

## **Is Humanity under a Duty to Deliver Socioeconomic Human Rights?**

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**ABSTRACT** *What's special about human rights? For Rowan Cruft human rights are special because they capture the importance of the good of the right-holder. But his account struggles with explaining the existence of global socioeconomic human rights. I argue that such rights exist and show how we should revise Cruft's account to accommodate this.*

### **1. Introduction**

What's special about human rights? Accounts that have portrayed human rights as tests for the permissibility of foreign interventions or that have made institutional features of the world part of the definition of human rights have had an easier job of answering this question than accounts of human rights that have attempted to explain their special status simply with reference to the interests of right-holders. Plus if human rights are not accounts of particular institutional practices (whose importance is obvious), then how to delineate them from all other rights in a way that tracks our considered judgements about their importance and scope?

Rowan Cruft's ingenious addition to the canon of how to think about human rights, and rights more generally, rewrites the score. Human rights, on his account, are rights that fulfil two conditions: they are morally justified predominantly 'for the right-holder's sake' and they are 'everyone's business' in the sense that 'anyone anywhere can, *ceteris paribus*, permissibly demand on behalf of the right-holder'.<sup>1</sup> Human rights are, therefore, special because they simply capture the importance of the good of the right-holder and because anyone is in a position to claim them for the right-holders.

While the second condition is crucial in identifying which rights are human rights, it is the first condition that, in my view, poses difficulties for Cruft's account. He needs to be able to explain how legalising (or otherwise institutionalising) human rights does not detract from the idea that they exist or are justified predominantly for the right-holder's sake. As I will explain, focusing on socioeconomic human rights, Cruft can do so but in a way that should lead us to slightly revise his account.

In Section 2, I outline Cruft's account of human rights including his defence of the possibility of legal human rights. In Section 3, I examine his defence of global socioeconomic rights. I argue that while he may be able to account for legal human rights, he does not successfully defend global socioeconomic rights. In Section 4, I argue that this can be done, and that Cruft's account can accommodate this without any significant costs.

## 2. Cruft's Account of Human Rights

### 2.1. *Moral Human Rights*

As Cruft explains, a party's good (e.g. her interests, freedoms, needs, capabilities, or good in some broader sense) generates<sup>2</sup> natural rights, that is, rights whose existence is recognition independent: even if others do not recognise the right, the right exists. How? When a party's good is valuable enough it generates, sometimes on its own and sometimes in conjunction with other features of the world, special type of reasons for others to PHI. If these reasons to PHI are categorical as well as weighty or exclusionary and therefore demandable and reminder triggering (e.g. in case of nonfulfillment, they call for redress or other mitigating actions), then being subject to such reasons to PHI means having a duty to PHI. All in all, a party's good, if valuable enough, can generate a duty to PHI. Such a duty is directed at the right-holder so we are in the presence of duties that correlate with rights. However, being under a duty does not mean that the duty-bearer must PHI all things considered. Rather, the agent's reasons to PHI are of the type just mentioned, but this does not follow that the duty may not be justifiably infringed in some cases. Still, even if infringed, the duty was still there and when infringed, there is a remainder (e.g. apology, redress called for).<sup>3</sup>

When a party's good is the predominant reason why someone is under a duty to a right-holder, we are in the presence of natural rights. When is a right justified predominantly for the right-holder's sake? When the right-holder's good figured in the justification of the right in one of two ways – strongest or strong A:

Strongest: In all contexts, what the agent's PHI-ing does for the party ... [on its own] makes it the case that the agent is duty bound to PHI.

Strong A: In contexts with normal [modal not statistical] countervailing considerations against the agent's PHI-ing, what the agent's PHI-ing does for the relevant party on its own makes it the case that the agent is duty bound to PHI.<sup>4</sup>

When the justification is of a Strongest and Strong A type, the good to the party (the value) constitutes the reason that constitutes the natural right. For Cruft, this captures the Rawlsian idea of the separateness of persons: each person (in this case each person's good) calls for behaviour in others without any need for aggregation.<sup>5</sup> That is, the person's good on its own plays a primary role in generating duties that protect the good. If such rights are also everyone's business – e.g. everyone has standing to demand them for the right-holders – then they are human rights.

However, the good can, of course, figure in the justification of moral and legal rights in a variety of other ways than Strongest and Strong A, including that it plays no role (e.g. one's legal right may be justified entirely with reference to the good of others). Cruft offers a longer typology that includes also:

Strong B: What the agent's PHI-ing does for the relevant party in conjunction with normal further grounds for the agent's being duty bound to PHI ... [e.g. many others will also benefit] together make it the case, in the face of any or at least most (and more than simply normal) countervailing considerations, that the agent is duty-bound to PHI.<sup>6</sup>

Cruft is at times entertaining the possibility that Strong B justifications may pass the test of whether we are in the presence of human rights. But he emphasises that parties whose good is justified in Strongest or Strong A senses are ‘more fully naturally owed the relevant duties’. And Cruft thinks that ‘almost all ... rights on standard lists of human rights’ are either fitting the Strongest or the Strong A model as legal institutionalisations of such rights.<sup>7</sup>

## 2.2. *Legal Human Rights*

How are legal human rights justified on Cruft’s account? A straightforward way of getting to legal human rights would be to see when the good of the right-holder can justify in a Strongest or Strong A way the legal right in question. But as Cruft observes following Buchanan, you are not that special. That is, no matter ‘who you are, you are not important enough ... to justify a set of duties that correlate with ... legal right’.<sup>8</sup> Legal rights require massive societal effort: rules, communication, enforcement, adjudication, etc. But it is likely that no single individual’s good is valuable enough to upend the way the world’s institutions look. No one – as an individual – is that special. Of course, many individuals’ goods put together are special enough, but that takes us into aggregative territory that Cruft’s account of rights wants to avoid.

It is not clear to me that no one is that special. But Cruft’s proposal – which he calls the ‘foundational view’ – is to think of legal rights as being founded on natural rights that are themselves justified in at least Strong A fashion: legal rights exist when they institutionalise natural rights. There is no troubling aggregation here, he argues, if the legalisation reflects the fact that a number of people enjoy a given natural right that is itself justified in at least a Strong A way. In effect, a person’s good grounds natural rights rather than, directly, legal rights. Legal rights can then reflect (be ‘founded’ on) the natural rights (many) people enjoy. Legal human rights on this view are the ‘legal determinations or operationalisations of pre-legal natural human rights’. Indeed, as Cruft points out, the existence of those prelegal (recognition-independent) natural human rights is always a reason for some form of legalisation or institutionalisation.<sup>9</sup> Human rights are, after all, necessarily public in that they are everyone’s business, and so they are demandable by anyone on the right-holder’s behalf.<sup>10</sup> Institutions and the law offer avenues through which to make such demands.

But what does it mean for an institutionalisation to be ‘founded’ on natural rights? Cruft agrees with Buchanan that the institutional form need not mirror in some narrow sense these natural rights. Rather, they have to correspond to one another such that the legal rights specify and/or are instrumentally valuable in realising the prelegal moral rights. As he puts it, ‘legal human rights give institutional form to recognition-independent and hence “natural” human rights, and the relevant legal institutionalizations need not have the same content as the natural rights on which they are based: the latter might be more abstract’.<sup>11</sup> For example, as Cruft points out, we can think of the costly legal right to polling stations as the institutionalisation of the cheaper natural right to political participation (that is itself justified by the right-holder’s good).<sup>12</sup>

But this move may be problematic for Cruft given his insistence that rights must be justified predominantly for the right-holder’s sake. If taking an abstract natural right (justified for the right-holder’s sake) and adding specifications to it, as well as appealing to the fact that many people enjoy this right, does not undermine the fact that we

are still in the presence of nonaggregated rights, then why is the same not true for moral rights? However, I put this complication aside in order to focus on a different problem.

### 3. Socioeconomic Human Rights

#### 3.1. *The Problem with Socioeconomic Human Rights*

Is the account of human rights offered by Cruft compatible with acknowledging the existence of socioeconomic legal rights for all humans – e.g. global socioeconomic rights? The main worry here is that such legal rights cannot exist because, in fact, even moral rights of this type cannot exist: they cannot exist since there is no agent who could be plausibly said to be under a duty here. This is, of course, a version of the worry about claimability made famous by O'Neill, who concluded that in its light, socioeconomic global rights do not exist. According to O'Neill, socioeconomic natural human rights could not exist, because prior to them being institutionalised, any potential claims a person may have won't correlate with perfect, directed duties. That is, prior to institutionalisation, individuals are not under duties to putative right-holders since they cannot know what to do for those putative right-holders; there is nothing that they are individually under a duty to do. As a result, the putative rights are not claimable by the putative right-holders.<sup>13</sup>

If socioeconomic human rights are to be legal rights, then, on Cruft's account, we must be able to find socioeconomic moral (natural) human rights that correlate with duties in right-holders. But if O'Neill is right, then – prior to socioeconomic rights being legalised or otherwise institutionalised – there are no duty holders. Cruft's way of dealing with O'Neill's challenge is to agree that (prior to institutionalisation of socioeconomic rights) socioeconomic needs do not place determinate individuals under determinate duties: it is not clear whether any specific individual has a duty to feed another individual or do a range of other things that might go towards individual needs being met. However, Cruft argues that natural human socioeconomic rights exist because even prior to institutionalising such rights, there are entities to whom we could assign the duty in question: they are not indeterminate the way O'Neill suggests. Who are such entities? Cruft identifies two: the state and humanity.<sup>14</sup>

The former can be dealt with quickly. Cruft's point is simply that people hold socioeconomic rights against the state.<sup>15</sup> I agree with him that people have such rights against these capable entities when they are capable. However, even putting aside the question of which (capable) state is responsible for whom and when, we are going to face the obvious difficulty that some people live in failed states, and so O'Neill's worries about indeterminacy will remerge.

#### 3.2. *Socioeconomic Human Rights and Humanity*

Cruft's second answer – that we can place humanity under a duty here – would presumably escape the problem of inadequate coverage: humanity is under a duty to everyone. However, as Cruft points out, the

claim that humanity is the bearer of the relevant duties – or indeed any duties – is extremely controversial. It raises many issues that are matters of debate, such as whether humanity is an agent and if not, whether it can still bear duties, and what the implications are for individual humans of duties borne by humanity. I cannot address these issues here, and hence I cannot here fully defend the position I favour. But I will outline my reasons for it ...<sup>16</sup>

What are those reasons? One is an appeal to intuition that when someone's important interest, need, freedom, or capability 'goes unmet or unrespected ... it strikes me as obvious that humanity has let this person down'.<sup>17</sup> The failure, Cruft explains, is not just a metaphorical way of saying that people acted wrongly merely in virtue of not fulfilling their undirected duties or that it is just regrettable. Rather, humanity has wronged the person.

Cruft argues that this intuition is bolstered by the fact that we should not think of humanity as a random collective.<sup>18</sup> It is not, he admits, a corporate entity (to whom it would be relatively easy to attribute duties). But it is an entity such that '[e]ach human has to see herself as part of the human community – of humanity, and as acting as part of humanity's actions – if she is properly to respect other humans'.<sup>19</sup> He admits that he is embracing the 'extravagance of humanity as an agent' without explaining how it is that this entity can act.<sup>20</sup>

Suppose we accept that humanity can act and is a duty-bearer correlative to moral human socioeconomic rights. This alone seems insufficient to let us know whether any legal human rights we come up with are really founded on such moral human rights. Without knowing what humanity acting together involves, we cannot know whether our legal-institutional set up in any way reflects humanity acting together. It is one thing to say, for example, as Cruft does when explaining how legal human rights can be founded on moral human rights, that the legal right to accessible polling stations on election days reflects the moral human right to political participation. It is another to say that states plus international corporations delivering on socioeconomic rights under (a currently hypothetical) international law would reflect the moral human right, claimed against humanity and held by those with socioeconomic needs. For example, if I have a moral right that A delivers X to me, then B being under the legal duty to deliver X to me may or may not reflect that moral right. For a more extended analogy, consider the standard Singerian pond examples. Suppose that there are 10 kids in need of help in a pond and 10 adults on the shore. Suppose that all the adults have a duty to help the kids. And suppose that 9 adults do nothing and 1 saves all the kids. Institutionalising this such that the 1 adult is under a legal duty to save all the children would not reflect the moral duty all the adults are under. Without knowing what exactly it means for an entity that is under a duty to act in a way that would fulfil this duty, we cannot know that when the need that gives rise to the duty is eliminated, the entity has in fact performed its duty.

There is a further reason why we need an account of how humanity can act together. Humanity is not, as Cruft admits, a corporate agent. It is, at best, a proto-agent. This means, I will argue, that it is not feasible for it to act (though it may still be feasible for individuals to act in ways that deliver the desired outcome). If we assume that ought implies feasible, then humanity cannot be under a duty.

Alternatively, we can assume that humanity can act in a coordinated way, but, if so, we should dispense with the assumption that it is not an agent.

### 3.3. *Humanity and Feasible Collective Action*<sup>21</sup>

When is it feasible for collections of individuals to act? Such judgements are, of course, difficult, especially when what one individual can achieve depends on what other individuals do and where, at the same time, the group's 'outputs are not determined in certain systematic ways by aggregating certain preferences, judgements, or choices of the group's members'.<sup>22</sup>

Consider one tricky case that involves only two individuals:

*Buttons:* There are two individuals who are strangers. Each is located in a separate room equipped with a row of 1,000 consecutively numbered buttons. To save the life of a third party, each agent must press the button of the same number as the other agent. Each agent can press only one button. They cannot communicate with each other and do not know what number button the other agent intends to press.

Each individual in Buttons knows how to press the button. If they were both to press the button of the same number, they would succeed in saving the third party. Perhaps we should conclude that the individuals in Buttons know enough to act together? But this seems entirely counterintuitive: the point of their condition is that they do not know enough to act together. To make it a bit more concrete what they each do not know is which concrete action (or one of concrete actions) to perform given what concrete actions others will perform. Given their evidence, individual agents do not know how to contribute to the goal of saving the life so they cannot (individually or) together set out to do so.

It could be objected that on a popular account of individual feasibility, an action PHI is feasible just as long it is possible or likely that PHI would take place conditional on all those involved trying. This is the conditional account of feasibility.<sup>23</sup> The conditional clause is meant to take care of cases such as individuals claiming that they cannot dance like a chicken in front of strangers simply because they are unwilling to try: it is feasible for them because were they to try, they would succeed. But the conditional clause is not going to help us in the case of collective feasibility because we either have to disambiguate it as individuals trying (in which case, were they to try, they would still fail to press the same button) or we have to stipulate that they are trying *together* but this would go against the set-up of the case.

The Buttons case is complicated. Consider a much simpler scenario:

*Synchronic jumping.* All able-bodied agents round the world need to jump into the air at exactly the same time next week.

Given the state of the world as it is, it strikes me as entirely unfeasible. Of course, if the agents were to try at the same time to jump, they could succeed. But – unless there is incredible amount of coordination – the agents cannot all try at the same time to jump, and the action is unfeasible.

Where does this leave us? Some form of coordination is needed for feasibility in cases where what one person needs to do depends on what others are doing. If there

is no coordination in cases such as these, then there is no realistic account of what would be involved in delivering the collective action. To succeed in these cases, we need coordination or luck. To succeed in different types of cases, where the task is simple and there is no adverse effect of doing the wrong thing for a given individual, we may simply need persistence, even blind persistence, from the individuals involved. It may be that cases of eliminating global socioeconomic need are of this type but, if so, then each individual is under an individual duty as it is (I come back to this in Section 4).

In the real world, of course, communication channels exist, and coordination, even if initially absent, can often be achieved. It might be hoped that, given enough time, all collective action could be brought about. Is the eradication of relevant socioeconomic need feasible? Possibly. But to know if it is, we would need to know what extent of coordination is available, and the role individuals would need to play. This is important: even if coordinated action is happening already, or is at least feasible, it would not follow that the duty to eradicate socioeconomic need can currently be assigned to humanity – it would surely depend on just how the coordination is happening. For example, if it is achieved on the back of some people's slave labour – because that's how the coordination takes place – then humanity serving the good in question is not fulfilling its duty just as a traffic warden is not fulfilling his duty to direct traffic safely if he achieves it by aiming a machine gun at those who drive recklessly.

In effect, by attributing the duty to humanity we need to either stipulate, at least roughly, the individual duties that would correspond to the individual rights – because the duty can be discharged by individuals acting in an uncoordinated fashion (see below) – or we need to outline the coordination that is to take place. Otherwise, we are asking for the unfeasible.

#### **4. Socioeconomic Human Rights After All**

Cruft's final reason in favour of the extravagant humanity solution is that he thinks the alternative solutions to O'Neill's challenge all fail to show that the legal/institutional right would correspond to a moral natural right that is justified in the Strongest or Strong A way. He names here a range of solutions – Barry's contribution principle, Kamm's principles about the importance of proximity, Miller's connection theory of responsibility, Wenar's least-cost principle, my proposal about claim to assistance<sup>24</sup> – and argues that in all the cases it is not merely the relevant party's good that determines the moral right of the party.

Let me take one example of such an alternative solution criticised by Cruft. I have argued elsewhere, against O'Neill, that socioeconomic human rights are, in fact, claimable by the right-holders. They are claimable if we accept that the right-holder can pursue delivery against anyone she wishes (perhaps under further conditions that she pursues it nonvindictively, etc.<sup>25</sup>) who has failed to take any reasonable steps to exercise – in the way she chose – the imperfect duties generated by people's socioeconomic needs. That is, on my view, each individual is under a duty to take some reasonable steps towards providing others with the object of those socioeconomic rights, say nourishment, including acting towards establishing a coordinated response to the

problem. These may be direct provision, campaigning for reforms, supporting NGOs, etc. Each right-holder has an enforceable claim against anyone who has not taken any such steps.

Cruft points out that in this case the relevant party's good, call the party P, does not on its own make it the case that someone else, call her A, is under a duty to P but does so only in conjunction with the fact that A has not yet already provided such assistance to another (and was chosen by the right-holder).<sup>26</sup> The justification of P's moral right, therefore, does not look like a Strongest or even Strong A justification. That said, Cruft accepts that 'it is only the relevant party's interest that makes it the case that the party is to be served', even if another factor determines who will serve. He thus admits that 'when the action is virtuously performed, it will not be for the purpose of serving any others beyond the relevant party'.<sup>27</sup>

I agree that in cases of noncompliance with the imperfect duties generated by the relevant socioeconomic needs, the duty becomes determinate only with reference to more than the good of the party. But given that this factor is noncompliance with an imperfect duty that is generated solely by the need of another plus P's choice of whom to select for delivery, the stray factor in the justification does not seem to be of a type that might lead us to question separateness of persons or our commitment to be driven simply by the good of P. That is, people are asked to take any reasonable steps to serve the good; in the depth of their ignorance about how to act together these steps may be inefficient, but that does not mean they are not duty-bound to take them. Or, to be clear, if we are in complex scenarios of the type described in Section 3, when acting by the agent may be counterproductive or entirely pointless, there may be no individual duty to act (given the absence of coordination), but if we are in a scenario such that taking some steps by a given individual is likely to be helpful – even if inefficient – then individuals are under a duty to take those steps, and the right-holder may permissibly demand and enforce delivery when they fail.<sup>28</sup>

But Cruft thinks that identifying determinate/perfect duty-holders of correlative rights – as O'Neill would like us to – allows us to see why the legal rights they give rise to are indeed institutionalising natural rights; the legal/institutional rights are not generated by something other than those rights.<sup>29</sup> The thought, I take it, is this: we really can identify a pure preinstitutional/prelegal natural right here, so we have a good reason to think that – if done well – our legal/institutional regime reflects that right. If, by contrast, we cannot identify a pure preinstitutional/prelegal natural right here, then perhaps we are institutionalising something else.

There are two responses here. First, for us to have this comfort, Cruft would need to say more – as I already indicated above – about just how exactly legal rights need to correspond to natural prelegal/moral rights. Otherwise, we cannot be sure that the legalisation/institutionalisation does not reflect anything else improper. Second, it is not obvious to me that we have to concede that rights cannot correlate with imperfect duties,<sup>30</sup> at least if the fulfilment of the imperfect duty would serve the good that gives rise to the right, even if it would not serve it to the extent it would had the duty been a perfect one.

Indeed, suppose that everyone sincerely acting on their indeterminate duties would, in fact, mean that relevant socioeconomic needs would be met for a number of people.<sup>31</sup> If so, there is no puzzle here about how to get to moral natural rights: people have urgent socioeconomic rights, and others who are under imperfect duties to meet



them can meet them to some extent when they act in any way that's compatible with the imperfect nature of those duties. As a result, we should simply reject O'Neill's initial claim that rights must correlate with determinate duties (while accepting that there will be cases where in the absence of coordination there will be no duties).

In fact, I think that given Cruft's reliance on the idea of humanity being under a duty, he himself should simply reject O'Neill's insistence that rights must correlate with perfect duties, since the duty imposed on humanity does not seem perfect either. Relaxing the conditions on the shape the duty must take and, perhaps, relaxing the conditions on what it takes for the good of the party to predominantly figure in the justification of the right in ways suggested above, which would thereby allow us to see global socioeconomic human rights as unproblematic, does not seem to me to be costly revisions for Cruft's brilliant account. Humanity may not be under a duty to deliver socioeconomic human rights (yet), but individuals have duties to respond appropriately to the fact that others are in dire socioeconomic need, and those in need can claim such responses as rights.

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## NOTES

- 1 Cruft, Rowan. 2019. *Human Rights, Ownership, and the Individual*. Oxford: Oxford University Press, p. 89.
- 2 As a sufficient condition.
- 3 Cruft op. cit., pp. 93–97; 124–25.
- 4 Cruft op. cit., pp. 120–21.
- 5 Cruft op. cit., p. 134.
- 6 Cruft op. cit., p. 122.
- 7 Cruft op. cit., p. 122.
- 8 Cruft op. cit., p.144 n22.
- 9 Cruft op. cit., p. 150.
- 10 Demandability itself does not depend on the 'everyone's business' condition. For a general discussion of demandability, see Bowen, Joseph. 2022. "Addressing the Addressive Theory of Rights." *Journal of Applied Philosophy* 39(2): 183–93.
- 11 Cruft op. cit., p. 151.
- 12 Cruft op. cit., p. 152.
- 13 O'Neill, Onora. 2000. *Bounds of Justice*. Cambridge: Cambridge University Press, p. 105. O'Neill, Onora. 1996. *Towards Justice and Virtue*. Cambridge: Cambridge University Press, p. 148.
- 14 Cruft op. cit., p. 153.
- 15 Cruft op. cit., p. 160.

- 16 Cruft op. cit., p. 154.
- 17 Assuming these would not be too costly (Cruft initially refers to ease rather than costs, but the Cohenian metrics of difficulty and costliness both seem relevant here; cf fn 55 on 154).
- 18 Here Cruft disagrees with Tomalty, Jesse. 2014. "The Force of the Claimability Objection to the Human Right to Subsistence." *Canadian Journal of Philosophy* 44(1): 1–17, pp. 11–13.
- 19 Cruft op. cit., p. 155.
- 20 Cruft op. cit., p. 156.
- 21 I draw in this section on my "The incentives account of feasibility", *Philosophical Studies* (2020) early access online; and "Feasibility: Individual and Collective." *Social Philosophy and Policy* (2016) 33(1–2): 273–91.
- 22 In David Estlund's phrasing. Estlund uses this as a condition for agency. I am happy to stay agnostic on that issue here. Estlund, David. 2019. *Utopophobia: On the Limits (If Any) of Political Philosophy*. Princeton, NJ: Princeton University Press, p. 219.
- 23 See, for instance, Gilabert, Pablo, and Holly Lawford-Smith. 2012. "Political Feasibility: A Conceptual Exploration." *Political Studies* 60(4): 809–25; Gilabert, Pablo. 2017. "Justice and Feasibility in Political Utopias." In *Political Utopias: Contemporary Debates*, edited by M. Weber and K. Vallier. Oxford: Oxford University Press; Estlund op. cit.; Gheaus, Anca. 2013. "The Feasibility Constraint on the Concept of Justice." *The Philosophical Quarterly* 63(252): 445–64; Southwood, Nicholas. 2016. "Does 'Ought' Imply 'Feasible'?" *Philosophy & Public Affairs* 44(1): 7–45.
- 24 Barry, Christian. 2005. "Applying the Contribution Principle." *Metaphilosophy* 36: 210–27; Kamm, Frances M. 2007. *Intricate Ethics*. Oxford: Oxford University Press, Chapters 11 and 12; Miller, David. 2007. *National Responsibility and Global Justice*. Oxford: Oxford University Press, pp. 99–107; Wenar, Leif. 2007. "Responsibility and Severe Poverty." In *Freedom from Poverty as a Human Right*, edited by T. Pogge, 255–74. Oxford: Oxford University Press/UNESCO; Stemplowska, Zofia. 2009. "On the Real World Duties Imposed on Us by Human Rights." *Journal of Social Philosophy* 40(4): 466–87, p. 482.
- 25 In Stemplowska op. cit., I accepted stronger conditions.
- 26 Cruft op. cit., p. 159.
- 27 Cruft op. cit., p. 159.
- 28 The relevant standard I have in mind would be evidence-sensitive, thus perfect knowledge of which scenario someone finds herself in would not itself be required.
- 29 Cruft op. cit., p. 163.
- 30 This is, of course, a larger debate I cannot engage with here; see, for instance, Ashford, Elizabeth. 2006. "The Inadequacy of Our Traditional Conception of the Duties Imposed by Human Rights." *Canadian Journal of Law and Jurisprudence* 19(2): 217–35.
- 31 In a way that would not trigger serious enough concerns about the selection of those whose needs are or are not met.