• The interactional and institutional accounts of human rights cannot accommodate the complexity of the causal chains that result in persons coming to be deprived of the means of subsistence.
• But an adequate account of human rights ought to recognise a category of structural violations;
• and should acknowledge severe poverty as a structural violation.

1: The Inadequacy of the interactional and institutional accounts:

The institutional account:

• The state-based account:
  o i: Lacks historical depth.
  o ii: lacks geographical width.
  o iii: fails to accommodate impact on future generations around the globe of resource depletion and environmental degradation.

• Pogge’s institutional account:
  ▪ Direct responsibility for the infliction of severe poverty lies with official agents of the global institutional order: “responsibility for decisions that foreseeably result in millions of avoidable deaths rests in the first instance with the politicians and negotiators who make them. Such…people have knowingly committed some of the largest human rights violations the world has ever seen”. (Pogge 2005: 78-9).

  3 objections:
  o i: It is generally not possible to identify specific policy decisions plausibly describable as inflicting severe poverty.
  o ii: It relies on contentious empirical claims
  o iii: His account of the negative correlative duty is not plausibly either negative or correlative.

2: The structural underpinnings of severe poverty:

A structure: any patterned behaviour.

• Since severe poverty is embedded in enduring structures, an adequate analysis has to have historical depth, and include the impact on future generations of resource depletion and environmental degradation.

• An adequate structural analysis also has to have geographical width.

• Structural plunder deprives a vast number of the means of subsistence:
  o Ongoing failure to pay rectification for historical plunder to countries afflicted with severe poverty.
  o Using up more than an equitable share of the earth’s resources and absorptive capacity, and thereby depriving others (including present poor and future generations) of their share.
• Annexation by some of an inordinate share of resources, to the point of depriving others of access to even enough resources for subsistence.

• An evolutionary analysis highlights the way in which the norms and policies that come to be selected and reinforced tend to be those that promote the economic interests of powerful economic actors, in conjunction with a marked absence of concern for the combined effect on the global poor.

3: Severe poverty as a structural violation:

• There are feasible alternative structures under which persons would not be deprived of reasonably secure access to the means of subsistence, without immoderate cost to any duty-bearer.

• Agents who participate in the structures are under a shared duty of basic justice to introduce the coordinated global regulations that would restructure behaviour in a way that would avoid subsistence deprivations, and are liable to the economic costs this would impose.

• Ongoing shared failure to implement this duty constitutes a structural violation:
  
  o 1: Failure to recognize as a violation behavior that predictably deprives persons of the means of subsistence, and to specify and enforce regulations that prohibit this, is incompatible with genuine recognition of the right.

  o 2: The structures that predictably and cheaply avoidably result in subsistence deprivations instantiate a trade-off that is incompatible with minimally adequate recognition of the moral value of the lives that are blighted or destroyed as a result.

• The relevant notion of liability: shared liability for the economic cost to the measures needed to prevent a structural violation.