structures in such a way as to ensure that no agents are placed in a social position where they are vulnerable to deprivation and domination. When individuals in poverty are aided their wellbeing is improved. However, this does not prevent them from being vulnerable to deprivation and domination. This is because their access to income cannot be secured in this way. They cannot be certain that the aid will continue and are vulnerable to being dominated by those who provide aid.

In contrast to assistance, political solutions (that involve coordinated action) offer a means through which the causes of poverty can be addressed and permanent solutions established. Thus they provide a means through which poverty can be prevented rather than alleviated. They offer the opportunity for agents to secure access to essential resources. Thus, they offer a means through which injustice can be ended as well as suffering alleviated.

Furthermore, political action also offers a way in which more can be achieved by less effort on the part of contributors in comparison to uncoordinated efforts to assist the victims of injustice. This is because governing institutions can coordinate efforts and thus do more with less. Furthermore, in many cases it is less costly to prevent the problem than to tackle the effects of the problem. A further advantage is that governing institutions can fairly share the burden of preventing structural injustice so that no individual has an unfair share of the work.

Political action also offers a means to preventing poverty that the poor can themselves engage in. Concentrating on aiding the poor through donations excludes many from participation. This is because they lack the resources needed to make a significant difference through aid. By taking political action with others, individuals without access to resources can make efforts to end poverty that have a significant effect. Unless an individual has great wealth or income, they can make more of a difference through changing governing institutions than through private action to alleviate poverty. This is because the majority of wealth is controlled by a very small sector of global society. Even those on comfortable

incomes could do more to prevent poverty by working with others to alter governing institutions than by donation because the distribution of wealth is so top heavy. In Singer's discussion of how charitable giving could end poverty he shows how a transfer of wealth from the richest 10% of affluent societies like the USA could end global poverty. The distribution of income within affluent states is heavily concentrated at the top. This suggests that those who live in affluent states but are not part of this 10% can best tackle global poverty by campaigning for political change that ends this unfair division of income (Singer, 2009, pp. 164-171).¹²⁴ Those who live in non-affluent states and are not part of the elite should also concentrate their efforts on political action.

Future Projects

The thesis also lays the ground for future research projects. Below, I look at some of the uses that the reasoning developed here could be put to, as well as remaining questions and aspects of global justice that the account does not include.

Civic Engagement

The demand to make efforts to avoid structural injustice requires agents to work together to establish and maintain just and legitimate institutions for avoiding structural injustice. The account outlined here suggests that even after political institutions are established people still have an obligation to work with others to secure structural justice. They can fulfil this obligation by monitoring social structures, institutions and policy proposals and taking political action to pressure decision makers to ensure they prevent structural injustice. Thus the obligation outlined here justifies a norm of civic engagement. The obligations established in this thesis support a moral demand to participate actively in politics; to pay attention to social structures and institutions; and to take action with others to hold institutions to account. This account could be developed so as to provide an argument for a form of civic republicanism.

The account of duties to establish and maintain just and legitimate institutions to regulate social structures developed here could also have interesting connotations for questions of legitimate authority and political obligation. This

¹²⁴ Demands to take action have first concentrated on duties of aid because the authors and have been considering the specific question of what duties the affluent have.

account suggests that agents have an obligation to establish regulatory institutions and it suggests that those who live under such institutions are obliged to maintain these institutions. Maintaining these institutions requires that agents do not undermine them. This could mean that they are obliged in general to obey their dictates and support their authority. However the obligation to hold these institutions to account and ensure they tackle structural injustice will require agents to engage in political action aimed at pressurising decision makers in to tackling structural injustice and avoiding coercively imposing injustice. This could in some cases require civil disobedience. Thus the obligation outlined here could support both a duty to obey and to disobey the law.

Essentially Aggregative Harm and Obligations to take part in Collective Action

This thesis offers a general account of the obligations agents have in relation to essentially aggregative harms. It suggests alongside positive obligations to prevent essentially aggregative harm there are negative obligations that give moral reasons to prevent it. The nature of essentially aggregative harm means that preventing it requires contributors to work together. The duties to prevent it require agents to make efforts to form a collective and prevent the problem. This account could be used to highlight the obligations agents have in relation to a number of significant collective action problems and essentially aggregative harms that threaten modern societies.¹²⁵ In the introduction to this thesis some of the essentially aggregative harms that represent a significant threat to humanity were outlined. It would be interesting to develop the line of argument presented here to deal with these cases.

Furthermore, the analysis of obligations in relation to essentially aggregative harm developed here could be usefully applied to problems of injustice in informal institutions. Norms that are harmful are often perpetuated by those they harm as well as by those who benefit from them. They often function like a collective action problem. Those who practice them are often trapped in practicing them because of other people continuing to conform to them. These damaging norms could be understood as essentially aggregative harms. The account of obligations in relation to essentially aggregative harms developed in Chapter 6 could be

¹²⁵ The article attached as appendix 2 outlines how the account of precautionary duties offered here can be utilised to identify obligations in a 'tragedy of the commons' scenario (Kahn, Forthcoming).

applied to these cases to identify obligations to work together to oppose these injustice. In the future I hope to develop such an analysis.

Chapter 7 offers additional reason to support the moral significance of pattern based reasons. However, it does not give conclusive proof of their existence. Such pattern based reason could offer a defence of obligations to take part in collective action schemes. Thus the question of whether or not they exist is significant for moral reasoning. These reasons could offer a way to justify taking part in collective efforts that could help to solve many of the problems of mass society identified in the introduction of this thesis. Thus these reasons could be significant for reforming morality to deal with the modern problems of mass society.

The closing chapters contain several arguments that may be usefully applied to other debates. Chapter 8 identifies a new method for identifying contributors to essentially aggregative harm. It proposes that those who contribute to structural injustice can be identified on the basis that they are a difference-making part of a set of agents whose actions together are sufficient to cause structural injustice. This analysis could be usefully applied to other scenarios. The account of hypocrisy as grounds for declaring a rejection as unreasonably outlined in Chapter 7 may also be usefully applied elsewhere.

Showing why arguments from apathy and inconsequentialism cannot defeat obligations to take part in political action is important because it could potentially provide a defence for demanding agents take part in such action in a range of cases. Obligations to take political action are often objected to on the basis that they are unlikely to succeed or that one additional person will make no difference to their likelihood of success. The arguments offered here suggest that such objections are unfounded.

Future Directions for Global Justice Theory

The account of obligations in relation to structural injustice developed here could be supplemented by considering whether there are obligations of solidarity that require taking action to alleviate structural injustice. Whether being part of a group that benefits from on-going structural injustice can ground additional duties to oppose structural injustice could be another interesting question to explore.

In the future this thesis could be developed to consider whether the aggregate of contributors to social structures should be considered an 'agent of justice'. If so, whether they have primary responsibility for ensuring justice is an interesting question. This account suggests that this could be the case because it states that members of this aggregate are obliged to make efforts to form a collective and prevent structural injustice.

An account of the best strategies that a collective attempting to avoid structural injustice can pursue could also be an interesting useful future project. Such an exercise would require considering whether they should attempt to pressurise public figures and reform existing institutions or instead establish new institutions or coordinate directly. Such a project could include an account of the sorts of institutions that the global public could use to establish global structural justice. Such an account would have to consider how global tyranny can be avoided and how global institutions can avoid being used to impose the interests of values of a minority.

Considering what demands of legitimacy fall upon political movements that aim to bring about structural injustice could be part of such a valuable future project. As could determining what methods such a movement may use. Developing a thorough account of the norms governing the use of force in the pursuit of structural justice could also be a valuable and interesting exercise.

Closing Comments

The analysis developed in this thesis can contribute productively to the literature concerning poverty, global justice and moral obligation. The account outlined aims to establish that poverty should be understood as a humanly caused problem and that people must acknowledge an obligation to take part in politics as a means to preventing contribution to serious structural injustices like extreme poverty and inequality.

Appendix 1: Global Economic Justice: A Structural Approach

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Abstract

This paper aims to make a contribution to the debate concerning the moral obligations which follow from the facts of the pervasiveness of acute poverty and the extent of global wealth and income inequality. I suggest that in order to make progress in this debate we need to move beyond two dominant ways of thinking about when the demands of distributive justice apply. The first approach focuses solely on the global distribution of resources, regardless of background social relations and institutions. This approach, exemplified by Simon Caney, identifies positive ‘humanity based’ obligations to promote or support institutions that fulfil the socio-economic rights of other humans. The second approach concentrates on the justice of the coercively enforced institutional arrangements governing access to resources. This approach, shared by theorists like Thomas Pogge, focuses on negative obligations not to harm other humans by imposing upon them resource regimes which avoidably fail to secure socio-economic human rights. I use Iris Young’s concept of structural injustice to suggest that vulnerability to deprivation can be understood as a social structural position which results from the cumulative effect of a variety of global and national actions, norms and institutions.

I draw on the concepts of social responsibility and civic duty to outline an account of social obligation. This obligation requires that individuals critically assess their social structures for any systematic injustice, and make efforts to work with others to establish and maintain legitimate means for avoiding or mitigating any structural injustice. I use this analysis to suggest that individuals who contribute to global social structures must make efforts to work with others who are similarly connected to global poverty towards preventing the continuation of extreme poverty and growing inequality.

Key words: global justice, social responsibility, civic duties, cosmopolitanism, structural injustice, Iris Young, Thomas Pogge, Simon Caney.

I. Global Economic Justice: A Structural Approach¹²⁶

Cosmopolitan political theorists Thomas Pogge and Simon Caney, argue that the current global situation concerning the production and consumption of resources is grossly unjust. Some people have great wealth and enjoy access to a host of resources for enhancing their comfort and advancing their plans, whilst others face difficulties in securing shelter, sufficient nutrition and the basic goods needed to maintain a healthy existence. Some people spend the vast majority of their time working for subsistence wages to produce goods which are predominantly consumed by those who enjoy a high standard of living and opportunities for advancement, respect, achievement and power. Some people have wealth and incomes that allow them to determine production, whilst others have very little bargaining power and lack the ability to determine where they live, the work they do and the food they eat. 50% of the world's population share just 3% of global household income. In 2008 2.47 billion people living in countries classified as 'developing' by the World Bank lived on less than could be bought with \$2 in the USA in 2005. That equates to 37% of the global population at the time.¹²⁷ This consumption figure includes all foods or services they provide for themselves through their own efforts as well as what they purchase from others.² Meanwhile, the richest 10% of the world share 71.1% of global household income (Pogge, 2010, p 5) (Chen and Ravallion, 2012).

Political philosophers working on global poverty are united in their condemnation of the continuance of a situation in which a significant sector of the world's population lack secure access to the basic resources required to maintain minimally decent lives. Cosmopolitan social justice theorists argue that at least some of the demands of social justice concerning control and consumption of resources should apply globally.¹²⁸ This paper aims to make a contribution to the

¹²⁶ I would like to thank Matt Matravers whose invaluable efforts have helped me clarify my ideas and make them presentable. I am also grateful for the comments and encouragement I received at the "Global Justice Norms and Limits" conference in Bucharest (May 2012) and at a workshop organised by the Global Justice Network at the Central European University (July 2012) which were incredibly helpful. Advice from Miriam Ronzoni particularly assisted the development of my ideas. The doctoral research that made this paper possible was funded by the AHRC.

¹²⁷ 37% is the authors own calculation based on Population Reference Bureau data estimating the global population to be 6.7 billion in 2008.

¹²⁸ I deliberately avoid using the term distributive justice because I agree with Iris Young that there are significant shortcomings with understanding social justice purely in the terms of a distribution of goods (Young, 1990) (Forst, 2007).

debate concerning whether justice makes demands in relation to the global distribution of access to resources and opportunities. I suggest that in order to make progress in this debate we need to move beyond two dominant ways of thinking about when demands of distributive justice apply and about the moral obligations we have to promote distributive justice. The first approach focuses solely on the global distribution of resources, regardless of background social relations and institutions. This approach, exemplified by Simon Caney, identifies positive 'humanity based' obligations to promote or support the fulfilment of the socio-economic rights of other human beings (Caney 2005). The second approach concentrates on the justice of coercively enforced institutional arrangements governing access to resources. This approach, shared by theorists like Thomas Pogge, focuses on negative obligations not to harm other humans by imposing resource regimes which promote avoidable socioeconomic human rights deficits (Pogge 2010).

I endorse an alternative approach to identifying global economic injustice and obligations to oppose such injustice. I use Iris Young's concept of structural injustice to suggest that a sort of injustice can emerge from the combined effect of a variety of actions and institutions (Young, 2011). I argue that when portions of the global population are predictably and avoidably placed in positions of disadvantage where they lack the means to secure access to sufficient resources to fulfil their capacities they suffer from a form of injustice. This is true even when the structures that place them in such positions are not the result of an identifiable regime of coercively imposed institutions but rather the result of multiple actions, laws, policies, trends and practices. I argue that in many cases some of these actions originate far away, many of the trends cross borders, and some of the institutions involved are global. This means that the social structure that places agents in vulnerable positions is contributed to by agents throughout the world both directly and indirectly through participation in norms, institutions or practices. Hence these structures are in an important sense global.

I argue that one obligation to bring about the just regulation of social life emerges from the fact that agents collectively have a pervasive impact on each other's life chances and relative bargaining positions. I seek to establish that agents who live in social contexts (and thereby contribute to social structures) have corresponding social responsibilities. These social responsibilities require that they critically evaluate social structures and actively establish and maintain just solutions for

avoiding and mitigating structural injustice. I will argue that those who contribute to social structures have such a social responsibility which currently requires they work towards the just and legitimate alteration of global practices, institutions and trends so as to lessen structural injustice. More specifically, I propose that obligations to bring about a just global structure of production and consumption emerge from the fact that agents from around the world participate and contribute to a global structure and that this structure systematically places some agents in positions of serious disadvantage which cannot be justified. As a result of this disadvantage, even otherwise permissible interactions between agents can be unfair.

The structure of my paper is as follows. I first discuss in turn the two aforementioned approaches to social justice and detail the problems associated with each. I then suggest that there may be additional forms of global economic injustice and obligations of resource justice. Next, I introduce Iris Young's concept of structural injustice. I explain why the combined effects of human action and institutions may be considered unjust rather than simply unfortunate. I proceed to argue that there is a general obligation requiring agents to monitor their social structures for injustice and work towards the lessening of any structural injustice. This is followed by a brief explanation of what this proposed obligation requires when it comes to global economic justice. I conclude by explaining how this approach and obligation relate to other proposals in the global justice literature.

II. Humanity Based Cosmopolitanism

The first of the aforementioned approaches focuses solely on the global distribution of resources, regardless of background social relations and institutions. This approach suggests that certain distributions of resources between persons are unjust regardless of whether or not people share a common institutional background, coercive regime or substantive social community. This approach is characterised by cosmopolitans like Simon Caney who claim that individuals have rights in virtue of having moral personality. These rights include rights to access a certain level of resources. Caney proposes that demands of distributive justice follow from the fact that persons have moral personality. Thus, any plausible domestic case for distributive justice also applies globally. Arbitrary factors, such as nationality or state of residence, do not affect this moral personality based claim. Caney proposes four principles for global distributive

justice. They include a right to a basic level of subsistence, a right to equal opportunities, a right to equal pay for equal work and a proviso that says that benefiting people is more important the worse off they are. For the sake of this paper I am not concerned with the nature of demands of social justice. I am simply concerned with when certain demands of social justice apply and what obligations agents have in relation to these demands. Caney suggests that individuals have an obligation to support the institutional arrangements which best promote global distributive justice.

This is a positive 'humanity centred' obligation to support distributive justice. It is important to note that Caney insists that establishing distributive justice requires establishing 'institutional arrangements' which effectively secure justice rather than through individual transactions that aim to bring about a more just distribution of resources (Caney, 2005, p. 109, pp. 121-23) (Caney, 2011). One key difference between Caney's approach and other humanity based accounts of obligations to the global poor is that Caney argues that everyone has a right to an institutional set up that guarantees one does not live in poverty. Caney's account recognises the need to establish a global order which secures peoples freedom from poverty and fulfils demands of distributive justice. He believes that our humanity based obligations demand that we support those institutions that effectively secure these rights. However, by identifying a humanity based positive duty to support just institutions Caney still treats distributive injustice as one species of misfortune.

III. Critiques of Humanity Based Cosmopolitanism

Humanity based approaches to cosmopolitanism can be criticised for failing to draw a distinction between injustice and misfortune. Caney's theory states that demands of distributive justice apply between all people no matter what their relationship. This means that if two isolated groups of people enjoy different levels of opportunity or different levels of pay for the same work, this is an injustice. However, according to a rival understanding of injustice, this difference in conditions cannot be identified as a case of injustice. This rival understanding of justice claims that whilst it is unfortunate that some people live in poverty, it is unjust when a government passes and enforces laws that condemn some people to live in poverty. Injustice is distinguished from misfortune because it is a species of negative circumstance for which someone or some group is responsible. Where

differences in wealth exist between independent societies it is difficult to see why this should be considered a case of injustice. As parents tell their children: 'Life isn't fair!' However, children can and do demand that their parents and other authorities act fairly. This political account of distributive justice suggests that we cannot demand that the world be just, but we can demand that we are treated justly by those with power over us.

The easiest cases of injustice to identify are ones in which laws discriminate between people in a way that cannot be justified. For example a law which prevented members of a certain ethnic group from owning property would be a prime example of injustice rather than misfortune. However, sometimes a combination of laws leads to a situation of injustice. Thus, a more sophisticated approach explains that states enforce a set of rules determining use and control of resources and that it is the regime of law enforced by an authority (or coercive body) which should be judged as just or unjust. Hence, distributive justice applies when such a body enforces a property rights regime. This view suggests, contra-Caney, that there can only be distributive justice or injustice within a coercively enforced property regime.

Many political theorists share the view that critiques of distributive justice should only be applied to coercively-enforced institutional orders. They argue that egalitarian demands of distributive justice only apply in specific circumstances. Some reject the idea that there is global distributive injustice because there is no global authority claiming a monopoly of legitimate violence. Thomas Nagel argues that strong demands of distributive justice apply within a state because co-citizens share a coercively enforced property regime. He argues that demands of social justice only apply in a very specific set of circumstances. He quotes Dworkin to explain that when there is an effective leviathan making a plausible claim to legitimate authority, this leviathan must treat its subjects as equals. Nagel explains that demands of justice only apply in circumstances where agents share such a political authority. He follows Rawls in asserting that demands of justice are norms for the basic structure of a nation state and should be distinguished from the appropriate normative demands for international relations or individual conduct (Nagel 2005, pp. 121-23).

Where there is no such leviathan, Nagel explains, demands of distributive justice simply do not apply. Further, Nagel suggests, in such a situation there is no

obligation to enter in to the political relation of sharing an authority (Nagel 2005, 121). He supports what he calls the 'political' conception of distributive justice whereby authorities are not a means by which to discharge pre-existing duties of social justice. Rather, to live under a shared authority is to have a special relationship with others. Entering in to such a relationship, where no such relation currently exists, is by no means compulsory. However, when agents do share a government which makes a plausible claim to a monopoly of legitimate violence, that government may only enforce a regime of access to property which treats people as equals and this requires fulfilling norms of distributive justice. Simon Caney argues that although these coercive accounts may successfully establish that claims of distributive justice do apply within a coercively enforced regime they do not establish that demands of distributive justice only apply within coercive regimes.¹²⁹ It is possible that there is both a duty not to impose an unjust regime on others and an additional duty to support the establishment of a just and secure property regime. Whether in both cases the same demands of justice apply is a further question, which I will leave aside for the sake of this paper.

Those committed to a "coercive imposition" account (as I will refer to it) deny that justice demands the establishment of just shared institutions where none exist. They insist that duties to support the establishment of just regimes or to create a more egalitarian distribution where there are no regimes are humanitarian duties. They believe that requirements of justice only emerge within a coercively enforced regime (Nagel 2005, 121).

IV. Institutional Cosmopolitanism and Negative Duties

In response to the objection that cosmopolitans identify only obligations of humanity based aid rather than justice many cosmopolitan theorists have sought to identify features of the global situation that could justify making demands of global distributive justice. Various 'institutional' cosmopolitan approaches have been developed which cite features of global interaction and organisation and argue that these features make it appropriate to apply demands of social justice to the global order (Caney, 2005, p.106). Thomas Pogge suggests that the current global economic institutional order is coercively imposed by the affluent states (Pogge 2010, p.21). Pogge claims that this global institutional order is unjust

¹²⁹ As voiced in a presentation July 2012.

because it knowingly and avoidably perpetuates human rights deficits (Pogge 2005).¹³⁰

Pogge explains that there is a global institutional order to which demands of social justice should be applied. He defines an institution as a social practice governed by publicly known rules which stipulate roles and responsibilities. The central social practices of a society, which have a pervasive impact on people's life prospects, make up the basic structure or institutional order of that society (Pogge, 1989). Pogge argues that the global institutional order is imposed by the governments of powerful and affluent states in the interests of their business and finance elites (Pogge, 2010, pp.16-25).

Pogge suggests that there is a moral obligation to refrain from coercively imposing (or making uncompensated contributions to the coercive imposition of) an institutional order which is deeply unjust. This, Pogge argues, is a negative institutional duty and part of the duty to refrain from harming others. Pogge does not claim that we have a negative duty to refrain from making uncompensated contributions to the imposition of an institutional order which falls short of maximal justice. What he does argue is that our negative duty only requires we refrain from imposing any order that knowingly and avoidably perpetuate human rights deficits (Pogge, 2010, p. 29).

Pogge's account faces a number of criticisms. At present there is no global agency or centralised power that effectively enforces the current regime through a claim to the monopoly of legitimate violence. The current global economic order is based on negotiations and agreements. In these negotiations economic and militarily dominant states dictate terms because they have a better bargaining position. However, no individual government or cohesive bargaining block unilaterally determines policy. This fact means that the global institutional order does not perfectly fit the leviathan model on which the political approach to distributive justice is based. Many global economic rules and norms have emerged through bargaining and tradition rather than being imposed by a unified power centre. However, Pogge's account avoids this critique by giving a broad definition of what constitutes "coercive imposition" and "institutional order" so that his account can apply to the global economic institutions which are shaped by the

¹³⁰ Thomas Pogge's emphasis is on the fact that there is a global institutional order which should be subject to normative assessment rather than on the fact that it is imposed by the affluent states (Pogge, 2010, p. 24).

larger global economies and major TNCs and from which smaller states cannot effectively opt out.

Pogge's account of global injustice and obligation is based on persons having a negative duty not to make uncompensated contributions to the imposition of the unjust global institutional order. However, there are substantial difficulties with identifying citizens of affluent states as culpable for contributing to the coercive imposition of the current global institutional order and therefore liable to moral censure. It is not clear that the relationship between citizens and affluent states is such that they may be held responsible for the actions of their states. The fact that citizens help to maintain the power of their governments through obeying the law and paying taxes is not sufficient grounds for claiming they are culpable accomplices in the actions of their governments. The relationship between citizens of affluent liberal democracies and the actions of their governments is a complicated one. The citizenry of a state cannot be considered members of an organised collective with makes decisions and takes action. Individuals often lack an intention to be part of such a collective. More needs to be said in order to show why citizens of a state may be understood as morally responsible for a state's actions.¹³¹ Even if it can be established that the people as a collective are responsible, what this means in terms of individual culpability is a further question.

Furthermore, under an orthodox understanding of harm, negative duties are only violated by those who are morally responsible for contributing to harm. If the connection between citizens and the actions of their states is too weak to establish culpability, further explanation is required in order to explain why compensatory behaviour is owed (Kahn, 2011).¹³²

In standard understandings of the negative duty to refrain from harming others, harm cannot simply be offset by compensatory actions. Pogge insists that it is only uncompensated contributions to the imposition of injustice which violate our negative duties. His claim is that we do not violate the negative duty if we compensate for any contributions we make by campaigning for institutional change or making donations to poverty charities. Compare this to a circumstance

¹³¹ Avia Pasternak proposes an account under which citizens can be held morally responsible for the actions of their states in certain circumstances (Pasternak, 2011).

¹³² See Uwe Steinhoff: "Why 'We' Are Not Harming the Global Poor: A Critique of Pogge's Leap from State to Individual Responsibility" in this volume (Steinhoff, 2012).

in which an individual intentionally violates a negative duty not to harm others. We wouldn't say that only uncompensated contributions to an assault violate negative duties. Imagine if one member of a gang who physically assaults a woman compensates by paying for some of the woman's medical treatment. In such a case we would not say that the gang member had not violated the negative duty to refrain from harming others. It is unusual to assert that only uncompensated contributions to harm violate the negative duty. Which is what Pogge claims is the case when it comes to contributions to the imposition of injustice.¹³³ A more plausible account might insist that individuals become liable to provide compensation when they make contributions to harm and they cannot reasonably be expected to avoid making contributions. Such an account may be based on strict liability rather than culpable violation of a negative duty.¹³⁴

A further objection to Pogge's approach is levelled by David Miller. Miller argues that the global institutional order cannot be identified as the cause of human rights deficits because national institutions also have an effect on whether human rights are secured. Miller explains that national institutions and cultural factors significantly affect the levels of poverty within any state. He demonstrates that these factors have an effect by comparing different development outcomes within the same global economic system (D. Miller 2007, 236-41). Miller is right that the global economic institutional order is not the only factor which affects the extent and acuteness of poverty. The difficulty with Pogge's position is that the global institutional order is significantly different to the idealised notion of basic structure within a closed society described by Rawls (Rawls, 1971). In *Realizing Rawls* Pogge develops Rawls' conception of a 'Basic Structure' (Pogge, 1989). He explains how the central social and economic institutions have a pervasive impact on people's opportunities and outcomes. He explains that it is this institutional order which is the subject of accounts of justice. When we consider central global economic institutions, it is only in conjunction with local norms, laws and institutions that they determine people's opportunities and outcomes.¹³⁵ Since the central global economic legal institutions do not effectively

¹³³ I discuss this in a paper tabled at the 6th ECPR general conference (Kahn 2011).

¹³⁴ For more on this see Rob Jubb and Avia Paternak's discussion of liability for costs (Paternak and Jubb, 2011).

¹³⁵ It is unclear whether the central social and economic institutions alone determine the outcomes and opportunities at the national level. Informal institutions and patterns of action also contribute to the positions agents find themselves in.

determine the entitlements of individuals we may not be able to hold them responsible for these entitlements.

One way to avoid the debate as to whether national or global institutions are primarily responsible for poverty is to adopt an account of poverty and obligation that holds when poverty results from the combination of a range of human factors.

Multiple forms of injustice and multiple duties of justice

The two approaches to global distributive injustice so far discussed identify a form of injustice and describe a moral obligation. Caney states that any situation where some persons lack secure fulfilment of their socio-economic human rights is unjust. He suggests that there is a positive moral obligation to support institutional arrangements which secure the human rights of others and fulfil other principles of distributive justice (Caney 2005, 121). Thomas Pogge suggests that the current global institutional order is unjust because it foreseeably and avoidably gives rise to human rights deficits. He argues that there is a negative duty that prohibits agents from making uncompensated contributions to the imposition of any institutional order which foreseeably and avoidably gives rise to human rights deficits (Pogge 2010, 29).

There are difficulties with both these approaches. However, I do not wish to argue that either approach is wrong. Pogge notes that in addition to the negative duties he outlines there may be positive duties to secure the human rights of others (Pogge 2010, p. 28) (Pogge 2005, p. 102). Simon Caney acknowledges that in addition to the positive obligations he describes there may be the sorts of negative obligations identified by Pogge (Caney 2011, p. 513). I think that Caney and Pogge are right to suggest that there may be a range of obligations relevant to the question of obligations to the global poor. I wish to suggest that in addition to positive obligations to promote the situation of others and negative obligations to refrain from imposing unjust conditions upon them there is a third sort of obligation which is relevant to global poverty.

What I propose is that there are demands of social justice that apply whenever individuals indirectly affect the position of others in terms of the resources available to them and their relative bargaining position. I wish to suggest that there are moral obligations that require people who contribute to the social

position of others to work towards the secure fulfilment of demands of social justice.

V. Structural Injustice

I will now set out an account of global economic injustice and a corresponding duty to alleviate that injustice. I begin by outlining Iris Young's account of structural injustice. I then explain why this may be a useful way to understand global economic injustice. I then set out a corresponding account of social structural obligations. This account will suggest that individuals have a general obligation to critically assess the social structures to which they contribute and to work towards the lessening of any structural injustice they identify.

In *Responsibility for Justice* Iris Young develops an account of structural injustice. Young describes how various human institutions and social rules, along with past actions that have permanently altered the physical environment, serve to create a social structure which places agents in various positions. This social structure is experienced as an objective fact that determines the options available to an agent and the outcomes attached to different choices. Part of the effect of such a structure is to determine individuals' access to opportunities to acquire resources. This structure is experienced as both a physical constraint on what an agent can achieve and an enabling channel allowing them to achieve certain things. When the differences in options provided by a social structure are unfair there is social injustice (Young, 2011, p. 52-64). Young specifies that structural injustice can be identified when social structural processes place a group of agents in a position where they are vulnerable to domination or deprivation in comparison to others.¹³⁶

To illustrate this idea Young introduces the example of Sandy, a woman seeking accommodation for herself and her young children. In the story, Sandy works as a sales assistant in an out of town shopping centre. Sandy has to move because the owner of the apartment building in which she rents wishes to convert the building into a condominium. There is no cheap accommodation near Sandy's work. Sandy judges the cheap accommodation in town not to be sufficiently safe or decent for her family. She cannot find any housing which allows her access to affordable

¹³⁶ For the sake of this paper I will bracket the issue as to how we determine the justice or injustice of social structures.

transport to work, so she realises she must get a car. She looks into subsidised housing but the waiting list is two years long. She finds a tiny place forty-five minutes from work but lacks sufficient funds for the deposit because she has spent all her savings on a down payment for a car. Sandy faces the prospect of homelessness (Young 2011, p. 43-45).

Young alleges that Sandy is suffering from structural injustice. The options available to Sandy place her in a position where her access to housing is insecure (relative to other people). However, Sandy's situation is not the result of an unjust law or immoral act (Young 2011, p.47). Sandy's situation is one she shares with a significant section of her society. The causes of her problem are multiple, large scale and relatively long term. She is in a situation where she is vulnerable to being deprived of housing. She is part of a group which face a 'systematic wrong' whereby they are put in a position of relative and significant deprivation in terms of opportunities to develop and exercise their capacities compared to their peers (Young 2011, p. 72).

VI. Background Justice

One way to capture the idea of structural injustice is to consider one aspect of the Rawlsian concept of background justice.¹³⁷ In "The Basic Structure as Subject" Rawls argues against Robert Nozick's conception of social justice. He suggests that a series of transactions between individuals which involve no rights violations can nevertheless undermine the background conditions required for transactions to be fair.

"The accumulated results of many separate and ostensibly fair agreements, together with social trends and historical contingencies, are likely in the course of time to alter citizens' relationships and opportunities so that the conditions for free and fair agreements no longer hold." (Rawls 1977, 159-60)

The idea expressed here is that over time the background justice required for deals to be free and fair is likely to be undermined. The reason why Rawls is concerned with the cumulative effects of actions and transactions is because they can undermine the conditions in which deals between individuals are fair. They lead to circumstances in which some agents can dominate and exploit others

¹³⁷ I am indebted to Miriam Ronzoni for the suggestion that there may be a similarity between structural injustice and the erosion of background justice.

because their relative bargaining positions means that their agreements are not really free and fair. Rawls expands his account further by explaining that the distribution of wealth that follows from individual market transactions is only fair when the starting distribution is fair and the structure of the market system is fair. He explains that this fairness in the starting distribution includes that all individuals have fair opportunity to earn income and gain wanted skills. Rawls' discussion suggests that the prevalence or absence of such opportunities is properly considered part of the background in which individuals act and social practices take place. Rawls finds that background justice is absent when certain opportunities are denied to some (Rawls, 1977, p. 160). This account suggests that injustice can emerge whenever agents interact and not just in circumstances where agents share governing institutions or a cooperative scheme.

Rawls' account of the erosion of background justice conflates two separate issues. Namely whether background conditions are fair and whether the combined effect of many permissible individual actions can produce injustice. Rawls suggests that background conditions are just to begin with and become eroded by transactions over time.

It is not clear that in the real world background conditions begin just or that only transactions and human actions affect background conditions. However, it is difficult to separate the socially caused from background conditions. This is another way of saying it is difficult to determine the baseline from which a social structure is to be judged.

Young is concerned with the cumulative effects of actions, institutions and norms because these can place certain groups in positions of significant disadvantage (Young, 2011, pp. 41). The problematic disadvantages which Young highlights include positions where those disadvantaged are especially vulnerable to being deprived in terms of abilities to fulfil their capacities and live full lives. Young also highlights positions where groups of individuals are especially vulnerable to being dominated by others. Agents are vulnerable to domination when their bargaining position is comparatively weak, they lack options, they lack resources sufficient to defend themselves from violence or they lack sufficient resources to secure independence (Young, 2011, pp. 34-64).

Young's account of structural injustice identifies structural problems which should be of concern to those who are socially connected to a structure. Rawls' account

identifies that over time transactions which are just when considered in isolation can lead to circumstances in which deals cannot be just even if both parties agree to them and in which individuals are disadvantaged in terms of opportunities. They are both accounts of how the cumulative effects of human action and policy can lead to unjust states of affairs. Rawls' suggests that a well regulated basic structure is needed in order to maintain background justice to ensure circumstances which make deals and distributions of goods just. Young demands that we work to prevent the establishment of structures which make certain groups vulnerable to deprivation and domination relative to others. Both set of demands can be interpreted more or less stringently.

What is important for the sake of this paper is that both accounts open up the idea that the background or social structure which is the cumulative result of human actions and practices should be normatively assessed and can be a site of injustice. They suggest that in addition to states of affairs and coercively imposed institutional orders the social structure which is the cumulative effect of human actions can be unjust.

Miriam Ronzoni has developed Rawls' idea of background justice to suggest that a global problem of background justice may emerge (Ronzoni, 2009). She argues that if certain empirical conditions obtain then there may be problems of background justice at the global level. She suggests that if this is the case we may have a duty to establish supranational agencies with effective regulatory powers to end this injustice.¹³⁸

Structural injustice or misfortune

At this stage it is worth discussing whether what Young describes as structural injustice is nothing more than a species of misfortune. Structural injustice is a concept that identifies groups of people who find themselves vulnerable to domination and deprivation which cannot be causally linked to a specific perpetrator and is not imposed by any identifiable actor or agency. If experiencing structural injustice cannot be distinguished from merely being in a difficult state of affairs, the only duty that applies is a humanitarian the only duties that apply are humanity based obligations to support institutions which can bring about just

¹³⁸ Ronzoni's account predominantly concentrates on justice between states rather than between individuals living in different states (Ronzoni, 2009).

states of affairs. If this is the case, then the concept of structural injustice adds nothing to Simon Caney's understanding of injustice.

Crucially, Young suggests that injustice implies that there is something wrong with current social and political arrangements. The cases Young describes constitute injustice rather than misfortune because they are the result of a combination of actions, policies and social practices performed by people. This makes them social and political problems. The fact that the problem is in some sense a social or political one means that it appropriately attracts feelings of anger, disappointment, regret and responsibility which are not present in identifying misfortune or natural disaster. We see injustices as arising from a social set up. Injustices are things for which we hold society responsible. Hence, we believe them to press more urgently on the attentions of members of the society than outsiders. We feel that society could and should have been set up in such a way that the problem was avoided. The power of Young's account is to make us consider social structures as a human responsibility rather than as natural and inevitable. The power of understanding an injustice as the result of the combination of human action, institutions and social processes is that it makes us implicitly recognize an obligation to try to change social processes (Young 2011, pp. 33-34). The point is that recognising a disadvantage as the result of human factors gives us an additional reason to do something about it. Any account of a structural injustice must give plausible grounds for considering a systematic disadvantage to be the result of human action, institutions and practices.

Structural injustice and social obligation

Structural injustice is defined as injustice which is produced by the combination of various factors: trends, social institutions and past actions. This usually means that no one individual, agency or collective agent can be found causally responsible for a structural injustice. In the case of Sandy and her housing difficulties one might claim that her government is to blame for coercively enforcing a regime in which working class single mothers are vulnerable to being deprived of housing relative to other citizens. One might additionally suggest that people have a humanitarian duty to promote and support arrangements in which working class single mothers no longer face these difficulties. I wish to suggest that social obligations exist in addition to the two obligations identified so far.

Such obligations require individuals to critically assess the social structures they contribute to and to work with others to lessen any structural injustice.¹³⁹

Individuals often cannot be held morally responsible for social structural injustice on the basis of their contribution to the social structures which contain these injustices. The connection in question is insufficient grounds for attributing blame or responsibility (Kahn, 2011).¹⁴⁰ However, such individuals should not be considered as innocent bystanders, with no relationship to the injustice in question. This means that those who contribute to a social structure which contains structural injustice cannot reasonably reject an additional demand to work towards the alleviation of the injustice, or so I will suggest.

Social structural injustices are systematic and widespread. This fact suggests that they require co-ordination between actors. It is unlikely that all such injustices can be avoided by following a publicly agreed set of norms for interactions. As Rawls' explains, background justice is eroded despite no one acting unfairly. Rawls insists that it is unlikely that there is a set of rules that can be applied to individual behaviour which can prevent the erosion of background justice and that if there is they would be excessively burdensome (Rawls, 1977, p. 160). Rawls suggests that in order to secure background justice we need regulating bodies charged with securing background justice. These bodies need to do more than enforce norms governing interactions. They need to monitor structures for any systematic disadvantages and intervene to prevent them.

The fact that background justice cannot be secured through respecting the rights of others means that in addition to norms appraising how we directly treat each other we need norms appraising the social structures that result from the aggregate of these interactions. Young's theory suggests that justice and morality serve different functions. Norms of justice apply to social structures, whereas moral norms apply to the behaviour of agents (Young, 2011, p. 65). Young's

¹³⁹Young suggests that there is a forward looking shared responsibility which requires individuals who are socially connected to structural injustice to work together to lessen structural injustice (Young, 2011). There are problems with this way of conceiving of the obligation (Kahn, 2011). My account of social obligation is similar to Young's. I do not detail the differences here. Rather I seek to provide additional arguments for social obligation which is distinct from obligations of non-harm and duties of aid.

¹⁴⁰ However, a case could be made for attributing liability to those who causally contribute to a social structural injustice. Pasternak and Jubb set out how such an account could function and discuss liability for cumulative harm in their paper from the ECPR conference in Reykjavik (Pasternak & Jubb, 2011).

understanding of the relationship between moral obligations and demands of justice is thus opposed to that proposed by Nagel. Instead of justice naming a set of norms for the basic structure of a state, justice names a set of norms that bear on the social structures that emerge from human action and interaction. In agreeing with Young that there can be structural injustice I am not denying that there may be additional norms that restrict what governments, for example, may do. However, I am insisting that there are norms of justice that can be used to appraise social structures even in the absence of a government with effective control of those structures. In the account I support there can be unjust laws, institutional orders and social structures. It is possible that the norms for these three different sites could be different.

Returning to the question of structural injustice, we must consider how to connect structural injustice to obligations. If norms assessing social structures are to have any use to people we need to link them to obligations or responsibilities that fall on agents. If we do not do this then talk of structural injustice has no connection to actions or obligations and no hope of provoking agents into eradicating that injustice.

My discussion above suggests that if individuals are to ensure the results of their interactions are fair they need to do more than obey a simple set of moral norms governing their interactions with others. They need to do more than avoid lying, cheating and violating agreements. They additionally need to work to establish and maintain agencies that secure structural justice. If we are to live amongst each other in a fair and just manner we need to be living in conditions of background justice. If we wish to ensure that we treat others fairly we must live within conditions of structural justice. This is because if there are no institutions monitoring and regulating social structures then over time structural injustices can develop and background justice can be undermined. Young's and Rawls' ideas are significantly different in some respects. However, they share a common feature which is the idea that just refraining from harming others, respecting rights, and giving aid is insufficient, we also need to be concerned with the cumulative effect of actions and interactions.

However, it is not reasonable to require any individual to (try to) ensure social structural justice. This is beyond what an individual can guarantee. Instead we can posit that each individual has an obligation to make reasonable efforts to work

with others in order to establish and maintain a just and legitimate system of regulation which prevents social structural injustice in those structures to which she contributes. My suggestion is that, just as one must ensure one's behaviour does not directly harm or disrespect others, one has an obligation to do what can be reasonably expected to prevent one's actions from indirectly contributing to an unjust social structure.

The distinctive feature of my account is the claim that an agent A contributing to social structure X which features social structural injustice Y in its treatment of B, is grounds on which B can reasonably demand more of A in terms of preventing the continuance of Y. There may be a positive obligation for A to work towards the alleviation of injustice Y as an act of humanity fulfilling the general duty to promote the wellbeing of others when they suffer from deprivation and one can help without significantly worsening one's life (R. W. Miller, 2010, p. 9-31).

However, the fact that B's problem is an injustice in social structure Y to which A contributes provides grounds for B to legitimately demand more from A.¹⁴¹ Notice that if B also contributes to the social structure that places her in a position of structural injustice she too has an obligation to work towards the reform of that structure.

This proposed duty captures the popular ideal of 'social responsibility,' which suggests that individuals should take an interest in the justice of the social relations they help to reproduce. Social responsibility suggests that members of a society must take responsibility for the justice of their society and work towards lessening any injustice. The reason usually given for this demand is that one's society is in some sense one's business. My account gives a more fully worked out account of why we have social obligations. A commitment to social justice could help prevent the risk of great social injustice emerging from behaviour and action which is morally permissible when considered in isolation.¹⁴² This fact gives some reason in favour of establishing such a norm, because it is in the interests of mankind, as a means to ensuring conditions in which people can flourish.

¹⁴¹ This account is similarly to one that is sometimes suggested in Thomas Pogge's work. It may be that participating in the global economy constitutes contributing to the imposition of an unjust institutional order. If this is the case, then such participation violates a negative duty to refrain from harm unless individuals compensate by working towards reform of the global economic institutional order. I would not support such an account of the obligation for the reasons stated above in the discussion of Pogge's view.

¹⁴² There would still be a humanitarian obligation to lessen structural injustice. However, I think this additional obligation also applies.

The demand to work towards the establishment of morally-permissible ways to avoid structural injustice will probably require the establishment of administrating agencies of some kind where such agencies do not exist or lack the power or inclination to fulfil this role. Such agencies can coordinate human action by regulating behaviour and directly intervene to prevent injustice emerging. If such agencies are to be morally-permissible they must be legitimate and the institutional order they impose must be just. Establishing such agencies will require collective action and mobilising such collective action will require cooperating with others and campaigning to get more individuals to support and work towards establishing institutions or regulatory agencies.

The obligation I have outlined is unusual because it is an obligation to work towards the achievement of a collective project. It demands individuals pursue outcomes which they cannot individually guarantee. Moral analysis usually considers what an individual should do out of the options available given background assumptions about what others are doing. Instead this moral demand obliges individuals to take actions to interact with others in an attempt to alter what they do: it asks individuals to take action with others in an attempt to alter the society that is the aggregate result of their actions and those of others.

Considering the possibility of taking action together allows us to imagine possibilities which are not available whilst we only consider what can be achieved through unilateral action. There has recently been a wealth of work concerning backward looking collective moral responsibility. This literature predominantly considers moral blame for collective acts (Isaacs, 2011) (Kutz, 2000) (May, 1992). What I am proposing is a moral obligation to try to join with others and perform collective acts. Contemplating collective action allows us to consider new solutions to problems that result from the aggregation of multiple actions and institutions.

VII. Global Poverty and Obligations to Alleviate Structural Injustice

Having sketched an understanding of injustice and obligations I will now conclude by briefly outlining how this approach can help us make progress in the global debate concerning obligations to alleviate global injustice in general and global poverty in particular.

Thomas Pogge in *World Poverty and Human Rights* outlines in detail the plight of people living in difficult conditions: these people lack secure access to adequate nutrition, housing, health care and education (Pogge, 2005). Pogge aims to explain this situation as unjust rather than simply unfortunate. The power of this change in perspective is to convince people to stop considering famine as a misfortune requiring aid and to start think of it as an injustice requiring social and political change. Young's theory offers an alternative way to understand the plight of these people. These individuals are systematically placed in a position where they are vulnerable to deprivation and domination relative to others. These positions are part of a social structure which is the cumulative result of various human actions and institutions.

In the modern world many people are placed in positions of vulnerability to deprivation as a result of a range of sources which include global factors. There are global formal legal, political and economic institutions like the United Nations, International Criminal Court, World Bank and International Monetary Fund. Voluntary associations like the World Trade Organisation have been established (Pogge 2010, p. 14). These associations provide norms for trade and attach significant advantages to members and disadvantages to non-members. National economies and financial markets have become increasingly interdependent. Trends, laws and acts of government in one state can have a pervasive impact on conditions abroad. The latest evidence of this can be seen by the effects of the latest global financial crisis which have reverberated across the world. In the modern world there are transnational corporations that operate in multiple territories and link the fates of people in distant communities. These companies' policies have a huge impact on the lives of their employees and the economies in which they choose to operate. Consumer habits, worker's rights and tax regimes in one state can have an impact on the life prospects of agents in other states. More informally, global communications technology has allowed global trends and fashions to develop. One result of these changes is that trends, patterns and laws in one state can contribute to instances of structural injustice in another state. The integration and interdependence created by these factors means that individuals living in one state can contribute to social structural positions in other states. From this it follows that there can be obligations to lessen vulnerability to deprivation and domination in country A which fall on agents in country B. This means that we cannot treat states as if they contain discrete social structures and

we cannot assume that individuals only need be concerned with local social structures.

In order to show how a social structural account can help us understand distant poverty and obligations it may be helpful to consider one example of structural vulnerability to poverty and consider who has social obligation to alleviate that injustice by regulating or otherwise altering the social structure in question. In *Responsibility for Justice* Young describes the circumstances faced by workers in the global apparel industry (Young, 2011, pp.125-35). Considering the position these workers find themselves in can help show how an understanding of structural injustice can assist the global justice debate. The social position inhabited by those working in factories to produce garments for the global apparel industry is one of extreme vulnerability to deprivation and domination (both relatively speaking and in absolute terms). These people (predominantly young women) lack other reputable employment options. This means they are wise to continue in their factory work no matter what conditions are imposed. They are unlikely to be protected by their government because bringing in regulations to improve pay and conditions is likely to result in the work being relocated to other states. Global competition for manufacturing contracts drives down wages and conditions. In this industry violence and intimidation is regularly used against those who seek to collectively bargain or form unions. These conditions are consistent across much of the global south, where many countries rely on external investment to provide jobs. The position such countries find themselves in means that they often cannot take unilateral action to improve conditions for their apparel workers without radically increasing unemployment and poverty (Young 2011, pp. 126-34).

Young's analysis suggests that we understand the plight of these garment workers as a form of structural injustice. The structure in question is made up of national, global and transnational factors (or social structural processes as she calls them). This means that we cannot isolate particular global formal institutions or national governments as causally responsible for the position workers find themselves in. However, we can still identify the poverty of these workers as an injustice which should be alleviated. Many of the relevant factors are contributed to by individuals around the world. According to the theory I have proposed here, these individuals have an obligation to work with others to alter the social structure so as to remove the injustice by trying to establish effective and legitimate ways to

regulate global social structures.¹⁴³ Individuals could discharge this obligation in a number of ways.

One way to do this may be to campaign for global regulation or international collective agreements that can enable state governments to effectively regulate internal social structures. Individuals could also work with others to build collective action networks and attempt to directly alter social structures through changing norms. Arguably this is what organisations that promote fair-trade or boycotts of particularly exploitative companies are attempting to do. Trade unions could also play a significant role in forcing better pay and conditions for those who work in the apparel industry.

Possible routes an individual trying to discharge their obligation could take include: campaigning for global minimum labour standards, lobbying politicians for legal changes and joining or showing solidarity with trade unions fighting for global reform. Individuals could also support alternative clothing networks which provide decently paid labour in good conditions as a means to demonstrating the effectiveness of different ways of organising the global economy. They could also draw attention to the problem and try to directly improve conditions by campaigning outside shops that use sweat shop labour.

The conception of injustice and corresponding moral obligation I have outlined obliges people to monitor their social structures and work towards the alleviation of any structural injustice within them. I am not suggesting that structural injustice is the only form of global injustice. Nor am I proposing that the obligations to assess one's social structures and work with others to lessen structural injustice is the only obligation people have in relation to global economic justice. I have argued that structural injustice is one sort of injustice that individuals can experience. I have stated that the obligation I propose can fit alongside positive humanity based obligations to promote justice and negative obligations to refrain from imposing sufficiently unjust institutional orders on others. I have not had room to address the various possible objections to the account I have proposed or to clarify the details of that account. If such an account is to be plausible more must be said to justify the reasonableness of the proposed obligation. In addition, more needs to be done to show that it is

¹⁴³ They also have an obligation to inform themselves on the justice of their social structures and consider any claims of structural injustice made by others.

intuitively plausible that contribution to a problem can ground an additional obligation to work towards overcoming it. My aim in this paper has been to show how a structural approach to global economic injustice and obligation can help us to understand the obligations the affluent have in relation to global poverty.

Appendix 2: The Tragedy of the Commons as an Essentially Aggregative Harm¹⁴⁴

This paper has been accepted by the *Journal of Applied Philosophy* on the condition that minor revisions are made.

Abstract

This paper concerns what individuals in a ‘tragedy of the commons’ scenario owe to one another. Baylor Johnson has argued that the general obligation to promote the common good requires that agents make efforts to establish a collective agreement to avert a potential tragedy of the commons. I agree with Johnson’s analysis but argue that there are negative duties which give commons users additional moral reason to take the action he recommends. These duties link commons users to resolving this particular problem and provide grounds to demand commons users make greater efforts to prevent the destruction of the commons.

First, the ‘tragedy of the commons’ is identified as an essentially aggregative harm. Then, it is suggested that being a responsible actor requires taking reasonable precautions to avoid contributing to the suffering of others and that these precautions can include helping to establish and maintain collective solutions that prevent essentially aggregative harm.

This analysis suggests that fulfilling negative duties can require establishing collective institutions with the power to regulate human action and interaction. It is hoped that this analysis can be applied to a range of social problems which result from the aggregation of actions and practices.

Word Count: 8406

¹⁴⁴ I would like to thank Matt Matravers, Thomas Pogge and Uwe Steinhoff for helpful comments on previous drafts of this paper.

Introduction

In the much discussed philosophical example of ‘The Tragedy of The Commons’ multiple agents graze animals on a piece of common land. The cumulative effect of so many animals grazing on the land is that it is destroyed (Hardin, 1968, pp. 1243-1248). Instead of considering what it is rational or mutually beneficial, this paper concerns what individuals in such a scenario *owe to one another*.

Garett Hardin, in his classic paper discussing the problem, states that what is required is mutual coercion mutually agreed to (Hardin, 1968, p. 1247). More recently, Baylor Johnson has suggested that the general obligation to promote the common good *requires* agents work to establish and effectively enforce a collective agreement that prevents the destruction of the commons (Johnson, 2003, p. 283). This paper does not dispute Johnson’s position. It observes that the tragedy of the commons involves the threat of essentially aggregative harm and that avoiding the tragedy also prevents commons users from making contribution to harm. It suggests that being a responsible actor requires taking reasonable precautions to avoid contributing to the suffering of others. It is proposed that in a commons scenario these precautions include efforts to establish and maintain a collective solution that can prevent the essentially aggregative harm from occurring.

The proposed duty links commons users to resolving *this* particular problem rather than promoting the common good in general. It also provides moral reason to demand more from commons users than can be demanded from mere bystanders. Understanding duties to prevent significant collective action problems as duties to avoid contributing to harm strengthens the case for making these issues a priority and highlights the connection between the actions of individuals and essentially aggregative problems. There are those who accept the demands of negative duties but either reject a general positive obligation to promote the common good or claim that this is a humanitarian duty that is not a demand of justice. My account offers a moral reason that these more minimal accounts of obligations can accept.¹⁴⁵

¹⁴⁵ Thomas Pogge has developed an account of how taking certain actions can allow agents to fulfil negative duties. See Thomas Pogge, *World Poverty and Human Rights: Cosmopolitan Responsibilities and Reforms* (Cambridge: Polity, 2008). Pogge’s account is based on the idea that agents who contribute to collective harm can *compensate* for these

By analysing the obligations which apply in this specific example I aim to draw more general conclusions about moral demands in situations where an individual's actions have indirect effects on the prospects of others. I hope that this analysis can be applied to a range of real life political and social problems that result from the aggregation of a range of actions and practices.¹⁴⁶

This paper assumes that there is a set of norms which should be adhered to by all out of consideration for other persons and that the precise nature of these norms can be determined through reasoned deliberation. Moral reasons are distinguished from prudential and ethical reasons. A prudential reason is a reason based on the good of the agent themselves and an ethical reason is a reason based on a particular account of the good life, whereas a moral reason is a reason grounded in a shared set of public norms dictating the extent to which the community can justifiably demand agents must consider other persons in their choices. My argument begins from the assumption that there is a general moral obligation to avoid harming others.¹⁴⁷

The paper begins by introducing a specific example of 'the tragedy of the commons' and outlining Johnson's account of the moral obligations in such scenarios. I suggest that we should consider whether there are any negative duties relevant in this scenario in addition to the positive duties Johnson identifies. The second section explores this possibility. I discuss holding individuals responsible for threatening the viability of the resource and holding the group collectively responsible for the threat. I propose that the case discussed involves an essentially aggregative harm. In the third section, the obligation to take

contributions by taking other actions to shield the victims or promote an end to the harm such that *overall* they cannot be said to contribute to harming the victims. My account differs from Pogge's because I understand the duty to be one of *taking precautions* to prevent future harm rather than a duty to take compensatory action to avoid harming. Unfortunately I do not have space to discuss the significance of this difference or the relative merits of the two approaches here.

¹⁴⁶ My analysis here suggests that fulfilling negative duties can require establishing collective institutions with the power to regulate human action and interaction. This suggests that negative duties alone may be enough to ground a demand to establish and support political institutions. It is my hope that these findings could be used within the global justice debate to support the need for global regulation.

¹⁴⁷ The obligation to avoid harming others is not without qualification. There may be circumstances in which harming others is not immoral. In these cases the causing of suffering or dis-benefit can be justified using moral reasons. Possible cases where harm is not proscribed may include cases where the harmful action is justified because it is either unavoidable, consented to, required to neutralise an innocent threat or a form of justifiable punishment.

reasonable precautions to prevent contribution to essentially aggregative harm is introduced. The idea that commons users are obliged to make efforts to establish a collective agreement as a precaution to prevent contribution to the destruction of the resource is discussed. This suggestion is compared to an alternative proposal of how agents can best fulfil the proposed obligation. The penultimate section briefly discusses several objections to my proposals and in the final section I conclude by considering possible applications of this analysis.

The Tragedy of the Commons and Harm

Consider a situation in which a group of people graze sheep on a piece of common land. The situation is such that if too many animals are grazed on the land it will be destroyed and all will suffer as a result. However, for each person their interests will be maximised by having as many animals on the commons as can be accommodated without risking the utility of those sheep she currently grazes. Those grazing sheep on the commons rely on this practice as the sole source of securing resources. If the commons is permanently damaged those who rely on it will suffer deprivation and be left vulnerable to exploitation by others. Whilst the use of the commons remains unregulated, commons users are vulnerable to being deprived of the common resource as a result of over-grazing.

Tracy Isaacs has discussed how considering collective action can allow us to identify possibilities which otherwise remain invisible (Isaacs, 2011, p. 36). Collectives can produce effects and perform actions which go beyond what a group of uncoordinated individuals can achieve. In the case of the commons, collective action offers commons users a way to avoid the destruction of their shared resource. Commons users could work together to regulate the use of the commons so as to prevent it from being destroyed: they could establish and maintain a system of regulation. Under such a scheme, commons users would have reasonable assurance that their efforts will not be wasted and the tragedy will be avoided. Furthermore, by acting together they can fairly share the burden of protecting the resource.

Those who wish to continue grazing animals on the common have a prudential reason to engage in such collective action. Baylor Johnson argues that potential contributors also have moral reason to work with others to establish such a scheme (Johnson, 2003, p. 283). He suggests that is part of an imperfect general

obligation to promote the common good. The obligation to promote the common good is a positive duty.

However, seeing the problem only in terms of positive duties may be misleading. The threat to the commons is the result of human action rather than natural forces: the fact that so many animals have been put to graze on the common is what threatens the viability of the resource. Perhaps the tragedy of the commons should therefore be considered harm rather than misfortune because the problem is the net result of human action. If an agreement is made and the common is saved, it will not be a case in which collective action has prevented an external threat but a case where coordination has allowed the users to avoid causing a problem. In cases where a potential problem is humanly caused there are often negative duties to avoid the problem in addition to positive duties to avert the problem.¹⁴⁸ In order to determine whether there are negative duties in a tragedy of the commons it will now be considered who is responsible for causing the damage if the commons is destroyed.

When there is one human factor that contributes to a state of affairs amongst a host of natural and predictable background factors and events we usually identify the human action as *the cause*. When there are multiple human factors which contribute to a problem sometimes we can determine the morally responsible party by isolating those who intend to cause a particular result. However, no commons user intends to destroy the commons. Another way that a morally responsible party can be identified is by identifying those contributing actors who do something unusual or violate an established norm. In these cases the other contributing factors can be considered as natural background. In the commons

¹⁴⁸ As mentioned in note 3, there are cases in which harm is not morally problematic because it can be justified. The exact parameters of these cases are controversial. It could be argued that by grazing too many animals on the common they tacitly consent to its destruction or that the suffering each user faces is balanced out by the suffering their contribution to the problem causes such that no party is harmed overall. In the first case I would argue that tacit consent seems insufficient to ground permission to harm. However the intuitive pull of this justification comes from the idea that those who themselves contribute to a problem cannot object to others doing so too. They cannot condemn others for doing something they too participate in. By using the commons themselves they surrender the ability to claim that others doing so unjustly harms their future interests. The harm that may be done to commons users is therefore justifiable and not in violation of a moral duty. However, I am not convinced the fact that the agents who will be harmed use the common themselves rules out the possibility that something is owed to these agents *because* one contributes to a potential harm. In the course of my discussion I will consider whether the claims I make can be justified in the circumstances described.

case it is impossible to isolate any commons user who acts unusually or violates an established norm. Hence, there is no clear basis for isolating a responsible party.

Perhaps instead we should consider whether the group as a whole is morally responsible for risking the destruction of the commons. In her work on collective moral responsibility Tracy Isaacs agrees that collectives can be responsible for what they cause in certain circumstances. She defines two sorts of collective that can be held responsible for their actions. The first is an organisation. Individuals knowingly join organisations and act to further the organisation's goals. These organisations have decision making mechanisms which determine the goals and strategies of the organisation. The other example of a morally responsible collective which Isaacs highlights is a 'goal orientated collective'. A goal orientated collective is a group of individuals with a collective goal. All those who share in this goal are part of the collective. The goal is essentially collective because the individuals intend to do something with others; usually something they cannot achieve alone. Goal orientated collectives need not have a formal decision making procedure or extensive organisation. All that is required is that they have a shared collective intention and that they alter their individual actions to be responsive to the actions of others (Isaacs, 2011, pp. 23-25).

One problem with utilising this approach is that the users of the commons do not intend to take part in any collective project or organisation. The group in question do not share a collective goal the pursuit of which causes harm. Each is consumed with an individual project: grazing their animals on this land. The destruction of the commons is not a collective enterprise or the foreseeable result of some collective enterprise. The group who graze animals on the commons have no shared goal and no organisational structure. Hence they cannot be identified as either a goal orientated collective or organization (Held, 1970, pp. 471-481).

Without some form of organisation or shared collective goal commons users are just a set of individuals. The concept of collective causal responsibility is inappropriate for considering the situation of individuals unilaterally contributing to a collective action problem. Each commons user unilaterally and marginally contributes to the destruction of the commons. In the context of others using the commons they make a small contribution to an aggregate of actions which together threaten the shared resource.

Essentially Aggregative Harm

The group of individuals that contribute to the harm are in no sense a collective which can be held morally responsible. These individuals can be identified as a set only because they all contribute to a potential problem. This makes them an aggregate rather than an organisation or a group of individuals engaged in a shared project. The tragedy is an essentially aggregative problem because it is the result of the aggregation of a number of independent actions. Harm can be classified as essentially aggregative when it only results from the combined efforts of various uncoordinated acts and is not instantiated (even in a minimal form) by any of its sources. An essentially aggregative harm is suffering that is caused by a number of individual acts but that would not result from any one of those acts if it were performed in circumstances where the other contributing acts did not occur.¹⁴⁹

Essentially aggregative harms are interesting for several reasons. Unlike regular harms no agent (either a collective agent or individual person) is morally responsible for the harm caused. Essentially aggregative harms can occur even when every actor's actions are impeccable when considered in isolation¹⁵⁰. Yet, it would be wrong to treat an essentially aggregative harm as simply a misfortune. The tragedy of the commons will not occur unless a set of people act in a particular way. If the commons is destroyed the aggregate causes the destruction even if there is no collective actor who can be held morally responsible. This makes it difficult to assess these scenarios normatively. It is an important question in moral philosophy how to deal with cases like these.

¹⁴⁹ For an instance of harm to be classified as essentially aggregative it need not be the case that the acts in question do not make a significant difference to the amount of harm done. However if it is the case that harm is significantly increased by the number of actors involved there may be stricter moral obligations not to contribute.

¹⁵⁰ Lichtenberg distinguishes essentially aggregative harms from aggregative harms which are made up of individual acts that are wrong in themselves. However, it is possible that several actions which are wrong in themselves contribute to a different harm which is more than the sum of its parts. For example hunting an animal to extinction is an aggregative harm. Suppose that each act of hunting is wrong in itself. This fact would not change the fact that causing extinction is an essentially aggregative harm. This is *because* causing an animal to become extinct is distinct from the wrong that is hunting. Hence, even if hunting is wrong in itself, hunting to extinction can be considered an essentially aggregative harm. However, the interesting forms of essentially aggregative harms are ones in which the actions are not wrong in themselves because these cases pose a dilemma as to whether contributing actions should be avoided.

The idea that individuals who are potential contributors to an essentially aggregative harm have an additional moral reason to try to prevent its occurrence is intuitively appealing. Judith Lichtenberg argues that it is prima facie plausible that a causal connection to a problem gives an additional moral reason to be concerned with resolving it (Lichtenberg, 2010). In the following section I will explore possible explanations for why a causal connection to a problem can ground an additional moral reason to address that problem.

Avoiding Contribution

Derek Parfit has proposed that, in certain circumstances, individuals have an obligation to avoid contributing to sets of acts which together cause harm to others (Parfit, 1986, pp. 71-83). He suggests that when the act we are proposing to take is likely to be part of a set of acts which cause harm, we are obliged to avoid taking the action in question.¹⁵¹ This is a very demanding theory; it requires individuals to refrain from taking action whenever they have reason to believe it will contribute to an essentially aggregative harm.

There are many reasons to doubt that there is a general prohibition on contributions to aggregative harm. In modern society it is likely that many of an agent's actions make small contributions to aggregative harm. In these conditions a prohibition of this kind could have a paralysing affect. Worse still, often agents have moral reasons to keep taking actions which risk coming together with others to cause harm. In these conditions contributions to essentially aggregative harms may be justifiable. Furthermore, the moral reasons in favour of such a prohibition are relatively weak because the connection between contributors and harm is weak. Often, refraining from making a contribution to a potential essentially aggregative harm will not prevent the harm from taking place and will make no significant difference to the seriousness of the problem. The fact that those who will suffer as a result of the destruction of the common also contribute to this destruction also speaks against a prohibition on use of the common. This is

¹⁵¹ One problem with applying Parfit's theory to the tragedy is that it is not clear which agents must alter their actions in order to avoid the tragedy. Parfit specifies that the smallest group of individuals who could have avoided a problem by acting differently are at fault. In this example there are multiple groups to choose from and it is difficult to identify who exactly is in the group. When the group is indeterminate Parfit suggests that whether an individual has an obligation to alter their behaviour depends on whether or not they have reason to believe that enough individuals have changed their behaviour such that the problem can be avoided (Parfit, 1986, pp. 71-83).

because an agent's right to object to contributions by others to threats to the livelihood of themselves and others is somewhat undermined if they also contribute to the problem themselves. All of which suggest that it is unreasonable to demand that agents always avoid making contributions to essentially aggregative harms, especially when these contributions are required to maintain their livelihood or to fulfil their other obligations.

The connection between an action and harm *prima facie* suggests that the action should be avoided. However, where avoiding the action is extremely costly, the victims participate in the problem themselves and the action is unlikely to make a significant difference the *prima facie* demand is outweighed by these other important considerations. The right to be free from obligation coupled with the right to take actions necessary to fulfil one's obligations and pursue one's conception of the good outweighs the reasons that speak in favour of prohibiting the act. However, where avoiding contributions is not excessively costly and the harm is significantly serious there is a case for suggesting that agents have an obligation to avoid contributing. Freedom from excessively demanding obligation must be balanced against freedom from essentially aggregative harms. These considerations suggest not that there is no obligation to avoid actions that contribute to an essentially aggregative threat. Instead they suggest that any such obligation must be limited by what can reasonably be demanded. It could be that the obligation to avoid contributing to essentially aggregative harm only demands that agents make *reasonable efforts* to avoid such contributions.

In the tragedy of the commons case described, the only way commons users can ensure they do not contribute to the destruction of the commons is to remove all their animals from the pasture.¹⁵² Removing one's sheep from the commons is incredibly costly and will not significantly decrease the risk of the commons being destroyed. In fact any individual withdrawal may make no difference at all because the space left is likely to be taken up by users who do not exercise restraint (Johnson, 2003, p. 274). In this case the action demanded: avoid grazing is as costly as the outcome of the essentially aggregative harm: agents cannot graze their livestock. Hence, the demand that agents refrain from grazing animals

¹⁵² It could be argued that it is only those who use more than their fair share of the commons who should be identified as contributors to the problem. This possibility is fully explored below.

on the commons is unreasonable because the cost of complying is too high to justify the action.

Preventing the destruction of the commons through collective agreement is a way in which commons users could avoid contributing to the essentially aggregative harm without sacrificing their own access to the commons. This means that it represents a strategy for preventing the destruction of the commons (and thereby avoiding contributions to its destruction) which is not overly demanding and which promotes the common good. I will now explore whether making efforts to establish such a collective agreement can be required by the duty to make reasonable efforts to avoid contributing to essentially aggregative harm.

Taking Precautions

Obligations to avoid harming others sometimes require that individuals take action prior to or during engagement in a risky activity in order to reduce the risk of the activity causing harm to others. For example, those wishing to conduct firework displays are required to take certain precautions in order to avoid causing harm to others. Being responsible requires that agents take these precautions in order to avoid causing harm to others. This example shows that the obligation to avoid harming others sometimes requires ex-ante precautionary action. In the commons case perhaps agents have an obligation to take such precautionary action to prevent contributing to essentially aggregative harm.

Although it may be unreasonable to ask commons users not to graze any animals on the commons, it is not unreasonable to ask that they make efforts to establish a collective agreement that prevents the destruction of the common resource. My proposal is that one has an obligation to do what can be reasonably demanded to prevent one's action contributing to an essentially aggregative harm.

In cases like the tragedy of the commons where ending contributions directly is unreasonably demanding, potential contributors to aggregative harm should make efforts to form a collective and prevent the harm that may otherwise result from the aggregation of their actions. By working together agents could agree on a scheme and adopt an enforcement mechanism that provides reasonable

assurance. Taking action of this kind will reduce to an acceptable level the risk of the commons being destroyed.¹⁵³

Taking a precaution is never guaranteed to prevent one's actions causing harm. In the case of a fireworks display there remains a risk of injury. The precautions taken aim to reduce the risk of injury to an acceptable level. In the case of essentially aggregative harm, individual action aimed at trying to establish a collective agreement may not be successful. However, such efforts increase the likelihood that an agreement will be forged. If an agreement is forged then it becomes incredibly unlikely that the commons will be destroyed. Hence, making efforts to establish a collective agreement (in circumstances where such efforts increase the likelihood of an agreement being forged) reduces the likelihood that the commons will be destroyed. This means that efforts to establish such an agreement can be considered a precaution which decreases the likelihood that an agent will contribute to essentially aggregative harm.

Unilaterally Cutting Down

Marion Hourdequin argues that individuals who contribute to a tragedy of the commons have an obligation to cut down their own contributions to the problem (Hourdequin, 2011).¹⁵⁴ She argues that in a tragedy of the commons each individual is obliged to restrict their own use of the commons to a sustainable level. There may be an obligation to unilaterally cut down ones use of a common resource when it is threatened by overuse. However, the existence of such an obligation does not preclude the existence of an obligation to take reasonable precautions to avoid contributing to essentially aggregative harm. Nor does cutting down the number of animals a user grazes on the common fulfil this obligation. Those who cut back their use of the commons still causally contribute to the threat to the commons, because they still use the resource. Hence, they still have an obligation to take precautions to avoid contributing to a tragedy of the commons.

¹⁵³ Outsiders may assist, but there may be legitimacy problems with allowing them to help design and enforce such a system.

¹⁵⁴ In his monist account of justice and morality Liam Murphy also suggests that individuals can make individual contributions to just outcomes as well as acting through governing institutions (Murphy, 1999).

At a stretch, taking action to reduce the number of animals you graze could be seen as a form of precautionary action aimed at preventing the destruction of the resource. Such a precaution could be substituted for efforts to establish a collective solution. However, cutting back could only prevent an agent from contributing to the tragedy if enough other agents cut back such that the tragedy is avoided. In the absence of a general norm governing restraint, an essentially aggregative harm is still likely to emerge from the combination of the agent's actions with the actions of others. An individual choosing to cut back is unlikely to manage to avoid the destruction of the commons and thereby *avoid contributing* to the destruction of the commons. Hence, it does not seem the most effective *precaution* to take.

When individuals act unilaterally, in the hope that others will follow suit, they risk their efforts being wasted. Worse still, agents who cut down the number of sheep they have grazing reduce their access to meat and wool. If others fail to alter their behaviour, this sacrifice will have had no positive results. By independently changing their action individuals risk disadvantaging themselves relative to others who do not play their part. This means that unilaterally cutting back is even more demanding because it puts agents at a relative disadvantage.¹⁵⁵ It also offers a prudential reason to favour a collective solution.

Even if individual restraint helps to establish a norm of restraint it will remain unclear how much any individual must cut down their contributions. Users may disagree about what constitutes their fair share of restraint and which factors dictate the size of their share of use. Without an explicit agreement, there is no guarantee the commons will be protected even if all commons users seek to cut back to some extent. Only if a collective strategy is agreed can an individual know how much they need to cut down to ensure the tragedy is avoided. The only reliable way to avoid these problems would be to establish a norm governing fair use of the commons and adopt a mechanism capable of offering assurance that each individual will stick to the norm. In certain circumstances such a norm could emerge through reciprocal restraint, trust and casual discussion. In such circumstances this option is likely to be effective. However in such circumstances this solution becomes a species of the sort of action I have been recommending.

¹⁵⁵ The strategy I recommend of making efforts to establish a collective agreement also risks wasted efforts if others do not support this action. Hence, I deal with this objection to my own account below.

This is not to say that there is no moral reason for individuals in a potential tragedy of the commons to practice restraint. It is only to say that restraint is not the best *precaution* to take in order to prevent contribution to essentially aggregative harm, unless it is part of establishing a social norm which can prevent the destruction of the resource.

One could object that it is only unsustainable use of the commons which contributes to its destruction. One could say that it is those who use more than their fair share of the use the common can sustainably support who as an aggregate cause the destruction of the commons. Thus those who only use the commons sustainably avoid contributing to the destruction. In contrast my account suggests that those who use only their fair share of what the commons can support still graze animals and therefore still are part of the aggregate who cause the destruction of the commons because their animals still contribute to the over-grazing.

The rival understanding of the problem assumes that there is a fair share of sustainable use that applies even in the absence of any collective agreement. It advises commons users to stay within the limits of that fair share. This is controversial as there are reasons to think that limits on resource use only apply in circumstances where there is an effective practice of restraint. As Brian Barry argues it is only when there is an existing practice of restraint that those who do not participate free ride on the efforts of others (Barry, 1991, pp. 160-165).

Furthermore, staying within the limits of one's fair share may be difficult because commons users may not know what their fair share is. It could be assumed that each grazer is entitled to an equal number of animals. However this approach could be problematic. It could be that those grazers with larger families are entitled to more animals whilst those without children or other relatives to support are entitled to less. There may be some commons users whose skill set and level of ability is such that they can only rely on the common whereas others have skill and abilities which mean they can secure the same standard of living whilst grazing less animals (for example some grazers may lack the use of their legs and therefore not be able to grow crops). It could be that any individual person lacks the objectivity to successfully determine what constitutes their fair-share in isolation. Even if the deliberations that individuals take alone can come up with a right idea of what moral criteria determines a fair share determining

how many animals they may graze will require substantial information about commons and substantial knowledge of other commons user's needs and situation. This will require a thorough investigation into or discussion of other commons users needs and abilities. In these circumstances, it may be easier for commons users to establish common institutions to determine each user's fair share of use together.

Despite these problems a commons user may know roughly what their fair share of use is and stay well within it. If my account of contribution is rejected in favour of the account that states that only those that use more than their fair share of grazing contribute to the tragedy there may still be moral reasons for a commons user to choose campaigning for a collective agreement over unilaterally cutting back to a level of use which would preserve the common if universally practiced. Unilaterally cutting back may be more costly than campaigning for a collective agreement. This is because unilaterally cutting back puts a commons user at a disadvantage in market transactions and social life relative to others. There are also independent moral reasons for them to prefer campaigning for a collective solution. Establishing a collective agreement is more likely to promote the common good than unilaterally cutting back the use of the commons. Baylor Johnson's argument holds that the common good is best promoted by preventing the destruction of the commons and that agents can best achieve this through establishing a collective agreement. Establishing a collective agreement prevents contribution to harm and promotes the common good. Whereas unilaterally cutting back commons use to a sustainable level only prevents contribution to harm (if the alternative conception of contribution to the tragedy is accepted).

However, if it is true that only unsustainable use of the common contributes to the problem, in circumstances where a collective agreement may fail to be established the commons users negative duty to avoid contributing to essentially aggregative harm will require that they cut back their use of the common to a sustainable level. That way they can guarantee they do not contribute to harm. However, their reason to promote the common good may require them to also work towards a collective agreement.

Objections

Some of the objections to unilateral restraint as a precaution also give reason to oppose an obligation to try to establish a collective agreement. The efforts

required to maintain and enforce a collective agreement can be divided up between commons users. Establishing an initial collective agreement and institutions capable of sharing out duties will require effort. Persuading enough commons users to support a collective agreement will require dedicating a fairly substantial amount of time and effort to the project. An agent's time and effort could otherwise be spent at her own discretion; working to pursue her plans and living as she wishes. Fulfilling the demand outlined will thus substantially reduce the time, energy and resources agents have to pursue what is valuable to them and develop the relationships that are important to them. Thus it could be that the obligation proposed could be rejected on the basis that it is overly demanding.

A sphere of activity in which individuals are free from the demands of others is essential to a decent life. However, the importance of such a sphere is unlikely to provide good reason to reject the demand that agents spend a reasonable amount of time and energy preventing the destruction of the commons. It is unlikely that other commons users should accept the excuse given that the destruction of the common land will leave them in a situation where *their* ability to pursue their life plans and live how they choose will be severely reduced.

One case in which the demandingness of the proposed duty becomes especially significant is when fulfilling an obligation may require neglecting other significant obligations. Sometimes the ability to fulfil special obligations can be undermined by the demandingness of a general obligation. For example, a parent has an obligation to provide for the needs of their young children. Each commons user will be in a unique situation in terms of ability to help. Some will have other obligations, some will be in a position where contribution will be more costly and others may have to dedicate the majority of their time to maintaining their existence. The obligation to make reasonable efforts will require different amounts of time and commitment from different individuals based on the precise circumstances of their case.

In some commons examples the negative effects of the loss of a resource is too small to justify the limitation to liberty a collective agreement to prevent that destruction would require. In these cases it may not be right to establish such an agreement. Similarly there may be situations where the costs of participating in collective action and political organisation may be such that a demand to take

part in it can be justifiably refused. These costs must be balanced against the benefits of succeeding in the endeavour.

There is a limit to the precautions it is reasonable to demand an agent takes. Where the precaution is costly and its ability to limit harm marginal we do not demand that agents take precautions. The freedom of those who wish to take part in potentially harmful activities is balanced against the risk of causing harm and the seriousness of that harm. Similarly, the obligation outlined only requires that agents take *reasonable precautions* to avoid contributing to essentially aggregative harm. The demandingness of a precaution must be balanced against the seriousness and likelihood of the threat in question.

There are points at which the burdens attached to fulfilling a proposed obligation are sufficient to give good reason to reject it. These points occur where the burdens approach the seriousness of the burden the obligation seeks to address. The burden an agent faces in promoting collective action must be weighed against the suffering the tragedy of the commons will cause to the people most adversely affected.

Agents may also reject the demand to take collective action on the basis that the threat to the resource is too low to justify the demand for action. If the threat is unlikely to be realised fulfilling the demand could be rejected on the basis that it is an acceptable risk. If the commons can cope easily with the current level of grazing and an increase is unlikely then commons users are not required to establish an agreement to protect the commons.

Again a balance must be established between the burdens imposed by a duty and the problem it attempts to avoid. This time it is not the seriousness of the problem which must outweigh the inconvenience of the obligation. Instead it is the likelihood of the bad consequence emerging which needs to be sufficient to justify the efforts demanded. The seriousness of the potential consequence in combination with its likelihood should be weighed against the difficulty and sacrifice involved in discharging the proposed duty and the likelihood that the efforts demanded will succeed.¹⁵⁶

¹⁵⁶ It is likely that this weighing up is not simply a utilitarian cost benefit analysis where the advantages and disadvantages to a number of individuals are added together. It is probably necessary that the position of each individual is considered and the burdens they are asked to shoulder by the solution proposed considered. This is because there are

An individual could argue that it is unfair to demand they make efforts to establish a collective agreement because even if they make reasonable efforts others are unlikely to join in collective action and as a result the destruction of the commons won't be avoided. If other commons users are apathetic and unlikely to participate in establishing a collective solution it may be unreasonable to demand that any particular individual makes efforts to establish a collective solution.¹⁵⁷ If a collective agreement is not secured, efforts expended on trying to establish such an agreement will have done nothing to lessen the aggregative harm. Worse still, agents who have made efforts to establish such a solution will be at a disadvantage compared to their fellow commons users. This is because they will have devoted time and effort to trying and failing to secure a collective solution rather than sheering sheep or any of the other things they could have been doing with their time.

Alternatively, an agent could object that whether or not they contribute to establishing a collective solution will have no significant effect on whether the tragedy occurs. This problem is sometimes known as 'inconsequentialism'. The accusation is that for any individual agent, that agent making efforts to establish a collective solution cannot make any significant difference to the outcome. This suggests that we cannot claim that the agent has a moral reason to take the action recommended.

Both the outlined objections suggest that efforts to establish collective institutions have no effect on future contributions to essentially aggregative harm. These objections are particularly effective on an obligation that requires agents take precautions in order to prevent contributing to harm. This is because in circumstances where an individual's efforts are unlikely to be successful they will not avoid contributing to harm. Furthermore, if their efforts fail then agents do not even lessen their contributions to aggregative harm. It is difficult to see

probably cases where burdening a large number of individuals is preferable to allowing one individual to undergo serious suffering (Scanlon, 2000).

¹⁵⁷ The failure of others to acknowledge the obligation means there are less people to promote a collective solution so the burden on those who do take up the demand will increase if they are to be successful. This is not just a case of sharing the same work among fewer people. This problem means that there are more people to persuade and pressure to join in a collective solution and therefore more work to do. It may be unreasonable to pursue a collective solution to the destruction of the commons in such circumstances.

why such efforts should be seen as necessary precautions if they are unlikely to have any effect on future contributions to the destruction of the resource.

In the commons case discussed a collective solution is not necessarily doomed to failure, nor is it the case that an individual's efforts to establish a collective solution will necessarily be insignificant. It is likely that commons users will cooperate since a collective solution allows them to fulfil their obligations and promote their own interests. Most commons users will be open to accepting a collective solution. Furthermore, if there are only a relatively small number of commons users supporting or proposing a collective solution can make a significant difference to its likelihood of success.

However, in circumstances where there are large numbers of commons users who are fairly uncooperative these objections may pose a serious problem to a collective action solution. However, even in circumstances of widespread apathy and numbers larger enough to make individual choices insignificant there may be moral reasons to pursue precautionary action even if its chances of success are slim. Recent work on patterned principles of action from Christopher Woodard offers a possible way out of this dilemma (Woodard, 2008). Woodard's account suggests there can be moral reasons to play one's part in a pattern of action even when it is unlikely that others will play their part in that pattern. Shelly Kagan has recently produced work offering reasons to take action in circumstances where we are uncertain whether our action will make a significant difference (Kagan, 2011). These accounts could be utilised to overcome the objections noted above. However in a paper of this length I do not have the space to properly deal with these complex and interesting issues. Hence, I will have to leave these problems unresolved here.

Conclusions

It has been suggested that the destruction of a common resource through over use as a form of essentially aggregative harm. Others have suggested that agents have positive obligations to try to prevent the destruction of a common resource through a collective agreement. I have argued that commons users must take such action as a part of an obligation to take reasonable precautions to avoid contributing to essentially aggregative harm. I have very briefly considered possible objections and replies to the proposed norm and the demand to make efforts to prevent the destruction of commons land. Some of these objections

offer reasons to limit the cases in which the obligation applies and the amount of effort the obligation can demand. I have discussed considerations that should guide judgement on this matter. I have suggested several routes that could be employed to defend the idea that commons users must contribute to establishing a collective agreement to avoid the destruction of the commons against the objection that such efforts are unlikely to work and that any contribution to such efforts will not make a significant difference to outcomes.

Some of these routes may also offer reason to support an obligation to cut down one's use of the commons unilaterally. This means that commons users may be obligations to practice restraint. However, as a solution to the destruction of the commons this option remains suboptimal compared to my proposed solution. This is because making the collective action solution work so as to prevent contribution to essentially aggregative harm only requires a critical mass to establish an agreement and an assurance mechanism, whereas a strategy of unilaterally cutting down (in the absence of an assurance mechanism) requires universal compliance in order to be effective in preventing contribution to the destruction of the commons. Furthermore, the strategy of trying to establish a collective agreement is more realistic in its demands: it does not ask individuals to reduce their use of the commons in conditions where this sacrifice is unlikely to prevent the destruction of the resource and they are likely to be disadvantaged relative to others.

Often a morally significant bad situation is the result of on-going social practices, trends in human action, and the concrete results of past action. There are a diverse range of cases that mirror the commons example in that no individual factor or action can be identified as their cause. In many of these cases collective action represents the most effective route through which harm can be avoided. Possible examples range from environmental problems, such as human-accelerated climate change to economic problems such as the prevalence of poverty wages in manufacturing worldwide, to social problems such as the unreasonable grooming standards expected of women. As in the commons scenario, those who contribute to these social problems often do not intend to make contributions to these outcomes. Furthermore, contributors are unable to prevent their contribution without substantial personal cost. In some cases unilateral change is impossible. This is the case when the harm is caused by the amalgamation of a set of complex practices engaging many disparate individuals

and participation in these practices is the only available way to access essential resources. A final similarity is that those who contribute often regard avoiding such contributions as not necessary because such a change in behaviour would have no significant effect on the social problem in question.

In the modern world a number of serious global social problems have become apparent. Often these problems are the cumulative result of the contributions of billions of people residing in a variety of states and different regions of the world. There are various global environmental problems that in some ways resemble the 'tragedy of the commons'. There are also significant problems within the global economy and with access to that economy which are partly caused by competition between states. One example of which is the exploitative working conditions (low wages, long hours, no collective bargaining) of export processing zones and the lack of economic opportunities that lead people to accept these conditions.¹⁵⁸ My analysis here suggests that those who contribute to these problems have obligations to work with others to establish collective solutions to these problems: they must establish a collective system of regulation and adjustment that allows them to prevent the essentially aggregative harm from emerging. These obligations apply even if it cannot be reasonably demanded that agents refrain from making contributions to these problems. I have argued that negative duties to make reasonable efforts to avoid contributing to essentially aggregative harm require such action in addition to obligations to promote the common good and the rational demands of prudence.

The obligation I have proposed offers an update of conventional morality to deal with mass society and a globalised world in which collective action offers the only means through which these forces can be tamed. I hope that understanding obligations to engage in action to establish collective solutions as required by a negative duty to avoid contribution to aggregative harm can emphasize the connection between individuals and large scale social problems. I also hope that the possibility of working with others can help individuals overcome feelings of powerlessness in the face of global forces. Participating in collective action can be difficult and progress can be slow. Worse still, collective action can be a

¹⁵⁸ For just one example of pay and hours witnessed during a government sanctioned visit to an export processing zone in Bangladesh see 'Are export processing zones the new sweatshops, or drivers of development?' *Guardian Poverty Matters Blog* at <http://www.guardian.co.uk/global-development/poverty-matters/2012/apr/30/export-processing-zones-sweatshops-development> April 2012 accessed 04/03/2013.

dangerous force if not pursued through legitimate and fair practices. However, collective efforts have the potential to make structural and permanent change which can benefit millions of lives.

There are many difficulties standing in the way of the establishment of just and legitimate solutions to collective action problems. Coordination across continents is difficult and the majority of the world's population are too consumed with the daily struggles of poverty to devote much time to these problems. Furthermore, many individuals in affluent countries like those of Western Europe have the necessary time, resources and political environment to make progress on these issues possible but are uncooperative and averse to taking political action. In spite of these difficulties it is my hope that the analysis here can be helpfully applied to some of these problems. It is my belief that the seriousness of these problems should be sufficient to give reason to justify an obligation to work towards finding just and legitimate solutions to them.

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