

## Remedial Responsibility for Severe Poverty: Justice or Humanity?<sup>1</sup>

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### Abstract

Remedial responsibility is the prospective responsibility to assist those in great need. With tens of millions of people worldwide suffering from severe poverty, questions about the attribution of remedial responsibility and the nature of the relevant duties of assistance are among the most pressing of our time. This paper concerns the question of whether remedial responsibility for severe poverty is a matter of justice or of humanity. I discuss three kinds of situation in which an agent owes remedial responsibility to another suffering from severe poverty. In the first, the remedially responsible agent foreseeably and avoidably caused the poverty. In the second, the poverty was caused by forces outside the control of any agent, such as natural disaster. And in the third situation, the agent who was originally attributed remedial responsibility fails to fulfil it, and so remedial responsibility for the poverty in question is acquired by a secondary bearer. According to David Miller, remedial responsibility is a matter of justice in the first two situations, but not in the third. I argue that his grounds for thinking that remedial responsibility in the second situation are in tension with his view that remedial responsibility is not a matter of justice in the third situation. This has important implications in our world in which remedial responsibilities too often go unfulfilled.

1.

Some situations are so bad that it is morally intolerable that they persist, assuming the feasibility of remedying them. A paradigmatic example of this kind of situation is severe poverty. Where people are unable to meet their basic material needs, and where it is feasible to relieve the tremendous suffering they thereby endure, its persistence is morally intolerable: the situation ought morally to be remedied. This much is widely agreed, but it leaves open the crucial question of who bears the responsibility to remedy it. This kind of responsibility is what David Miller refers to as ‘remedial responsibility’: the prospective responsibility to assist those in great need.<sup>2</sup> With tens of thousands of people dying each day of poverty-related causes and millions more chronically unable to meet their most basic material needs, the question of which agents are responsible for

remedying severe poverty is among the most pressing of our time. A related question, and one that will be the focus in what follows, concerns the nature of remedial responsibility for severe poverty, once it has been attributed. In particular, we are interested in whether the duties associated with remedying the plight of the very poor are a matter of justice or of humanity.

According to Miller, remedial responsibility for severe poverty is in some cases a matter of justice and in other cases a matter of humanity.<sup>3</sup> On his view, remedial responsibility for severe poverty is owed as a matter of justice in two sorts of case: One is when the remedial responsibility in question tracks rectificatory responsibility - the responsibility to rectify past or ongoing injustices. The other is when the deprivation in question cannot reasonably be attributed to any agent or agents, for example where it is the result of a natural disaster. In the latter sort of case, Miller argues that it is the human right to subsistence that grounds remedial responsibility towards those left deprived.

In either type of case just described, the agent attributed remedial responsibility can be said to be the *primary* bearer of that responsibility. In some cases, however, the primary bearer of remedial responsibility will fail to discharge this responsibility. In such cases, according to Miller, remedial responsibility is then acquired by a secondary bearer. This is because, as we have seen, the attribution of remedial responsibility is motivated by the moral intolerability of the situation remaining unremedied, and so where the primary bearer of remedial responsibility fails to act, another agent will be morally required to step in. In such cases, however, Miller argues that the remedial responsibility of the secondary bearer is a humanitarian duty rather than a duty of justice.<sup>4</sup>

In what follows, I argue that we should resist Miller's account of when remedial responsibility for severe poverty is a matter of justice and when it is a matter of humanity. I begin in the next section with a brief discussion of what is at stake in distinguishing between justice and humanity. In section 3, I outline Miller's account of the grounds for remedial responsibility and discuss in more detail his case for thinking that remedial responsibility for severe poverty is never a matter of justice in cases where it has been acquired by a secondary bearer. In section 4, I advance an argument for why we should reject this view. Briefly stated, my argument is that, given how Miller understands the distinction between justice and humanity, his view about when remedial responsibility for severe poverty is a matter of humanity is in tension with his view that remedial responsibility grounded in the human right to subsistence is a matter of justice. I conclude in sections 5 and 6 with two important qualifications of my view.

2.

Why should we care whether remedial responsibility is characterized as a matter of justice or of humanity? What is at stake in drawing this distinction? The distinction between duties of justice and humanitarian duties has been drawn in a number of ways, and there is no apparent consensus in the literature on which one is correct. Although there are important conceptual distinctions to be drawn between different kinds of duties, there are scant grounds for claiming that any one of them constitutes the exclusively correct way of understanding the distinction between justice and humanity. As such, a deflationary view of the debate is most apposite: what matters is not which way of distinguishing duties of justice from humanitarian duties is terminologically accurate. Rather, what matters is that when drawing the distinction, we make clear what we take to be the conceptual distinction that it reflects.<sup>5</sup> For our purposes, then, what is relevant is how Miller understands the distinction between duties of justice and humanitarian duties.

On Miller's view, duties of justice are distinguished from humanitarian duties in two ways. First he holds that humanitarian duties 'are in general less weighty than duties of justice' (p. 248). This implies that when two potential duties conflict, if one is a duty of justice and the other a humanitarian duty, the latter will, in general, give way to the former. The second difference between duties of justice and humanitarian duties according to Miller is that the former are 'enforceable in principle by third parties'.<sup>6</sup> This implies that, barring countervailing considerations, the fact that a duty is a duty of justice provides justification for its enforcement.<sup>7</sup> Miller leaves open the possibility that humanitarian duties could be justifiably enforceable under certain conditions, but these cases are exceptional.<sup>8</sup> How we characterize remedial responsibility on Miller's account therefore matters because it tells us something about the relative weight and justifiable enforceability of the relevant duties.

3.

With this in mind, let us turn to Miller's account of when remedial responsibility for severe poverty is a matter of justice and when it is a humanitarian duty. Miller offers a pluralistic account of the grounds of remedial responsibility. He notes that there are multiple considerations that figure in determining which agent bears remedial

responsibility for a particular situation. These considerations include four retrospective and two prospective considerations. The retrospective considerations Miller identifies are: having (i) causal, (ii) outcome, or (iii) moral responsibility for the situation in question, and (iv) having benefitted from it (pp. 100-103). The prospective considerations that Miller takes to figure in establishing remedial responsibility are: (v) one's capacity to remedy the situation, and (vi) being a member of the same community as the individuals in need of assistance (pp. 103-105). Each of these considerations represents a different way in which an agent can be connected to a particular person in need of assistance. According to Miller's 'connection theory' of remedial responsibility, 'A should be considered remedially responsible for P's condition when he is linked to P in one of [the above] ways' (p. 99). However, Miller denies that there is any algorithm for establishing remedial responsibility in every case. Although he adopts the uncontroversial view that in order to be remedially responsible, the agent must be able to remedy the situation in question,<sup>9</sup> none of considerations (i)-(vi) above constitute necessary or sufficient conditions, on their own or in combination, for remedial responsibility in every case.<sup>10</sup> On this account, remedial responsibility is based on the relative strengths of the various connections that hold between agents and those in need; and the relative strengths of the various connections will vary depending on the circumstances.

On Miller's account, remedial responsibility is owed to the very poor as a matter of justice in two sorts of situation. One is when remedial responsibility reflects what might be referred to as 'rectificatory responsibility'. Rectificatory responsibility is the responsibility to rectify past or ongoing wrongs, and it is therefore grounded in retrospective considerations. Where an agent is morally responsible and therefore blameworthy for having caused a bad situation or allowed it to happen, it will usually be the case that that agent owes compensation or restitution to those who suffered as a result.<sup>11</sup> On Miller's account, the same is true when the agent is outcome responsible for the situation. An agent is outcome responsible for a situation insofar as the agent can be credited or debited for having brought it about (pp. 86-90). This requires that the agent is causally responsible for the outcome, that the outcome was the result of 'genuine agency as opposed to inadvertent bodily movement', and that there was a 'foreseeable connection' between the agent's behaviour and the outcome it produces (Ibid.). Outcome responsibility is a necessary condition for moral responsibility, but it falls short of moral responsibility in that the outcome need not be brought about intentionally, and it is not sufficient for judgements of moral praise or blame.

There is a great deal more that could be said about the various grounds for rectificatory responsibility, but we can set this discussion aside here. What is relevant for our current purpose is that there are some cases in which remedial responsibility and rectificatory responsibility for severe poverty overlap. Remedial responsibility for severe poverty is triggered because it is morally intolerable for the deprivation to go unremedied. In some cases, the deprivation in question is the result of past or ongoing wrongs, and so rectificatory responsibility is also triggered.<sup>12</sup> On some accounts, it is only when the remedially responsible agent also bears rectificatory responsibility that remedial responsibility is owed to the very poor as a matter of justice.<sup>13</sup> Miller, however, contends that remedial responsibility can also be owed to the very poor as a matter of justice in another sort of situation.

On Miller's account, remedial responsibility to the very poor is a matter of justice when no agent bears rectificatory responsibility for the deprivation in question because no agent is outcome responsible for it. An example of this is where severe poverty is the result of natural disaster or unforeseeable market shifts (p. 255). In such cases, remedial responsibility is not based on outcome or moral responsibility, and is attributed instead on the basis of causal responsibility, benefits, capacity, or community. But unlike remedial responsibility that overlaps with rectificatory responsibility, remedial responsibility grounded in any of these four considerations is not necessarily a matter of justice. According to Miller, what makes it a matter of justice in the case of severe poverty is that there is a universal human right to subsistence. Miller advances an account of human rights according to which they are grounded in basic human needs. On his view, all humans are entitled to be provided with assistance in acquiring access to the material means necessary for a minimally decent human life when they are unable provide for themselves (pp. 184-5). Such rights correlate with duties on the part of others to provide assistance. And when a remedially responsible agent's duty correlates with the human right to subsistence, its fulfilment is a matter of justice on Miller's account.

The view that there can be positive duties of justice grounded in human need which do not derive from past wrongs is not uncontroversial.<sup>14</sup> Nevertheless, my purpose here is neither to criticize nor to defend this view. Rather, my aim is to show that Miller's endorsement of this view is in tension with his denial that remedial responsibility for severe poverty is a matter of justice in a further kind of situation. Miller holds that remedial responsibility is not owed as a matter of justice when it overlaps with rectificatory responsibility, but the agents that bear rectificatory responsibility for the

deprivation in question are unwilling to fulfil it (pp. 257-259). According to Miller, remedial responsibility in such cases can be acquired by other agents. This is because remedial responsibility is triggered by the moral intolerability of the situation going unremedied. If the agent that bears primary remedial responsibility refuses to act, the situation remains in need of remedy, which is morally intolerable, and so the question of remedial responsibility must be posed again, this time taking into account the unwillingness of the first agent. In such cases where remedial responsibility is acquired by a secondary bearer, however, Miller argues that it is humanitarian in nature.

This has important implications for thinking about remedial responsibility for world poverty. In many cases, severe poverty can be at least partly attributed to corrupt or culpably incompetent governments who (explicitly or implicitly) refuse to remedy the problem. Furthermore, many rich countries that owe rectificatory responsibility to poor countries on the basis of past or ongoing injustice fall short of fulfilling their duties. In almost no cases can this be justified by a lack of resources, and it is nearly always for lack of political will. In such situations, where people's suffering is particularly acute, other agents will acquire remedial responsibilities on Miller's view. But, according to Miller, these responsibilities will be a matter of humanity and not of justice.

In what follows, I argue that although Miller is right to think that remedial responsibility is acquired by other agents in the sort of case just outlined, he is wrong to think that remedial responsibility in such cases is a humanitarian duty rather than a duty of justice, at least on his own understanding of this distinction.

4.

When remedial responsibility has been acquired by a secondary bearer because the primary bearer refuses to remedy it, Miller claims that the resulting duties cannot justifiably be enforced, even in principle. He concludes from this that these duties are not duties of justice (pp. 257-258).<sup>15</sup> The argument has the form:

P1: If x is a duty of justice, then x is in principle justifiably enforceable;

P2: x is not in principle justifiably enforceable; therefore,

C: x is not a duty of justice

One might object to this line of reasoning by challenging the first premise, but I will not consider this possibility here. As I argued in section 2 above, I don't think there is much

at stake in how we employ the terms ‘justice’ and ‘humanity’, as long as we are clear about what distinction we are using them to pick out. We can therefore take for granted Miller’s use of these terms, and accept the first premise without further discussion. My argument in what follows takes for granted the first premise and queries instead Miller’s denial of the consequent in the second premise.

On the face of it, Miller’s argument might appear to beg the question against those who take remedial responsibility for severe poverty to be a matter of justice, even when it has been acquired by a secondary bearer. Although Miller takes justice and enforceability to be closely linked, he is careful to note that a duty’s enforceability is neither necessary nor sufficient for it to be a duty of justice.<sup>16</sup> This suggests that there is some underlying feature or set of features that make a duty a duty of justice, and that it is on account of that feature or set of features that duties of justice are in principle justifiably enforceable. Miller does not, however, say anything about what these features might be, nor does he appeal to them in making the case for denying that remedial responsibility for severe poverty is a matter of justice when it has been acquired by a secondary bearer. As such, the only support for the second premise of the argument seems to be the assumption that remedial responsibility is not a matter of justice in the sort of case in question. This cannot be assumed, however, since it is the conclusion of the argument.

But this interpretation misses something important about Miller’s point. According to Miller, it is because the primary bearer of remedial responsibility remains responsible despite refusing to comply that the enforcement of the duties of the secondary bearer cannot be justified, and are therefore not duties of justice. Miller’s argument is, then, best read as a *reductio*: If the duties arising from remedial responsibility for severe poverty where this responsibility has been acquired by a secondary bearer were duties of justice, then they would be justifiably enforceable. According to this version of the argument, it is implausible to think that these duties could be justifiably enforceable; therefore they cannot be duties of justice. The trouble with this version of the argument is that Miller offers inadequate support for thinking that these duties are not in principle justifiably enforceable. The following examples suggest that the fact that the primary bearer retains remedial responsibility despite refusing to comply is not enough to support the view that the secondary bearer’s duties cannot justifiably be enforced.

(1) A group of people, *P*, are suffering from famine on account of the unforeseeable effects of a natural disaster. Nation *A* is able to easily and effectively assist the members of *P* at little cost by supplying them with food, and *A* is the only agent in a position to do so.

(2) A group of people, *P* are suffering from famine because of corruption and poor governance by the ruling elites of *B*. The ruling elites of *B* could make policy changes that would end the famine, but they refuse to do so. Although nation *A* lacks the capacity to effectively coerce *B* into acting, *A* is able to easily and effectively assist the members of *P* at little cost by supplying them with food; and *A* is the only agent other than *B* in a position to do so.

On Miller's account, *A* has remedial responsibility towards the members of *P* in both examples; however, *A*'s duties can be justifiably enforced only in (1) and not in (2) (p. 257-258). But if we accept that *A*'s duties in (1) can be justifiably enforced, then why not in (2) as well? If the members of *P* have a human right to subsistence in (1), then presumably the members of *P* hold this right in (2) as well. In (2), *B* has primary remedial responsibility to assist the members of *P*. Likewise, *B* is the primary bearer of the duties correlative to the human rights to subsistence of the members of *P*. The question, then, is: In (2), when remedial responsibility to assist the members of *P* is acquired by *A* in light of *B*'s rigid refusal to act, why doesn't the justification for the enforcement of the resulting duties apply equally to it?

Miller says little in support of the asymmetry in his account other than to appeal to the readers' judgement. My sense, however, is that widespread judgements will not favour his view - or at least that it is not obvious that they will. In example (2) above, given (a) the severity of the deprivations suffered by members of *P*, (b) the fact that they have human rights to subsistence, (c) the rigidity of *B*'s refusal to assist them, and (d) the fact that *A* can do so at little cost, and (e) the fact that *A* is the only other agent able to do so, it seems perfectly plausible to think that *A*'s remedial responsibility towards *P* in (2) can justifiably be enforced. If we are willing to grant that a third nation, *C*, would be justified in enforcing *A*'s duties in (1), it does not seem implausible to suggest that *C* would also be justified in enforcing *A*'s duties in (2), assuming that *C* lacked the capacity to effectively coerce *B*. This last point is worth underscoring. It would not be justifiable for a third party to enforce the duties of the secondary bearer of remedial responsibility if

that agent or another agent could effectively enforce the duties of the primary bearer. But where this is not the case, given the considerations (a)-(d) above, it is unclear what would justify an asymmetry between the justifiability of *C* enforcing *A*'s duties in each of the two examples.

My central point is this: If we grant Miller's view that a human right to subsistence underpins the justifiable enforceability of duties in cases where no agent is outcome responsible for the deprivation, then we should also think that the same right underpins the justifiable enforceability of duties that are the result of the acquisition of remedial responsibility by an innocent secondary agent in cases where the primary agent is unwilling to act, at least when the secondary bearer can easily and effectively assist at little cost.

5.

Much of the debate so far relies on our intuitions about when it is justifiable to enforce remedial responsibility. We have now seen some strong reasons to favour the view that remedial responsibility for severe poverty can justifiably be enforced, even when it has been acquired by a secondary bearer, but some may remain unconvinced. It might be objected that enforcing the duties of a secondary bearer of remedial responsibility is to let the primary bearer off the hook. This would be unfair to the secondary bearer, and also set a dangerous precedent that could motivate others to shirk their duties. An important qualification should help allay this concern and to bolster my case. It involves drawing a distinction between two senses in which an agent can be remedially responsible.

An agent can be remedially responsible, on the one hand, in the sense of having the responsibility to take remedial action. In the case of severe poverty, this takes the form of a duty to assist those in need. On the other hand, an agent might be remedially responsible in the sense of having the responsibility to bear the ultimate burdens of remedying a situation.<sup>17</sup> The same agent might be remedially responsible in both of these senses, but this need not be the case. For example, a bystander might bear the immediate remedial responsibility to assist the victim of a hit-and-run car accident, but it is also reasonable to think that the perpetrator would ultimately be morally obligated to compensate the bystander at a later time for any costs incurred in so doing. Although the perpetrator gets off the hook for taking remedial action in this case, they remain on the hook for bearing the relevant burdens.

The claim that remedial responsibility for severe poverty is a matter of justice even when it has been acquired by a secondary bearer should be understood as a claim about responsibility to take remedial action, and not a claim about responsibility to bear the ultimate burdens of remedial action. As we have seen, it does not follow from an agent bearing duties of justice to take remedial action that the same agent is also responsible to bear the ultimate burdens of the required action. Where an unwilling outcome responsible agent remains able to remedy the situation, and where another agent has been forced to step in and take remedial action, the responsibility to bear the ultimate burden of assistance surely remains with the outcome responsible agent, and this responsibility remains a matter of justice.

To illustrate, consider again example (2) above. Suppose *B* bears primary responsibility *both* to take action to remedy *P*'s plight *and* to bear the ultimate burdens of doing so. Given *B*'s rigid refusal to act combined with the other considerations listed earlier, I have argued that it is plausible to think that *A* acquires remedial responsibility towards *P*, and furthermore that the relevant duties can at least *prima facie* justifiably be enforced, and can thus be duties of justice on Miller's account. I have now qualified this by suggesting that while *A* may acquire duties of justice to take remedial action as a result of *B*'s refusal to act, *A* does not necessarily acquire the responsibility to bear the ultimate burdens of that action. This responsibility remains with *B*, who then incurs a debt to *A*.

It must be noted, however, that although we can distinguish conceptually between duties to take remedial action and duties to bear the ultimate burdens of remedial action, in practice these duties are difficult to pull apart: Taking remedial action will usually, and perhaps always involve taking on the burdens of that action, at least temporarily. *A* will incur some cost in remedying *P*'s plight, even if we think that *B* should ultimately compensate *A* accordingly. This raises a reasonable worry: Given *B*'s rigid refusal to take action in remedying *P*'s plight despite having the responsibility to do so, and despite this being a matter of justice, there is little reason to think that *B* is likely to willingly compensate *A* for having picked up the slack. And given that no agent had the capacity to coerce *B* to fulfil its primary duties, to force *A* to take remedial action is effectively to force *A* also to take on the ultimate burdens of that action. Distinguishing between the two senses in which an agent can be remedially responsible then looks like it will have little relevance in our assessment of many actual cases in which the agent who bears primary remedial responsibility remains morally on the hook for bearing the

burdens of remedying the situation, but is, for all intents and purposes, practically off the hook. I argue, however, that this should not detract from the plausibility of the view.

Suppose *A* has acted under threat of force so as to remedy *P*'s plight, thus incurring certain costs, and *B* predictably refuses to compensate *A* and cannot be coerced into doing so. One way of describing what has happened in this case is that the burden of injustice has been shifted from *P* to *A*. Although *P*'s situation is remedied, an injustice persists as long as *B* does not compensate *A*. This is morally unacceptable in the sense that all injustices are morally unacceptable, but it seems that, given certain constraints, it is more acceptable than leaving *P* to bear the burden. The relevant constraints have to do with the size of the burden. Recall that remedial responsibility is triggered by particularly bad situations – situations whose remedy is a matter of some urgency, for example because people are dying or suffering enormously. It would be unjustifiable to force *A* to remedy *P*'s plight if it meant that members of *A* would then suffer a similar plight as a result of *B*'s predictable refusal to compensate. But if the cost to *A* is minimal, as I described it in example (2), then shifting the burden of injustice from *P* to *A* is not only acceptable, but required and, plausibly, in some cases, justifiably enforceable.<sup>18</sup> Furthermore, this need not – and indeed should not – be the end of the story. The fact that an injustice remains may lack practical relevance *now* in light of the unlikelihood of it being rectified in the foreseeable future; but this does not mean that it will never have practical relevance. Injustices do not simply fade away over time.<sup>19</sup> The fact that an injustice remains would support the case for rectification or restitution to be enforced at some point in the future, should this become feasible.

6.

I have discussed three situations in which an agent owes remedial responsibility to another or others suffering from severe poverty. First is the case in which the agent is outcome responsible for the poverty, second is the case in which no agent is outcome responsible for the poverty, and third is the case in which another agent is outcome responsible for the poverty but unwilling to remedy it. On Miller's account remedial responsibility is triggered in each of these cases, but it is only a matter of justice in the first two. I have argued that, given his understanding of what it means for something to be a duty of justice, namely that it can justifiably be enforced, and given his view that there is a human right to subsistence that grounds remedial responsibility as a matter of justice in the second kind of case, we should also think that remedial responsibility is a

matter of justice in at least some instances of the third kind of case as well. I have added the qualification that this only applies to remedial responsibility in the sense of responsibility to take remedial action, and not to the responsibility to bear the ultimate burdens of remedying the situation, although it might be a requirement of justice for the secondary bearer to carry the burden until the primary agent compensates willingly or can be effectively coerced.

I conclude with a final qualification, namely that it does not follow from remedial responsibility being a matter of justice in each kind of case discussed that the associated duties all carry the same weight. Even if we accept that duties of justice are, in general, weightier than humanitarian duties, we need not think that all duties of justice are equally weighty. There is good reason to think that duties to assist those whose poverty one is outcome responsible for will outweigh duties to assist those whose poverty no agent is outcome responsible for, and that these will in turn outweigh duties to assist those whose poverty an unwilling agent is outcome responsible for. This ranking, however, does not suggest that any of these duties are not duties of justice, and indeed the human right to subsistence gives us good reason to think that they are.

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#### Notes

<sup>1</sup> I am grateful to David Miller and the anonymous referees and editors from the *Journal of Applied Philosophy* for helpful comments.

<sup>2</sup> Miller's original discussion of remedial responsibility can be found in his 'Distributing Responsibilities', *Journal of Political Philosophy*, 9, 4 (2001): 453-471. He develops his account further in *National Responsibility and Global Justice*, (Oxford: Oxford University Press, 2007). All page numbers in the text refer to the latter publication.

<sup>3</sup> Miller discusses the nature of remedial responsibility in *National Responsibility and Global Justice*, pp. 247-259, and in 'Taking Up the Slack? Responsibility and justice in situations of partial compliance' in Carl Knight and Zofia Stemplowska (eds.) *Responsibility and Distributive Justice* (Oxford: Oxford University Press, 2011), pp. 230-245.

<sup>4</sup> Miller also denies that remedial responsibility for severe poverty is a matter of justice when those in need are responsible for their own deprivation, *National Responsibility and Global Justice*, pp. 257-259. Due to space constraints and because such cases do not account for much poverty worldwide, I will not discuss them here. That said, the line of argument I pursue in what follows could equally apply to these cases, with perhaps some adjustments.

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<sup>5</sup> For a discussion of the various ways in which the distinction between justice and humanity is drawn, see Pablo Gilibert, *From Global Poverty to Global Equality: A Philosophical Exploration* (Oxford: Oxford University Press, 2012), particularly Chapter 1. Gilibert takes a deflationary view about the debate, but retains the language of justice in keeping with the tendency in the contemporary literature on political philosophy. This is unobjectionable since Gilibert makes clear exactly what he means in characterizing certain duties as duties of justice. For other discussions of the distinction between justice and humanity, see Allan Buchanan, 'Justice and Charity', *Ethics*, 97, 3 (1987): 558-575 at pp. 562-569; Tom Campbell, 'Justice before Humanity', *British Journal of Political Science*, 4, 1 (1974): 1-16.

<sup>6</sup> 'Taking Up the Slack', p. 242.

<sup>7</sup> Countervailing considerations would presumably include such things as feasibility or cost constraints and the likelihood that enforcement would have very bad consequences.

<sup>8</sup> 'Taking Up the Slack', p. 242, fn. 15.

<sup>9</sup> See, for example, 'Distributing Responsibilities', p. 460.

<sup>10</sup> Note that consideration (v) is not merely having the capacity to remedy the situation in an absolute sense, but rather the extent of one's capacity. According to Miller, an agent's capacity to remedy a situation is a function of both how effective the agent will be at remedying the situation in question, and the cost of doing so to the agent. The agent must, of course, meet a certain threshold at least with respect to effectiveness in order to be remedially responsible, but capacity beyond this threshold is a further consideration in establishing remedial responsibility. See 'Distributing Responsibilities', p. 461; and *National Responsibility and Global Justice*, p. 104.

<sup>11</sup> I say 'usually' because of the feasibility condition according to which the agent must have the ability to rectify the situation.

<sup>12</sup> Thomas Pogge has provided extensive arguments to the effect that the global order foreseeably and avoidably results in chronic and severe poverty, and so all those complicit in its imposition (namely the global rich) are involved in the perpetuation of large-scale injustices against the poor. See, for example, *World Poverty and Human Rights*, 2nd edition (Cambridge: Polity, 2008). Others have offered alternative accounts of the involvement of the global rich in the perpetuation of severe poverty worldwide. See, for example, Matthias Risse 'How Does the Global Order Harm the Poor?', *Philosophy and Public Affairs*, 33, 4 (2005): 349-376; and Leif Wenar, 'Clean Trade in Natural Resources', *Ethics and International Affairs*, 25, 1 (2011): 27-39.

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<sup>13</sup> Notably, the standard libertarian view according to which positive duties of assistance are only duties of justice when they derive from past injustice committed.

<sup>14</sup> For criticisms of this view, see Jan Narveson, 'Welfare and Wealth, Poverty and Injustice in Today's World', *Journal of Ethics*, 8, 4 (2004): 305-348; also Onora O'Neill, 'The Dark Side of Human Rights', *International Affairs*, 81, 2 (2005): 427-439.

<sup>15</sup> Miller runs a similar argument in 'Taking Up the Slack', focusing on situations in which remedial responsibility is shared between multiple agents, some of whom refuse to discharge their duties.

<sup>16</sup> 'Taking Up the Slack', p. 242, fn. 15.

<sup>17</sup> Miller draws this distinction in 'Distributing Responsibilities', p. 109, but he does not mention it in his later discussions of remedial responsibility.

<sup>18</sup> This raises important questions concerning just how unlikely it has to be that B eventually compensates A, and just how minimal the burden on A has to be in order for enforcement to be justified.

<sup>19</sup> There is a growing literature on historical injustice that suggests that duties to rectify injustice persist well beyond the lives of the perpetrators and direct victims of it. See, for example, Daniel Butt, *Rectifying International Injustice: Principles of Compensation and Restitution between Nations* (Oxford: Oxford University Press, 2009).